Memphis Police Department
Policy and Procedures

Revised 01-31-20

Memphis Police Department

Mission Statement

Our Purpose is to create and maintain public safety in the City of Memphis. We do so with focused attention on preventing and reducing crime, enforcing the law, and apprehending criminals.

Vision

To create and maintain for the City of Memphis an environment of public safety recognized for its intolerance for crime and its compassion and responsiveness to the needs, rights, and expectations of all citizens, employees and visitors.

Values

Honesty ‖ Excellence ‖ Integrity ‖ Leadership ‖ Dignity and Respect
Recognition and Reward ‖ Personal Responsibility ‖ Individual Accountability
Continuous Learning ‖ Clarity of Expectations

Every organization requires its own internal procedure for conveying information and instructions, as well as establishing rules and regulations governing employee performance. The most effective method for an agency of our size is to compile relatively permanent material into a single source manual and to supplement that manual when changes in procedure are necessary. This Policy and Procedure Manual has been established to meet these needs.

The material in this manual governs the action of all departmental personnel. However, it must be remembered that due to the nature of police work, emergency situations may arise that require a temporary deviation from standard policies and procedures. Therefore, operational procedures contained in this manual may temporarily be superseded by an order of the Director of Police Services when necessary.

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I. Regulations for the Governance of the Police Department

A. Service to the Community

The Memphis Police Department has the primary responsibility of providing complete law enforcement services to the City of Memphis. The Memphis Police Department will respond to all calls for service within the City of Memphis and will enforce all Memphis City Ordinance Codes. MPD officers will investigate and enforce all violations of Tennessee Code Annotated laws, traffic and criminal, within the City of Memphis.

Within the confines of the Memphis city limits, the Memphis Police Department has concurrent jurisdiction with the Shelby County Sheriff's Department, and with various state and federal law enforcement agencies. These agencies have legal authority to perform particular police functions within the City of Memphis. The origin of their office (federal, state, etc.) defines the scope of their authority. Since these organizations share the same primary objective, they may from time to time request assistance from the Memphis Police Department. (2.1.2)

The Memphis Police Department serves the citizens of the City of Memphis by performing the law enforcement function in a professional manner, and it is to these citizens that it is ultimately responsible. The Department protects the rights of all persons within its jurisdiction to be free from criminal attack, to be secure in their possessions and to live in peace.

A large urban society free from crime and disorder remains an unachieved ideal; nevertheless, consistent with the values of a free society, it is the primary objective of the Memphis Police Department to, as closely as possible, approach that ideal. In doing so, the Department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons.

The Memphis Police Department recognizes that diversion programs are effective alternatives available to the criminal justice process and will support and assist intervention program administrators, courts and solicitors through funding and/or participation in accordance with State and Federal guidelines.

These programs include but are not limited to: (1.1.3)

Shelby County Drug Court where the department provides funding; and
Shelby County Community Service Work Program where the department provides community service worksites.

B. Standards of Conduct:

1. All non-sworn, civilian personnel of the Memphis Police Department shall abide by the following Civilian Code of Ethics:

"As an employee of the Memphis Police Department, I regard myself as a member of an important and honorable profession. As such, I will not, in the performance of my duties, work for unethical advantage or personal profit and I shall:

- *Perform my duties with efficiency to the best of my ability.*
- *Be truthful at all times. My conduct and performance of duties will be accomplished in an honest manner, and in compliance with the laws; local, county, state, and*

country.

- *Adhere to the confidentiality of the Law Enforcement profession.*
- *Recognize at all times that I am a public safety employee, and that ultimately I am responsible to the public.*
- *Give the most efficient and impartial service of which I am capable at all times.*
- *Be courteous in all my contacts at all times.*
- *Regard my fellow employees with equality, dignity, and respect.*
- *Be loyal to my fellow employees, my superiors and the Memphis Police Department.*
- *Accept responsibility for my actions.*
- *Strive to do only those things that will reflect honor on my fellow employees, myself, and the Memphis Police Department"*

2. All sworn members of the Memphis Police Department will abide by the standards of conduct set forth in the Law Enforcement Code of Ethics (1.1.2):

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement."

Police officers are frequently required to make decisions affecting human life and liberty in difficult situations where there is little or no opportunity to seek advice and little time for reflection.

Law enforcement, therefore, requires an officer to have the stamina, intelligence, moral courage and emotional stability necessary to fairly and impartially deal with human beings in the many complicated and potentially explosive situations, which he encounters.

The public demands that the integrity of its law enforcement officers be above reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion and disrespect upon the entire Department. Succumbing to even minor temptation can be the genesis, which will ultimately destroy an individual's effectiveness and contribute to the corruption of countless others. A member must scrupulously avoid any conduct, which might compromise the integrity of themselves, their fellow members or the Department.

A police officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when his actions are found to be excessive, unwarranted or unjustified, he and the Department are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of a member, on or off duty, does reflect directly upon the Department, members must at all times conduct themselves in a manner which does not bring discredit to themselves, the Department, or the City.

Effective law enforcement depends upon a high degree of cooperation between the Department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law-abiding citizens who rightfully expect fair and courteous treatment by members of the Department. While the urgency of a given situation would demand firm action, discourtesy or disrespect shown toward any citizen is indefensible. The practice of courteous and respectful conduct by a member is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.

Members of the Memphis Police Department are confronted daily with situations where firm control must be exercised to affect arrests and protect the public safety. Control is achieved through advice, persuasion, warnings or the use of physical force. While the use of reasonable physical force may be necessary in situations, which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances involved. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances.

Recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law, and the protection of this right is a duty, which is binding on the Department and each of its members, as any other.

Every member must treat each person with respect and he must be constantly mindful that the people with whom he is dealing are individuals with human emotions and needs. Such recognition and conduct is not an additional duty imposed to a member's primary responsibilities, it is inherent in them. A citizen's encounter with the police can be a very

frightening experience, and under such circumstances, the risk of misunderstanding is great. The minimization of this risk is a challenge intrinsic in every public contact by the members of this Department. Each member of the Department must strive to establish a climate where they may perform their sworn duties with the acceptance, understanding, and approval of the public.

It is essential that public confidence be maintained in the ability of the Department to investigate and properly dispose of complaints against its members. Additionally, the Department has the responsibility to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. The rights of the member, as well as those of the public, must be conducted fairly, impartially and efficiently, with the truth as its primary objective."

All personnel shall receive training concerning ethics biennially.

C. Regulations Establishing the Goals of the Department:

To implement the foregoing regulations of the Memphis Police Department, the following goals are hereby established:

1. Protection of life and property in the City of Memphis;
2. Prevention of crime;
3. Preservation of the public peace;
4. Enforcement of all laws and ordinances;
5. Arrest of law violators and assembling competent evidence of the alleged violation;
6. Promotion of respect and cooperation of all citizens for the law and for those sworn to enforce it.

D. Regulations Establishing the Goals of Department Members:

The goals of Department members that embody and implement the policy of the Department are:

1. Maintenance of the highest standards of integrity and ethics;
2. Excellence in the performance of duty;
3. Maintenance of private lives, which inspire respect and admiration and provide an example for the entire community.

In order for members of the Department to fulfill these goals and assist in fulfilling the Department's goals, members who wish to make suggestions for improvement may communicate their suggestions in writing to the Research and Development Office.

E. Use of Discretion by Department Personnel

Discretion is the power of free decision, or latitude of choice within certain legal bounds. It is unrealistic to expect officers to enforce all laws and ordinances regardless of the circumstances that are encountered. Instead, officers must make discretionary choices in

enforcement action or inaction.

Discretion shall be based on the totality of the circumstances and applied consistently. The use of discretion requires that an officer make responsible decisions which are predicated on good judgment and can withstand scrutiny by the department, other jurisdictional components of the criminal justice system and the community itself. Consistent and wise use of discretion will do much to preserve good relationships and retain the confidence of the public. On the contrary, when discretionary power is poorly exercised, the actions may be viewed by the public as favoritism, bias or corruption.

Officers will use discretion consistent with the laws that they are charged to enforce, and will not exercise discretion when certain activities are mandated by statutes, department policy or supervisory direction. Officers will take enforcement action whenever the criminal act endangers or has the potential to endanger the lives, safety, property and well-being of the public. If an officer needs guidance in exercising discretion, the officer should refer to state law, city ordinance code, or the MPD Policy and Procedures Manual. If the situation is beyond the officer's scope of responsibility, the officer should contact a supervisor for assistance. (1.2.7)

Nothing in this directive is to be construed as permission to disregard any state law, ordinance or rule and regulation of the department. Each officer will be held accountable for their actions in these circumstances.

II. Organizational Functions, Command Authority and Rank Structure

A. Organizational Functions – The Memphis Police Department utilizes the chain of command principle. Each organizational component is under the direct command of only one supervisor. The department's organizational structure is to be depicted graphically on an organizational chart, which will be reviewed and updated, as necessary, by the Director. The organizational chart is to be posted at each precinct/bureau and is available to all personnel. (11.1.2, 11.2.2)

The Memphis Police Department is divided into six (6) branches of management: (11.1.1)

1. **Executive Branch:** The Executive Branch of the Memphis Police Department is the primary management arm of the organization and is controlled by of the Director of Police Services and the Deputy Director. The Executive Branch will handle all functions of critical importance to the department, or which have a high community concern.

   The following will report directly to the Director of Police Services:

   - Directors Executive Assistants
   - Deputy Director
   - Finance Administration
   - Grants Administration
   - Inspectional Services
   - Internal Affairs
     Security Squad
   - Media Relations
   - Communications Administrator

2. **Administrative Services:** The Police Administrative Services Branch consists of Support Services and is commanded by the Deputy Chief of Administrative Services.

Support Services provides all employee services, interacts with the City of Memphis to coordinate hiring and employee benefits, and coordinates - capital projects and purchases for the department.

The following units will report to the Deputy Chief of Administrative Services:

- Accreditation and Research
- Arrest Data Entry
- Special Projects
- Central Records
- Central Supply
- Communications
- Terminal Agency Coordinators
- Compstat/Report Center
- Fleet/Building Maintenance
- Health and Safety
- Human Resources
- Legal Liaison
- Photo Lab
- Property and Evidence
- Radio Maintenance
- Special Projects

3. **Police Information Technology:** The Police Information Technology Branch is commanded by the Deputy Chief of Police Information Technology. Information Technology plans and implements projects to introduce the use of new technology into law enforcement operating procedures. It also includes Information Systems which is responsible for providing and maintaining all communication services, police records, and reporting system and provides technical support to maintain these services.

   The following units will report to the Deputy Chief of Police Information Technology:

- Application Development Support
- Crime Stoppers
- Crime Analysis
- Information Systems
- Network Manager
- RMS Administrator
- Video Analysis
- Real Time Crime Center (RTCC)
  - Crime Stoppers
  - Crime Analysis

4. **Investigative Services:** The Investigative Services Branch is a 24-hour operation and has the responsibility of investigating all felony crimes. It is commanded by the Deputy Chief of Investigative Services.

   The following Bureaus/Units will report to the Deputy Chief of Investigative Services:

- Child Exploitation Task Force
- Crime Scene
- Domestic Violence
- Economic Crimes
- Felony Response
- Homicide
- Metro Alarm Office
- Missing Persons
- COMEC
- Joint Terrorism Task Force
- Quality Assurance
- Safe Streets Task Force
- Sex Crimes/ Juvenile Abuse
- USM Mid-South Fugitive Task Force
- USS Economic Crimes Task Force
- Vehicle Storage

5. **Special Operations:** The Special Operations Branch is commanded by the Deputy Chief of Special Operations. This Branch includes specialized units, which serve within the Memphis Police Department.

The following units will report to the Deputy Chief of Special Operations:

- Air Support
- Bomb Unit
- Canine Unit
- City Court Officers
- Crime Prevention
  - Boxing Gym
- Harbor Patrol
- Homeland Security
- Juvenile Court Officers
- Mounted Patrol
- O.I.S.
- Organized Crime Unit
  - Vice
  - Criminal Apprehension
  - P.S.N.
  - Investigative Support Unit
  - Destruction Team
  - Complaint Team
  - DARE/GREAT
  - Gang Unit
  - Criminal Enterprise Team
  - DEA Task Force
  - Drug Response Team
- Reserve Division
  - Special Events
- T.A.C.T.
- Traffic Division
  - D.U.I.
  - S.T.I.S.
  - Motors
  - Civilian Traffic Aide
  - Police Service Technicians
- Warrant Squad
- Wrecker Coordinator

The department is committed to the development and perpetuation of programs designed to deter and control juvenile delinquency. The responsibility for participating in or supporting the agency's juvenile operational function is shared by all agency components and personnel. (44.1.1.a, b) The department will encourage review and comment by other elements of the juvenile justice system in the development and implementation of new policies and procedures relating to juveniles. (44.1.2)

6. **Uniform Patrol:** The Uniform Patrol Branch is a 24-hour operation and is comprised of two districts, District 1 and District 2. Each District is commanded by its respective Deputy Chief. Uniform Patrol is the most visible representative of City government, and is responsible for the delivery of all basic police services, including responding to calls for assistance.

   The following work stations comprise Uniform Patrol District I:

   - Mt. Moriah Station/G.I.B.
   - Raines Station/G.I.B.
   - Airways Station/G.I.B.
   - Ridgeway Station/G.I.B.

   The following work stations comprise Uniform Patrol District II:

   - Tillman Station/G.I.B.
   - South Main Station/G.I.B./ EDU/ Regional One Health Hospital
   - Old Allen Station/G.I.B.
   - Union Station/G.I.B./ Public Housing
   - Appling Farm Station/G.I.B.

B. MPD Acronyms and Unit Names

No acronym or name is to be assigned to any unit or team within a bureau of the department without the permission of the Director of Police Services. Examples of approved acronyms are – OCU, ISU, ISB and RTCC. OCU has teams with approved acronyms such as CAT, PSN, and UC.

C. Command Authority

It is the goal of The Memphis Police Department to be organized in such a manner so as to ensure unity of command, to see that each member of the department is assigned responsibility which is equal to his or her authority, and to make certain that each member is held accountable for the use of the authority that he or she has been assigned. (11.3.1)

1. The Director of Police Services shall have general care of the peace of the city, and shall see that all subordinates do their duty in preserving the safety of the citizens of Memphis. The Director shall have control over the entire police force and shall exercise and discharge all powers and functions necessary to create and maintain public safety in the City of Memphis. The Director will have command authority of all members and employees of the department. Various units that handle functions of critical importance to the Department, or have a high community concern, will report directly to the Director of Police Services. In order to ensure that accountable leadership is available when the Director is incapacitated, or in exceptional situations which render the Director unable to act, the following order of command precedence is designated, unless instructed otherwise by the Director:

   Deputy Director of Police Services
   Deputy Chief Administrative Services
   Deputy Chief Uniform Patrol Division I
   Deputy Chief Uniform Patrol Division II
   Deputy Chief Uniform of Investigative Services
   Deputy Chief Uniform of Special Operations
   Deputy Chief of Police Information Technology
   Colonels (12.1.2.a, b)

2. The Deputy Director is accountable to the Director of Police Services and will assist the Director in the day-to-day operations of the Memphis Police Department. The Deputy Director shall see that the goals and objectives set forth by the Director are carried out. The Deputy Director will have command authority over the Deputy Chiefs and their subordinates. (12.1.2d)

3. The six Deputy Chiefs are responsible for their respective divisions and functions:

   Administrative Services
   Uniform Patrol District I
   Uniform Patrol District II
   Investigative Services
   Special Operations
   Police Information Technology

   The Deputy Chiefs will have command authority over the rank of Colonel and their subordinates.

4. The Colonel is the executive manager over the organizational component(s) to which they are assigned. The Colonels will determine the operational needs and goals of their assigned components. The Colonels will have command authority over the Lieutenant Colonel of their respective organizational component and their subordinates.

5. The rank of Lieutenant Colonel will act as the immediate executive supervisor over the organizational component to which they are assigned. Lieutenant Colonels will make operational decisions for their assigned components. Night Duty Lieutenant Colonels will make operational decisions after regular operating hours and on weekends. Lieutenant Colonels have command authority over the Major of the respective organizational component and their subordinates.

6. Majors, Lieutenants, Sergeants and Patrol Officers will be staffed accordingly within each unit/precinct/bureau, and all personnel will be accountable to only one supervisor at any given time. Majors have command authority over Lieutenants; Lieutenants have command authority over Sergeants, Patrol Officers, Police Recruits, Police Service Technicians, and other Civilians. (11.2.1)

D. Command/Rank Structure:

The command/rank Structure for sworn personnel is as follows:

1. Director
2. Deputy Director
3. Deputy Chief
4. Colonel
5. Lieutenant Colonel
6. Major
7. Lieutenant
8. Sergeant
9. Patrol Officer
10. Patrol Officer/Probationary
11. Police Recruit
12. Police Service Technicians

The command structure for civilian personnel is as follows :

1. Director
2. Deputy Director
3. Deputy Chief
4. Colonel
5. Lieutenant Colonel
6. Major
7. Manager
8. Supervisor
9. All other employees

Members shall utilize, recognize and respect the chain of command in all official actions as designated in the rank structure. Each member shall be responsible or accountable to his regular immediate supervisor, except when working on a special assignment, incident, or temporarily assigned to another unit. In such cases, the member shall be accountable to the supervisor in charge of the assignment or incident. In exceptional situations, the highest-ranking officer shall assume command of the scene. Subsequently, a supervising officer may be required to give a lawful order to a member or component that is outside of his normal chain of command. In such cases, rank will be respected and the order shall be obeyed.

Members receiving conflicting orders shall advise the person issuing the conflicting order of the previous instructions. The responsibility for countermanding the first order rests with the person issuing the second order. If a conflict remains, the last order given shall be the one obeyed. (12.1.3)

No member shall be required to obey an unlawful order. The responsibility to refuse to obey an unlawful order rests with the individual member and shall require justification. Members receiving an unlawful or unjust order shall report this fact, in writing, to the next higher level or authority through the chain of command, as soon as possible.

When specialty unit investigators are requested, they shall assume control of the investigation or scene until their services are no longer required. (12.1.3)

When two or more components within the Department are engaged in a joint operation, the commander of the unit initiating the operation will clearly identify the person in charge of the

operation to all participants at the beginning of the operation. (12.1.2c)

III. Regulations Establishing The Duties Of Members:

To attain the Department's goals, the member's goals and to implement the regulation of the Department, the following duties are established for the Director, supervisory members, sworn, and civilian members of the Department.

A. Director

The Director of Police will plan, organize, staff, direct and control the personnel and resources of the Department to attain the goals and implement the regulations set forth herein.

B. Supervisory Members

Supervisory members will be responsible for adherence to the Department's policies, regulations, orders, and procedures. They are responsible and accountable for the maintenance of discipline and will provide leadership, supervision, training, and ensure the efficiency of unit operations. They have the responsibility to influence subordinate members and to motivate them to perform at a high level of efficiency. They have the responsibility for the performance of all subordinates placed under them and while they can delegate authority and functions to subordinates, they cannot delegate responsibility.

They remain answerable and accountable for failures or inadequacies on the part of their subordinates. Shift assignments for all supervisory and management personnel will be determined by the Director of Police Services. (PM 62-02) (11.3.2)

Supervisory members are members who are at the rank of Lieutenant and above. Pursuant to Article 4, Bargaining Unit, of the Memorandum of Understanding (MOU), the MOU applies to "all commissioned officers below the rank of Lieutenant."

The rank of Lieutenant and higher (management) are not covered by this agreement. As such, members of management will not hold an elected office with the Memphis Police Association. Any member of management that has/ will be elected as an MPA officer will hold the position of Sergeant or patrolman. This complies with the negotiated agreement between the City of Memphis and the Memphis Police Association.

Supervisory members will:

1. Lead, direct, train, supervise, and evaluate members in their assigned duties.
2. Provide leadership and guidance in developing loyalty and dedication to the police profession.
3. Perform specific duties and functions as assigned by the Director or a superior officer.
4. Uphold a member who is properly performing his duty, deal fairly and equitably with all members and, when necessary, correct a subordinate in a dignified manner.
5. Cooperate with other units of the Department, other City agencies and other police agencies.
6. Recommend remedial or disciplinary action for inefficient, incompetent or

unsuitable members.

7. Ensure that all policies, rules, regulations, orders and directives of the Department are enforced and implemented by their subordinates.
8. Remain accountable for the failure, misconduct or omission by their subordinates.

C. Sworn Members

Sworn members will devote themselves fully to the attainment of the letter and spirit of the Departmental policy and goals, and will conduct themselves at all times in such a manner as will reflect credit upon the Department with emphasis on personal integrity and professional devotion to law enforcement.

Sworn Members Will:

1. Render the highest order of police service to all citizens, whether or not during specifically assigned hours.
2. Obey all laws and promptly execute all lawful orders.
3. Know and conform to the Department's policies, rules, regulations, orders, procedures and directives.
4. Receive, record and service immediately all complaints and requests for service in accordance with Department orders.
5. Provide security and care for all persons and property coming into their custody.
6. Maintain a courteous and respectful attitude toward all persons.

D. Civilian Members

Civilian members will perform their assigned duties promptly and efficiently.
They Will:

1. Obey all laws and execute all lawful orders.
2. Be bound by the policies, rules, regulations, orders, procedures and directives of the Department.

IV. Departmental Directives and Communications

A. Departmental Directives

To achieve its objectives the Memphis Police Department must develop and effectively disseminate written directives. Prior to dissemination, each directive will be individually numbered using its sequence of release during that year, and the last two digits of the year it becomes effective (example: 07-04 denotes a particular document as being the seventh bulletin released in the year 2004). (12.2.1c, d)

These written orders and bulletins must be issued by an appropriate authority and will consist of the following:

1. **Special Orders**: Special orders will originate from the Manager of Human Resources and will announce any change in status among personnel. Special orders will be distributed weekly and will show an effective date for each personnel change including assignments, promotions, awards, disciplinary announcements, transfers, etc.
2. **Information Bulletins**: The City of Memphis, the Memphis Police Department's Command Staff (Director, Deputy Director, and Deputy Chiefs) or their designees will,

from time to time, choose to communicate with Department personnel in written format through the dissemination of Informational Bulletins. Informational Bulletins are often informal directives and are not considered part of the policy and procedures manual. Information Bulletins are to be submitted to the Accreditation Office for review prior to being disseminated to all personnel.

3. **Intelligence Bulletin**: Information as to dangerous groups, criminal activities, weapons, drugs, etc. Intelligence Bulletins may be disseminated by the Director, Deputy Director, or the Office of Homeland Security.
4. **Training Bulletin**: Bulletin issued from the Commander of the Training Academy and may address any facet of training issues or functions, including in-service training, promotional exams, special training, classes etc. Training Bulletins are self-canceling unless revoked by written order.
5. **Personnel Bulletin:** Bulletin issued by the Manager of Human Resources for the purpose of announcing the opening or successful filling of bid positions. Personnel Orders are self-canceling unless revoked by written order.
6. **Standard Operating Procedures**: Within each Bureau, standard operating procedures may be established by Bureau Commanders or Unit Supervisors (as necessary) to direct procedures which are normally applicable to only a specific segment or activity of the department, and which affect only assigned personnel and the internal operations of the specific organizational component. Bureau Commanders shall approve all standard operating procedures issued within their respective commands, and shall ensure that said procedures are not in conflict with established rules, regulations, policies, or procedures of the department, or with administrative regulations and statutory law imposed by higher authority. Standard operating procedures will be reviewed for changes or updates yearly. These changes should be approved and forwarded to the Department's Accreditation Manager by February 15. Standard operating procedures shall remain in effect until revoked or replaced by written order of the issuing authority.
7. **Policy and Procedures Manual and Updates** - The appropriate establishment and revision of departmental policies, rules and regulations helps employees to perform their duties with confidence, and to meet the expectations that accompany their authority.
   - **a)** The Director of Police Services shall be the governing authority over the Policy and Procedures of the Memphis Police Department. The Accreditation Office will review the Policy and Procedure manual throughout the year for necessary changes; however, proposed changes to policies, procedures, rules and regulations may be initiated by any department member identifying a need for revision. Recommendations for change must be made in writing and must be routed to the Command Staff through the member's respective chain of command, beginning with their immediate supervisor. After review and approval by the Command Staff, the proposed change will be submitted to the Accreditation Office for review. All members of the Command staff may issue new or revised policy with the approval of the Director. All new or revised policy must be sent to the Director's Office for final approval. (12.2.1b, i)
   - **b)** The Accreditation Office will be responsible for maintaining the Policy and

Procedure Manual as changes occur. The Accreditation Manager will review the updates for contradictions with established rules, policies, procedures, or applicable laws. Changes may be suggested for approval. The applicable updates shall be compiled, stored and disseminated in a Policy and Procedure Update Bulletin at the time of approval. Kiosk will also be updated at the time of approval. New policy updates should be read at roll calls for a minimum of three (3) days and posted on the bulletin board for officers to review. All employees will receive the updates by email. Each workstation will keep a written record regarding acknowledgement of receipt and review by each employee. All employees should review, initial, and date the record ("sign-off sheet") within ten (10) business days. A copy of the written record should be forwarded to the Accreditation office. (12.2.1, 2)

c) Each work station will receive three (3) cd copies of the Policy and Procedure Manual that is to be accessible to employees during their tour of duty. The cds will be replaced every July 31and January 31 with updated copies. This process will insure that department members have access to current information for regular and ready reference. Employees are no longer required to maintain a hardcopy of the Policy and Procedure Manual. (12.2.2b)

d) All employees can access the current Memphis Police Department Policy and Procedure Manual and department forms on-line through the department's MDSAS Kiosk website (password required) and MPDSupport website.

B. Communication

All departmental components will support the exchange of information with other components of the department. The Director of Police Services, each Deputy Chief and each Unit Commander is responsible for seeing that this exchange takes place on a regular basis. The exchange will be accomplished in one or more of the following ways: (12.1.4)

1. Executive meetings between the Director and his command staff.
2. Staff meetings of personnel within a division, unit or precinct.
3. Investigative Bureau Personnel attendance at precinct roll calls.
4. Memoranda- Memoranda are a form of written communications within the department, used to direct, inform or inquire, when other types of written directives do not apply.
5. Newsletters, Monthly and Annual Reports.
6. The routine use of email, voice mail and other electronic systems.

V. Equal Employment Opportunity Policy Statement

Our purpose is to create and maintain public safety in the City of Memphis. All Police Services personnel – commissioned and civilian – shall be treated with respect, dignity, and compassion.

The Police Division prohibits any form of discrimination that violates laws or policy in any action affecting our personnel, those seeking employment, and those benefiting from our services.

We shall aggressively pursue the best-qualified applicants for police officers, civilian employment and the reserve; and ensure that all people are given fair and equal treatment in personnel divisions;

We shall Evaluate based on their job performance and provide advancement and retention opportunities based on demonstrated performance and regulatory requirements;

We shall take prompt, appropriate, and effective measures to enforce this policy and ensure personal accountability.

All Police Management must be personally committed to and responsible for fair and equal treatment of all police services personnel and the citizens who are being served.

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I. Internal Investigation

Allegations of misconduct generally arise from three (3) sources, complaints filed by citizens, administrative investigations originating from within the Memphis Police Department, and the confidential information line.

Statements of Charges originate from the operations level mostly for simple violations of rules and regulations, and will continue to originate from that level.

Other Statement of Charges are instituted at the Internal Affairs Bureau level upon completion of an investigation where the presumption of guilt has been determined. The authority to discipline City employees derives from the City Charter, City Ordinances, and the Civil Service regulations and is implicit in positions of command, management, and supervisory responsibility.

Line supervisors must complete a "Workstation Complaint Form" EVERY TIME a citizen makes any complaint regarding MPD officers and personnel. Line supervisors should handle allegations originating from the workstation that do not involve force, property damage, or injury and are generally minor in nature. Supervisors from the rank of Lieutenant and above should enter the Workstation Complaint into Blue Team, which can be accessed by typing the following address into your web browser, "http://mpdsupport:8080". The complaint entry should be made before the supervisor completes his/her tour of duty. Supervisors who need assistance on how to enter an incident into Blue Team can access the Blue Team Quick Reference Guides on the http://mpdsupport link under Departmental Forms/Administrative Forms. The completed entry is to be submitted up the supervisor's chain of command to the Workstation Lieutenant Colonel who will forward a copy of all workstation complaints to IAB upon receipt. No copies should be placed in the employee's workstation file, unless disciplinary action is taken (including any counseling* or statement of charges) in which case a copy of the "Workstation Complaint Form" must be placed in the employee's workstation file.(52.1.1)

* Counseling sessions may be used to instruct or correct an employee's actions. The information from the session will be documented and reviewed with the employee. However, instead of becoming a part of the employee's personnel file in Human Resources, these forms will be maintained only in the employees Workstation file. Counseling is normally conducted by the immediate supervisor.

A resolution letter from the workstation commander or assistant commander should be sent to the complainant advising them of the disposition of the workstation complaint investigated by that unit. An electronic copy of the written letter will be forwarded to ISB along with the resolution of the complaint via Blue Team.

Major offenses will always require full investigation by the Inspectional Services Bureau in accordance with Article XV of the Agreement between City of Memphis, Tennessee and Memphis Police Association. ISB will be responsible for sending written correspondence on the complaints that it handles.

A. The Inspectional Services Bureau Security Squad will be responsible for investigation of:

1. All Criminal complaints of misconduct involving MPD Officers on and off duty. All Homicides involving Commissioned Officers will be investigated in conjunction with the Homicide Bureau.
2. All Criminal complaints of misconduct involving MPD Civilian employees on duty. Civilian employees off duty complaints will be investigated as deemed necessary by the Director of Police Services.
3. Criminal complaints of misconduct involving City of Memphis employees of other City Divisions as deemed necessary by the Director of Police Services or his designee.
4. All Police involved shootings, on and off duty, in conjunction with the Homicide Bureau/Felony Response Unit, as specified in the MPD P & P Manual, Chapter II Section 8: Response to Resistance.
5. Any investigation, Criminal or Administrative, as deemed necessary by the Director of Police Services

The Security Squad is located at 2714 Union Extd. #700. Office hours are 0800 to 1600 hrs, Monday thru Friday. The phone number is 576-4966.

B. The Inspectional Services Bureau <u>Internal Affairs</u> will be responsible for investigation of:

1. All Administrative complaints of violations of MPD and City Policy & Procedure involving Officers on and off duty. The only exception to this will be courtesy complaints without multiple witnesses. These will be documented on a "Walk-In Complaint" form. That form along with all pertinent information will be forwarded to the workstation commander for resolution. A written response indicating the resolution must be returned to IAB within 20 working days.
2. All Administrative complaints of MPD and City Policy & Procedure involving MPD Civilian employees on and off duty.
3. Administrative complaints of violations of City Policy & Procedure of other City of Memphis Divisions as deemed necessary by the Director of Police Services.
4. Any investigation as directed by the Director of Police Services.
5. The Additional Employment Office is a function of Internal Affairs.

MPD Internal Affairs is located at 2714 Union Extd. Suite 600. Office hours are 0800 to 1600 hrs, Monday thru Friday. The phone number is 576-4966.

C. Criminal Complaint Routing

Criminal complaints filed with the Memphis Police Department should be forwarded to the Security Squad where the suspect is an:

- On or Off Duty Sworn Member
- On Duty Civilian Member

Criminal complaints involving Off Duty Civilian Members as suspects will be forwarded

to the appropriate bureau unless deemed otherwise by the Director of Police Services.

To report police misconduct or policy violations the Inspectional Services Hot Line number is 576-4979, 24 hours.

NOTE: *Critical Incidents*: The Inspectional Services Bureau, Homicide or any other Investigative Bureau will not interview officers who have been involved in a critical incident until at least 48 hours has passed since the time of the critical incident. This 48-hour provision will not preclude conducting interviews at the discretion of the Director of Police Services, his designee or the ISB, Homicide or any other Investigative Bureau Supervisor when circumstances dictate such.

II. Internal Discipline

Statements of charges originating from the Operations level (i.e., Lieutenant through Lieutenant Colonel) will be forwarded to the respective Deputy Chief for the determination of hearing authority.

The Station/Bureau Commanding Officer has the authority to order disciplinary action from an oral reprimand up to and including a twenty (20) day suspension without conferring with any higher authority.

If the Station/Bureau Commanding Officer determines that the preponderance of the evidence shows that the accused officers may be found guilty of violating departmental regulations, and decides a more severe penalty should be ordered than he / she is authorized, he / she may refer the matter to higher authority for hearing.

Statements of charges originating from the Internal Affairs Bureau will be forwarded, along with the complete investigative file, to the Director and/or Deputy Director for staff review, and referral to the Station or Bureau Commanding Officer.

A. Definitions:

Unless otherwise indicated for the purposes of this section:

1. "Violation" means a failure to comply with:
   a. A written departmental rule, regulation, order, policy or procedure; or
   b. An Ordinance of the City of Memphis applicable to personnel governed by the Civil Service; or
   c. A verbal directive given by a person in legal authority acting in the line of duty; or
   d. Any binding and applicable provision of the City of Memphis Personnel manual.
2. "Administering Authority" is a major or manager who is specifically empowered under the terms of this section to administer disciplinary action.
3. “Supervisor” means anyone of the rank of Lieutenant or above.
4. “Commanding Officer” means anyone of the rank of Major or above.

Administering Authority	Level of Disciplinary Action	Statement of Charges

	Authorized	
Immediate Supervisor/ Commanding Officer	Oral Reprimand	Optional
Shift or Squad Major	Oral - 3 day suspension	Yes
Station/Bureau Lieutenant Colonel	Oral - 10 day suspension	Yes
Station/Bureau Colonel	Oral - 20 day suspension	Yes
Deputy Chief	Oral - termination	Yes
Deputy Director	Oral - termination	Yes
Director	Oral - termination	Yes

5. "Appeal Authority" is a commanding officer or manager in the same chain of command at a higher level than that of an administering authority who hears appeals.
6. "Charging Authority" is defined as any commissioned officer, as defined in Section C-1, regardless of rank, wishing to file charges against another officer for any violation. In the event an officer wishes to file charges against another officer of equal rank, or of higher rank, the charging officer must contact an officer of higher rank than the accused for issuance of the Statement of Charges.
7. "Issuing Officer" is the officer, usually of command rank, who is charged with the responsibility of issuing a Statement of Charges when charges are preferred by another officer.

B. Reporting Police Misconduct:

1. Any sworn member of this department who personally observes or receives a complaint of serious misconduct on the part of any other law enforcement officer, is required to inform either his or her immediate supervisor or the Internal Affairs Bureau without delay.
2. For purposes of this part, "serious" misconduct is defined as: physical abuse or threats of bodily harm against another person; or dishonest, scandalous or reckless conduct which compromises law enforcement or the rights or safety of any person.
3. Supervisors and Commanding Officers who receive information of serious police misconduct shall outline the allegations, identify principals and witnesses to the extent that they are known and present a brief to the bureau or station commander within four hours with a copy to the Internal Affairs Bureau (IAB). If the misconduct is of a nature that constitutes a risk or potential for the continuance of the misconduct or injury to any person, the briefing of command and IAB personnel should be immediate.

C. Statement of Charges:

Upon determination that a violation has occurred, or reasonably appear to have occurred, the officer making such determination will issue, or cause to be issued, the accused officer statement of Charges. This Statement of Charge will specify the violation(s) and will contain brief description of the incident constituting the violation. The Statement of Charges will be

executed in original and three (3) copies.

The Statement of Charges will be issued:

1. By the officer discovering the violation, or his / her designee immediately if practical;
2. In the event the officer making the discovery is unable to issue the Statement of Charges, he/ she may refer a Commanding Officer to issue a Statement of Charges provided the name of the officer making the discovery is listed as the "charging" officer and the issuing officer signs as such;
3. The Statement of Charges shall be written by the Investigating officer upon completion of an I.A.B. investigation and signed by the investigator as the charging officer, if the presumption of guilt has been established. This Statement of Charges will be forwarded with the I.A.B. investigative file to the Director and/or Deputy Director.
4. On determination that the Statement of Charges should be served on the accused officer, it will be sent to the appropriate Station/Bureau Commanding Officer and served by the Shift/Squad Commanding Officer, or an immediate supervisor.
5. The Statement of Charges involving negligent use of a Police Vehicle may be issued after determination by the Station/ Traffic Commanding Officer(s) as to the charge-ability of the accident;
6. The Statement of Charges involving the use of firearms may be issued after determination by the Director / Deputy Director as to the accountability of the individual officer.

The accused officer will be furnished a copy of the Statement of Charges at the time it is executed and will be required to sign the original copy which will be retained by the issuing Officer for processing. The signature of the accused officer will attest only that he did receive a copy of the Statement of Charges and will not be construed as an admission to the charge(s) alleged.

NOTE: The charging officer will enter each Statement of Charges, with the exception of traffic crashes and ISB-generated charges, into Blue Team as a workstation complaint. The involved officer or employee will be clearly identified and the alleged violation will be entered. Additionally, the Statement of Charges and Administrative Summons, along with any support documentation, will be scanned and electronically attached to the Blue Team entry.

D. Issuance of Statement of Charges:

Statements of Charges will be reviewed by the Deputy Director of Police Services and the charged officer's respective Command Staff member, who will authorize issuance and assign hearing authority. Upon issuance, the original and **two** (2) copies of the Statement of Charges will be immediately forwarded to the Station or Bureau Commanding Officer to which the accused officer is assigned.

E. Further Investigation:

Upon notification that a Statement of Charges is to be resolved at a particular level of administering Authority, it will be the responsibility of the Commander of that level to initiate action to provide the accused officer with a full, impartial hearing. It will be the responsibility of the Commanding Officer to use all pertinent information, facts, letters, and report available to him to ensure a full hearing.

F. Notice of Hearing:

"In the event the charges specified on the statement of Charges have been amended or added to, the accused should be notified by the administering authority prior to, or at the hearing, of the new or amended charges. The accused will have the option of proceeding with the hearing of the new or amended charges at that time, or have the hearing on the new or amended charges reset to a later date."

G. Hearing:

Upon completion of the hearing, the Administering Authority will complete the "hearing summary" section of the Statement of Charges (original and one (1) copy) outlining pertinent facts. The Administering Authority will also note his findings and action taken in the appropriate section.

H. Appeal/Grievance:

1. Non-Civil Service
   At the conclusion of the hearing, the officer must advise the hearing officer whether he/she wishes to appeal or grieve the disciplinary action. If the disciplinary action is 10 days or less, the officer may submit to a grievance procedure or an internal appeal, but not to both. The employee will indicate on the Hearing Summary Form their decision to file an internal appeal or a grievance.
2. Civil Service
   At the conclusion of the hearing, the officer must advise the hearing officer whether they wish to appeal or grieve the disciplinary action. If the disciplinary action is 11 days or more, the officer may submit to a grievance procedure or an appeal to the Civil Service Commission, but not to both. If the officer submits to the grievance procedure, they will sign a written waiver of any right to appeal the matter to the Civil Service Commission, per the Memorandum of Understanding.

If the decision is made to appeal the matter, the hearing officer will prepare the hearing summary and forward the entire file to the requested Appeal Authority.

After the hearing is complete, discipline is ordered, and the officer chooses to have an internal appeal (10 days or less), the disciplinary action will be withheld until the completion of the internal appeal.

If an officer decides to grieve the disciplinary action ordered instead of an internal appeal (10 days or less), the disciplinary action is to be taken as soon as possible. This is due to the

length of time involved with the grievance process and the possible arbitration action to follow.

If disciplinary action is a suspension for 11 or more days, the disciplinary action will be taken as soon as possible. Again, this is due to the length of time involved in resolving Civil Service appeals.

If disciplinary action is a suspension for 11 or more days, the disciplinary action will be taken as soon as possible. Again, this is due to the length of time involved in resolving Civil Service appeals.

I. Work Status:

1. Depending on the nature and seriousness of the allegations, an officer under investigation will remain in pay status and may:
   a. Continue in normal duties; or
   b. Be placed in non-enforcement duties; or
   c. Be temporarily relieved of all duties.

   When a criminal investigation is in progress, work status shall be the same as defined above until the appropriate bureau completes its investigation with sufficient results to support final administrative disposition with respect to the employee's further employment status.

2. Depending upon the nature of the charge and the outcome of the investigation, an officer who is formally charged or indicted for a criminal offense will be:
   a. Restricted to non-enforcement duties; or
   b. Suspended from duty with or without pay; or
   c. Dismissed.

   An officer who becomes a defendant in a criminal trial and has not been dismissed will not be compensated for trial related periods spent away from assigned duties.

J. Disciplinary Action: Statement of Charges

The disciplinary matrix below describes punitive discipline resulting from a statement of charges as a component of the disciplinary system that is generally imposed in a progressive manner from minimum to maximum, but when appropriate, may be imposed to the maximum limit without progression. The appropriate level of disciplinary action is determined by the consideration of criteria that includes, but is not limited to the following:

- The seriousness of the incident;
- The circumstances surrounding the incident;
- The employee's disciplinary record;
- The employee's overall work performance;
- The probability that future similar problems will occur.

The 5 forms of discipline resulting from a Statement of Charges are:

(1) Oral Reprimand; or
An oral reprimand is a verbal warning issued by a supervisor detailing an employee's

action or lack of action or performance as unacceptable and will result in further disciplinary action if the action is repeated. An oral reprimand is considered to be the minimum level of discipline in the Department's progressive disciplinary system. The oral reprimand will be condensed to writing for filing purposes. (26.1.4.b)

(2) Written reprimand; or
A written reprimand is a written warning from a supervisor detailing an employee's action, or lack of action or performance as unacceptable and will result in further disciplinary action if such action is repeated.

(3) Suspension; or
A suspension is a serious disciplinary action in which the employee is suspended from duty and may forfeit his/her salary for misconduct considered to be serious or part of a continuing pattern of behavior involving repeated instances of misconduct. (26.1.4.c)

(4) Demotion; or
Demotion is the reduction of an employee's rank decreasing responsibility and pay. Demotion is a severe corrective action which may be imposed prior to termination and/or utilized in circumstances wherein an employee exhibits unsatisfactory performance or personal conduct in one position, but past performance in the reduced rank was adequate. (26.1.4.c)

(5) Termination.
Termination is the act of discharge from employment with the permanent loss of all privileges of employment. (26.1.4.c)

In concurrence with a statement of charges a supervisor may require remedial training for an officer. Remedial training may include one or more of the following methods of training:

- Departmental training;
- Re-assignment to an FTO;
- Enrollment in a course of instruction sponsored by another agency

The goal of remedial training is to provide constructive correction in an effort to improve employee productivity, effectiveness and overall safety. Remedial training can be mandated in conjunction with all forms of discipline excluding termination. (26.1.4.a)

For Record Retention including storage and purging guidelines for Statement of Charges see Chapter XI, Section 9: Record Retention.

K. Employee Support Unit:

The Employee Support Unit is an in-house psychological and behavioral health unit established for the purposes of providing support, assessment, training, and interventions. The unit consists of two separate and distinct entities with some shared responsibilities: 1.) Psychological Services and 2.) The Performance Enhancement Program (PEP).

1. Support is offered as free, voluntary, confidential counseling and crisis intervention for police officers and their families. The counseling provided will generally be short term. Long-term problems and potential conflicts of interest will be referred to outside

resources (i.e. the City's contracted Employee Assistance Program [See PM 42-07 for further information], private hospitals, and other independent private providers). Civilian employees of the Memphis Police Department will be seen on the same basis as time permits.

Consultation is available to the Command Staff and Supervisory Ranks whenever needed regarding employee problems. (22.2.3)

2. Psychological assessment is offered by the Employee Support Unit's Coordinator of Psychological Services. They will provide a psychological evaluation and state certification for all new hires who will ultimately be commissioned or working in a high stress area such as communications. The Employee Support Unit's Coordinator of Psychological Services will make the final determination in all matters involving Commissioned Police Officers, Police Service Technicians and Critical Area Civilian employees' suitability to return to full duty status. The unit will also be responsible for developing the techniques and mechanisms for performance evaluation. Additionally, the Performance Enhancement Program's Manager will maintain an objective computerized monitoring system of performance to assist in identifying patterns of problematic behavior.

3. The Employee Support Unit assists in several aspects of training including: (22.2.6.f)
   a. In-service and promotional training for supervisory personnel on services available, how to refer to services, the role and responsibility of supervisors, early identification of potential problematic behavior patterns, how to address employees concerns, and problems/issues that could impact job performance.
   b. In-service training on mental health topics such as, domestic violence, workplace violence, diversity/cultural sensitivity, conflict resolution, and stress management.
   c. Remedial training in anger management, sensitivity training, and dependability issues.

4. The Employee Support Unit provides interventions with both the support/crisis counseling and the remedial training. Another form of intervention is the <u>Plan to Improve Performance</u>. This intervention is for personnel who have a lengthy and consistent pattern of adverse performance. The intensive training is designed to address the specific problems the officer has in his or her job performance.

5. Formal Management Referral Procedures and Guidelines: (22.2.6.e)
   a. If fitness-for-duty is needed, the referral should be sent to the Coordinator of Psychological Services.
   b. In the description narrative, outline the specific behaviors that make the referral necessary. Attach copies of complaints and other documentation about the problem.
   c. Advise the employee about the referral, and have them call the city's contracted Employee Assistance Program or the Coordinator of Psychological Services to arrange an appointment time.

d. If the referral is not mandatory, suggest the officer come voluntarily and document in his/her files that you suggested the officer attend. Attendance will be handled with the greatest level of confidentiality and even the referring supervisor will not know if the officer attends the session.

e. If the problem persists, the supervisor will use the "Formal Management Referral." The supervisor will then be notified about the officer's attendance and compliance with treatment. However, the content of the session will remain confidential.

f. The Coordinator of Psychological Services or the Manager of the PEP will try to assist whenever possible, but we are not a substitute for fair and consistent discipline.

* The "Formal Management Referral" forms can be found on the MPD's KIOSK or on the City's Intranet.

As the occasion demands, the Employee Support Unit will provide guidance and assistance to the Police Director and Command Staff on special projects, such as special research problems, personnel issues and other related matters. The Employee Support Unit will coordinate all police employee assistance matters that involve the city-wide Employee Support Program.

III. **Guidelines for Relief of Duty of officers and civilian employees**.

A. DEPARTMENTAL INTENT WHEN RELIEVING AN EMPLOYEE OF DUTY

It should never be the intent of any investigative bureau to humiliate, embarrass or bring undue attention to any officer or civilian being investigated by the Memphis Police Department. However, we have an obligation to the City of Memphis, its citizens and its employees to investigate and resolve any criminal allegation or act of impropriety by its members. To that end, we are committed to proceed as professionally and discreetly as possible, given the circumstances.

The presence of the principal officer's Commander or the civilian employee's Manager will assure fair and professional treatment of the officer or the civilian employee during the relieving of duty process. The Commander or Manager will be responsible for notifying the respective Deputy Chief of the situation. Subsequently, the Commander or Manager will assume the responsibility of making arrangements for the temporary assignment of work status with the respective Deputy Chief.

Additionally, the notification of the Director/Deputy Director is assured via the Deputy Chief or the Inspectional Services Bureau.

B. THE PURPOSES FOR RELIEVING AN OFFICER OF DUTY SHOULD BE TWO-FOLD:

1. An officer that has been accused of a serious incident, where he/she may have placed a citizen or a citizen's property at risk and needs to be removed from the area of complaint for the safety of the citizens. This is not to state that the complaint has immediate credibility, but to give the public some sense of safety and trust in the situation until the allegation can be confirmed or dispelled.

2. The officer's protection (physically and/or emotionally) should be an automatic concern when relieving an officer of duty. Being relieved of duty should not be associated with a negative connotation. Officers that are involved in critical incidents need time to emotionally gain control of themselves. Being away from the workstation should afford some sense of comfort for the officer's state of mind. It should stabilize the officer and the situation, until more information can be obtained. Relieving an officer of duty should be viewed as part of the healing process for officers and a normal investigative process to prove or disprove an allegation. Officers may also be referred to the Employee Support Unit and EAP for counseling assistance.

C. THOSE SITUATIONS WHEN AN OFFICER MAY NOT BE RELIEVED OF DUTY ARE OUTLINED AS FOLLOWS:

1. The person making the allegation is visibly intoxicated or under the influence of controlled substances or whose judgement is impaired by the use of alcohol, drugs or prescribed medication.
2. The complainant gives the appearance of being mentally incompetent or unstable or is known to be suffering from a mental condition and is not taking prescribed medications or is not following the recommendations, advice or instructions of their physician or psychiatrist.
3. The complainant has made threats to the officer, which have been documented or recorded over the police radio. (Notification of the Duty Commander and I.S.B. Commander is still recommended.)
4. It is clear to a supervisor/commander that the circumstances do not support the allegation (Commander justification required).
5. Any circumstances that a commanding officer articulates, and can support with facts, which casts doubt upon the allegations.

Notifying the proper authorities of the situation in a timely manner is required in all the above circumstances. Regardless of the fact that a complaint may be negated by one of the above circumstances, the complaint should still be documented to the unit Commanders and bureau personnel in writing during that tour of duty. In instances where there may be doubt, an Inspectional Bureau Commander should be notified from the scene.

D. AUTOMATIC/IMMEDIATE RELIEF OF DUTY SITUATIONS

1. When an employee is arrested.
2. When an employee is indicted.
3. When an employee is involved in a shooting incident where a suspect has been shot or shot at. Marksmanship has no bearing on whether an officer should be relieved. All officers that discharge a firearm at a person shall be relieved and a mandatory drug screen performed.
4. Where the action or response to resistance results in **serious bodily injury***, death, (mandatory drug screen), or as deemed necessary due to particular circumstances where no death or serious bodily injury results.

5. In vehicular accidents where serious injury has resulted, which could cause death or someone has died as a result of the accident (mandatory drug screen).
6. When an employee is willfully and blatantly insubordinate to the extent his/her performance is affected.
7. When an employee displays conduct that intentionally endangers co-workers, civilians, or compromises the official duties of the Memphis Police Department. These facts must be articulated by the commanding officer and documented to include information concerning the principal officer's and witnesses of the incident.
8. When an employee is tested for drugs under reasonable suspicion testing criteria.

* "**Serious bodily injury"** means bodily injury that involves:

a. A substantial risk of death;
b. Protracted unconsciousness;
c. Protracted or obvious disfigurement; or
d. Protracted or substantial impairment or a function of a bodily member, organ or mental faculty.

E. POTENTIAL RELIEF OF DUTY SITUATIONS:

1. If initial information leads a reasonable person to believe that an allegation of criminal activity has occurred, or if there are inconsistencies in the investigation of potential criminal activity that need to be resolved.
2. When an officer exhibits unstable or irrational behavior.
3. When any other circumstance is judged to lend credence to an allegation of criminal misconduct.

F. PROCEDURES FOR RELIEVING OF DUTY PRINCIPAL OFFICERS "ON DUTY"

1. Notify the appropriate Deputy Chief for permission to relieve the officer of duty.
2. Contact the appropriate Unit Commander or designee of a time and location to meet the I.S.B. Commander (considering the privacy and discreetness of the area); preferably in the Commander's office.
3. Have the Commander of the officer's work station summon the principal officer to your location.
4. Allow the officer an opportunity to notify a police union representative.
5. Advise the officer of the allegation and retrieve his/her police issued enforcement equipment.
6. Advise the officer that they are being Relieved of Duty with pay pending further investigation and, if the situation so requires at the time, escort the officer home to ensure their safety. (NOTE: A temporary I.D. may be obtained from the MPD Photo Lab.)
7. The officer's equipment will be transported by the I.S.B. investigator to the MPD firing Range for inventory and storage with the exception of the PDA and Redfly. These items will be transported to the IPAQ Support Team office. Any equipment that is

deemed to be of evidentiary value will be tagged at the MPD Property Room or stored in I.S.B. office.

8. The I.S.B. Commander/ Supervisor or relieving Commander should submit an email or memo to the Director, Deputy Director and principal officer's Commander.
9. The officer's Commanding Officer and respective Deputy Chief have the responsibility of reviewing the case, determining the severity and stability of the situation and arranging the work status of the officer, pending disposal of the investigation.
10. It is the responsibility of the officer's Commander to notify the Critical Incident De-briefing Coordinator and/or Psychological Services of the officer's need for de-briefing and psychological care.
11. Information on all steps in the process from the relieving of duty to the return to work should be confidential and handled discreetly affording the accused all due respect.
12. In situations where Policy and Procedures dictate drug testing, an I.S.B. representative will accompany the officer to the testing site and return the officer to his workstation and/or home with the test receipt.
13. Copies of all documentation should be sent to the Inspectional Services Bureau in the sealed package marked "Confidential/I.S.B. Commander". Originals should be sent to the respective Deputy Chief via the Commanding Officer.

G. PROCEDURES FOR RELIEVING OF DUTY PRINCIPAL OFFICERS WHO ARE "OFF-DUTY"

The process will be basically the same, except the I.S.B. supervisor and I.S.B. investigators will conduct the relief of duty at the officer's home or at the I.S.B. office.

H. IDENTIFICATION FOR MEMBERS ON NON-ENFORCEMENT:

Members working in a non-enforcement duty status will be issued a "restricted identification" card for the purpose of accessing police sites. The following procedures are to be followed for the issuance of this identification:

1. The non-enforcement duty member shall notify his immediate Supervisor at the non-enforcement work location of the need for an identification card.
2. The immediate Supervisor shall prepare a memo to the Supervisor of the Photo Lab requesting that a restricted identification card be issued and have it approved by the Station/Bureau Commander.
3. Upon receipt of the approved memo, the Photo Lab will create a "restricted identification" card for issuance to the member.
4. The restricted identification card is to be surrendered to the member's immediate Supervisor upon request, return to full-duty or upon termination of employment. The receiving Supervisor should immediately return the identification card to the Supervisor of the Photo Lab for final disposition.

I. REINSTATEMENT OF NON-ENFORCEMENT OFFICERS:

The Inspectional Services Bureau has the sole responsibility for advising the respective Deputy Chief and the Administrative Deputy Chief in writing when an officer has been cleared to return to full-duty status from non-enforcement status. A Deputy Chief cannot give clearance prior to or in contrast with the recommendation from the Inspectional Services Bureau.

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RULES

DR 100 CONDUCT

DR 101 COMPLIANCE WITH REGULATIONS
Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.

DR 102 PENALTY FOR VIOLATION OF DEPARTMENTAL REGULATIONS
The Department may take disciplinary action against a member found guilty of violating any stated policy, rule, regulation, order, or directive of the Department. Minor offenses and major offenses shall be distinguished by the maximum penalty which may be meted out. Minor offenses may result in a loss of compensation up to a maximum of ten (10) days. Major offenses may result in the termination of employment of the offender.

DR 103 AID ANOTHER TO VIOLATE REGULATION
A member shall not aid, abet, or incite another member to violate departmental regulations, duties, orders, policies or prescribed procedures.

DR 104 PERSONAL CONDUCT
The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession. This regulation applies to both the professional and private conduct of all members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate either the Law Enforcement or Civilian Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

DR 105 ADHERENCE TO LAW
A member shall act in accord with the constitution, statutes, ordinances, administrative regulations and the official interpretations thereof, of the United States, the State of Tennessee, the County of Shelby, and the City of Memphis. When in another jurisdiction, members will obey applicable local and state laws. Ignorance of such laws cannot be regarded as a valid defense against failure to meet the requirements of this regulation.

Any member who (1) is convicted of, (2) pleads guilty to, or (3) pleads nolo contendere to any federal, state, or local violation involving a felony or other crime related to force, violence, theft, dishonesty, gambling, liquor, or controlled substances (including Driving Under the Influence of an Intoxicant or Drug), is subject to termination from employment.

DR 106 LEWD / OBSCENE CONDUCT
A member shall not indulge in lewd, obscene, or immoral public conduct.

DR 107 COURTESY
A member shall be courteous, civil, and respectful in his conduct and manner towards all persons.

Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed or taunted. The use of coarse, profane, vulgar, racial, derogatory, or discourteous language to any member or any citizen is prohibited, unless extenuating circumstances exist for the use of such language.

Special respect for privacy shall be accorded to prisoners taken into custody. If in unclothed or disheveled condition, they shall be protected against public embarrassment to whatever extent feasible.

DR 108 TRUTHFULNESS
A member shall not give any information, either oral or written, in connection with any assignment or investigation that is either knowingly incorrect, false, or deceitful.

DR 109 IMPARTIAL ATTITUDE
A member shall at all times consider it his or her duty to be of service to anyone in danger or distress and shall neither discriminate against nor show partiality for any person because of race, sex, religion, friendship, fraternal or social affiliations, or for any reason.

DR 110 CONSORTING WITH PERSONS OF BAD OR CRIMINAL REPUTATION
A member of this department shall not knowingly socialize or have a business relationship with another person, who has been imprisoned or convicted of a felony, or who are known criminals, except in the performance of their official police duties.

DR 111 DISOBEDIENCE OF AN ORDER
No member shall willfully disobey a lawful order or directive, either written or oral. This regulation prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

DR 112 SLEEPING ON-DUTY
Sleeping on-duty, giving the appearance of sleeping on-duty, or inattention to duty is prohibited except as authorized by a Commanding Officer.

DR 113 ALCOHOLIC BEVERAGES

A. While on-duty, a member shall not consume or possess alcoholic beverages except in the proper performance of his or her duty.

B. A member shall not report for duty under the influence of alcohol or have the odor of alcohol on their breath.

C. While off-duty, a member shall not consume alcoholic beverages to the extent which renders him unfit to report for their regular tour of duty.

D. A member shall not consume alcoholic beverages in his or her police uniform, either on or off-duty.

E. A member shall not transport alcoholic beverages on or in Department property, except in the performance of police duty.

F. An officer can be tested to determine the percent of alcohol in the blood when the officer is in violation of statutory law, such as TCA 39-17-1321 (Possession of Handgun While under Influence.

G. A member shall not use or possess alcohol in violation of any statute or ordinance, whether on-duty or off-duty. If a member is arrested, on or off-duty, for an alcohol related incident, including but not limited to driving under the influence, they will immediately be relieved of their duties and placed in a non-enforcement status. Inspectional Services will conduct a complete investigation into the incident and forward their findings along with a statement of charges, if applicable, to the Deputy Director of Police Services.

When a member is administratively charged with DR 113 under section "G", the disciplinary hearings dealing with violations of this policy must be heard at the level of Deputy Chief or Administrator (Communications Bureau). If disciplinary action is sustained by the respective Deputy Chief/Administrator, a first time violation will result in a **minimum thirty (30) day suspension for officers and a five (5) day suspension for civilians (excluding dispatchers) if the charge is sustained**. The members will be required to attend an approved alcohol treatment program via CONCERN and sign a last chance letter.

A second sustained violation under section "G" **will** result in termination of employment.

This policy does not preclude legal prosecution of the member and subsequent convictions, which decertify the employee under the Tennessee Police Officers Standards (POST) and will lead to separation of the employee based on their decertification.

DR 114 FINANCIAL OBLIGATIONS
A member shall maintain good credit relations with creditors. All federal laws that apply to wage or salary garnishments will be followed by the City in its handling for garnishments.

DR 115 PUNCTUALITY
A member will report for scheduled duty assignments on time, including roll call, training, special events details and court appearance, unless emergency police actions prevent it. In the latter case, every effort will be made to notify the Supervisor/ Commanding Officer concerned.

Progressive discipline shall be administered in accordance with this DR and established procedures in the Tardiness Policy.

Tardiness Policy

Employees must arrive at their worksite on time, prepared to perform the duties required of them. Punctuality is a requirement for continued employment with the Memphis Police Department. Tardiness will be evaluated over a twelve month period from the time of the first occurrence. Frequent or excessive tardiness will result in disciplinary action up to and including termination.

Definitions

1. **Tardiness:** An employee will be considered tardy if they are not at their duty assignment ready for duty when the supervisor begins roll call.

2. **Excessive Tardiness:** When an employee's tardy occurrences exceeds (4) four within a (12) twelve month period.

Disciplinary Action

Incidents involving punctuality must be documented and maintained on a consistent and systematic basis. Such a standard is also necessary in order to validate the disciplinary process.

All work stations within the Department will record punctuality/ tardiness violations. These occurrences should be tracked for a 12-month period, which requires supervisors to maintain accurate and consistent documentation. A tardy/late for duty slip found on the MPD KIOSK will be completed and placed in the employees work file for each occurrence. The tardy slip will reflect the date, officer's name/IBM, work station and shift, time of arrival, reason for tardiness and action taken, i.e. verbal warning, advisement, negative OBR or statement of charges.

Progressive disciplinary action shall be administered in accordance with procedure established in this policy:

> **1st occurrences - Verbal Warning and the employee's pay will be docked the time tardy. (Example: the Comments section of the roll call for an employee 15 minutes tardy would reflect 7.75 P, .25 LWOP)**
>
> **2nd occurrence – Oral Counseling and the employee's pay will be docked the time tardy.**
>
> **3rd occurrence - Negative OBR and the employee's pay will be docked the time tardy.**
>
> **4th and subsequent occurrences will result in a statement of charges and the employee's pay will be docked the time tardy. (A sustained violation of DR-115, 4th occurrence, will result in a suspension of one to three days. Subsequent sustained violations will follow progressive discipline.)**

An employee involved in a police action or in court before arriving for duty will not be considered tardy if such action is documented. The employee should contact communications and log on as on-duty as soon as possible. (Example: a police employee stops to aid traffic crash victims or like incident.)

Tardy/late slips will be completed for employees tardy for court, training or special events and such documentation will be forwarded to the officers work station to be placed in their work file. The appropriate action will be taken by the work station supervisor upon receipt of the documentation based on the number of previous occurrences.

****Tardy/late slips older than 12 months shall be purged from an employees work file as soon as feasible.**

Depending on the gravity of an infraction, the supervisor may request discretionary authority to deviate from the prescribed number of occurrences which must occur before an employee may be charged. The supervisor requesting to change/alter the disciplinary procedure established herein is to submit in writing to their Deputy Chief the facts and reasons that support extenuating circumstances for a greater or lesser course of action.

DR 116 AMUSEMENT PLACES RESTRICTIONS

A member shall not solicit free admission to any theater or other place of amusement or entertainment except in the line of duty.

DR 117 MPD PHOTO ID/ GIVING NAME OR OTHER INFORMATION

All members are issued MPD Identification Cards with the member's photograph by the MPD Photo Lab. All commissioned personnel must have their photo taken in their Class A uniform minus hat displaying their current rank insignia and assignment. All members are required to maintain a current photo ID card at all times. ID cards should be updated with new photos every two years or immediately upon promotion. Officers must adhere to policy regarding "Appearance Requirements" (see P&P Ch. XIII, Sec 3, subsection VIII) for their photo identification cards.

A member must present their current photo ID card upon request by any citizen or by any MPD Supervisor unless such action is likely to jeopardize the successful completion of a police assignment or undercover operation.

A member shall give their name, rank, badge number, or other identifiable information when so requested by other members of the Department or by a private citizen who has a legitimate need for the information, unless such action is likely to jeopardize the successful completion of a police assignment or undercover operation. (22.2.7)

DR 118 OFF-DUTY RESPONSIBILITY

A member is always subject to orders from a supervisory officer and to calls for assistance from private persons. Being technically off-duty does not relieve him/her from the responsibility of taking proper police action in any matter coming to their attention. When there is no urgent or immediate need for police action, a member may request the Dispatcher to turn the matter over to officers on-duty; but the member shall take such interim action as may be required prior to the arrival of the dispatched officers.

Off-duty officers will yield control and authority of a scene to on-duty officers when the on-duty officer arrives on the scene. When on-duty officers are present on a scene off-duty officers will not assume an active role on the scene, unless it is requested by the on-duty officer or directed by a supervisor.

DR 119 NEATNESS AND ATTIRE

A. A member shall always be neat and clean in person and dress while on-duty, except as otherwise instructed in the performance of his or her duty, and shall be attired and equipped according to Department regulations or instructions from a supervisory officer.

B. A member shall maintain personal habits of cleanliness and hygiene. Hair and moustaches shall be groomed according to Department regulations.

C. A member shall not use tobacco products when in court, conducting field interrogations, addressing complaints, victims or witnesses or on any public post.

DR 120 NEGLECT OF DUTY

A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas

constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.

B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.

DR 121 NARCOTICS

A member shall not use or possess drugs in violation of any statute or ordinance, whether on-duty or off-duty. A member shall not report for duty under the influence of any drug or narcotic which would interfere with the proper performance of his or her duty. A member taking prescribed medication which would hinder his or her performance of duty shall immediately notify his or her supervising officer.

If a Supervisor has reasonable suspicion to believe that a member is performing official duties while under the influence of drugs, the supervisor will initiate a reasonable suspicion drug test as outlined below:

- Clearly document behaviors and factors that led to the reasonable suspicion.
- Confer with Deputy/Duty Chief and get authorization prior to testing.
- Complete Reasonable Suspicion Form.
- Escort member to collection site. Escort should be at least one rank higher than member and preferably of same gender.
- Advise collection site which testing panel to use.
- Relieve member of duty and drive them home. (Member should not drive when there is reasonable suspicion they are under the influence of drugs.)

Any disciplinary hearings dealing with violations of this policy must be heard at the level of Deputy Chief or Administrator (Communication Bureau). If disciplinary action is sustained by the respective Deputy Chief/Administrator, a first time violation will result in a **minimum thirty (30) day suspension for all officers and a five(5) day suspension for civilians(excluding dispatchers) if the charge is sustained**. The member will be required to attend an approved drug treatment program via CONCERN or other established treatment programs and sign a last chance letter. Members who fall in Category A test group as defined in Chapter I, Section 4: Drug Policy, will be removed from the specialized unit to which they were assigned.
A second sustained violation **will** result in *termination* of employment.

DR 122 RADIO COMMUNICATIONS

Each member equipped with a radio shall monitor his or her frequency and give immediate response to radio dispatched calls.

DR 123 ENTERING BUSINESS HOUSE WITH LIQUOR LICENSE NOT IN

PERFORMANCE OF DUTY
A member shall not enter any business house licensed to sell beer, wine, or liquor for on premises consumption while on-duty or in uniform, except in the performance of a police duty or to consume a legitimate meal.

DR 124 OFF-DUTY EMPLOYMENT
A member shall not engage, directly or indirectly, in the ownership, maintenance, or operation of any business that is prohibited by departmental orders and directives. All instances of off-duty employment must be approved by the appropriate authority.

DR 125 MEMBER UNDER INVESTIGATION
A member shall immediately submit a written memo to their supervisor/ commanding officer that they are under investigation by any law enforcement agency, or any regulatory agency. A member shall immediately submit a written memo to their supervisor/ commanding officer that they have been issued a misdemeanor citation or citation for any misdemeanor offense (including traffic citations while off-duty), arrested for any misdemeanor/felony offense or is being sued in a court of law.

DR 126 REPORTING INFORMATION
A member shall promptly report to the Department any information concerning any crime or other unlawful action, when such information is relevant to an investigation by another member.

DR 127 REPORTING IMPROPER CONDUCT
A member shall immediately report to the Department any violation of Policies and Regulations or any other improper conduct which is contrary to the policy, order, or directives of the Department.

DR 128 RESIDENCY POLICY
Each member shall comply with the residency policy of the City of Memphis.

DR 129 LEAVING DUTY ASSIGNMENT
A member shall not leave his duty assignment without being properly relieved or without proper authorization.

DR 130 INVENTORY & PROCESSING RECOVERED PROPERTY
All members shall properly inventory and process recovered stolen property, evidence, found property, or personal property in conformance with departmental orders and directives. This regulation includes property in vehicles that are taken into police custody.

DR 131 STRIKE, DEMONSTRATION, OR SLOWDOWN
A member shall not participate in, encourage the participation of others in, or otherwise support any strike, demonstration, slowdown, or other such concerted action against the Department.

DR 132 INSUBORDINATION
A member shall not display disrespect to, or disregard for, a supervisory member of this Department, either on or off-duty. This includes cases of verbal abuse, abruptness, or rudeness

toward a superior or failure to promptly and courteously respond to suggestions, counseling, or disciplining of a superior officer.

DR 133 GO OUTSIDE CITY LIMITS
A member shall not go outside the City limits or drive or take departmental equipment outside the City except in cases of hot pursuit of a felon, or when sent by proper authority, on request of the Sheriff, or because there appears to be a grave emergency and urgent need for assistance, or when authorized to do so by a supervisory member, or in conformance with current policy or procedures.

Members should refer to MPD Policy and Procedure, Chapter XIII Section 6, subsection VII, A, which states in part:

> "Pursuits will not continue outside of the boundaries of Memphis, Tennessee unless there is probable cause to believe that the individual being pursued poses a threat of death or serious bodily injury to others if not immediately apprehended. When it is likely that a pursuit will continue into a neighboring jurisdiction, the primary unit will notify dispatch of the jurisdiction being entered, request assistance from that jurisdiction and update critical information to the dispatcher. As soon as practical, after a pursuit has left the Memphis City limits, dispatch and officers will relinquish primary responsibility for the pursuit to the agency having jurisdiction. When at least two vehicles from the other jurisdiction have joined the pursuit, MPD primary and secondary units will discontinue their pursuit, unless authorized by a Supervisor to continue the pursuit."

DR 134 INTIMIDATION
A member shall not use or direct violence, abuse, force, or threats against, or otherwise intimidate any person or member of this department.

DR 135 HARASSMENT
A member shall not abuse their authority or official position in order to embarrass, degrade, oppress, torment, sexually harass, discriminate predicated on gender, or persistently without due cause take action against any person to prevent that person from exercising lawful or constitutionally protected conduct or exercising the same. Nor shall any member falsely report untrue allegations of sexual harassment or gender discrimination when no basis for such allegations exists.

DR 136 SOCIAL MEDIA SITES/ INTERNET CONTENT
The integrity of the Memphis Police Department must be above reproach. All employees must avoid any conduct which would compromise the integrity of the Department and undercut public confidence in the Department. This includes conduct related to materials posted on personal websites, social media and networking sites (such as Twitter, Facebook, Youtube, etc.) or any material disseminated electronically.

Employees will not post any Memphis Police Department nomenclature, images, logos, emblems, patches, uniforms, or reference the Department on any personal website, social media or networking site, web pages, or on any other electronically transmitted or hard copy material without the expressed permission of the Director of Police Services.

Employees are prohibited from posting, transmitting, or disseminating any digital media that:

- Could reasonably be interpreted to express the opinions of the Memphis Police Department. A member may comment on a subject of general interest and value or concern to the public, provided that the member does not suggest or imply that the views expressed are those of the Memphis Police Department.
- Has a reference to the member being affiliated with the Memphis Police Department **and** contains content that is unprofessional, unbecoming or illegal (i.e. lewd sexual conduct, excessive alcohol consumption, or other behavior depicting the member or department in a negative way). Members are reminded that courts may scrutinize the credibility of a witness from external sources such as the internet.
- Could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operation of the agency, or safety of department personnel.
- Contains any audio or video recordings, or images, obtained while engaged in the performance of enforcement activities, department training, tactical situations, or anything having an adverse impact on the Memphis Police Department. This includes, but is not limited to, crime scene photos of any item, photos of victims, witnesses or any evidence. Under no circumstances are photos of minors, (suspects/witnesses/victims) allowed to be reproduced or posted.

Digital images of official departmental ceremonies (i.e. promotional ceremonies or recruit graduations) that do not contain any negative material are permissible.

Clarification on appropriate postings, if needed, shall be directed to the Command Staff.

DR 137 DOMESTIC VIOLENCE

Members determined to be primary aggressor involving a domestic incident as outlined in policy and procedure, Chapter II, Section IX shall be subject to disciplinary action.

It is the policy of the Memphis Police Department to fully enforce laws dealing with Domestic Violence involving any employee of the police department and to take appropriate action to prevent or ameliorate domestic violence situations within the families of employees. Members of the department shall not violate state domestic violence statutes and shall take every measure to prevent Domestic Violence situations either on or off-duty.

When a member is administratively charged with DR 137 the disciplinary hearing dealing with violations of this policy must be heard at the level of Deputy Chief or Administrator (Communications Bureau). If disciplinary action is sustained by the respective Deputy Chief/Administator, a first time violation will result in a **minimum thirty (30) day suspension**. The member will be required to attend an approved domestic violence and or anger management treatment program via CONCERN or other established treatment programs and sign a *DV Employee Return to Duty Agreement* (last chance letter).

A second sustained violation **will** result in *termination* of employment.

This policy does not preclude legal prosecution of the member and subsequent convictions. Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of a qualifying domestic violence through criminal

proceedings shall be subject to decertification under Tennessee Police Officers Standards and Training (POST) and will be *terminated* based on their decertification and federal laws.

Members of the department who after final adjudication are subject to a final order of protection/restraining order involving domestic violence, which prohibits a member from possessing a firearm, shall be subject to decertification under Tennessee Police Officers Standards and Training (POST) and will be *terminated* based on their decertification and federal laws.

DR 138 POLITICAL INTELLIGENCE

The Memphis Police Department and the City of Memphis do not engage in political intelligence. No member shall intercept, record, transcribe or otherwise interfere with any communications by means of electronic or covert surveillance for the purpose of political intelligence gathering.
No member shall engage in any action or disseminate damaging, derogatory, false or anonymous information about any person which will deprive any individual of their First Amendment Rights; nor will any member encourage, cooperate with, or contract with any local, state, federal or private agency to plan or conduct any investigation involving political intelligence.

Any member conducting or supervising a lawful investigation of criminal conduct (governed by 28 CFR Part 23*) in which the investigation may result in the collection of information about the exercise of First Amendment Rights, or interfere in any way with the exercise of such First Amendment Rights must immediately bring such information to the attention of the Director of Police Services for review and authorization. If approved, the investigation will not exceed more than ninety (90) calendar days. An extension may be granted by the Director for an additional ninety (90) days if necessary.

The regulations for this DR are in accordance with the judgment and decree for Civil Case 76-449 (which can be found on the opening page of the MPD Kiosk website).

* The fundamental principles found in 28 CFR Part 23 operating policies provide law enforcement with the guidance needed to operate criminal intelligence information systems effectively while safeguarding privacy and civil liberties. The Memphis Police Department will operate within the confines of 28 CFR Part 23.

DR 139 REFUSAL TO PROVIDE GARRITY STATEMENT

A member who refuses to answer all pertinent questions that are specifically relevant to an investigation, whether as a participant or as a witness, after receiving the Garrity Advisory, may be subject to disciplinary action including termination.

DR 140 MULTIPLE POLICE VEHICLES AT LOCATIONS

Under no circumstances will more than two police vehicles gather at any location at the same time unless:

- They are answering a call for service;
- They are on official police business; or
- They have received a supervisor's approval.

DR 141 PUBLIC RECORDINGS

A. Members shall not, under any circumstances, erase or delete, or instruct or require any other person to erase or delete, any recorded images or sounds from any camera or other recording device that is in the possession of a non-member, or that has been voluntarily turned over or seized for law enforcement purposes.

B. Members shall maintain cameras and other recording devices that are in Department custody so that they can be returned to the owner intact with all images or recordings undisturbed in a timely manner.

C. In the case that a recording in the Department's custody is considered contraband or has been determined to be contraband by the AG's office, the recording and/or device will not be returned.

DR 200 REWARDS AND GRATUITIES

DR 201 SOLICITING, ACCEPTING GIFTS, GRATUITIES

A. A member shall not accept a gift or any item of value for the performance or nonperformance of an official duty. A member can accept a gift or other item of value if given or officially sanctioned by the department. (Ex. retirement party)

B. A member shall not receive any article whatsoever by any means from suspects, prisoners, persons recently arrested, or gamblers, prostitutes or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons.

C. With specific written approval of the Director of Police, soliciting funds or goods of a benevolent or charitable cause by members will be permitted.

DR 202 GIVING TESTIMONIALS, SEEKING PUBLICITY

A member shall not give testimonials or permit his or her name or photograph to be used for advertising purposes without the approval of the Director of Police. A member shall not seek personal publicity either directly or indirectly in the course of his or her employment.

DR 203 SOLICITING BUSINESS, INTRA DEPARTMENT

A member shall not solicit subscriptions, or sell books, papers, tickets, merchandise or other things, or collect or receive money or other things of value for any purpose whatsoever from fellow employees while on-duty or on police property, except as authorized by appropriate authority.

A member shall not solicit business by exhibiting advertisements on his person or on police property, except when specifically authorized to do so.

A member shall not give or receive from any other member any gift, present, or gratuity excluding gifts accepted from relatives, close friends and upon appropriate occasions. (Ex. Christmas, transfers etc.)

DR 300 RESPONSE TO RESISTANCE & ARRESTS

DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE

Excessive Force/Unnecessary is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

DR 302 POSTING BAIL
A member shall not post bail for any person arrested, except immediate family members.

DR 303 SUGGESTING BONDSMEN OR ATTORNEYS
A member shall not suggest or recommend specific bondsmen or attorneys to any person arrested, except to members of officer's own family.

DR 304 COMPROMISING CRIMINAL CASES
A member shall not make any promises or arrangements with prisoners or between a suspect and his victim intended to permit the offender to escape the full penalty provided by law, or interfere with the courts, or for personal gain or benefit, use their official position to make any arrangements for any suspect or prisoner to escape prosecution.

DR 305 COMPROMISING INTERNAL INVESTIGATION PROCEEDINGS
A member acting in the capacity of an advisor or representative during the course of any internal investigation shall not release information to anyone concerning those matters under investigation.

DR 400 FIREARMS

DR 401 DISPLAY OF FIREARMS
A member shall not unnecessarily draw, use, or display any firearm.

DR 402 CARELESS HANDLING OF FIREARMS
A member shall not carelessly handle a firearm at any time. Weapons shall be used in accordance with the law and established department policy and procedures.

DR 403 UNAUTHORIZED WEAPONS
A member shall not carry unauthorized weapons, either on his or her person or in police vehicles.

This regulation includes any type of unauthorized offensive or defensive weapon.

DR 404 DISCHARGING FIREARMS
A member shall immediately report to a supervisory officer in the prescribed manner whenever a firearm is discharged in accordance with departmental orders and directives,

DR 405 UNAUTHORIZED POSSESSION
A member shall not relinquish control / possession of their firearm to any unauthorized person.

DR 500 COURT

DR 501 ATTENDANCE IN COURT
All commissioned members of this Department are considered officers of the court and shall testify or give evidence before any Grand Jury or court of law when properly called upon to do so and when there is no properly asserted constitutional privilege, or when immunity from prosecution has been granted.

A. Members required to appear in such cases shall be punctual in reporting, alert, dignified, and calm in demeanor.
B. If an emergency prevents attendance, the designated authority will be notified by the member.

DR 502 PERSONAL APPEARANCE IN COURT
A member shall dress appropriately for attendance in court, Grand Jury or any other function where the member appears as a representative of the Memphis Police Department.

DR 503 RELEASE OF UNAUTHORIZED INFORMATION
A member shall not release unauthorized information regarding any criminal or administrative investigation or arrest, to any attorney, bondsman, media personnel, or unauthorized agency / person. A member shall not have any contact with any of the above mentioned persons regarding any information pertaining to the Memphis Police Department without prior approval or subpoena. All requests must be submitted in writing to the employee's immediate supervisor, which will then forward the request to the PIO for approval.

DR 600 REPORTS & COMMUNICATIONS

DR 601 COMPLETING OFFICIAL REPORTS
A member shall make reports promptly, accurately, completely, and in full conformity with specifications of the Department. A member shall make all necessary reports as soon as possible and practicable before going off-duty.

DR 602 REMOVAL OF REPORTS & RECORDS
A member shall not disseminate, release, alter, deface, or remove any departmental record or information concerning police matters, except as provided by departmental orders and directives.

DR 603 INFORMATION CONCERNING POLICE BUSINESS
A member shall not communicate information relating to official police matters without prior approval or subpoena, except to authorized persons. A member shall treat the official business of the Department as confidential.

DR 604 PUBLICATION OF ARTICLES
A member of the Department shall obtain permission from the Director of Police prior to publishing articles as an official representative of the Police Department.

DR 605 POLICE BULLETIN BOARDS
A member shall familiarize himself or herself daily with official information posted on Police Department bulletin boards. Commanders of precincts and bureaus are specifically responsible for maintaining an orderly, up-to-date posting of essential information in a conspicuous and accessible location in order for members to comply with the requirement to keep themselves informed on departmental and City policies and procedures.

DR 606 REPORTING CHANGE IN PERSONAL STATUS
A member shall report immediately to the supervisor and to the Memphis Police Department Personnel Bureau any change in address, telephone number, legal change of name, changes in educational level, notification upon receipt of new certificates, permits or licenses should also be reported.

DR 607 UNAUTHORIZED PUBLIC STATEMENTS
A member shall not engage in any public statement, interview, activity, deliberation or discussion pertaining to the Police Department which reasonably can be foreseen to impair the discipline, efficiency, public service, or public confidence in the Department or its personnel by, but not limited to:

A. False statements or reckless, unsupported accusations.

B. The use of defamatory language, abusive language, or epithets.

A member shall not have any contact with any attorney, bondsman, or media personnel regarding any information pertaining to the Memphis Police Department without prior approval. All requests must be submitted in writing to the employee's immediate supervisor for approval.

DR 608 ACCESSING REPORTS & RECORDS WITH NO LEGITIMATE PURPOSE
A member shall not access official offense reports, departmental records or information concerning police matters without a legitimate law enforcement purpose.

DR 700 POLITICAL ACTIVITIES

DR 701 POLITICAL ACTIVITY ON-DUTY
A member shall not participate in any partisan political campaign or activity while on-duty, except in compliance with applicable City and State laws and City Civil Service regulations.

DR 702 SOLICITING FOR PROMOTION OR TRANSFER
A member shall not solicit petitions for promotion or reassignment of himself or herself or other members.

DR 800 UNIFORMS & EQUIPMENT

DR 801 UNIFORM RESTRICTIONS WHILE OFF-DUTY
Off-duty members are restricted in the use of their uniforms as follows:

A. They may wear their full uniform in going to and from work.
B. They shall not wear their uniform or identifiable parts while off-duty.
C. The uniform shall not be worn while a member is under disciplinary suspension.
D. Members shall not use another member's badge or official police credential without permission of the Director of Police nor shall they permit any person to use their official badge or credentials at any time.

DR 802 PERSONAL USE OF EQUIPMENT OR PROPERTY
A member shall not convert to personal use any money, property, or any other items belonging to the City, except in the performance of his or her official duty or approved by competent authority.

DR 803 ROUGH OR CARELESS HANDLING OF EQUIPMENT
A member shall use due care in handling City, State, County or Federal government equipment, or property issued to them in the performance of their duties. A member shall immediately report any damaged, lost or unserviceable equipment or property in their care. A member shall not willfully or negligently lose, alter, damage, or destroy City, State, County or Federal government issued equipment or property in their care.

DR 900 VEHICLE OPERATION

DR 901 SIRENS & BLUE LIGHTS
A member shall not indiscriminately sound sirens or display blue lights on police vehicles except when responding to emergencies or when it is deemed necessary to the proper performance of police duties.

DR 902 UNAUTHORIZED OPERATION OF DEPARTMENT VEHICLES

A. All Take-Home vehicles must be approved in writing by the Director of Police Services. A member shall not operate any department-issued vehicle as a take-home car without proper authorization to do so. When a member is administratively charged with DR 902 under section “A”, the disciplinary hearings dealing with violations of this policy must be heard at the level of Deputy Chief. If disciplinary action is sustained by the respective Deputy Chief, a first time violation will result in a **minimum** 15 day suspension.

B. A member shall not allow any non-member of the Department to operate any vehicle of this

Department, unless specifically authorized by competent authority.

DR 903 UNAUTHORIZED PASSENGERS
A member shall not allow unauthorized passengers to ride in any vehicle of this Department, unless specifically authorized by competent authority and in compliance with Department orders and directives. Passengers may ride in take-home vehicles if they meet the criteria identified in the vehicle take-home program contract.

DR 904 DAMAGE TO MOTOR VEHICLES

A. All members shall operate City, State, County or Federal government motor vehicles in a careful and prudent manner in order to avoid involvement in traffic accidents resulting in the loss of, or damage to motor vehicles or other property.
B. Members shall see that vehicles assigned to them are ready for immediate service at all times with tires inflated, oil and fuel at proper levels, and all special equipment and supplies present for efficient performance of duties.
C. Members shall utilize department equipment for its intended purpose in accordance with established policy and procedures, and shall not intentionally or willfully alter, abuse, misuse, or damage equipment or vehicles.

DR 1000 CIVIL CASES

DR 1001 TESTIFYING IN CIVIL CASES
A member shall not testify in civil cases in his or her official capacity as police officers, unless legally summoned.

DR 1002 INITIATION OF CIVIL CASES
A member shall not initiate civil action arising out of his or her official duties without first notifying in writing the Director of Police.

DR 1003 TESTIFYING FOR DEFENDANT
A member subpoenaed to testify for the defense in any criminal trial, or against the City of Memphis or interest of the Department in any hearing or trial, shall forthwith notify his or her supervisor/ commanding officer and District or City Attorney.

DR 1100 LEAVE, SICKNESS, & INJURY

DR 1101 FEIGNING ILLNESS OR INJURY
A member shall not feign illness or injury in an effort to escape duty.

DR 1102 CALLING OFF DUE TO ILLNESS OR INJURY
A member shall report promptly any anticipated absence from duty in conformity with Departmental procedures.

DR 1103 CALLING ON-DUTY FOLLOWING ILLNESS OR INJURY
A member shall notify the proper authority of his or her return to duty in conformity with

Departmental procedures.

DR 1104 LOCATION WHEN ILL
A member reporting sick or injured shall be confined to his or her residence, clinic or hospital during his or her scheduled duty hours except to visit his or her physician (supervisor notification required) or by permission of his or her supervisor. All members are subject to in person or telephone verification of his/her convalescent location during duty hours.

DR 1105 A.W.O.L.
A member shall not be absent from duty without proper authorization.

DR 1106 SICK ABUSE POLICY
Sick leave is a benefit granted by the city to its employees. (*See City Policy PM-46-03.)* Therefore, employees must notify their particular work station of a non-work-related injury or illness requiring absence from work. The employee must provide this notification at least two hours prior to the beginning of **each** shift that the employee will be absent. This notification shall include the specific job duties and responsibilities that the employee will not be capable of performing. However, if an employee has medical documentation noting a block of time that the employee will need medical leave, the employee should immediately forward the documentation to his or her supervisor. Once the documentation has been submitted to the employee's supervisor, the daily notification is no longer required during the time frame notated.
When returning to work, employees must notify their particular work station at least two hours prior to the beginning of their shift.

Sick occurrences will be evaluated over a twelve month period from the time of the first occurrence. Any violations of the frequency of these occurrences will result in disciplinary action.

Supervisors may require medical documentation of the sick / injury occurrence regardless of the time of absence from the work place. **However, supervisors shall require that employees present medical documentation for any absence in excess of two consecutive days.** Recognized medical professionals (licensed physicians) must provide the appropriate documentation of the illness.

An employee medically cleared to return to work is required to immediately report to work. Failure to report to work is an unauthorized leave of absence and will result in disciplinary action up to and including termination.

An employee absent for three days will be sent FMLA paperwork by their supervisor. Family Medical Leave Act leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or because the employee is seriously ill and is unable to work. A "serious health condition" is an illness affecting an employee's health to the extent that he / she must receive in-patient care, or that absences are necessary on a recurring basis, or for more than a few days for treatment or recovery from an extended illness. Adherence to these Family Medical Leave Act conditions is mandatory.

Progressive discipline shall be administered in accordance with this DR and established procedures in the Sick Abuse policy.

Sick Abuse Policy

The Memphis Police Department Sick Abuse Policy is designed for the monitoring of sick leave use, and to establish the level of authority for progressive disciplinary action in cases of abuse.

The City sick leave benefit is designed to provide the continuation of income during times of legitimate illness.

Sick leave is not to be considered as an alternative form of vacation time, "comp" time, holiday leave or time off for personal business. Progressive disciplinary action shall be administered in accordance with procedure established in this policy:

Advisement at the 4th sick occurrence, within a 12-month period.

Oral Reprimand – 10 days suspension at the 6th – 7th sick occurrence, within a 12-month period

10 – 30 days suspension at the 8th – 9th sick occurrence, within a 12-month period

30 days suspension – Termination at the 10th – 11th sick occurrence, within a 12-month period

Termination at the 12th or subsequent sick occurrence, within a 12- month period

A twelve-month time period is the standard utilized with reference to total sick occurrence accumulation. For example, a 12 month period begins with any employee absence attributable to non-job related illness or injury, and continues for 12 months. Anytime six (6) or more sick occurrences exist within a 12 month period, the policy becomes active and disciplinary action shall be taken in accordance with D.R. 1106. An employee who repeatedly violates the policy may be subject to disciplinary action beyond that specified above.

It shall be the responsibility of the employee's commanding officer to administer, charge, conduct hearings, and impose disciplinary action for violations of this policy.

Employees may be required to submit a doctor's note/excuse for each sick occurrence beginning with the first one. Failure of an employee to furnish same after having been previously advised in writing to do so may result in the denial of sick leave benefits for the days in question.

It should be noted that a supervisor may request discretionary authority for the purpose of altering the severity of disciplinary action as stated in this policy. The supervisor requesting to change/alter the disciplinary procedure established herein is to submit in writing to their Deputy Chief the facts and reasons that support extenuating circumstances for a lesser course of action.

DR 1107 FAILURE TO REPORT TO OVERTIME DETAIL

A member shall not be absent from an overtime or Special Events Detail without proper authorization.

DR 1108 USE OF TOBACCO

1. Smoking, including all types of personal vaporizer products with or without nicotine (i.e. electronic cigarettes, e-hookahs), is prohibited in any City/County owned facility, building, vehicle, and at any designated work station.

2. Smoking, the use of smokeless tobacco products, and all types of personal vaporizer products are strictly prohibited while engaged in official duties with the public.

DISCIPLINARY PROCEDURES

Uniformity in discipline will enhance the integrity of this department. It should be noted that the purpose of discipline is to stop inappropriate behavior. Prior to rendering a decision for discipline, the officer's disciplinary resume should be considered. Progressive measures should be considered in an effort to correct the behavior.

However, management can waive progressive discipline after factoring the severity and impact of an employee's infraction. This departure can lead to increased disciplinary actions, which may lead up to and including termination.

Drug Policy

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I. DRUG POLICY

A. Purpose:

To establish the policy for the Memphis Police Department's drug testing program and procedures to facilitate drug testing. This program will supersede any other testing program for testing of police employees.

B. Background:

On November 18, 1988, the Drug-Free Workplace Act of 1988 was enacted by the federal government. The Act requires all grantees (employers) receiving grants from any federal agency to certify that they will maintain a drug free workplace. As a recipient of federal grants, the Memphis Police Department is committed to complying with the requirements of this Act.

C. Introduction:

The City of Memphis Substance Abuse Policy, PM 78-03, states "any employee under the influence, using, selling, transferring, illegally possessing, or testing positive for controlled substances, and/ or alcohol while at the workplace or on City property while on or off duty shall be subject to disciplinary action up to and including termination following investigation by management and after the employee has had an opportunity to answer such charges."

The Memphis Police Department is committed to a drug free workplace. The objective of our agency is to provide a drug free environment with the highest degree of respect for the individual employee's privacy, within the requirements of this policy. This policy will assure all employees that their fellow workers are not abusing legal drugs and not using illegal drugs. Assistance will be provided to those employees who, for whatever reason, fall victim to substance abuse. This policy has a dual mission; to provide a safe and secure working environment for all employees and to provide the citizens of our community with the most effective police protection possible.

D. Policy:

1. Members of the Memphis Police Department will not use any illegal drugs, either on duty or off-duty. Members will not misuse legal drugs or prescription medication.
2. Members will notify their supervisor of the use of any prescription or non-prescription drug, which may in any way impact job performance.
3. Members will contact Employee Assistance Program for assistance with substance abuse problems.
4. Members will notify their supervisor of any criminal drug statute arrest.
5. Members who are found in violation of this policy will be subject to disciplinary procedures as outlined in this policy.

6. All prospective employees will be given a test for drug abuse as part of the pre-hire physical examination, and at various times through-out employment with the Department (i.e. pre-assignment, post accident/ injury, post incident, reasonable

suspicion, follow-up, random, and return-to-duty).

7. All members will be required to submit to drug testing when directed by authorized supervisory personnel or the Director of Police Services' designee. The drug testing liaison and all members of ISB are considered designees for this policy. All drug testing will be conducted by properly licensed medical personnel who will use approved collection and testing techniques as prescribed by the collection centers governing boards. Any member who refuses to report for testing without valid justification may be subject to disciplinary action, up to and including termination. A "refusal to be tested" will include, but not limited to the following:
   - Failure to appear for testing;
   - Not appearing for testing in a timely manner;
   - Leaving the collection site before testing is completed;
   - Failure to provide a specimen;
   - Failure to allow direct observation when mandated;
   - Providing an adulterated sample or substituted sample;
   - Providing an insufficient specimen without a valid medical reason; and
   - Failure to cooperate with the testing process.
   - Failure to submit a sample on the selected date and time without proper authorization from the Director of Polices Services or designee will be considered a positive test.
8. Members having a medical condition that restricts their ability to provide a urine sample must contact the City of Memphis Drug Testing Coordinator (Lakesha Becton 636-6412) to request accommodations. The City of Memphis Drug Testing Coordinator will provide instructions and necessary medical forms. Once the member is approved for an alternate form of testing, this notice will be forwarded to the MPD Drug Testing Liaison. When an approved member with accommodations must submit to drug testing and the member is not able to provide a urine sample, an alternate method of testing will immediately take place. It must be noted, this accommodation must be approved prior to testing.
9. Members required to report for testing outside of normal duty hours will be compensated in accordance with current overtime policy.
10. Random selection will be made by computer. The selection criteria will be random selection with replacement.
11. All information regarding testing and selection will be kept confidential. Breech of confidentiality may result in disciplinary action.
12. Nothing in this policy will negate criminal prosecution, if appropriate.

E. Action:

1. All commissioned Police Officers, Reserve Officers and civilian employees will be subject to random drug testing.

2. Selected groups of critical area employees will be required to submit to mandatory periodic testing. These groups of employees will include the following groups: Organized Crime, TACT, DUI, Training Academy, Aviation, Hostage Negotiators, FTOs, Property and Evidence personnel, Crisis Intervention Team, Inspectional Services, Communications, and any other critical area deemed necessary by the Director of Police Services.
3. Any employee involved in an on-duty traffic accident, where injury to another party has occurred resulting in a fatality, will be required to submit to testing.
4. Any employee involved in an on-duty or off-duty shooting will be required to submit to testing. This includes shootings where there is no personal injury or property damage involved. Accidental discharges and animal shootings are also included in this category. The only exceptions are authorized firearms training and target practice at a licensed facility.
5. Any employee involved in an alleged response to resistance resulting in a fatality will be required to submit to testing.
6. **All employees are subject to mandatory testing for Reasonable Suspicion.**

NOTE: Areas 4 – 6 will apply to all commissioned officers unless they are working off-duty security jobs in a decommissioned status.

F. Reasonable Suspicion Defined:

Suspicion of abuse or misuse of either legal or illegal substances that includes specific and supportable facts which, taken together with rational inferences from those facts, will warrant the belief that a member is under the influence of drugs. Reasonable suspicion of drug abuse is based upon behavioral and performance factors which include, but are not limited to, erratic behavior, an arrest for a drug-related offense, argumentative or aggressive behavior toward management or co-workers, decreases in work performance level, willful misconduct, excessive absenteeism or abuse of the sick policy, excessive tardiness, negligent injuries or accidents, poor traffic safety record, unusual physical appearance indicative of disorientation or observed behavior indicating impaired motor skills, or other documented reasons. No supervisor will initiate drug testing procedures without authorization from the appropriate Deputy Chief.

II. Administration of Testing Procedures:

The Memphis Police Department's drug testing program is administered through the Director of Police Services' designee, referred to in policy as the Department Drug Testing Liaison. Employees are still required to submit to testing for cause as in the past.

Scheduled Employee testing is divided into two categories:

Category A: (Mandatory Test Group) This group includes employees in specialized areas as previously described.

Category B: (Random Test Group) This group consists of all commissioned officers, Police Service Technicians, Reserves, and civilian personnel.

A. Mandatory/ Random Drug Testing Procedures

The Department is divided into testing groups based on work-station assignments. The City Drug Testing Coordinator will randomly select work groups to be drug tested on-site and notify the Department's Drug Testing Liaison. The Drug Testing Liaison will coordinate details such as date, time, location, and approximate number of employees that will be tested with the on-site drug testing vendor. Collectors will secure one or two restrooms at the selected work site for specimen collection. The Drug Testing Liaison or their designee will assist Collectors to ensure that site testing is completed in an orderly and expeditious manner.

Every employee listed as present on the Roll Call on the specified date for the selected group will be tested and informed about testing procedures at the end of roll call. In the event an employee is not at the workstation at the start of Roll Call, notification will be made to that employee to report for testing. Once notified, the employee will report to the workstation immediately, but no later than thirty minutes after notification, to submit to drug testing. Employees will be required to present their police identification or driver's license to the specimen collector. Employees will return to duty immediately at the completion of his/her collection process.

The current vendor for the on-site specimen collection is Mid-South Drug Testing. *(See contact information below.)* They also provide after hours on-site collection for Post Accident/Incident Testing and Reasonable Suspicion Testing.

Mid-South Drug Testing
Kelly Dobbins MA, CPCT, BAT
Chief Manager Mid-South Drug Testing
3294 Poplar Avenue, Suite 250 Memphis, TN 38111
(901) 320-9295 ***(901) 734-0695 *After Hours***
www.midsouthdrugtesting.com

B. Reasonable Suspicion Testing Procedures:

Supervisors will not initiate drug testing based on reasonable suspicion without authorization from the appropriate Deputy Chief. When possible, a second supervisor should be involved. If a Supervisor has reasonable suspicion to believe that a member is performing official duties while under the influence of drugs, the supervisor will initiate a reasonable suspicion drug test as outlined:

1. The supervisor should clearly document the incident or employee's behavior/ performance that led to the reasonable suspicion.
2. Contact the appropriate Deputy Chief to get authorization prior to testing.
3. Complete a Reasonable Suspicion Form.
4. Relieve the employee of duty (See MPD P&P Chapter I Section 2, subsection III, F. Procedures for Relieving of Duty Principal Officers "On-Duty"), explaining concerns, and contact the collection site concerning the testing panel needed.
5. Escort the employee to the drug testing site. If possible, a supervisor of the same gender as the employee being tested should accompany the employee to the testing

facility.

6. Drive the employee home. (Members should not drive when there is reasonable suspicion they are under the influence of drugs.)
7. Complete any paperwork or documentation.

The employee will remain off duty until the test results are received. If the results are negative, the employee shall return to work. If the results are positive, the employee shall remain off duty, and will be advised to seek counseling from Concern EAP.

C. Positive Results

The lab will report all confirmed positive test results to a Medical Review Officer (MRO). Upon receipt of an employee's positive test results, the MRO shall notify the employee by phone. If an employee cannot be contacted and the MRO has made all reasonable efforts to communicate the confirmed results, the results shall be considered verified.

An employee who receives a positive test result may explain the result to the Medical Review Officer within three (3) calendar days of the initial notification. If the employee's explanation is unsatisfactory to the MRO, the MRO will verify the positive test result and report it to the Substance Abuse Policy Compliance Coordinator or Division designee.

If an employee wishes to dispute a positive test result, a request for testing the second half of the original collection (at the employee's expense) must be submitted in writing to the MRO within three (3) working days of receiving the initial result. In the absence of such a request, the positive test result shall be considered uncontested. The employee has the right to consult with the MRO for technical information regarding prescription and nonprescription medications.

The City of Memphis shall pay the cost of the initial and confirmation testing which it requires of the employee. **The employee shall pay the cost of any additional drug tests not required by the City.** When re-testing of a split specimen is requested, the party requesting the re-test shall pay the cost.

Drug testing results shall be held confidential to the extent permitted by the law; however there are several exceptions in the releasing of positive drug test information:

- During legal proceedings or situations in which the test results are relevant to employment;
- Concerning payment of OJI benefits; and
- During disciplinary procedures, such as grievance and arbitration matters, Civil Service Commission appeals, court proceedings, or unemployment compensation matters.

III. CONCERN (EAP)

A. CONCERN – Employee Assistance Program (EAP) is contracted by the City of Memphis to provide confidential, cost-free problem solving help for all city employees, including all Memphis Police Officers and their family members. CONCERN provides a variety of

services, including appropriate assessment, counseling, and referral services to employees who seek assistance for substance abuse problems.

CONCERN provides education and consultation to management concerning intervention and procedures for assisting employees with possible substance abuse problems. They also notify the Drug Testing Coordinator of known violations of the Substance Abuse Policy or other legal mandates and/ or non-compliance with the EAP treatment.

B. The services provided by CONCERN can be accessed through the following avenues:

- A self initiated request;
- A commander's suggestion or recommendation to an officer to seek services; or
- The requirement of the officer to receive services as a part of discipline.

ADDITIONAL EMPLOYMENT

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I. ADDITIONAL EMPLOYMENT POLICY

The policies of the City of Memphis and the policies and procedures of the Memphis Police Department provide clear and enforceable guidelines for all Department employees, both commissioned and non-commissioned, who desire to engage in any employment separate from their City employment. This policy outlines the types of employment for which Department employees are eligible and establishes procedures for approval of such employment and enforcement standards.

The Additional Employment Office will be the Administrator of the Additional Employment Program. This office, under the direction of the Director of Police Services or his designee, will be responsible for the review, approval, compliance and revocation of Additional Employment. All employees must be in compliance with the provisions of this policy and all other orders, policies and procedures of the Department and the City of Memphis, and any other applicable rule, executive order, regulation or law. Failure to adhere to these standards will be cause for disciplinary action.

The Director of Police Services or his designee has approval authority for any deviation to the Additional Employment Policy. Permission for an employee to engage in Additional Employment may be denied or revoked if the Director of Police Services or his designee determines that such additional employment is not in the best interest of the City of Memphis and/or the Memphis Police Department.

II. Definitions

A. Additional Employment: Any authorized off-duty employment or secondary employment.

B. Off-Duty Employment: Any authorized employment outside the Memphis Police Department in one of the following categories:

1. Military: Any employee who is a member of a Reserve or National Guard Unit in any branch of the United States military services or Coast Guard;
2. Off-Duty Non-Security: Any authorized employment in a non-security role where compensation is earned in a direct employer/employee relationship. These earnings also include, but are not limited to services provided as: musicians, authors, ministers, entrepreneurs, self-employment, and partnerships;
3. Off-Duty Security with a Proprietary Security Organization (PSO): Any authorized employment in either a uniformed or non-uniformed security role for a properly registered Proprietary Security Organization where a direct employer/employee relationship exists;
4. Off-Duty Security with a Contract Security Company (CSC): Any authorized employment in either a uniformed or non-uniformed security role for a properly registered Contract Security Company.

C. Secondary Employment: Any authorized employment that requires the use of law enforcement powers by an off-duty police officer, wearing an MPD uniform and MPD issued equipment, working for a Proprietary Security Organization (PSO) within the city limits of Memphis. Secondary Employment is not a right; it is a privilege granted at the discretion of

the Director of Police Services or his designee.

D. Proprietary Security Organization (PSO): Any person or business licensed with the Tennessee Department of Commerce and Insurance, which employs a security guard/off-duty police officer solely for such person, in an employer/employee relationship (TCA 62-35-102).

E. Contract Security Company (CSC): Any person or business licensed with the Tennessee Department of Commerce and Insurance, which engages in the business of providing a security guard or patrol service on a contractual basis for another person or business (TCA 62-35-102).

F. Brokering: Receiving compensation and/or other benefits, for acting in any manner, to arrange Additional Employment for any Department employee.

G. Periodic Events: Establishments that host entertainment and/or sporting events. This includes, but is not limited to, performance arts events that **do not** regularly serve/sell beer and/or alcoholic beverages on a **day-to-day** basis or as a primary source of business.

III. Prohibitions

A. The Memphis Police Department prohibits employment that presents potential conflict of interest or reflects inappropriate acts and conduct of an employee.

B. No employee will engage in any Secondary Employment (working as security in an MPD uniform) on the property of any apartment complex.

C. No employee will engage in any Additional Employment where the employee's work, or that of the employer, is subject to police regulation of the particular area of business involved. This includes, but is not limited to:

1. Establishments licensed to sell liquor or beer for consumption on the premises, including the parking lots of such businesses;
2. Businesses that provide adult entertainment, including the parking lots of such businesses;
3. Dance halls;
4. Billiard parlors;
5. Junk yards;
6. Pawn shops;
7. Alarm companies;
8. Amusement device companies.

D. No employees will engage in any Additional Employment that might place in question the employee's reputation for seeking justice through the court system. This includes, but is not limited to:

1. Working for attorneys;

2. Working for bonding companies;
3. Working for collection companies.

E. No employee will engage in any Additional Employment where the employee, or the employer, reaps pecuniary gain from dealing with the Police Department. This includes, but is not limited to:

1. Working for a wrecker company on the Police Department's approved wrecker list;
2. Working for a company engaged in sales to the Police Department.

F. Department employees will not broker any Additional Employment or business venture for another Department employee. Further, Department employees will not contract for employment with any person or company that provides or brokers security services.

G. An employee's departmental status determines the ability of an employee to engage in Additional Employment. It is incumbent on the employee and the employee's Precinct/Bureau Commander to advise the Additional Employment Office of any change in an employee's Departmental status that may impact the employee's ability to engage in Additional Employment. The following Departmental status categories prohibit an employee from engaging in Additional Employment in the specified categories:

1. Employees with a status of sick or injured off-duty, IOD/limited duty, and Family Medical Leave are not permitted to engage in any Additional Employment;

2. Commissioned police officers with a status of suspension, probation, non-enforcement, relieved of duty, or leave of absence are not permitted to engage in any Secondary Employment and/or any Off-duty Security Employment where the officer's status is dependent on their state commissioned status. Officers may engage in their Secondary Employment or Off-Duty Security Employment once they have returned full duty from the following statuses: sick, injured off-duty, IOD/limited duty, Family Medical Leave, suspension, probation, non-enforcement, relieved of duty, or leave of absence, **with the exception of officers charged with sick abuse policy violations.**

3. No commissioned police officer is permitted to engage in any Secondary Employment and/or Off-duty Security Employment for a period of thirty (30) days after final disposition of any sustained Statement of Charges for violation of the Sick Abuse Policy.

4. Police recruits are not permitted to engage in any Additional Employment.

5. Police Service Technicians (PSTs) who have not completed their scholastic requirements preparatory to becoming a commissioned police officer are not permitted to engage in any Additional Employment.
6. Memphis Police Department Reserve Officers are not permitted to engage in Secondary Employment.

7. Memphis Police Department Probationary Officers are not permitted to engage in any Additional Employment, which includes, Secondary Employment, Off-Duty Security Employment, or Off-Duty Non-Security Employment. Military is not included.

IV. General Provisions

A. The Additional Employment Office is not a contracting office. This office will not recommend, contract, nor broker any Department employee for employment for or to any business. This responsibility rests with the business and individual employee.

B. Additional Employment employers may request a Department employee to recommend other employees for Additional Employment. The employee who makes the recommendation **cannot** receive compensation and/or benefit from any individual or business for making the recommendation.

C. Employees engaged in Additional Employment will not use Departmental files, records, or investigative resources to provide information to their Additional Employment employer.

D. No employee may engage in any Additional Employment or business venture until the Director of Police Services or his designee has approved that employment **in writing.**

E. Prior to the employee's submission of a Request for Additional Employment, the Additional Employment Office must receive all required documentation from the individual business. Once the employee's Request for Additional Employment is received, the Director or his designee will notify the employee, in writing, within fifteen (15) working days of the approval or disapproval of their Additional Employment request.

F. Off-duty security work is defined by the Memphis City Code of Ordinances and includes any security work wherein the employee is compensated by monetary payment, personal property, or benefits, i.e., including, but not limited to, persons who receive a rent-free apartment in return for the performance of security duties.

G. All Department employees are prohibited from owning and operating a security guard company, dignitary protective services, or private detective business, including a guard dog company.

H. All Department employees are prohibited from owning and operating any Contract Security Company. In addition, this requires a business license and registration from the Tennessee Department of Commerce and Insurance.

I. An employee may work for a security guard company or perform security work for a business under the following circumstances:

1. The company must complete the binding Additional Employment agreement between the City of Memphis and the company to employ Memphis Police Officers.
2. The Security Guard Service or the business at which the employee is employed as a security guard is registered with the Tennessee Department of Commerce and Insurance as either a Contract Security Company (CSC) or a Proprietary Security Organization (PSO);
3. The Contract Security Company and the Proprietary Security Organization possesses a General Liability Policy, naming the City of Memphis as the "Additional Insured" with

an attached endorsement. The General Liability policy must provide coverage for the negligent act or acts of the principal insured or the principal insured's agents operating in the course and scope of employment for bodily injury, personal injury and property damage, with endorsements for personal injury, including false arrest, libel, slander and invasion of privacy. The company shall, at its expense, maintain, at minimum, the following insurance coverage at all times during the life of the Agreement:

a. COMMERCIAL GENERAL LIABILITY: Comprehensive General Liability Insurance, including Personal and Advertising Injury, Premises and Operations, and Broad Form Property Damage Liability coverage with minimum limits of:

$3,000,000	General Aggregate
$3,000,000	Products-Completed Operations
$3,000,000	Personal and Advertising Injury
$1,000,000	Each Occurrence (Bodily Injury & Property Damage)
$ 5,000	Medical Expense any One Person

The Comprehensive General Liability Insurance shall include Security, Patrol extension, which provides bodily injury or property damage coverage from any negligent act, error or omission for which the Company is legally obligated.

b. AUTOMOBILE LIABILITY covering owned, non-owned, and hired vehicles with minimum limits of $1,000,000 each occurrence - combined single limits.

c. WORKERS COMPENSATION coverage, covering the police officers, in accordance with the statutory requirements and limits of the State of Tennessee and shall require all subcontractors to do likewise with minimum limits of:

Employer's Liability	$100,000 Each Accident
	$500,000 Disease - Policy Limit
	$100,000 Disease - Each Employee

4. The employee must not carry or display their Memphis Police Department identification card, badge, or uniform while engaged in Off-duty Security work at any time;
5. The employee does not at any time while engaged in Off-duty Security work carry any **issued** Memphis Police Department weapon, handcuffs, or other equipment. Only **personally purchased** handguns as specified in the **MPD Policies and Procedures Manual, Chapter XIII: Equipment, Section 1: Firearms** are authorized for employees engaged in Off-duty Security work.

J. No employee working as a private security guard will make any court appearance connected with an arrest arising out of said security guard duties while on-duty as a member of the Memphis Police Department, or while being paid for a court appearance made as a Department employee.

K. No police officer will be permitted to wear any part of a Memphis Police Department

uniform or equipment while working in any capacity other than when working for the City of Memphis or while engaged in Secondary Employment.

L. On occasion, special written permission is granted for a security guard employed by a private security guard service to direct traffic on dedicated streets. This special written permission from the Director is still necessary, even if the special officer happens to be a regular police officer. On those occasions where written permission has been granted for a special officer to direct traffic, the officer must be dressed in an appropriate uniform supplied by his Off-duty employer or purchased by the officer individually.

This will not prohibit an officer from directing traffic around a church or other charitable institution, on a voluntary basis, while wearing their MPD uniform. Before an officer can provide this voluntary service to any such institution while in uniform, permission must be obtained in writing from their Precinct/Bureau Commanding Officer. The documents related to this request must be forwarded to the Additional Employment Office as notification.

M. No employee will engage in any Additional Employment or business activity that interferes with the employee's regularly scheduled working hours or physically impairs the employee's ability to perform their normal Department functions and responsibilities.

There is no limit ~~is~~ placed on the number of businesses or hours that an employee can work in an Off-duty Employment capacity. It is the responsibility of the individual employee and the employee's supervisor to monitor the impact of the employee's Off-duty Employment on their Departmental work and physical and mental capabilities to maintain their job responsibilities in all Department situations. **A limit of twenty (20) hours per week (Saturday through Friday) is placed on officers engaging in Secondary Employment.**

N. Any employee who receives an injury in connection with their Additional Employment or contracts an illness due to the Additional Employment will not be allowed to use City sick-time without subrogation consideration.

O. Internal Affairs/Security Squad will investigate complaints against employees arising from Additional Employment. If it is determined the complaint does not violate the Memphis Police Department Policy and Procedure, the complaint will be referred to the off-duty or secondary employer for action.

P. In accordance with the Deadly Force policy as outlined in the **MPD Policies and Procedures Manual, Chapter II: Arrests, Charges and Investigations, Section 8: Response to Resistance**, the Security Squad and the Additional Employment Office will investigate any weapon discharge by an officer engaged in Secondary Employment. In the case of a weapon discharge involving an officer involved in Off-duty Security work, the Security Squad and the Additional Employment Office will conduct a compliance check to insure that the officer is not carrying a Department issued handgun.

Q. Personnel from the Additional Employment Office will conduct periodic compliance checks to insure that only approved Department employees are engaged in work outside the Department. Compliance checks will insure that employees are complying with the

Additional Employment policy and all other Department policies and procedures. Compliance checks on officers engaged in Secondary Employment will insure that officers are in complete uniform and present a positive image for the Memphis Police Department.

R. All Additional Employment will expire on January 31 of each year, therefore;

1. If your Additional Employment Status has not changed from the previous year, **the hiring manager must verify the employment each year by completing and submitting a (yellow) verification form to the Additional Employment Office.**
2. Any employees requesting **new employment** outside the department must complete a (green) Additional Employment Request Form. The company hiring must verify their employment by completing a (yellow) Additional Employment Verification Form.
3. All employees changing any personal information should notify the Additional Employment Office. A form will be placed in the employee's file with the changes noted.

S. The use of any Department vehicle for Additional Employment, both marked and unmarked, is **prohibited** in accordance with the **MPD Policies and Procedures Manual, Chapter XIII: Equipment, Section 7: Vehicles**.

V. Military

A. The employee must complete a Request for Additional Employment Form indicating their assignment to a Reserve or National Guard unit of a branch of the Military Services or Coast Guard.

B. The unit commander of the Reserve or National Guard unit must complete an Additional Employment Verification Form annually.

C. The employee must submit these forms to the Additional Employment Office.

VI. Off-Duty Non-Security

A. Employees seeking Off-duty Non-Security work will contract their own employment.

B. The employer must complete an Additional Employment Verification Form and return it to the employee. Next, the employee must complete an Additional Employment Request Form and attach it to the Additional Verification Form.

C. Both the Additional Employment Request Form and the Additional Employment Verification Form must be submitted to the Additional Employment Office for approval.

VII. Off-Duty Security with a Proprietary Security Organization (PSO)

A. Employees seeking Off-duty Security work will contract their own employment with a licensed Proprietary Security Organization.

B. The company must complete the binding Additional Employment agreement between the

City of Memphis and the company to employ Memphis Police Officers.

C. The prospective employer must register with the Tennessee Department of Commerce and Insurance as a Proprietary Security Organization (PSO). The prospective employer must furnish to the Additional Employment Office a copy of the business's registration and a copy of their certificate of liability insurance with an attached endorsement. The Certificate of Liability should name the City of Memphis as the "Additional Insured."

The Certificate of Liability and endorsement should read**, "The City of Memphis, its officials, agents, employees and representatives shall be named as Additional Insured on the General Liability Policy. The additional insured endorsement shall be attached to the Certificate of Insurance."**

The company shall, at its expense, maintain, at minimum, the following insurance coverage at all times during the life of the Agreement:

1. COMMERCIAL GENERAL LIABILITY: Comprehensive General Liability Insurance, including Personal and Advertising Injury, Premises and Operations, and Broad Form Property Damage Liability coverage with minimum limits of:

$3,000,000	General Aggregate
$3,000,000	Products-Completed Operations
$3,000,000	Personal and Advertising Injury
$1,000,000	Each Occurrence (Bodily Injury & Property Damage)
$ 5,000	Medical Expense any One Person

The Comprehensive General Liability Insurance shall include Security, Patrol extension, which provides bodily injury or property damage coverage from any negligent act, error or omission for which the Company is legally obligated.

2. AUTOMOBILE LIABILITY covering owned, non-owned, and hired vehicles with minimum limits of $1,000,000 each occurrence - combined single limits.

3. WORKERS COMPENSATION coverage, covering the police officers, in accordance with the statutory requirements and limits of the State of Tennessee and shall require all subcontractors to do likewise with minimum limits of:

Employer's Liability	$100,000 Each Accident
	$500,000 Disease - Policy Limit
	$100,000 Disease - Each Employee

D. The employer must complete an Additional Employment Verification Form and return it to the employee. Next, the employee must complete an Additional Employment Request Form and attach it to the Additional Verification Form.

E. Both the Additional Employment Request Form and the Additional Employment Verification Form must be submitted to the Additional Employment Office for approval.

VIII. Off-Duty Security with a Contract Security Company (CSC)

A. Employees seeking Off-duty Security work will contract their own employment with a licensed Contract Security Company.

B. The company must complete the binding Additional Employment agreement between the City of Memphis and the company to employ Memphis Police Officers.

C. The prospective employer must register with the Tennessee Department of Commerce and Insurance as a Contract Security Company (CSC). The prospective employer must furnish to the Additional Employment Office a copy of the business's registration and a copy of their certificate of liability insurance with an attached endorsement. The Certificate of Liability should name the City of Memphis as the "Additional Insured." The Certificate of Liability and endorsement should read, **"The City of Memphis, its officials, agents, employees and representatives shall be named as Additional Insured on the General Liability Policy. The additional insured endorsement shall be attached to the Certificate of Insurance."** The company shall, at its expense, maintain, at minimum, the following insurance coverage at all times during the life of the Agreement:

1. COMMERCIAL GENERAL LIABILITY: Comprehensive General Liability Insurance, including Personal and Advertising Injury, Premises and Operations, and Broad Form Property Damage Liability coverage with minimum limits of

$3,000,000	General Aggregate
$3,000,000	Products-Completed Operations
$3,000,000	Personal and Advertising Injury
$1,000,000	Each Occurrence (Bodily Injury & Property Damage)
$ 5,000	Medical Expense any One Person

The Comprehensive General Liability Insurance shall include Security, Patrol extension, which provides bodily injury or property damage coverage from any negligent act, error or omission for which the Company is legally obligated.

2. AUTOMOBILE LIABILITY covering owned, non-owned, and hired vehicles with minimum limits of $1,000,000 each occurrence - combined single limits.

3. WORKERS COMPENSATION coverage, covering the police officers, in accordance with the statutory requirements and limits of the State of Tennessee and shall require all subcontractors to do likewise with minimum limits of:

Employer's Liability	$100,000 Each Accident
	$500,000 Disease - Policy Limit
	$100,000 Disease - Each Employee

D. The employer must complete an Additional Employment Verification Form and return it to the employee. Next, the employee must complete an Additional Employment Request Form and attach it to the Additional Employment Verification Form.

E. Both the Additional Employment Request Form and the Additional Employment Verification Form must be submitted to the Additional Employment Office for approval.

IX. Secondary Employment

A. Officers seeking Secondary Employment will contract their own employment with a licensed Proprietary Security Organization. The Additional Employment Office will disseminate

Department-wide requests from Proprietary Security Organizations who desire officers to work Secondary Employment.

B. The company must complete the binding Additional Employment agreement between the City of Memphis and the company to employ Memphis Police Officers.

C. The prospective employer must register with the Tennessee Department of Commerce and Insurance as a Proprietary Security Organization (PSO). The prospective employer must furnish to the Additional Employment Office a copy of the business's registration and a copy of their certificate of liability insurance with an attached endorsement. The Certificate of Liability should name the City of Memphis as the "Additional Insured." The Certificate of Liability and endorsement should read, **"The City of Memphis, its officials, agents, employees and representatives shall be named as Additional Insured on the General Liability Policy. The additional insured endorsement shall be attached to the Certificate of Insurance."** The company shall, at its expense, maintain, at minimum, the following insurance coverage at all times during the life of the Agreement:

1. COMMERCIAL GENERAL LIABILITY: Comprehensive General Liability Insurance, including Personal and Advertising Injury, Premises and Operations, and Broad Form Property Damage Liability coverage with minimum limits of

$3,000,000	General Aggregate
$3,000,000	Products-Completed Operations
$3,000,000	Personal and Advertising Injury
$1,000,000	Each Occurrence (Bodily Injury & Property Damage)
$ 5,000	Medical Expense any One Person

   The Comprehensive General Liability Insurance shall include Security, Patrol extension, which provides bodily injury or property damage coverage from any negligent act, error or omission for which the Company is legally obligated.

2. AUTOMOBILE LIABILITY covering owned, non-owned, and hired vehicles with minimum limits of $1,000,000 each occurrence - combined single limits.

3. WORKERS COMPENSATION coverage, covering the police officers, in accordance with the statutory requirements and limits of the State of Tennessee and shall require all subcontractors to do likewise with minimum limits of:

Employer's Liability	$100,000 Each Accident
	$500,000 Disease - Policy Limit
	$100,000 Disease - Each Employee

D. The employer must complete an Additional Employment Verification Form and return it to the employee. Next, the employee must complete an Additional Employment Request Form and attach it to the Additional Employment Verification Form.

E. Both the Additional Employment Request Form and the Additional Employment Verification Form must be submitted to the Additional Employment Office for approval.

F. Officers working in Secondary Employment who are required to wear a uniform will wear the authorized MPD Class A or Duty Uniform with the MPD standard patch and MPD issued equipment as specified in the **MPD Policies and Procedures Manual, Chapter XIII Section 3: Uniforms**. No specialized uniforms (Bike Patrol, COACT, TACT, etc.) or unauthorized equipment will be worn while working Secondary Employment. **All** employees working Secondary Employment will wear a Patrol Officers uniform, regardless of their rank, which will include one silver Memphis Police Patrol Badge, two M.P.D. collar insignias, right and left shirt collar and silver name plate. **No** rank insignia shall be visible on the uniform, while working Secondary Employment. Memphis Police Department employees working Secondary Employment **are not** acting in the capacity of an investigator, supervisor or commander while engaged in Secondary Employment. All Secondary Employment officers must carry the Department issued authorized duty handgun as specified in the **MPD Policies and Procedures Manual, Chapter XIII Section 1: Firearms**, with approved leather goods and security holster.

G. The City of Memphis will not be responsible for liability, compensation and indemnification issues arising from injuries or other incidents occurring during Secondary Employment. The Proprietary Security Organization (PSO) will be responsible for these issues.

H. While MPD Officers are engaged in Secondary Employment, they will comply with **Departmental Regulation 118 – Off-duty Responsibility** – which states "*a member is always subject to orders from a supervisory officer and to calls for assistance from private persons. Being technically off-duty does not relieve them from the responsibility of taking proper action in any matter coming to their attention. When there is no urgent or immediate need for police action, a member may request the dispatcher to turn the matter over to officers on-duty; but the member shall take such interim action as may be required prior to the arrival of the dispatched officers".* This includes situations that occur outside the geographical boundaries of the officer's Secondary Employment.

I. Officers will respond to all matters that require their immediate attention by advising the dispatcher using their police radio. The procedure will be to identify yourself as **"Off-duty Officer, IBM#, working at business name/address"**.

J. If a PSO does not pay an officer for the time spent handling MPD emergencies arising during the officer's Secondary Employment, the Department will compensate the officer based on the actual time spent handling the incident. Officers will follow the same guidelines outlined in the **MPD Policies and Procedures Manual, Chapter XIII Section 7: Vehicles, Subsection IV: Marked Vehicle Take Home Policy, D: Compensation.**

K. All costs related to damage of Memphis Police Department uniforms and equipment occurring during Secondary Employment will be the responsibility of the officer or the PSO employer.

L. Officers must ensure that all Departmental paperwork resulting from any law enforcement activity while engaged in Secondary Employment is completed. When applicable, the officer

should notify an on-duty supervisor, as outlined in the **MPD Policies and Procedures Manual, Chapter II Section 8: Response to Resistance.**

I. OVERTIME DETAILS - For Commissioned Officers under the rank of Lieutenant.

The following regulations will be in effect regarding Special Events:

A. An officer will not be called for an event which occurs during his regular tour of duty. If the officer wishes to work an event during his regular tour of duty, the Special Events Office must be notified of his availability.

B. If an officer passes as an option, it must be for one of the following reasons:

(a) Sickness
(b) Family Illness
(c) Death in Family Leave
(d) Injured on Duty
(e) Vacation
(f) Leave of Absence
(g) Military Leave
(h) Written Notification
(i) Conflict with accepted scheduled event for another approved MPD detail (i.e. Beale Street Overtime Detail). The officer must provide detail information for verification.

A memo to the Special Events Office stating the period of time which you will not be available for overtime duty must be received one (1) week prior to that time.
Send to Special Events Office, MPD Traffic Office.

If an officer does pass for an unauthorized reason, he will be taken off of the Overtime List for a period of six (6) months.

C. The Special Events Office shall limit the time to contact an officer to eight (8) hours.

D. Once an officer accepts a detail, he/she shall not cancel unless for one (1) of the reasons in paragraph two "2" above. If an officer cancels at a late hour, the Special Events Office will assign the detail to the first officer who is available to work from the overtime list. Cancellations should be phoned in to the Special Events Office. When this office is closed, cancellations are to be made by phone to an on-duty Traffic Supervisor or a Detail Supervisor.

E. The Special Events Office will fill the details as they occur rather than on a full weekly schedule.

F. An officer will not be required to work a detail unless there is an eight (8) hour time period between the end of the detail and the beginning of his regular tour of duty.

G. Officers are not automatically reinstated to the Overtime (Special Events) List at the end of **any removal from the Overtime (Special Events) List**. To be eligible for reinstatement to the Overtime List, he/she must submit a memo to the Special Events Office.

H. A new officer is required to complete probation before he is eligible to be placed on the

Special Events Overtime List. After meeting this requirement, the officer should send a written memorandum to Special Events, requesting placement on this list.

I. In cases where an officer accepts details and establishes a pattern of canceling the assignments, especially for illness, the Special Events Office will submit a written request to the appropriate Deputy Chief requesting that the officer be removed from the overtime list for a period of six (6) months. Reinstatement provisions stated above will apply to this suspension as well.

II. OVERTIME DETAILS - For Supervisors.

A. Lieutenants wishing to work overtime details must submit a letter of request to the MPD Special Events Office after the notice of this provision is posted. Those Lieutenants whose names are currently on the regular overtime list do not need to re-apply.

B. If a Lieutenant does not submit his name for the overtime list, he shall not be subject to call unless he comes under the provision of the most junior Lieutenant or in the event of civil disturbances or natural disaster.

C. Once a Supervisor accepts a detail, he/she shall not cancel unless for one of the reasons in "D" below. If a Supervisor cancels at a late hour, the Supervisor will be replace by the next available supervisor. Cancellations should be phoned in to the Special Events Office. When the office is closed, cancellations are to be made by phone to an on-duty Traffic Supervisor or a Detail Supervisor.

D. If a Lieutenant passes a detail, it must be for one of the following reasons:

(a) Sickness
(b) Family Illness
(c) Death in Family Leave
(d) Injured on Duty
(e) Vacation
(f) Leave of Absence
(g) Military Leave
(h) Written Notification
(i) Conflict with accepted scheduled event for another approved MPD detail (i.e. Beale Street Overtime Detail). The Lieutenant must provide detail information for verification.

A memo to the Special Events Office stating the period of time which you will not be available for overtime duty must be received one (1) week prior to that time.

Send to: Special Events Office, MPD Traffic Office.

E. A Lieutenant may add or delete his name from the overtime list at any time by submitting a letter to the Special Events Coordinator. If a Lieutenant requests that his name be deleted, he

may not re-apply for three (3) months.

F. As overtime details are requested, Lieutenants will be called in order as they appear on the overtime list. The Special Events Office shall limit the time to contact a Lieutenant to eight (8) working hours. If the Special Events Office is unable to contact that Lieutenant within the 8-hour period, he will be passed over to the next Lieutenant on the overtime list. No Lieutenant may come by the Special Events Office, or call, in order to make a personal request to work a particular detail.

G. In the event a Lieutenant refuses a total of three details, he shall be deleted from the overtime list for a period of three (3) months. At the end of the three (3) months, he may re-apply in writing and have his name placed into rotation.

H. Should the City have a large detail that requires more Lieutenants than are available on the overtime list, the number required shall be filled by calling the most junior Lieutenant.

I. Overtime details where specific technical knowledge, equipment or training is required shall not be considered under the provisions of this bulletin.

J. Please direct all questions to the Special Events Coordinator:

(901) 636-4685
Special Events Office
Traffic Office
1925 Union Avenue
Memphis, TN. 38104

NOTE: Officers will wear the authorized MPD Class A or Duty Uniform with the MPD standard patch and MPD issued equipment. No specialized uniforms (TACT, Motors, etc.) or unauthorized equipment will be worn while working a special event detail.

Public Information Office

Public Information....2
PIO Responsibilities....2
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Other Public Requests....3

I. Public Information

The Memphis Police Department will fully cooperate with the public and authorized news media representatives in their efforts to gather public information pertaining to activities of the police department. However, these efforts will not unduly interfere with departmental operation, compromise ongoing investigations, infringe upon the individual rights of persons, or violate the law. Accordingly, the Department's Public Information Officer (PIO) serves as the central source of information for release by the department and responds to requests for information by the news media and the public.

No unauthorized personnel will reach out to the media and provide information pertaining to the Memphis Police Department, ongoing/closed investigation or personal endeavors without the approval of the PIO. This includes contact through email, telephone, text messages, printed materials and information provided through, but not limited to, social media accounts such as Facebook, Twitter, and Snapchat. Media outlets must submit requests for information through the PIO prior to the release of information. The Director will be thoroughly briefed before approval is granted.

II. PIO Responsibilities

The responsibilities of the PIO are as follows:

(1) Coordinate information releases from the Public Information Office.

(2) Assist news personnel at the scene of incidents and in covering routine news stories.

(3) Assist news media on an on-call basis.

(4) Prepare and distribute news releases.

(5) Assist the Director of Police Services in arranging news conferences.

(6) Review all requests that are submitted by MPD employee's regarding contact with any attorney, bondsman, media personnel, or unauthorized agency / person.

(7) Coordinate interview requests from the media and conduct interviews when necessary. The PIO will be present, when deemed necessary, during interviews conducted by MPD personnel.

(8) Coordinate and authorize the release of information concerning victims, witnesses and suspects.

(9) Assist in crisis situations within the department by responding to the scene of critical incidents.

(10) Coordinate the release of authorized information concerning confidential agency investigations and operations.

(11) In cases involving multi-government agency efforts, the PIO will assist the other agencies coordinated release efforts. The information will be released by the agency having primary jurisdiction.

(12) Annually schedule a meeting between news media representatives and members of the Memphis Police Department's Public Information Office. The meeting will allow for open discussion concerning improving the working relationship between the department

and media personnel and any possible changes related to the public information function.

III. Public Information Services

The services of the Public Information Office will be available to the media during regular business hours, between 0800 and 1600 hours Mon.-Fri., for assistance in any of the aforementioned responsibilities.

Routine requests for information regarding crimes or other public safety issues arising between 1600 and 0800 hours should be directed to the Police Supervisor on the scene of the incident to which the media has responded.

IV. Other Public Requests

A. Requests for Statistical Data should be made through the City Attorney's Office. The request will be reviewed and coordinated with Crime Analysis to answer any requests for statistics.

B. No one shall give out the address, phone number or other personal information of an employee to anyone outside the Memphis Police Department, without the permission of the employee, that employee's division commander, or a higher authority. Under no circumstances will personal information be released by telephone.

B. All requests for copies of 911 tapes or transcripts, copies of personnel records/extracts, or copies of written departmental policies/documents are to be addressed to the City Attorney's office in City Hall (Open Records Request). These requests routinely take a minimum of seven (7) working days for processing.

C. Access to on-site viewing of personnel records is allowed only at the Human Resources Office at 170 N. Main. These requests require identification, and a request for review form must be completed.

D. News Assignment Editors and other designated media personnel will be given the type of crime reported, the time the incident occurred, the location of the crime, the condition of victim/s (when available), and verification of the presence of MPD Officers on the scene.

E. After regular business hours, the Communication's Supervisor and/or Duty Chief will contact the PIO to advise of any crisis situation (i.e. barricade, critical or fatal injury of a law enforcement officer, hostage situation, arrest of MPD employees, incidents with multiple victims or severe chemical spill) where the PIO may be requested to respond, if necessary.

F. On critical scenes, a supervisor ranging from a Lieutenant or above may release information to the media. If a statement is provided to the media, and the PIO is not present, a notification email should be sent to the PIO advising of the information that was released.

G. Members shall not publicly disclose that alcohol and/or drugs were a contributing factor to a motor vehicle crash, until the results of official testing (breath alcohol test, blood test, field sobriety tasks) confirm that alcohol and/or drugs were indeed contributing factors, **AND** the report and/or arrest ticket has been approved and released. When applicable, a representative of the department may

publicly state that toxicology testing will be conducted to determine whether alcohol and/or drugs were contributing factors to the crash.

H. Where crashes involve serious or fatal injuries, MPD Traffic Bureau members shall make a good faith effort to notify those involved or the immediate family of those involved in the motor vehicle crash of the presence of drugs or alcohol as a contributing factor, before such information is made available to the public.

Memphis Airport Police

Memphis Airport Police 2
Jurisdiction Regarding the Memphis Airport 2
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I. Memphis Airport Police

Under the provisions of T.C.A. 42-4-107, Section 14, and in accordance with the requirement of the Tennessee Peace Officers Standards and Training Commission (P.O.S.T.), officers of the Memphis-Shelby County Airport Authority are regularly commissioned Police Officers, having the same rights and the same responsibilities as any other Peace Officer so identified under the Tenn. Code Annotated. Pursuant to this authority, The Airport Police Department is created and comprised of officers, dispatchers, and identification clerks and is headquartered at the Memphis International Airport terminal at 2491 Winchester.

It is the responsibility of the Airport Police Department to receive information and complaints of a criminal nature, to investigate within their jurisdiction, make arrests, and, subject to the directions of the Attorneys General, to pursue prosecution in the City, State, and Federal courts. The dispatchers maintain radio communication with the officers; they have telephone contact with all tenants, security checkpoints, control tower, and they monitor multiple silent alarms and certain aircraft transmissions. In the event of a major emergency or a failure of the telephone system, direct radio contact can be established between the departments on the Mutual Aid frequency using call sign "AIRPORT 1". The I.D. Clerks maintain records of over 6000 present and former employees.

The Memphis Police Department will support the law-enforcement efforts of the Memphis Airport Police Department by providing information, advice, assistance as requested, and when requested, by making immediately available the technical resources of each squad or bureau within this department.

Any complaints, received by precinct desk personnel or officers in the field, or incidents and offenses which occurred on airport property, may be referred to the Memphis Airport Police for a report to be made. The phone number for the Memphis Airport Police is 922-8050.

If the complainant insists that our department take the report, even though the incident or offense occurred on airport property, then the desk personnel or field officer should take the report and forward a copy to the Memphis Airport Police.

II. Jurisdiction Regarding the Memphis Airport

The federal government has imposed stringent security requirements on all Airport facilities. While the primary responsibility for investigation and prosecution of these offenses rests with the U.S. Attorney's Office and the FBI, there are occasions where the responsibility may shift to local authorities.

A. General

The Memphis Airport Police and the Memphis Police Department maintain a respectful

working relationship. The Memphis Airport Police Department is the local law enforcement authority for the Memphis Airport; however, it also lies within the City of Memphis. Memphis police officers should notify the Memphis Airport Police when they are handling anything on airport property. Pursuit situations should be handled according to policy. Officers should have the MPD dispatcher notify the Memphis Airport Police of any pursuit that enters airport property.

When Memphis police officers have probable cause that a passenger at the airport or on a plane has committed a felony or a misdemeanor for which a warrant has been issued or which the officer has witnessed, **the Memphis Police Officer will contact the Memphis Airport Police to handle the arrest**. In some cases, the Memphis Police Officer may be allowed to work with the Airport Police to make the arrest. The Memphis International Airport has federal guidelines and regulations which Memphis Police Department employees are not exempt from. Airplanes are considered Federal jurisdiction, and the Memphis Airport Police will notify the FBI anytime a passenger is to be removed from a plane. In some situations, the Airport Police may be able to call the passenger off the plane to report to the ticket counter. If the person responds, an arrest could be made in the concourse area.

B. Investigations Handled On Airport Property

The Memphis Airport Police will handle general investigations and arrests that occur on Memphis Airport property.

When certain crimes of a serious nature are committed on airport property, the Airport Police will notify the Memphis Police Department at 901-545-2677. An investigation will be conducted by the Memphis Police Department. This includes shooting incidents, fatalities, serious accidents where a victim is in critical condition, or reports involving sexual assaults. The Airport Police will assist the Memphis Police Department in getting clearance to any necessary areas to conduct investigations.

City Watch/Mid-South Alert/Amber Alert

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I. CITY WATCH/ Mid-South Alert

CITY WATCH/MID-SOUTH ALERT is a Memphis Police Department computerized messaging system that can be utilized to provide an outbound messaging service capable of sending both voice messages and email messages to multiple receivers with only one phone call. The system also has the capability to send a fax to multiple receivers with only one fax transmission. Currently, CITY WATCH/MID-SOUTH ALERT communicates with TV, radio and local print media.

Mission:

It is the mission of the Memphis Police Department to create and maintain public safety. With this mission in mind, the department has instituted the CITY WATCH/MID-SOUTH ALERT Program.

Purpose:

The purpose of this program is to establish procedures that will ensure our citizens are informed of newsworthy community events and to serve as a precursor to the AMBER Alert System. While the AMBER Alert System does not take into consideration runaways, missing children, throwaways, or endangered children, the CITY WATCH/MID-SOUTH ALERT will address these issues. The program will expand to other areas such as: missing adults, notable traffic situations, disasters, and other major incidents. At any time during a CITY WATCH/MID-SOUTH ALERT, a missing child incident could escalate into an AMBER Alert scenario. If that happens, the guidelines for the AMBER Alert Program will take precedence.

A. CITY WATCH GUIDELINES

1. In the case of an endangered missing child, endangered throwaway, or endangered missing adult occurring between the hours of 0800 and 1600 hours the Homicide Major or designee will authorize the activation of a City Watch. The on duty Shift Major will be responsible for all other times.
2. City Watch will be used in situations regarding endangered missing children and endangered throwaway children, which may include a **runaway** if the circumstances suggest that the runaway is in danger, the child is outside their zone of safety for their age or development stage, mentally incapacitated, depended upon prescribed medication, and the facts surrounding the disappearance would lead a police officer to conclude that the child is at **risk**. (See attachment #1). The purpose is to provide rapid community notification through the Memphis area broadcasters (TV, Radio, and Print Media).

   A City Watch will be issued on any missing, runaway, or throwaway child who is **endangered or in imminent danger of bodily harm.**
3. The City Watch System will also be used to locate endangered missing adults. These adults may be lost due to extenuating circumstances that could result in life threatening situations, i.e. Alzheimer's patients, endangered lost, or other threatening criteria that necessitate immediate community notification.
4. During regular business hours (0800-1600 hours), the Missing Persons Bureau will be responsible for all City Watch investigations.

5. Between the hours of 1600-0800, Felony Response will be responsible for all missing person investigations. Felony Response will forward the case jacket and phone tip information to the Missing Persons Bureau the following morning.
6. Tips with information will be handled through Crime Stoppers (528-CASH). The RTCC Supervisor will be responsible for ensuring that an adequate number of investigators staff the phone lines in Crime Stoppers.

B. DEFINITIONS FOR CITY WATCH

***Endangered Throwaway*:** Children (seventeen (17) years of age or younger) who are ordered to leave the custodial care of his/her caretakers (kicked out by the caretakers).

***Endangered Missing Child*:** A child (seventeen (17) years old or younger) (see attachment #1) who has disappeared with no sign of abduction and unusual circumstances are present which demand immediate and comprehensive attention. If the child is outside their zone of safety for their age or development stage, mentally incapacitated, depended upon prescribed medication, and the facts surrounding the disappearance would lead a police officer to conclude that the child is at risk. **This may include a runaway who is in danger due to the circumstances surrounding the event.**

C. CITY WATCH FOR MISSING CHILDREN

If a determination based on facts indicates that a child is **missing due to circumstances other than abduction,** the following will be the standard protocol (see attachment # 1):

1. Memphis Police Department will respond to the location of occurrence, search the home and surrounding area immediately.
2. If a City Watch is warranted, a Field Supervisor will make the scene. After verifying the circumstances, the Field Supervisor will:
   a. Notify the Shift Commander;
   b. Notify the Missing Persons Bureau or Felony Response;
   c. Determine if additional resources are necessary to aid in the search (i.e. Additional Patrol Officers, Air Support, Mounted Unit, K-9 Unit).
3. MPD Missing Persons offense report is to be taken **immediately with no waiting period.**
4. The scene officer will contact Station B to verify entry of the missing child is into NCIC (within two (2) hours of the complainant's initial call).
5. Monday-Friday between 0800-1600 hours, the Missing Persons Bureau supervisor will advise the Homicide Major of the circumstances, who will authorize a City Watch based on the facts of the case.
6. During nighttime hours, on-duty shift majors will authorize a City Watch if facts warrant.
7. A City Watch will be transmitted on the missing child as soon as possible.

D. CITY WATCH FOR ENDANGERED MISSING ADULTS

Law enforcement frequently faces situations where the person missing is an adult. If the adult is under the age of (21) twenty-one, Station B should be contacted as soon as possible after the officer makes the scene in order to enter the person into NCIC. **(TBI mandates that missing persons under the age of (21) twenty-one years are entered into NCIC within two hours of the initial call from the complainant.)** If the adult is lost or disorientated due to an accident, illness, mentally incapacitated, or the person is depended upon prescribed medication but the facts surrounding the disappearance would lead a police officer to conclude that the person is at risk; the friends and relatives who frantically search for these individuals face a tremendous sense of urgency as well. The City Watch can adapt itself to meet the needs of lost adults (see attachment #1).

NOTE: This activation follows the guidelines listed in Section C (above) for missing children.

E. MID-SOUTH ALERT FOR OTHER MAJOR EVENTS

Mid-South Alert can be utilized for other events that necessitate community notification such as:

- **Traffic Incidents/ Information**
- **Disasters**
- **Weather**
- **Crime Information**
- **Other Major Events**

Prior to the activation of a Mid-South Alert as described in this section, approval must be obtained from the Precinct Colonel or Lt. Colonel from 0800-1600. An on duty Major will be responsible for approval at all other times. Once approval is obtained, the scene supervisor will contact the Communications Supervisor with information necessary to issue a Mid-South Alert. The proper information and necessary attachments, such as photographs to the Communications Supervisor, will be placed in the actual Alert Bulletin and sent to the appropriate news agencies.

In "Other Events", the scene Supervisor or commanding officer must notify the Communications Supervisor at 901-543-2710. The Communications Supervisor will be responsible for activating the Mid-South Alert Coordinator to activate the Mid-South Alert

F. CANCELLATION OF CITY WATCH

When the endangered child or endangered missing adult is located, the supervisor of Missing Persons or the Felony Response supervisor will be notified. They are responsible for notifying the Communications Supervisor to cancel the City Watch/Mid-South Alert by immediately issuing a "Cancel Alert" bulletin. - Station B will be notified to remove the person from the N.C.I.C.

A Communications Supervisor will transmit the "Cancel Alert" to the media as prescribed. If the endangered child/endangered missing adult are found deceased, the City Watch will be canceled, however no alert is to be sent out to the media.

G. CANCELLATION OF MID-SOUTH ALERT

In cancelling a Mid-South Alert, the scene Supervisor/Commander will notify the Communications Supervisor who will transmit the "Cancel Alert" to the media as prescribed.

H. CITY WATCH FORMS

Separate forms used to issue and cancel City Watch and Mid-South Alerts may be found at MPD Support/Departmental Forms/Bureau Forms.

II. AMBER ALERT

Memphis Police Department Policy and Procedure for Criminally Abducted Children

Mission:

The Memphis Police Department considers the disappearance of a minor child to be an investigative priority; whether it is the result of unknown circumstances, a runaway incident, or a non-family abduction. In each of these incidents, based upon the specific case circumstances, department heads and supervisors will make decisions about the proper level of manpower and resources needed to bring the situation to a successful conclusion. While every missing child situation has the potential for harm, the non-family abduction is the one offense that likely will result in injury, sexual assault or death of the child.

It is the goal of the Memphis Police Department to have a functional system in place that if an Amber Alert is warranted it can be executed within two hours of the Memphis Police Department's initial notification of the child abduction.

In situations where a child has been the victim of a non-family abduction, an aggressive law enforcement response is necessary. The response will be staffed adequately with manpower, resources, and follow a comprehensive investigative plan. The AMBER Alert will be a fundamental component of that plan.

Purpose:

The purpose of the AMBER Alert is to establish procedures to be followed in the event of a CRIMINAL CHILD ABDUCTION. This document will outline the Memphis Police Department's response in a manner that will provide the greatest opportunity for a swift and safe return of the child. It will also provide for the apprehension and subsequent prosecution of the suspects responsible for the abduction. **The AMBER Alert will be issued only for abductions of children (seventeen (17) and under) where there is specific information available on victim(s), suspect(s) or vehicle(s) for broadcast.**

A. Protocol and Activation Criteria

The AMBER Alert is a voluntary partnership between law enforcement agencies and area broadcasters to activate an urgent bulletin in the most serious child-abduction cases. Broadcasters use the National Weather Services (NWS) and the Emergency Alert System (EAS) to air a description/photo of the abducted child and suspected abductor. This information is automatically sent to area media and news organizations (much like a severe weather alert).

B. DEFINITIONS FOR AMBER ALERT

***Stranger Abduction*:** The unlawful taking of a child (kidnapping) by someone not known to the child or caregiver. Seventy-five percent (75%) of these cases result in fatality or severe injury within three (3) hours.

***Parental Abduction*:** The unlawful taking of a child or in violation of a custody order with the intent to deprive the left behind parent without access to the minor child. Note: Incidents of Parental Abduction can develop into life-threatening situations.

C. GENERAL GUIDELINES

1. The AMBER Alert is ***ONLY*** activated by law enforcement.
2. It is ***ONLY*** used for criminal child abduction cases.
3. The responsibility and the decision to activate the AMBER Alert will rest with the Memphis Police Department's Deputy Chief on duty.
4. The AMBER Alert can be issued regionally or statewide.
5. It should NOT be used for runaways.

D. AMBER ALERT STEPS

Although every AMBER Alert is unique to its community, there are certain criteria which must be met before being activated. The Deputy Chief on duty must approve all Amber Alerts. If there is reason to believe the missing child/suspect is in the local area (150 miles of Memphis) AND the following criteria are present, then the AMBER Alert will be issued regionally. If there is reason to believe the abducted child may be outside the 150-mile radius of Memphis, a Statewide AMBER Alert will be issued through TBI. (1-800-TBI-FIND)

1. *STEP ONE – Criteria AMBER Alert*

a. Law Enforcement must have reasonable belief that a child (seventeen (17) years of age or younger) has been abducted.
b. Law Enforcement must believe that the circumstances surrounding the abduction indicate that the child is in **imminent danger of bodily harm or death**.
c. There must be enough **descriptive information on at least one of the following: the child, abductor or suspect's vehicle** to believe an immediate broadcast will be vital to the safe return of the child.

d. The scene officer must contact Station B which will make an entry into the NCIC Missing Person File along with any information on a suspected abductor(s) or suspect's vehicle. A BOLO will be issued immediately.

2. *STEP TWO – Notification*

If the incident appears to warrant an Amber Alert, the Lt. Colonel or Major on duty will be notified and will respond to the location. Once the scene is assessed by the Lt. Colonel or Major and he or she feels that it meets the criteria for an Amber Alert, the Lt. Colonel or Major will contact the appropriate Deputy Chief and advise the facts surrounding the child abduction.

Once the Amber Alert is approved by the Deputy Chief, the Lt. Colonel or Major on duty will contact the Communications Supervisor who will put out a City Watch immediately and will start procedures for Amber Alert activation. Since City Watches can be activated with less time, this will help expedite dispensing information to the public.

IN AN AMBER ALERT SITUATION, THERE IS TREMENDOUS POTENTIAL THAT GRAVE HARM COULD COME TO A CHILD. TIME IS OF THE ESSENCE. IT IS IMPERATIVE TO INVOLVE A DEPUTY CHIEF AS SOON AS POSSIBLE FOR APPROVAL. IN AN EFFORT TO PROTECT THE CHILD IN DANGER, CERTAIN LEVELS OF THE COMMAND STRUCTURE MAY BE BYPASSED IN ORDER TO EXPEDITE THE ACTIVATION OF THE ALERT.

3. *STEP THREE – Activation of an AMBER Alert*

a. The Communications Supervisor will contact the Tennessee Bureau of Investigations (TBI) at 1-800-TBI-FIND (824-3463) and advise an Amber Alert is needed.

b. The Lieutenant Colonel or Major on the scene will ensure that the Communications Supervisor is notified as soon as possible with the necessary information required to activate a City Watch/ AMBER Alert.

c. Communications "Station B" will issue a "Be On The Lookout" (BOLO) containing summary information about the criminal child abduction. A BOLO will be sent whenever an Amber Alert is issued.

d. The Investigator will secure the most recent photograph of child and take it to the Missing Persons Bureau or Felony Response Bureau to be emailed to T.B.I. for preparation of a LOCATER Poster.

e. The Lt. Colonel or Major will establish a telephone hotline for receipt of tips and leads through Crime Stoppers (528-CASH).

f. All personnel will follow National Center for Missing and Exploited Children's (NCMEC) guidelines and Investigative Checklist. (see attachment #2)

g. TBI takes all information (BOLO, NCIC, LOCATER Poster) and notifies National Weather Service- Nashville by email to send a statewide EAS message with the

child's information to all statewide LP1 EAS stations. The Associated Press (AP) is notified by TBI email to send the alert over the wire service.

h. TBI notifies the Department of Transportation (DOT) to activate the Intelligent Traffic Signs.

i. TBI activates the AMBER Alert Web Page and re-broadcasts the BOLO and poster to all applicable state and regional law enforcement agencies giving the TBI's web address or the address of AMBER ALERT.com.

E. CANCELLATION OF AMBER ALERT

In regard to the cancellation of AMBER Alerts, the Communications Supervisor will be charged with the responsibility of canceling the Alert upon the location of the child. This process will include:

- Canceling the BOLO
- Canceling NCIC Entry

The Communications Supervisor will also notify:

- Tennessee Bureau of Investigation

F. REVIEW PROCESS

A meeting will take place after each Amber Alert issued with all parties involved for debriefing and evaluation of the process.

III. Child Abduction Response Team (CART)

CART is a tool created in an effort to enhance MPD's ability to respond within the city and assist surrounding agencies in a quick and effective manner to missing and abducted children.

General Guidelines for Activation (CART 1.1)

1. CART is ***ONLY*** activated by law enforcement.
2. CART is primarily used for criminal child abduction.
3. The responsibility and the decision to activate CART will rest with the Memphis Police Department's Deputy Chief on duty or Director.
4. CART can be dispatched regionally upon Director's approval.
5. CART should NOT be used for runaways.

The Scene Supervisor must notify the CART Supervisor via Communications of the situation. The CART Supervisor, along with MPD Administration, will determine if and to what extent the CART Team should respond.

IV. ATTACHMENT #1

City Watches are not intended to be issued for every missing person or runaway.

Factors have to be established to determine whether or not the missing person or runaway is believed to be endangered.

Factors to Consider When Issuing the City Watch

- Is the person twelve (12) years of age or younger?
- If the person is thirteen (13) or older, consider the following factors:
- Is the person believed to be out of the zone of safety for his/her age and/or developmental stage?
- Is the person mentally incapacitated?
- Are there medical needs that are vital in saving a life?
- Is the person drug dependent, including prescribed medication and/or illegal substances and is the dependency life threatening?
- Is the person believed to be in a life-threatening situation?
- Is the person believed to be in the company of individuals who could endanger his/her welfare?
- Is the person's absence inconsistent with his or her established patterns of behavior and the deviation not readily explained?
- Are there other circumstances involved in the disappearance that would cause a reasonable person to conclude that the person should be considered "at-risk?"

V. ATTACHMENT # 2

AMBER ALERT PROTOCOL

Investigative Checklist for Responder

This checklist is meant to provide a framework of actions, considerations, and activities that can assist in performing competent, productive, and successful missing/abducted children investigations.

FIRST RESPONDER

( ) Interview parent(s)/person who made initial report.
( ) Verify that the child is in fact missing.
( ) Verify child's custody status.
( ) Conduct an immediate, thorough search of the missing child's home, even if the child was reported missing from a different location.
( ) Identify the circumstances of the disappearance.
( ) Determine when, where, and by whom the missing child was last seen.
( ) Interview the individuals who last had contact with the child.
( ) Identify the child's zone of safety for his or her age and/or developmental stage. Based on the available information, make an **initial** determination of the type of incident whether non-family abduction; family abduction; endangered runaway; or lost, injured, or otherwise missing.
( ) Obtain a **detailed** description of the missing child, abductor, and any vehicles used.
( ) Take a report and contact Station B to enter the child into NCIC**. Station B must be contacted.**
( ) Relay detailed descriptive information to Communications for broadcast updates.
( ) Request additional personnel if circumstances require.
( ) Request investigative assistance if necessary.
( ) Request supervisory assistance if necessary.
( ) Brief and bring up-to-date all additional responding personnel including supervisors and investigative staff.

INVESTIGATIVE OFFICER/DETECTIVE

( ) Ensure that everybody at the scene is identified and interviewed separately. Make sure that their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present.
( ) Note name, address, home/ business telephone numbers of each person present.
( ) Determine each person's relationship to the missing child.
( ) Note information that each person may have about the child's disappearance.
( ) Determine when/where each person last saw the child.
( ) Ask each person, "What do you think happened to the child?"
( ) Obtain names/addresses/telephone numbers of the child's friends or associates and other relatives and friends of the family.
( ) Keep Communications apprised of all appropriate developing information for broadcast updates.
( ) Obtain and note permission to search home or building where incident took place.
( ) Conduct search to include all surrounding areas including vehicles and other places of concealment.
( ) Treat the area as a crime scene.
( ) Seal/protect scene and area of the child's home (including child's personal articles such as hairbrush, diary, photographs, and items with the child's fingerprints/foot prints/teeth impressions) so that evidence is not destroyed during or after the initial search and to help ensure that items which could help in the search for and/or

identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/videotape these areas.
( ) Evaluate contents and appearance of the child's room/residence.
( ) Obtain photographs/videotapes of missing child/abductor.
( ) Prepare reports/make all required notifications.
( ) Ensure that information regarding missing child is entered into the National Crime Information Center (NCIC) Missing Person File and that any information on a suspected abducted is entered into the NCIC Wanted Person File. (Carefully review NCIC categories before entering the case, and be sure to utilize the Child Abduction Flag whenever possible.
( ) Interview other family members, friends, and associates of the child, and friends of the family to determine:
  ( ) When each last saw the child
  ( ) What they think happened to the child.
( ) Ensure that details of the case have been reported to the National Center for Missing and Exploited Children (NCMEC). 1-800-THE-LOST.
( ) Prepare and update bulletins for local law enforcement agencies, state missing children's clearinghouse, Federal Bureau of Investigation (FBI), and other appropriate agencies.
( ) Prepare a flier/bulletin with the child/abductor's photograph and descriptive information. Distribute in appropriate geographic regions.
( ) Secure the child's latest medical and dental records.
( ) Establish a telephone hotline for receipt of tips and leads.
( ) Establish a leads management system to prioritize leads and help ensure that each one is reviewed and followed up on.
( ) Obtain briefing from first responding officer and other on-scene personnel.
( ) Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
( ) Obtain a brief, recent history of family dynamics.
( ) Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
( ) Review and evaluate all available information and evidence collected.
( ) Develop an investigative plan for follow-up.
( ) Determine what additional resources and specialized services are required. Execute investigative follow-up plan.

SUPERVISORY RESPONSIBILITY
( ) Obtain briefing and written reports from first responding officer, investigators, and other agency personnel at the scene.
( ) Verify a child has been abducted and there is verifiable suspect or vehicle information.
( ) Designate a note taker to keep track of times and information.
( ) Determine if additional personnel are needed to assist in the investigation.
( ) Shelby County Sheriff Department.

( ) Tennessee Highway Patrol
( ) TBI/State Missing Children's Clearinghouse. 1-800-TBI-FIND
( ) Federal Bureau of Investigation.
( ) Specialized Units.
  ( ) SCSD Search and Rescue Unit
  ( ) Motors
  ( ) Search Dogs
  ( ) Volunteer Search Party
  ( ) Additional Search Boats
  ( ) Four Wheelers and additional search equipment.
  ( ) Aviation Unit
  ( ) Harbor Patrol
  ( ) Airport Police
  ( ) Victim-Witness Services
  ( ) National Center for Missing and Exploited Children (NCMEC's) Project Alert
( ) Ensure that all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested, and expedite their availability.
( ) Establish a command post away from the child's residence.
( ) Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
( ) Ensure that all required notifications are made.
( ) Ensure that all agency policies and procedures are in compliance.
( ) Conduct a criminal-history check on all principal suspects and participants in the investigation.
( ) Be available to make any decisions or determinations as they develop.
( ) Utilize media (including radio, television, and newspaper) to assist in the search for the missing child, locate potential witnesses, and maintain media relation, per established protocols, throughout the duration of the case. Update Command Staff of all pertinent information.
( ) Contact PSN/OCU to assist in locating the suspect.
( ) Contact the PIO or their designee for media inquiries.

VI. CITY WATCH/ MID-SOUTH ALERT BULLETIN EXPLANATION OF FIELDS

Type of Alert: This is the actual type of alert being put out; i.e. – Runaway, Missing child, Missing Alzheimer's Patient, Missing Elderly, Traffic Alert, etc.

Date and Time: This is the date and time of the beginning of the actual event.

Location: The actual location the person left from or the event took place.

Name: The name of the person the event centers around. (Victim)

Address: The address where the event takes place.

Narrative: A complete narrative description listing all the details of the person, place, direction, clothing description, and all helpful information.

Victim Description: A complete physical and clothing description of the person involved. (Victim).

Suspect Description: A complete physical and clothing description of the offender if there is one involved.

Weapons: A complete description of any weapon used.

Time Lapse: The amount of time that has passed from the actual event taking place and the police arriving on the scene.

If Seen Contact: Who to call with additional information: Communications at 901-545-2677.

Authorized By: The Homicide Bureau Major during "B" shift, or on-duty major during "A" and "C" shifts in the case of a missing child or adult.

Colonels or Lt. Colonels on the "B" shift or on duty major during "A" and "C" shifts will be responsible for approval of Mid-South Alerts (major incidents, weather events, etc.

Sent By: The City Watch Coordinator or Communications Supervisor who actually sends the alert. The date and time sent will be recorded beside the name of who sent the alert.

VII. CITY WATCH/ MID-SOUTH ALERT CANCELLATION EXPLANATION OF FIELDS

Type of Alert: This is the same information put on the initial Alert Bulletin.

Date and Time: This is the same information put on the initial Alert Bulletin.

Location: This is the same information put on the initial Alert Bulletin.

Name: This is the same information put on the initial Alert Bulletin.

Address: This is the same information put on the initial Alert Bulletin.

Cancelled By: The name of the supervisor or commanding officer on duty at the conclusion of the event.

Sent By: The name of the City Watch Coordinator or the Communications Supervisor who actually sends the cancellation. The date and time sent will be recorded beside the name of who sent the cancellation.

The fields in the Alert Bulletin and the Cancellation Bulletin must be the same in order to link the two together.

Commendation Program

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To enhance motivation and promote esprit de corps the Memphis Police Department has

established guidelines for recognizing and honoring outstanding performance by commissioned personnel employed by the Memphis Police Department. It has also established guidelines for recognizing and honoring any citizen who displays extreme courage and sacrifices their own safety to come to the aid of officers. (26.1.2)

I. MERITORIOUS AWARDS

A. REPORTING AND RECOMMENDATION PROCEDURES

1. Any officer or civilian who has knowledge of an incident involving a police action and/or an act of public service by any officer can initiate recommendations. This recommendation must be in writing.
2. The nomination should be received and relayed through a supervisor.
3. Nominations will be documented on the "Recommendation for Official Commendation Form." This form can be located by contacting the chairperson of the commendation board at the Training Academy.
4. Nominations should be initiated within one year of the occurrence, unless instructed by the Director.
5. The Recommendation for Official Commendation form should be concise and completely describe the actions of the person being nominated.
6. Supporting documents should be included whenever possible. They should be specific and detailed as to the event, and should include witness statements, reports, photos, news articles, etc.
7. The completed original nomination form and supporting documents will be sent to the Training Academy by the nominator for review by the Commendation Board.
8. The recommendation forms can be found on KIOSK.

B. OFFICERS COMMENDATIONS - CATEGORIES AND DESCRIPTIONS

1. Medal of Honor

a) The Medal of Honor will be awarded to the Memphis Police officers who distinguish themselves with extraordinary act(s) of bravery or heroism above and beyond that normally expected in the line of duty. The deed performed must have been one of self-sacrifice where the action taken, in all probability, may have resulted in death or serious injury.
b) Presented at the Annual Commendation Ceremony.
c) The medal is silver with raised lettering.
d) The ribbon and bar are blue with one red and two white vertical stripes.

2. Medal of Valor

a) The Medal of Valor will be awarded to the Memphis Police officers whose act(s) exemplify heroism and valor. The officer must have demonstrated courageous behavior upon being confronted by a potentially dangerous adversary.
b) Presented at the Annual Commendation Ceremony.
c) The medal is silver with raised lettering.
d) The ribbon and bar are red with four light blue vertical stripes.

3. Lifesaving Medal

a) The Lifesaving Medal will be awarded to the Memphis Police officers who by their immediate actions, saved a human life or prolonged the life of a person for at least twenty-four hours under unusual and /or extraordinary circumstances, but does not qualify for a higher award. The medal may also be earned by any act, which is considered instrumental in directly contributing to the saving of a life. Officers putting themselves in harm's way or extensive persuasion in changing a person's mind in taking their own life are some of the important components in determining the merits of this medal. The Commendation Board will decide what is extensive.
b) Presented at the Annual Commendation Ceremony.
c) The medal is silver with raised lettering.
d) The ribbon and bar are green with one white vertical stripe.

4. Service Medal - Combat

a) The Service Medal - Combat will be awarded to the Memphis Police Officers who have been seriously, critically, or fatally injured while in the performance of their duties. The wound or injury must be to a degree requiring hospitalization, the immediate care of a physician, or capable of causing death or extended disability. To qualify for this commendation, the wound or injury must have appeared to have been caused by the deliberate actions of another in an attempt to cause injury to the officer or some other person, thing, or property; or in the attempted apprehension of said person; or personal combat, or in an attempt to save a human life placing oneself in immediate peril. In addition, this award may be conferred if wearing body armor averted injury.
b) Presented at the Annual Commendation Ceremony.
c) The medal is gold with raised lettering.
d) The bar is purple with two white vertical stripes which represent the wound or injury, extraordinary fidelity, and meritorious service.

e) The ribbon and bar are white with one purple vertical stripe.

5. Service Medal - Accidents

a) The Service Medal - Accidents will be awarded to the Memphis Police officers who, as a result of accidental causes during enforcement activities, have been seriously, critically or fatally injured while in the performance of police duties. This award will be limited to those cases resulting from an accident in which no internal disciplinary action was taken (e.g., a traffic accident, heart attack [approved medically/city approved OJI], or other non-violent incident, which occurs, in the direct performance of police duty).
b) Presented at the Annual Commendation Ceremony.
c) The medal is gold with raised lettering.
d) The ribbon and bar are purple.

6. Director's Award

a) This award may be selected for a member who:
    1. Has shown exceptional initiative, tenacity, and expertise while carrying out their duties.
    2. Presents outstanding acts of community service which is not normally recognized or expected as a normal part of their duties.
    3. Has progressive leadership qualities which contribute to the accomplishment of departmental goals.
    4. Overall distinguishes themselves for exemplary service to the department.
    5. The ribbon is dark blue with one vertical gold stripe.
    6. This award will be presented at the Annual Commendation Ceremony.
    7. The commendation will be in the form of a bar and certificate.
    8. Recipient is selected by the Director of Police Services.

7. Department Officer of the Year Bar (TOP COP)

a) The Department Officer of the Year Bar will be awarded to one Department officer who has shown exceptional performance throughout the year.

b) Presented at the Annual Commendation Ceremony.
c) The bar light blue with two yellow, two white, and one red stripe.

8. Medal of Merit

a) The Medal of Merit will be awarded to the Memphis Police officers who successfully performs extremely complex and difficult investigations, or who demonstrate exceptional skills and ingenuity in the apprehension of wanted persons, who provide outstanding service to the public, or who continuously achieve excellence in the performance of duties over an extended period of time.
b) Presented at the Annual Commendation Ceremony.
c) The medal is bronze with raised lettering.
d) The ribbon and bar are red with two white vertical stripes.

9. Undercover Operations Medal of Merit

a) The Undercover Operations Medal of Merit is given to Memphis Police Officers that have worked deep undercover to infiltrate and investigate dangerous criminal organizations from inside its source. These officers have had to assume new identities, severing all ties with the Department and Department personnel as well as subjecting themselves to involvement in criminal activity, which may include going to jail to keep their identities from being exposed. These officers have changed their entire lifestyles; from their appearances, to their daily routines, to being away from families and friends for extended periods of time. They must demonstrate exceptional skill and ingenuity in gathering the necessary intelligence to effect a successful investigation and/or criminal prosecution.
b) A Memphis Police Officer who has successfully completed this assignment and has been undercover for more than 1 year will receive a medal and a solid black bar. A silver star affixed to the bar represents an officer serving more than 2 year in this assignment.
c) Presented at the Annual Commendation Ceremony.
d) The medal is silver with raised lettering.
e) The ribbon and bar are black.

10. 100 Club Valor Award

a) See “Outside Awards” for requirements
b) The bar is red with vertical red, blue, and yellow stripes
c) The Colonel or Major will give this award at the officer’s roll call.

11. Administrative Excellence Bar

a) Awards of Administrative Excellence are conferred for non-routine conduct of an administrative nature, which surpass the responsibilities of the current assignment. This may include the implementation of a new program, redesigning a current program, etc.
b) Presented at the Annual Commendation Ceremony.
c) The commendation will be in the form of a bar and certificate.
d) The bar is green with two orange stripes.

12. Precinct/Bureau/Division Supervisor of the Year Bar

a) The Precinct/Bureau/Division supervisor of the Year Bar will be awarded to the Memphis Police officers who have shown exceptional performance as a supervisor throughout the year.
b) Presented at the Annual Commendation Ceremony
c) The bar is yellow with two small blue vertical stripes

13. Precinct/Bureau/Division Officer of the Year Bar

a) The Precinct/Bureau/Division officer of the Year Bar will be awarded to the Memphis Police officers who have shown exceptional performance as a supervisor throughout the year.
b) Presented at the Annual Commendation Ceremony
c) The bar is green with vertical blue, yellow, and red stripes.

14. Optimist Club Investigator of the Year

a) See "Outside Awards" for requirements
b) The commendation will be in the form of a bar.
c) The Colonel or Major will give this award at the officer's roll call.
d) The bar is gray with five red vertical stripes.

15. Kiwanis Club Uniform Patrol Officer of the Year

a) See "Outside Awards" for requirements
b) The commendation will be in the form of a bar.
c) The Colonel or Major will give this award at the officer's roll call.

d) The bar is blue with four gold vertical stripes.

16. 100 Club Jerome Turner Award

a) See "Outside Awards" for requirements
b) The bar is red with vertical red, blue, and yellow stripes
c) The Colonel or Major will give this award at the officer's roll call.

17. Memphis Police Department CIT Officer of the Year

a) The Memphis Police Department CIT Officer of the Year will be chosen from the recipients of the CIT Workstation Officer of the Year after a formal review. A committee will be formed from various personnel to make the final selection of the recipient.
b) This award will be presented during the Annual NAMI Memphis CIT Awards Banquet and will be in the form of a bar and plaque.
c) The bar is gold with four thin blue and one thick blue vertical stripe.
d) The following star rankings will indicate how many times an officer has received the Memphis Police Department CIT Officer of the Year award:
    - First Time Recipient – Bar
    - Second Time Recipient – Bar with 1 bronze star
    - Third Time Recipient – Bar with 1 gold star
    - Fourth Time Recipient – Bar with 1 silver star
e) Once these stars have been earned, there will be no additional stars affixed to the bar. When more than one of these awards has been received, only the highest bar, in accordance to the above order, shall be worn.

18. CIT Workstation Officer of the Year

a) CIT Workstation Officer of the Year will be awarded based on performance and recommendations made by the CIT officer's supervisors and a workstation committee.
b) This award will be presented during the Annual NAMI Memphis CIT Awards Banquet and will be in the form of a bar and plaque.

c) The bar is blue with four light blue, two medium blue, two white and one dark blue vertical stripe.

d) The following star ranking will indicate how many times an officer has received the CIT Workstation Officer of the Year award:
   - First Time Recipient – Bar
   - Second Time Recipient –1 bronze star
   - Third Time Recipient – 2 bronze stars
   - Fourth Time Recipient –1 gold star
   - Fifth Time Recipient –1 gold star and 2 bronze stars
   - Sixth Time Recipient – 1 silver star
   - Seventh Time Recipient – Bar with 1 silver star and 2 bronze stars

e) Once these stars have been earned, there will be no additional stars affixed to the bar. When more than one of these awards has been received, only the highest bar, in accordance to the above order, shall be worn.

19. Specialized Unit Bar

a) The Specialized Unit Bar is given to those officers that have chosen or have been appointed to work in a specialized unit that requires additional training above and beyond that of a basic law enforcement officer. These officers must conduct their specialized duties in these units for a minimum of eight (8) hours per tour of duty, must be permanently assigned to the unit, and must have been at these work stations for at least one (1) continuous year. The following units qualify for this bar:
   - Air Support
   - Bomb
   - Canine
   - DARE / GREAT
   - DUI Unit
   - Motors
   - Mounted Patrol
   - OCU
   - Special Administrative Staff to the Director
   - TACT
   - Training Academy

b) The Specialized Unit Bar will be issued at the completion of the first continuous years of service for the specific qualifying unit. The following stars will be placed

on the bar to represent the amount of different specialized units that an officer has served in:

- one bronze – 2nd specialized unit
- two bronze stars – 3rd specialized unit
- gold – 4th specialized unit
- gold star with two bronze stars – 5th specialized unit
- silver star – 6th specialized unit
- silver star with two bronze stars – 7th specialized unit

c) Once these stars have been earned, there will be no additional stars affixed to the bar.
d) The Colonel or Major will give this award at the officer's roll call.
e) The commendation will be in the form of a bar.
f) The bar is brick red with four yellow vertical stripes.

19. Peer Support Bar:

a) Officers/dispatchers who complete the selection process and required training class shall receive:
   - Certificate of training
   - CIS/Peer Support lapel pin.

b) In order to recognize service as an active Peer Support Officer, and to recognize the officers' continuous dedicated service, the Memphis Police Department will honor its Peer Support Officer with the Peer Support Bar.
c) The ribbon is yellow with thin blue, white, and red vertical stripes.
d) The CIS Coordinator will issue this bar to the recipient.
e) The Peer Support Bar will be issued at the completion of one year of service and upgraded every five years. The following stars will be placed on the bar to represent continuous service:
   - bronze – five consecutive years
   - two bronze – ten consecutive years
   - one gold – fifteen consecutive years
   - one silver – twenty consecutive years

f) Once these stars are earned, there will be no additional stars affixed to the bar.

20. Community Service Bar

a) The Community Service Bar may be presented for outstanding acts of community service, not normally recognized or expected as a normal part of an officer's

duty. This may be a single act or cumulative in nature, and normally accomplished during the employee's personal time, yet reflects favorably upon the department. An officer should not receive compensation for the service.

b) The Colonel or Major will give this award at the officer's roll call.
c) The commendation will be in the form of a bar and certificate.
d) The bar is light blue with four gold and three green vertical stripes.

21. Armed Forces Service Bar

a) The Armed Forces Service Bar will be awarded to the Memphis Police officer who is active or has served in any branch of the Armed Services of the United States of America and is in good standing with their respective branch of services while being a member of the Memphis Police Department. A letter of good standing from the officer's military supervisor or a copy of the military DD-14 form that states or indicates an Honorable Discharge will be forward to the Commendation Board.
b) The Colonel or Major will give this award at the officer's roll call.
c) The commendation will be in the form of a bar.
d) The bar is red with four white, two blue, and one yellow vertical stripe.
e) A bronze star affixed to the bar represents participation in a campaign (war).

22. Unit Citation Bar

a) The Unit Citation will be awarded based on a unit's performance. The mere performance will merit recognition for services rendered to the department and/or the community and must be of such outstanding nature exhibiting dedication above and beyond their normal duties.
b) The Colonel or Major will give this award at the officer's roll call.
c) The commendation will be in the form of a bar and certificate.
d) The bar is green with four yellow, two blue and one red vertical stripe.

23. PST Bar

a) The PST Service Bar will be awarded to Memphis police officers who served as a Police Service Technician before becoming a commissioned Police Officer. To qualify for this bar, the Police Officer's - PST service must meet all the following requirements:
    - The Police Officer must have been hired as a PST recruit and have completed the PST portion of the Training Academy.

- The Police Officer must have served as a PST for at least one year and have satisfied all requirements to return to the Training Academy and graduate as a police recruit.

b) The bar is tan with three blue vertical stripes.
c) The Colonel or Major will give this award at the officer's roll call.

24. Campaign Bar (ex. MLK50 Bar)

a) A Campaign Ribbon Bar can be issued to Commissioned Officers, Police Radio Dispatchers, and Police Service Technicians who have contributed in some way to the success of the overall mission of the Memphis Police Department during the campaign.
b) The Director of Police Services shall issue a declaration when an event is to be declared a "Campaign".

1. Our first campaign ribbon (MLK50), in recognition of Dr. Martin Luther King Jr. 50th Anniversary march.
   - Ribbon is two thin white stripes at the edges and two thicker stripes in the middle, the first being black and the second in scarlet.
   - This ribbon *only* is being issued to those who were employed by the Memphis Police Department on April 4, 2018.

c) Subsequent campaign bars will be placed lower than existing bars.
d) The Colonel or Major will give this award at the officer's roll call.

25. Exemplary Service Bar

a) The Exemplary Service Bar will be awarded to the Memphis Police Officer who distinguishes himself/herself by exemplary behaviors over a continuous five-year period. Departmental charges that are sustained will make an officer ineligible for this award except when those charges involve a vehicle accident. Departmental charges involving a vehicle accident will affect the Driver's Excellence award only. Any officer that has pending departmental charges will have to wait until his/her case has a final judgment before the bar can be awarded. The final judgment must be in favor of the officer for the bar to be awarded. If an awardees honorable

service is questioned after the presentation of this award, the information must be forwarded in written form to the Commendation Board to determine whether or not the bar will be revoked. The Director of Police Services will make the final disposition.

b) Any off-duty incident that reflects negatively on the Memphis Police Department will make the officer ineligible for the Exemplary Service Bar.
c) The Colonel or Major will present this award at the receiving officer's roll call.
d) The following star on this bar will represent the consecutive years of exemplary service:
    - bronze - ten consecutive years
    - two bronze stars - fifteen consecutive years
    - gold - twenty consecutive years
    - gold star with two bronze stars – twenty-five consecutive years
    - gold star - thirty consecutive year
    - silver star with two bronze stars – thirty-five consecutive years
g) Once these stars have been earned, there will be no additional stars affixed to the bar.
h) The bar is red with three blue and two gold vertical stripes.

26. Firearms "Distinguished" Bar

- Shooting a perfect score (300 points) on the standard handgun qualification course. The handgun qualification course consists of daylight, dim light, and flashlight courses. Each "3 set" total score will equal one qualifying course. The set must be completed consecutively. This makes an officer eligible for the Firearms "Distinguished" Expert award.
- The bar is blue with three green stripes.
- A gold star centered on the ribbon will indicate a perfect score shot five times consecutively.
- A silver star centered on the ribbon will indicate a perfect score shot ten times consecutively.
- Once the silver star has been earned, there will be no additional stars affixed to the bar.
- This will make this officer eligible for the Firearms "Expert" award.

27. Firearms Proficiency (Expert and Marksman) Bar

a) The Firearms Proficiency award will be awarded to the Memphis Police officer who demonstrates proficiency with their duty side arm by shooting a 88 or above on the standard daylight handgun qualification course.
b) The scores used for determining the Firearms Proficiency award will come from first round in-service.
c) The Colonel or Major will give this award at the officer's roll call.
d) A certificate will be issued when the officer reaches the first, fifth, and tenth qualifying score.
e) Officers who demonstrate proficiency with their duty side arm will be entitled to additional paid leave on an Annual basis in the following amounts:
    1. Officer who shoots between 88 and 92 will receive one day paid leave.
    2. Officer who shoots 93 or above will receive two days paid leave.
f) Firearms "Expert" award**:**
    - Officers will qualify for the "Expert" bar if they shoot an 93 or above
    - The bar is blue with two green stripes
    - A silver letter "E" will be affixed to the ribbon
    - Two gold stars placed on the ribbon on the left and right side of the letter "E" will indicate a 93 or above score shot five times consecutively.
    - Two silver stars placed on the ribbon on the left and right side of the letter "E" will indicate a 93 or above score shot ten times consecutively.
    - Once the silver stars have been earned, there will be no additional stars affixed to the bar.
g) Firearms "Marksman" award:
    - Officers will qualify for the "Marksman" bar if they shoot an 88-92.
    - The bar is blue with two green stripes
    - A gold star centered on the ribbon will indicate a score that is between 88 and 92 shot five times consecutively.
    - A silver star centered on the ribbon will indicate a score that is between 88 and 92 shot ten times consecutively.
    - Once the silver star has been earned, there will be no additional stars affixed to the bar.

28. Drivers' Excellence Bar

a) The Memphis Police Department recognizes that the combination of safe driving and maintaining observant surveillance of the patrol zone require a much higher level of skill than does the normal operation of a motor vehicle. The officer who acquires the ability to concentrate on two major areas of proficiency at the same time deserves

special recognition. The award is presented on the basis of a non-chargeable, accident-free driving record. A chargeable accident negates all accumulated time towards this award.

b) The Driver's Excellence Award will be presented to the officer for having three consecutive years without a chargeable traffic accident.
c) The Colonel or Major will give this award at the officer's roll call.
d) The ribbon is dark blue with two thin gold stripes at the edges followed by two thicker white stripes.
e) The following star on this bar will represent the consecutive year of non-chargeable, accident-free driving record:
    - bronze star - sixth consecutive year
    - two bronze stars - ninth consecutive year
    - gold star - twelfth consecutive year
    - gold star with two bronze stars - fifteen consecutive year
    - silver star - eighteen consecutive year
    - silver star with two bronze stars – twenty-first consecutive year.
e) Once these stars have been earned, there will be no additional stars affixed to the bar.

29. Years of Service Bar

a) To recognize officers' continuous dedicated service, the Memphis Police Department will honor its officers with the Service Bar. The Service Bar will be issued at the completion of the fifth consecutive years of service and will be upgraded every five years. The following stars will be placed on the bar to represent continuous service:
    - bronze - ten consecutive years
    - two bronze stars - fifteen consecutive years
    - gold - twenty consecutive years
    - gold star with two bronze stars – twenty-five consecutive years
    - silver star - thirty consecutive year
    - silver star with two bronze stars – thirty-five consecutive years
a) Once these stars have been earned, there will be no additional stars affixed to the bar.
b) The Colonel or Major will give this award at the officer's roll call.
c) The bar is maroon with one blue vertical stripe.

30. Letter of Commendation

a) When the actions of a member of this department are significant enough in nature to deserve recognition, but do not meet the qualifications for a medal, a Letter of Commendation may be awarded.
b) A record of this shall become part of the officer's permanent file.
c) The supervisor will give the Letter of Commendation at the officer's roll call.

31. Letter of Acknowledgement (OBR – Officer Behavior Report)

a) When the actions of an officer of this department are significant enough in nature to deserve recognition, but do not meet the qualifications for a medal or a Letter of Commendation, a Letter of Acknowledgement may be awarded.
b) The supervisor will give the Letter of Acknowledgement at the officer's roll call.

C. CIVILIAN COMMENDATION - CATEGORY AND DESCRIPTION

1. **Memorial Commendation – "Ultimate Sacrifice Medal"**

a) A Memorial Commendation will be awarded by the Director of Police Services to the family of any member of the Memphis Police Department who dies while in the lawful performance of police services. This award is intended to recognize the family for their sacrifices over the years in support of their loved one's chosen profession. The member shall be eligible posthumously for any other awards that may be appropriate. An immediate family member of the officer will receive the appropriate presentation on behalf of the officer.
b) A certificate and medal will be presented to the family at the Annual Commendation Ceremony.
c) The Officer's photo will be displayed at precinct/office, Training Academy, and the Police museum.
d) Medal description:
   - Outer Circle: The outer circle represents an officer's continuous sacrifice. The background is blue for Police, the verse in the inner circle reads: Greater love has no one than this, that he lay down his life for his friends. John 15:13
   - Inner Circle: The background is white in color to represent purity of the sacrifice. The square in the inner circle has the seal of the city. The seal is placed on the medal to represent the gratitude of the city.

- Shield: Represents the Memphis Police Department's gratitude. The background is purple in color to represent the injury. On the top of the shield it is engraved "Memphis Police Dept.". On the bottom of the shield the engraving reads, "Fidelis Ad Mortem". These words in Latin mean: Gallantry and bravery of Police Officers who gave their lives in defense of their fellow citizens.
- Black Band: Represents an officer's death.
- Lettering: Raised lettering and gold in color. Gold represents the priceless loss of life.

2. **Citizen's Valor Award**

a) The Citizen's Valor Award shall be awarded to citizens of the community who come to the aid of officers in a crisis situation. They will distinguish themselves through acts of bravery or heroism beyond what would be expected of a civilian. The actions must display extreme courage, placing their own safety in immediate peril on behalf of the officers.
b) Given at the Annual Commendation Ceremony.
c) Medal description to be described.

3. **Letter of Appreciation**

a) A letter of Appreciation will be awarded on the basis of the citizen's involvement that is above and beyond what is normally expected.
b) The Colonel of that Precinct, Division, or Bureau will prepare and present a certificate or letter to the citizen.

E. GUIDELINES FOR WEARING MEDALS AND BARS

1. **Medals**

a) Medals may only be worn with dress uniform at subsequent Annual Commendation Ceremonies or other formal ceremonies.
b) Medals will be worn centered on the left breast pocket flap and three-sixteenths of an inch below the top edge of the pocket.

c) The medals/bars shall be worn in this order:

1) Medal of Honor
2) Medal of Valor
3) Lifesaving Medal
4) Service Medal – Combat
5) Service Medal – Accidents
6) Director's Award
7) Department Officer of the Year Bar (Top Cop)
8) Medal of Merit
9) Undercover Operations Medal of Merit
10) 100 Club Valor Award
11) Administrative Excellence Bar
12) Precinct/Bureau/Division Supervisor of the Year Bar
13) Precinct/Bureau/Division Officer of the Year Bar
14) Optimist Club Investigator of the Year
15) Kiwanis Club Uniform Patrol Officer of the Year
16) 100 Jerome Tuner Award
17) CIT Officer of the Year
18) Worksite CIT Officer of the Year
19) Specialized Unit Bar
20) Peer Support Bar
21) Community Service Bar
22) Armed Forces Service Bar
23) Unit Citation Bar
24) PST Bar
25) Campaign Bar (ex MLK50 Bar)
26) Exemplary Service Bar
27) Firearms Distinguished Bar
28) Firearms Proficiency Bar
29) Drivers' Excellence Bar
30) Years of Service Bar

2. **Bars**

a) Bars become a permanent part of the uniform and will be worn on the right side of the uniform shirt, centered above the nameplate, parallel with top of pocket and touching. The Rank of Lieutenant and above will wear bars at all times with the Class

A and Class B uniforms. Patrolmen and Sergeants will wear bars with the Class A uniform, and may wear the bars with the Class B uniform.

b) When two or more bars are authorized, they will be worn next to each other with the highest award nearest the center of the chest.

c) When more than one award of the same medal has been made, only one bar of each type shall be worn.

d) A bronze star centered on the bar will designate the second award in the same class.

e) A gold star centered on the bar will designate the third award in the same class.

f) A silver star centered on the bar will designate the fourth award in the same class.

g) Once the silver star has been earned, there will be no additional stars affixed to the bar for subsequent awards. This procedure will not apply to bars that have separate procedures for affixing stars.

h) The NRA bar will be worn on the left pocket flap, centered below the badge with the top border of the bar parallel to the top seam of the pocket.

F. SUCCESSFUL RECIPIENT

1. Recipients of the Commendation will receive:

a) A certificate suitably inscribed to recount in some detail the reason the award was given.

b) Employees: Medal and/or matching commendation bar

c) Citizens: Medal, Certificate or a Letter of Appreciation

d) A certificate, if a second award is given in the same category. A second medal or bar will not be given. A bronze, gold, or silver star on the bar will represent the number of times the officer receives a particular award.

G. UNAUTHORIZED WEARING OF COMMENDATIONS

a) Officers are not permitted to wear commendations medals or bars that have not been earned.

b) Unauthorized wearing of any commendation will result in formal disciplinary action (DR 119, Neatness & Attire).

c) To determine what commendations an officer is authorized to wear contact the Commendation Coordinator who maintains the official Commendation Database.

H. AWARD REPLACEMENT

a) Lost or worn out bars, ribbons, medals, and stars will be replaced at the officer's expense.

b) Racks for multiple ribbons are the individual officer's responsibilities.

c) Medals, bars, star, and bar racks can be purchased at the Training Academy by contacting the Awards Commendation Coordinator.

II. OFFICER OF THE MONTH AND YEAR AWARDS

A. OFFICER OF THE MONTH PROCEDURE

a) Criteria for Nomination:
- Should be for exceptional performance on-duty or for exceptional performance while off-duty relating to the officer's job.
- If there is no exceptional performance during any month, the Colonel/Major will not submit a nomination for the sake of having an Officer of the Month.

b) Recommendations may be based on one of the following criteria:
- A specific act of unusual meritorious service.
- A specific project of significance to the Community, City, or Department.
- Sustained superior performance of assigned duties.

c) Lieutenants from each shift will nominate an officer and submit it to the Major.

d) Colonels or Majors from the respective divisions/precincts/bureaus will select a committee and establish their own procedures for voting and conducting business.

e) Recommendations will be completed by the end of each month and reviewed on the first Friday of the following month.

f) Successful recipient will receive a certificate. The respective Colonel will present this award at roll call within a reasonable amount of time after Officer of the Month Selection.

g) Award Presentation will be handled by the precinct/division.

B. PRECINCT/DIVISION LEVEL OFFICER OF THE YEAR PROCEDURE

a) Colonels or Lt. Colonels/Majors from the respective divisions/precincts/bureaus will select a committee and establish their own procedures for voting and conducting business. The Officer of the Year will come from the selected Officers of the Month.

b) Divisions for Officer of the Year:
- Communications Dispatcher of the Year
- District One Officer of the Year (Each precinct has an officer of the year)
- District Two Officer of the Year (Each precinct has an officer of the year)
- Executive Administration Officer of the Year
- GIB Investigator of the Year

- Investigative Services - Investigator Officer of the Year
- Traffic Bureau Officer of the Year
- Organized Crime Unit "Narcotics" Officer of the Year
- Organized Crime Unit "MGU" Officer of the Year
- Special Operations Officer of the Year
- Training Academy Officer of the Year

c) Recommendations will be reviewed and a decision made by the 15th of January.
d) Presented at Annual Commendation Ceremony.
e) The bar is green with vertical red, yellow, and blues stripes
f) The successful recipient will receive a certificate and bar.

C. **PRECINCT/DIVISION LEVEL SUPERVISOR OF THE YEAR**

a) Colonels or Lt. Colonels/Majors from the respective divisions/precincts/bureaus will select a committee and establish their own procedures for voting and conducting business.
b) Divisions for Supervisor of the Year:
    - Communications Supervisor of the Year
    - District One Supervisor of the Year (Each precinct has an Supervisor of the year)
    - District Two Supervisor of the Year (Each precinct has an Supervisor of the year)
    - Executive Administrative Supervisor of the Year
    - Investigations Supervisor of the Year
    - Traffic Bureau Supervisor of the Year
    - Organized Crime Unit "Narcotics" Supervisor of the Year
    - Organized Crime Unit "MGU" Supervisor of the Year
    - Special Operations Supervisor of the Year
    - Training Academy Supervisor of the Year

c) Recommendations will be reviewed and a decision made by the 15th of January.
d) Presented at Annual Commendation Ceremony.
e) The bar is yellow with two vertical blue stripes.
f) The successful recipient will receive a certificate and bar

D. **DEPARTMENT OFFICER OF THE YEAR (TOP COP)**

a) Any officer that has shown superior performance throughout the year can be nominated for the Memphis Police Department Officer of the Year. Officers that have

been selected Precinct/Division Officer of the Year will automatically be eligible for this award.

b) Recommendations will be made on the special nomination form. This form can be obtained by contacting the Chairman of the Commendation Board at the Training Academy.

c) Recommendations will be forwarded to the Commendation Board for evaluation no later than January 15th of each year.

d) The Chairman of the Commendation Board will forward the nomination that is approved by the Board to the Director of Police Services for final approval.

e) The Director will return the file to the Chairman of the Commendation Board for filing and officer notification.

f) After the Director approves the nomination, the Coordinator will prepare an Information Bulletin.

g) Copies of the certificates will be sent to Police Personnel and the Training Academy.

h) Presented at Annual Commendation Ceremony.

i) The bar is light blue with vertical yellow, white, and red stripes.

j) The Training Academy will handle the bar, certificate, and ceremony.

k) The Public Information Officer will prepare and disseminate a press release for the media and an article for Research and Development.

E. AWARDS FOR OFFICER OF THE MONTH AND YEAR

1. Precinct/Bureau/Division Officer of the Month may receive:
   - A take home car for the month
   - A designated parking space at worksite.
   - Officer of the Month plaque or certificate.
   - Their photo displayed at precinct/office.
   - An automatic nomination for Precinct Officer of the Year.
2. Precinct/Bureau/Division Officer of the Year may receive:
   - Officer of the Year plaque or certificate.
   - A designated parking space for the upcoming year at the issuing workstation.
   - Their photo displayed at precinct/office.
   - Automatic nomination for Department Officer of the Year.
   - Bar
3. Department Officer (TOP COP) of the Year may receive:
   - Officer of the Year plaque or certificate.
   - A designated parking space at worksite.
   - Training school of choice.

- Their photo displayed at headquarters.
- Bar

III. OUTSIDE AWARDS

When an officer receives a law enforcement award from outside the Department, a memorandum will be forwarded to the Director of Police Services requesting authorization to wear the award on the uniform. A photocopy of the award shall be attached to the memorandum.

a) The memorandum will explain the source of the award and how it is related to law enforcement.

b) The Director or Deputy Director will respond in writing approving or denying the request. A copy of the request and approval/denial will be placed in the individual's Department personnel file and one sent to the Memphis Police Commendations Board. No award will be worn on the uniform without the approval of the Director.

Any officer of the Department that receives an award from another agency or business for outstanding performance will receive consideration for a similar award from the Memphis Police Department.

Transportation

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I. General Procedures

Memphis Police Officers engaged in Signal 5 or transporting activities will proceed promptly and directly to the official transport destination.

During transporting activity, emergency situations may arise which require the immediate attention of the transporting officer. No action should be taken by the transporting officer, which might endanger the safety of the individual being transported.

In an emergency situation requiring the immediate attention of the transporting officer, the following guidelines should be followed:

A. The transporting officer will immediately advise the dispatcher of the emergency situation and will request assistance as dictated by circumstances.

B. The transporting officer will maintain a safe distance from danger, and will broadcast information to direct the response and deployment of arriving officers.

C. The transporting officer will resume transporting upon arrival of responding officers.

D. Officers shall conduct a search of the vehicle prior to and after transporting of prisoners.

E. The transporting officer will transport all prisoners in the rear passenger compartment of the vehicle.

F. All persons riding in a City of Memphis vehicle will be required to wear a seatbelt.

The Shelby County Sheriff's Office transports all prisoners outside Shelby County. (70.1.4)

II. Pre-Transport Prisoner Searches

A. The transporting officer is legally responsible for the safety and custody of the prisoner being transported. All prisoners will be searched for weapons and/or contraband prior to transport and anytime custody changes from one officer to another officer. (70.1.1)

B. At the beginning and end of each tour of duty, and prior to and after prisoner transport, each police officer will conduct a thorough examination of their patrol car to ensure:

1. Officer(s) and prisoner(s) safety
2. That the vehicle does not contain any contraband material, such as stolen property, narcotics, or weapons. (70.1.2)

III. Transporting by Vehicle Procedures

A. Prisoner Transport Seating- When an officer is transporting a person in custody, the following steps will be observed:

1. All prisoners will be placed in an approved police transport vehicle. All vehicles at minimum will have a safety barrier to separate the prisoner and officer during transport. All squad cars that primarily transport prisoners will also have the door handles and window cranks disabled and/or removed. For optimal safety, a one-man car will secure the prisoner(s) behind the passenger seat and a two-man car will secure the prisoner(s) behind the driver seat. (70.1.3) (70.4.1) (70.4.2)
2. Officers shall only transport the number of prisoner's the transport vehicle will accommodate with seatbelts.
3. Under no circumstances will a prisoner be transported in the front seat of any police department vehicle. (70.1.3)

B. Safety Belts

1. Prisoners Transport- All prisoners will be secured in the vehicle by use of a seatbelt to prevent injury to the individual. Extenuating circumstances may exist which prevent the safe application of the safety belt to the prisoner. Such circumstances may include extremely combative prisoners, or the possibility of officer contact with bodily fluids or infectious disease. The transporting officer will have to use discretion based upon the threat level present. Each individual instance must be evaluated on its own merit, and officers shall articulate, on the arrest ticket, why the prisoner was not secured in a safety belt for transport. (41.3.3)
2. Signal 5 Transport- All persons placed in an MPD vehicle for a Signal 5 transport will be secured by use of a seatbelt to prevent injury to the individual. If the safety belt could aggravate an injury/illness/handicap the individual possesses, the officer will advise their supervisor of the situation before the transport commences.
3. MPD Employees- All employees occupying an MPD vehicle must wear a seatbelt in accordance with Tennessee State Law Title 55, Chapter 9, Section 6, "Safety Belts" to prevent injury to the officer(s).

C. Prisoner transport communication- Once the transport of a prisoner(s) has commenced, transporting officer(s) will not allow the prisoner to communicate with anyone other than the transporting officer(s) while being transported unless otherwise approved by the supervisor. (70.1.5)

D. Prisoner Transfer Security- Officers will notify receiving personnel (jail intake, firefighters, paramedics, courts, other agency, etc.) whenever a change or transfer of custody of a prisoner occurs and the subject has blood or infectious materials present on their person, has made a voluntary statement that they have an infectious disease, or if the prisoner is known to be a security hazard. (70.1.6.e) (70.1.8)

E. When transporting all prisoners or engaged in a signal 5 (including juveniles), the officer will advise the dispatcher:

1. The location the individual is being transported from;
2. The location the individual is to be transported to;
3. The individuals sex and race; and
4. Odometer reading of the transporting police vehicle at the start and end of transport.

IV. Special Prisoner Transport Situations [70.3.1]

A. The jail shift commander must be contacted before a mass transport of prisoners is made to the jail. Mass transport of prisoners is the transport of twenty (20) or more suspects at one time.

In the event any unit, division, or district plans on running a zero tolerance operation where a mass number of prisoners transported is anticipated, coordination with the jail will be needed. The jail shift commander should be contacted in advance at 901-222-4703, so that they may coordinate their staff to ensure safe and efficient processing.

B. When transporting sick, injured and/or disabled prisoners officers will:

1. Exercise due care to the prisoner respective of the illness, injury or handicap and will ensure the transporting vehicle is appropriate for prisoners with wheelchairs, crutches or prosthetic devices;
2. Utilize a MPD vehicle whenever possible; and
3. Use restraining devices when necessary and possible.

C. Under no circumstances will the Memphis Police Department transport prisoners to funerals, to visit critically ill persons, or to the reading of a will, etc. [70.3.3]

V. Transporting Prisoners, Victims and Witnesses to the Investigative Bureaus

A. Officers transporting prisoners to the Investigative Bureaus located at 170 N. Main will notify Communications shortly before arrival at 170 N. Main. Communications will contact the respective Investigative bureau and advise them to have two (2) investigators meet the officer at his/her vehicle in the garage of 170 N. Main. The investigators will take custody of the transported individual from this location and properly exchange the handcuffs at this time. When exchanging handcuffs the prisoner must remain handcuffed at all times and officers must utilize proper handcuff exchange techniques. If the officer is required to remain at the bureau, he/she will then properly secure his/her vehicle in the parking garage and the exchange of handcuffs will take place inside the respective bureau. Officers shall conduct a search of the vehicle prior to and after transporting of prisoners.

B. Officers transporting victims and/or witnesses to the Investigative bureaus at 170 N. Main will properly secure the police vehicle inside the parking garage and escort the victims and/or witnesses to the Investigative bureau.

VI. Prisoner Escape Procedures

A. If a prisoner escapes from custody while being transported, the following actions will immediately be taken by the transporting officer:

1. Notify the dispatcher and supervisor by providing pertinent information i.e. location, direction of travel, name and physical description of escapee. (70.1.7.a)
2. Commence searching for the prisoner and perform all other duties as directed by the supervisor. (70.1.7.c)

As soon as possible after the escape has taken place, the officer will complete a detailed Incident/Offense Report, which will state the circumstances surrounding the escape of the prisoner. (70.1.7.b)

B. The shift supervisor will coordinate the search and will also determine when to terminate the search. (70.1.7.c)

VII. Ride-Alongs

Requests for Observer Ride-alongs will be considered on a case-by-case basis. The Department reserves the authority to deny any request without written cause.

A. All requests from civilians to ride as observers with police personnel must be approved by the Precinct Commander or Designee for the location. The civilian making a request must complete and submit the following forms for consideration and approval:

1. Application for Ride-along with reason for request, (example A);
2. Observer Ride-along Hold Harmless Agreement, (example B);
3. Valid identification with photo.

No other forms will be accepted.

B. Citizens may obtain these forms from any police precinct, the department website, or the police administrative offices. Once completed, forms should be submitted to the appropriate Precinct or Unit Commander at least five (5) working days prior to the requested date of the observer ride-along. The applicant's identification will be photocopied and included with the forms. The Precinct's designee will conduct a cursory records check on the person requesting the observer ride-along. The results of the cursory records check will be included with the completed request forms.

C. Unit commanders may deny requests at their level. Any completed, approved request forms, with records check, will be forwarded to the respective Deputy Chief for final approval.

D. Upon the Precinct Commander or Designee's approval, all requests for observer ride-alongs will be forwarded to and maintained by, the originating Precinct/Unit Commander. One

copy will be provided to the person making the request. Observers will not be allowed to bring weapons of any type, recording devices, cameras, or cell phones on ride-alongs, without written permission of the Director of Police Services.

VIII. Ride-Alongs for Probation/Parole Officers

Probation and Parole Officers may ride with Memphis Police Department personnel after completing a "Hold Harmless Release – Probation/Parole Officer Ride Along" form. Once approved, the form must be sent to the Accreditation Office, 170 N. Main., 11th floor Rm.1114. The Accreditation Office will then post the names of those eligible Probation/Parole Officers on the KIOSK. The "Hold Harmless Agreement" will be valid for one year.

A. IN-SERVICE TRAINING

All Memphis Police Officers will attend the Memphis Police Department's regular annual In-Service Training at the Memphis Police Academy unless a waiver is approved from a Deputy Chief, the Deputy Director or the Director of Police Services. If a waiver is granted, a Substitution Form must be completed by the requesting officer and submitted to the Chief of Training for review. Substitution Forms submitted must have a Certificate of Completion and a grade report attached. If no test is administered, a detailed evaluation of the course must be submitted. These forms will be forwarded to the P.O.S.T. Commission for final approval for In-Service Training.

B. SPECIAL TRAINING NEEDS

Units within the Department having specialized training needs will submit a memo to their respective Deputy Chief in December of each year, identifying those needs for the following year. These specialized training requests, once approved by the respective Deputy Chief, will be forwarded to the Training Academy for implementation.

C. CONDUCTING/HOSTING SPECIAL TRAINING

Any unit within the Department which **conducts** or **hosts** a specialized training course for agency personnel and/or non-agency personnel, (i.e. bid training), must have this training approved by the Chief of Training thirty (30) days prior to the commencement of training. The following documentation **must** be submitted to the Chief of Training for pre-approval:

1. Goals and objectives of the course.

2. Course schedule indicating dates, times, and locations for each block of instruction.

3. Synopsis of each lecture block presented.

4. Brief biography for each instructor participating in the training.

5. Lesson Plan for each block of instruction with a cover sheet outlining specific goals and objectives.

6. Written Test(s) with answer key(s). All tests will consist of multiple choice and true/false questions only, with no more than 20% true/false.

Once the training has been approved, and upon implementation, a daily attendance roster of participants must be maintained. MPD personnel are to be submitted on a separate roll call. Each roll call will contain the following:

Last Name, First Name, Middle Initial
Social Security Number
Rank and IBM# if MPD Personnel
Agency Represented
Sex/Race

At the conclusion of training, all attendance records must be submitted to the Training Academy for record keeping.

D. TESTING

The Training Academy will administer all tests involving specialized training courses given by any Departmental unit.

E. RECEIVING SPECIAL TRAINING

Any officer who **receives** specialized training from sources other than the Memphis Police Department's Training Academy should submit the documentation listed below to the Academy upon course completion.

1. Name of conducting agency
2. Goals and objectives of the course
3. Course schedule indicating dates, times, and locations for each block of instruction
4. Synopsis of each lecture block presented.
5. A copy of any issued certificate
6. Test score, if applicable

The purpose of forwarding training documentation, attendance records, and performance scores to the Academy is to provide a central location for all training records, ensure completeness in individual and unit training records for future litigation requests, and identify qualified police personnel for specialized Departmental needs.

F. EXTENDED LEAVE OF ABSENCE

Any officer on an extended Leave of Absence upon return must:

1. Complete any missed In-Service Training requirements.
2. Receive additional training concerning Law Update, Policy and Procedures update, and any other topic deemed essential. This course will include a comprehensive test covering the material.

This training and testing will be conducted at the Training Academy as a prerequisite to returning to full duty status.

It will be the supervisor's responsibility to see that this training is coordinated through the Chief of Training.

It will be the individual officer's responsibility to obtain any Policies & Procedures Manual updates and Criminal Code updates upon returning from a leave of absence. Updates can be obtained through the Policies & Procedures Manual Coordinator at the Training Academy.

Classification, Assignment and Distribution of Personnel

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I. Classification of Personnel

A. Definitions:

1. **Job Classification**: A job classification encompasses more than one job, for which responsibilities and qualification requirements are sufficiently alike to justify the same treatment with respect to personnel practices. The classification of job positions is linked to a specific rank. (21.2.1a)
2. **Job Position**: Any combination of duties and responsibilities, in a specific job class, to be performed by one or more employees on a squad, unit, or shift that are identical in all significant respects so that a single descriptive title can be used to identify the work. (21.2.1b)
3. **Job Description**: A written description of the qualifications, duties and responsibilities for a job position. Job descriptions for all sworn positions will be posted in the Bid Book at the appropriate workstations. Job Descriptions for civilian positions are available to all employees in the MPD Human Resource Office located at 170 N. Main. (21.2.2)

B. The development and maintenance of job classifications and job descriptions shall be the responsibility of the MPD Human Resources Office and the Deputy Chief of Administrative Services. Job classifications and descriptions will be reviewed when appropriate, and the following guidelines shall be considered:

1. Job positions for sworn officers shall be grouped into job classifications, by rank, based on similarities in duties, responsibilities and qualification requirements.
2. Every job position within a job classification shall have a job description.
3. Salary shall be directly related to job classifications. Compensation to classifications will be established through the collective bargaining unit for non-supervisory ranks, and will be established by City of Memphis Human Resources for supervisors. (21.2.1c)

The reclassification of jobs and changes to job descriptions will be made by the Deputy Chief of Administrative Services as necessary, with approval from the Director of Police Services. (21.2.1d, 21.2.2)

C. Sworn positions on the Memphis Police Department will fall in one of the following Job Classifications:

1. Director of Police Services
2. Deputy Director of Police Services
3. Deputy Chief
4. Colonel
5. Lieutenant Colonel
6. Major
7. Lieutenant
8. Sergeant
9. PII Patrolman
10. PIIP Probationary Patrolman
11. Reserve Police Officer

* Civilian positions will be classified according to City personnel policy.

II. Assignment of Sworn Personnel

A. Bid Process

The Bid Process shall be the responsibility of the MPD Human Resources Office and the Deputy Chief of Administrative Services. A Bid Book will be available to all personnel and will contain current openings as well as job descriptions for all non-supervisory sworn positions. Bid Books will be posted at the following locations:

- Raines Station
- Tillman Station
- Mt. Moriah Station
- Union Station
- Old Allen Station
- South Main Station
- Airways Station
- Appling Farms Station
- Ridgeway Station
- MPD Human Resources Office
- Felony Response Office

All bids must be posted in Bid Books for five (5) days. Officers must bid for jobs in person by signature, and will receive a receipt to show the placed bid. The officer will retain the original and a copy of the receipt will be forwarded to the MPD Human Resources Office at the time the bids close. Precinct supervisors and MPD Human Resource personnel may accept bids and present receipts. An officer may rescind their name from the bid by appearing in person, with their receipt, at MPD Human Resources during working hours and within the five (5) days that the bid is open. The following guidelines will apply to the bid process:

1. City-wide seniority will prevail in bidding for job openings within the Memphis Police Services Division, with the exception that commissioned time seniority will prevail for all employees commissioned after June 30, 2000.
2. Probationary employees will be excluded from the bid system. Probationary officers will be assigned to shifts at the time of commission. Assignments will be made appropriate to manpower needs and Field Training Officer availability. The probationary period for officers will extend one (1) year beyond the commission date unless remedial training is deemed necessary. Further information regarding trainees' probationary period is located in the Field Training Officer (FTO) Program Guidelines Manual.
3. Jobs that require qualifications must have these qualifications posted on the bid notice. The Commander of the Unit being bid into may pick from the three (3) most senior qualified applicants. When multiple openings are posted, selections will be made from a list of qualified personnel numbering not more than two (2) times the number of openings to be filled. Employees passed over regardless of their seniority for these jobs will be notified in writing within five (5) days of the specific reasons for their not being selected by the Unit Commander, which may include attendance and disciplinary patterns.
4. Job bids will include job assignments, qualifications, and the date of the bid opening and closing. Bids will remain open five (5) days.
5. Each officer may successfully bid on three (3) jobs per 12-month period. An officer making a successful bid to job assignments requiring special training, equipment or clothing will be excluded from bidding for a new job assignment for a period of six (6) months from the date of their last successful bid. This exclusion applies after the officer receives this training, equipment, or clothing and only applies to officers assigned to Aviation, DUI, Crime Scene Investigation, the Tact Unit, Mounted Patrol, K-9 Unit, Bomb Squad, and Motorcycle Squad.

6. An officer may bid on not more than two (2) jobs simultaneously. In the event an officer bids on two (2) jobs simultaneously, they will list first and second preference, and if successful in both, the officer will be assigned to their first preference.
7. If it is determined the position of the successful bidder will be deleted after the first round of bids; no further bids will be required. If it is determined the position of the successful bidder will be filled and the deletion made elsewhere, two (2) additional bids will be completed after the deletion has been noted. Upon completion of the two (2) additional bids, the officer with the lowest seniority number will be required to fill the open position.
8. Before probationary employees who have achieved the rank of PII are certified, their jobs will come up for a two (2) round bid process. These bids will be restricted to Uniform Patrol, the Regional Medical Center, and Traffic (excluding the Motorcycle Division).

B. Temporary Assignments

Management may see the need for temporary assignments when it is beneficial for the goals of the department or division, including but not limited to the following situations:

- When unanticipated resource needs develop causing a time critical situation.
- When an employee has a performance deficiency and temporary exposure to another aspect of policing will benefit the employee and the department.
- When eligibility lists do not exist or have expired.
- When time constraints for training demand immediate placement.

Officers may be assigned to any unit, squad, or shift other than their home bid assignment under these conditions: (16.2.3a, b)

Temporary Loan (T/L) – Assignment to a unit, squad or shift other than their present assignment for periods of up to 14 calendar days at a time. The same officer may not be loaned more than three (3) times in a twelve-month period.

Temporary Assignment (T/A)– Assignment to a unit, squad or shift other than their present assignment for a period of not less than fourteen calendar days nor more than three calendar months (90 days). Upon the completion of the temporary assignment, the officer must return to their permanent assignment and may not be temporarily assigned again for a nine-month period from the last day of the temporary assignment.

Training (O) – Mandatory or optional assignment which may or may not be an officer's regular tour of duty, location, or shift. Training assignments will not be construed as being a loan or temporary assignment.

Special Detail (Y) – Events which management does not fill under the overtime agreement and occur during an officer's regular tour of duty without being construed as a loan or temporary assignment. The officer's duty hours and location for reporting to duty will not be adjusted, unless specified as "variable" in the officer's job description, or the officer volunteers for the detail.

When the need for a temporary assignment is anticipated or occurs, the affected Workstation Commander shall make notice to their Deputy Chief. The appropriate Deputy Chief will assess the need and, if approved, notify the other Deputy Chiefs of the temporary assignment available. Requests will be sent to Workstation Commanders for suggestions regarding personnel that are

qualified for the assignment. Workstation Commanders will then submit their recommendations for review by the Deputy Chiefs. Recommendations will be reviewed for the following criteria: (16.2.3c, d)

- Seniority
- Qualifications and experience
- Work ethic
- Disciplinary resumes
- Sick abuse violations

Upon approval by the appropriate Deputy Chief, the temporary assignment must be approved by the Director of Police Services.

Patrol officers wishing to gain further training and increase their investigative abilities may request temporary assignment to an Investigative Bureau by submitting a memo to their workstation commander indicating why they are requesting the assignment. The departmental benefits of these assignments include:

- Strengthens investigative processes.
- Enhances career development for individual officers.
- Improves criminal investigation reporting.
- Improves and provides for more complete preliminary investigations by patrol officers.

Opportunities for assignment to an Investigative bureau will strictly hinge on the availability and need for manpower.

C. Transfers to Non-Bid Positions

Officers may be transferred from their bid assignment to a non-bid position by transfer to one of the following positions:

- Organized Crime Unit
- Police Employee Assistance Unit
- Research and Development
- Training Academy/Ordnance
- Public Information Officer
- Executive Administration
- Multi-agency Task Forces

In the event that an officer is removed from a bid assignment and is placed into a non-bid position, the officer may not work in any other bid assignment that is not their home bid position. If an officer in a non-bid position successfully bids to a new bid position, they must work in the new bid position. The officer will be excluded from any new non-bid position for 12 consecutive months.

III. Allocation of Personnel

A. Objectives

The primary objective of the allocation of department personnel is to improve efficiency and effectiveness by:

- Balancing workloads
- Minimizing response times
- Enhancing officer safety

In order to accommodate fluctuations in workload demand, the Department shall reassess the allocation of personnel to divisions/units on a triennial basis. Workload Assessments will be completed prior to the budget process. The Director of Police Services will make all final decisions regarding the allocation of personnel. (16.1.2)

B. Workload Assessment Reports

In order to efficiently distribute personnel among organizational components and document the need for additional personnel, periodic workload assessments of the department will be prepared. The workload assessment will be initiated by the Accreditation Office triennially, or at the request of the Director of Police Services. The necessary data to complete the assessment will be compiled from the appropriate source (compstat, crime analysis, communications, etc.) and sent to the Accreditation Office, which will establish a reasonable deadline for the submission of the data. A detailed process for the completion of the workload assessment is outlined in the Executive Administration Manual. (16.5.1, 16.2.1, 16.1.2)

Uniform Patrol Organization and Administration

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I. Functions, Duties, Responsibilities

The primary functions, duties and responsibilities of Uniform Patrol shall include, but are not limited to, the following:

- Providing emergency response and services.
- Response to calls for service.
- Preventive patrol.
- Traffic control, direction and enforcement.
- Maintenance of public order.
- Preliminary Investigations of criminal offenses, offenses, incidents and conditions, including arrest of offenders.
- Traffic crash investigations.
- Regulation of activities or businesses required by law.
- Crime prevention and repression.
- Street level drug enforcement.
- Crisis intervention through use of trained Crisis Intervention Officers.
- Development and maintenance of good relationships between the public and the Memphis Police Department.
- Other duties and functions as assigned.

II. Shift Assignments

It shall be the responsibility of the Uniform Patrol Division to provide response to emergency and non-emergency incidents within the City of Memphis on a 24-hour basis. In order to provide for continuous patrol coverage, four staggered shifts are utilized. (41.1.1)

Alpha Shift	2330-0730
Bravo Shift	0700-1500
Charlie Shift	1400-2200
Delta Shift	1700-0100

The Director, based on operational needs and recommendation of other staff personnel, shall assign an appropriate number of job openings to the Uniform Patrol Division to carry out the patrol duties and functions. The Deputy Chief shall assign an appropriate number of job openings on shifts as necessary for effective patrol coverage. All shift openings will be filled through the bidding process by seniority. (41.1.2a)

Each shift will be commanded by a Major and supervised by Lieutenants. Each Lieutenant will be assigned two to four wards for each shift, and will be responsible for addressing any crime trends or personnel issues for officers assigned to each supervisor's wards.

III. Regular Days Off and Benefit Days (Vacation, Compensated time, etc.)

Regular days off will rotate among three sections (A, B, and C), with Friday being a common workday for Uniform Patrol Personnel. Section assignments will be made by a shift supervisor to ensure that each section has equal manpower. Each shift on duty will be staffed with the appropriate number of officers determined by individual shift needs and crime analysis. (41.1.2e)

The Precinct Colonel shall establish minimum-staffing levels for each shift to make certain there is adequate manpower to provide proper and efficient coverage.
Shift Lieutenants shall control and schedule requests for days off for their shift, insuring adequate manpower available. Generally, officers shall be granted such days off on a first-come first-serve basis. However, supervisors may reschedule or cancel such days off for good cause (i.e. such as having workload emergencies, special events or requests, etc.).

Vacations will be bid according to Citywide seniority and will be bid at a minimum of one (1) week at a time. The bid for vacations will be made during the month of December and will be in accordance with employee preference and in line of Citywide seniority. The number of employees off on vacation in a given week will be determined by Supervisors to assure orderly operation of the respective Divisions and Departments. At the time the officer bids for his/her vacation, the officer may elect to set aside five (5) vacation days and/or odd vacation days to be taken at increments of less than five (5) days. The above listed vacation days can be taken at the discretion of the officer with the prior approval of his/her supervisor. These days are not priority days to be used in vacation seniority preference, but they must be taken off during the calendar year.

The use of benefit or compensatory time (accumulated, bonus, in-service, personal, court, FLSA) will be granted on a first-come first-serve basis in accordance with available manpower and operational needs. Vacation blocks of less than 5 days, benefit days, and compensatory time off will not be scheduled any further than 30 days in advance.

The following guidelines shall be followed for Lieutenants' days off and benefit leave days:

- There will be a minimum of two Lieutenants on duty for each shift.
- Lieutenants shall coordinate their leave days and vacation schedule with the Shift Major.

IV. Ward Assignments

All ward assignments shall be made at the discretion of the shift supervisors, taking into consideration individual requests, experience, work attitude, knowledge of the ward or other factors. Rotation of officers among the different wards shall be at the discretion of the shift supervisor. (41.1.2c, d)

V. Roll Call Procedures

Roll call will be conducted promptly at the beginning of each shift and generally should not

exceed 15 minutes. Shift Lieutenants will attend and brief shift personnel. This briefing should include, at a minimum: (41.1.3)

- Information on unusual situations.
- Status of major investigations, wanted persons, or stolen vehicles.
- Notification to officers of any changes in schedules/assignments.
- Changes in policy or new policy.
- Inspection of personnel
- Roll call training. This is to include, but not be limited to, visual, audio, or brief lecture/reading material. It will be the responsibility of the Shift Major to see that such training is carried out and made available to shift members on enough consecutive days to ensure ample opportunity for all shift members to receive training.
- Shift briefings from Investigative Bureaus.
- Information exchange among personnel present.

VI. Call Response

Response to calls for service/incident may require one or more officers, depending on the circumstances of the event. While one unit may be appropriate in some situations, others may require two or more additional units for safety and effectiveness. (41.2.1)

A. Single Unit Response: Normally, one patrol unit shall be dispatched to handle routine calls for service/incidents. Upon arrival at the incident location, a single unit may request additional units if needed. Examples of single unit response include:

- Misdemeanor and minor felony crimes already committed and the perpetrator has left the scene.
- Traffic crashes.
- Information/report type calls.

B. Multiple Unit Response: Generally, two units shall be dispatched to handle serious or non-routine calls for service/incidents. If information received prior to the response indicates a need for more than two units, additional units may be dispatched. The first unit on the scene may cancel the response of secondary units or request additional units, depending on the circumstances. Any additional units arriving at an incident shall clear the scene as soon as it is determined that their presence is no longer needed. Two units (or more) shall respond to the following types of incidents:

- Officer request for assistance/help, officer down/injured.
- Felony or violent/serious misdemeanor arrests.
- Alarms.

- Calls involving mentally disturbed persons.
- Any crime, having just occurred when there is a need to check the area for suspects.
- Known/unknown disturbance.
- Incident involving weapons.
- Crimes in progress.
- Domestic/neighborhood disputes.
- Robbery/burglary alarms.
- Traffic crashes on Interstates or roads with high traffic volume.
- Missing children.
- At the request of the responding officer, when in his judgment the need for additional officers exists.

Under no circumstances will more than two police vehicles gather at any location at the same time unless:

- They are answering a call for service;
- They are on official police business; or
- They have received a supervisor's approval.

Upon completion of calls and self-initiated activities, officers will return to service immediately. Officers will make themselves available to handle waiting calls as quickly as possible.

VII. Responder Notifications

Patrol officers on the scene of incidents will, through radio communication with the dispatcher, make the following notifications: (41.2.5)

- Memphis Fire Department – injuries to officers or citizens, fires, gas leaks, Hazmat incidents, etc.
- MLGW – gas leaks, water main leaks, poles and wires which have been struck and are down or damaged (provide pole number)
- Public Works – sewage/waste problems, clogged street drains, large potholes, road debris
- Tennessee Department of Transportation (TDOT) – debris, stranded motorists, or traffic blockage on any Interstate.
- Animal control – loose and/or dangerous animals, animal mistreatment
- EMA - Traffic light malfunctions, Traffic signs down, Barricades, Sand/Salt/Cinders
- ATT – Damage to phone boxes or phone lines

Crime Prevention

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PURPOSE:
To provide structure to the Crime Prevention effort of the Memphis Police Department.

A. ACTION:
The Crime Prevention efforts of the Memphis Police Department seek to combine prevention, intervention, and law enforcement in a partnership effort with the community to combat crime. The Department performs outreach community activities through Police Station Uniform Patrol officers. The Crime Awareness and Education programs presented are designed to fit the needs of the community, our citizens, and our business leaders. This effort engages in community policing through proactive events and activities related to such initiative as business watch, neighborhood forums, traffic saturation, mentoring programs, youth and elderly activities and other events designed to address local community concerns.

B. PHILOSOPHY
The Memphis Police Department is primarily concerned with the safety of its citizens, not only their personal safety, but the safety of their property as well.

1. From this concern, a number of crime prevention programs, permanent and as needed, have been developed utilizing citizen's feedback and local crime data to reduce the potential of Memphis residents from becoming victims of crime. 45.1.1a
2. From this concern, the Memphis Police Department must encourage and assist in developing and implementing crime preventative programs and groups, which will effectively address community perceptions and/or misperceptions of crime and the department, itself. 45.1.1b, 45.1.2,45.2.1h
3. This policy is designed to make every employee aware of what programs are available, how these programs operate in order to maximize the number of citizens that can be reached, and to do so in the most effective and efficient way.
4. It shall be the responsibility of each MPD employee to promote crime prevention activities and to relate all information that is relevant or may enhance Crime Prevention efforts to respective Station Commander. 45.2.1b, 45.2.3 Any information from other agencies or juvenile facilities shall also be considered in addressing juveniles**.** 44.1.2

C. TRAINING
Concern may arise from feedback gathered from citizens or citizens' organizations (via telephone, written correspondence, and/or surveys), internal investigations, field supervisors, etc. that require informative training, the Station Commander in which the complaint was received may contact the Academy and request instruction on said topic be administered in in-service training. However, if no training is needed, the information will be disseminated to perspective stations/units to effectively address the concern, whereby improving agency practices concerning police-community interaction. 45.2.1e, 45.2.1f, 45.2.1g

D. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN
The Department actively seeks to provide crime prevention input into the development

and/or revision of zoning policies, building codes, fire codes, residential and commercial building permits as requested by development groups, organizations or the Office of Planning and Development.
The Director of Police Services orchestrates all avenues within the department and ultimately is responsible for final input of any law enforcement related input towards the environmental design. 45.1.3

E. MEDIA RELATIONS

In order to enhance community involvement, media relations are conducted through correspondence with the Public Information Officer. Correspondence may occur before or after the event depending on the type of activity. For example, a rally may require prior media notification to enhance participation and media contact after this event to publicize the outcome. Monthly reports pertaining department successes, problems, solutions, improvements, and overall department information will also be utilized by the Public Information officer. 45.2.1d

F. EVALUATIONS

1. Periodic evaluation and re-examination of Crime Prevention programs and goals will be conducted by each Precinct Commander to ensure that the Crime Prevention function meets the current needs of the community. 45.1.1c Evaluation may be made through a number of methods that include, but are not limited to:
   a. **Monthly reports** of Crime Prevention programs and activities, which are incorporated and presented during CompStat meetings to Police Director and administration. Any needing publicized will be forwarded to the Agency's Public Information Officer for publication. 45.2.1d These reports will contain information on the operations of all aspects of Crime Preventative efforts, such as:
      1) A description of current concerns voiced by the community via phone, programs and other police correspondence. 45.2.2a
      2) A description of potential problems that are related to the law enforcement activities within the community. 45.2.2b
      3) A statement of recommended actions that address previously identified concerns and problems. 45.2.2c
      4) A statement of progress made toward addressing previously identified concerns and problems**.** 45.2.2d
   b. **Annual reports** will provide an evaluation of departmental Community/Crime Prevention programs. The evaluation will be designed to ensure that the programs speak effectively to the concerns of the community and assist in developing community involvement policies for Crime Prevention within the Department. Each Precinct Commander will oversee the evaluation process using information received from program request forms and report findings to the Director of Police Services as often as requested. 45.1.1c, 45.2.1c
   c. **Tri-annual Citizen Survey** will be conducted by the Crime Prevention Unit and Neighborhood Watch to develop a base of information regarding community attitudes toward the performance of the department. This information will be summarized and

submitted to the Memphis Police Department's Administration. Information derived from such surveys should be used as part of a system of gaining community input in developing Department policy. The survey will include at least the following information:

- Respectfulness
- Prevention
- Performance
- Promptness (45.2.4.a,b,c,d)

With the use of the above information, as well as other established reports, the Crime Analysis Unit will identify, upon request, the types and/or locations of crimes, which will provide guidance in targeting areas for Community Relations/Crime Prevention endeavors.

2. All Crime Prevention programs will be evaluated annually to determine whether they are still effective. The evaluation should include whether the current programs should continue, be modified, or deleted. 45.1.1c
3. All juvenile enforcement and prevention program evaluations shall be compiled and evaluated by the Research and Development Office on an annual basis and the report shall be forwarded to the Director of Police Services. This report shall contain quantitative and qualitative justifications for continuance, modification or discontinuance for existing or proposed programs. 44.1.3

G. PERSONNEL

Crime Prevention programs are requested during various hours. They will be accommodated with an officer on that respective shift. There should be at least two officers per B, C, and D shifts qualified to make presentation. This position is voluntary and subject to the Precinct Commander's approval.

H. PROGRAM REQUEST

Program request forms initiated by walk-in, mail-in, call-in, fax, and referrals from the Neighborhood Watch Coordinator will be forwarded to the respective Shift Lieutenant. The Lieutenant will assign the program and contact precinct's crime analyst for an analysis of the area of concern of requested program i.e. burglary, vehicle theft. This information, copy of request form, and informational flyers/bulletins will be given to officer. The shift lieutenant is the officer's first line of supervision.

The officer shall log the assignment on log sheet and provide communication with location and times of in and out of service. Once program is completed, the officer will sign and return to Lieutenant who will keep a copy and forward a copy of the signed request form and analysis to their crime analyst.

I. FORMS

1. Program Request/Evaluation
2. Residential Security Survey (Spanish/English)
3. Business Security Survey

4. Household/Firearm Inventory

J. PROGRAMS PROVIDED

1. Security Survey
2. Drug Awareness
3. Fraud/ Identity Theft
4. Gang Awareness
5. Personal Safety
6. Career Day
7. Robbery
8. Officer Friendly
9. Campus Safety
10. School Safety
11. Gun Safety
12. Gun Violence
13. TV/ Radio Tips
14. Health Fairs
15. Senior Safety
16. Juvenile Law
17. Driving Safety
18. Criminal Assault
19. Any other topic requested in which the department can accommodate (i.e. school safety patrol, conflict resolution)
20. Neighborhood Watch
    a. Citizen Academy
    b. Ambassadors
21. Boxing Gym

K. PROGRAMS LIAISON(S)

The department seeks to provide any necessary assistance that can increase citizens' safety. Various communities may express special needs or concerns.

1. Islamic Liaison: Officer is responsible for educating and transferring concerns of the Islamic community to his/her Shift Lieutenant.
2. Latino Liaison: The Crime Apprehension Team (CAT) encompasses Latino personnel, who act in a liaison capacity.

All liaison programs will follow the protocol of any other Crime Prevention program.

II.

MEMPHIS POLICE DEPARTMENT
NEIGHBORHOOD WATCH PROGRAM

A. HISTORY

The National Neighborhood Watch program is one of the oldest and most well known crime prevention concepts in history that stresses education and common sense. Neighborhood Watch in Memphis was officially formulated in 1984. The national organization has been in existence for approximately 30 years in cities and counties across the U.S.A. The concept of neighbors watching out, however, has been in existence for as long as people have been living together in communities. The local organization is based on the active participation of neighbors and a willingness to keep an eye open for suspicious activity in and around your neighborhood.

B. FORMATION

The local umbrella organization was formed by a group of concerned citizens to reduce crime in their neighborhood and communities. There was a perceived need that citizens could help in the reduction of local crime by being vigilant and a collaborating with local law enforcement. Neighbors were able to meet and greet each other and learn routines so that any "out of place" activity could be recognized, reported and investigated. The group developed a cohesive body of concerned citizens who addressed crime related issues of the entire community. Neighborhood Watch is a national organization, which empowers local citizens to take back and maintain a better quality of life in their respective neighborhoods.

In order to organize a Neighborhood Watch program an interest and need must be voiced by citizens of that neighborhood. The Neighborhood Watch officers along with N.W. Coordinator, which serves as a liaison between the department and that particular group, will then conduct three meetings with interested citizens for training. According to the area, the group will fall under their respective Coordinator. 45.1.2

C. PHILOSOPHY/ MISSION

The mission of the Memphis Neighborhood Watch Association is to serve as an important crime prevention initiative by which to reduce crime and improve the quality of life in neighborhoods. Through the use of citizens, in cooperation with local police, the association brings together law enforcement teams and private citizens in a cooperative effort in the fight against crime. Neighborhood Watch represents a long-held faith in local neighborhoods as the cradle of community and safety among its citizens, and the Memphis Police Department is proud to support this worthwhile partnership.

D. JOB DESCRIPTIONS

Each precinct's Neighborhood Watch coordinator works under the general direction of their Precinct Colonel and Lieutenant Colonel. The Precinct Colonel and Lieutenant Colonel are responsible for overseeing the functions and responsibilities of the Neighborhood Watch coordinators assigned to their precinct. They are to monitor the coordinators and program as needed, assist with budget and equipment concerns, as well as, address any other issues that may arise concerning the Neighborhood Watch program.

E. PUBLICATIONS GUIDELINES

NHW coordinators prepare proper documentation of unit initiatives, programs and events and may make periodic reports to supervisor(s) and contribute to the MPD annual report.

Prior to the printing or distribution of any publication it must first be approved by the Research & Development Unit. Document Proofs may be emailed or sent via interdepartmental mail for approval. New documents may not be distributed without prior approval and should be submitted early enough to allow an ample amount of time for proofing and printing.

Note: Research & Development is not responsible for any other NW function.

F. GOALS/INTENTIONS

- To become acquainted with our neighbors.
- To work together to identify and solve problems in the community.
- To facilitate, maintain and improve communication between the citizens of Memphis and the Memphis Police Department.
- To establish and maintain the Citizen's Police Academy, Ambassadors and Neighborhood Watch volunteers providing support and an effective voice liaisons between the community and the Memphis Police Department. 45.1.2, 45.2.1a
- To help police by being aware of and reporting any unusual activities as they occur.
- To report "abnormal" activity in our neighborhood.
- To implement crime prevention techniques to enhance home security.
- Not to apprehend suspects, but to leave that to the police.
- To put neighbors back into neighborhoods.
- To exchange information on crime and crime prevention.
- To advance crime prevention concepts in the community by educating the public in the application of physical crime prevention techniques.
- To work together for the betterment of living conditions for all residents of Memphis through participation in an anti-crime and community service activities.

G. OFFICE INFORMATION

Civilian Neighborhood Watch personnel are housed out of their respective precincts.

H. MEDIA

The success of the various neighborhood watch activities occurs through the publication of newsletters, internal reports, grant reporting documents and the occasional media coverage, which is generated by the activity itself. An annual "National Night Out" Event receives citywide coverage of the importance of watch groups and their respective programs.

I. PROGRAMS

- Business Watch – designed to inform business owners how to appropriately target harden their business
- Apartment Watch – both programs help fight crime by asking citizens to look out for each other
- National Night Out – a citywide event, which draws attention to the importance of communities watching out for crime and criminal behavior in their respective neighborhoods.
- Citizens' Police Academy – to provide citizens a better understanding of police functions, how policies are developed, the decision-making process, and what an officer experiences on a day- to- day basis.

  ** Upon completion of the Citizens' Police Academy, participants may further support the department in choosing to become Ambassadors.
- Youth Police Academy - similar to the Citizens Police Academy but geared toward youth.
  Youth will learn about law enforcement, gain leadership, problem solving, and team building skills while they develop friendships and increase their self-esteem.

  ** Training Academy serves as the ideal location to execute this program.
- Ambassadors- designed to give citizens more hands –on involvement in supporting the Memphis Police Department with endeavors such as but not limited to barbeques and precinct beautification. These are not sworn officers. The scope of authority is that of a citizen and no uniform is needed to perform their support duties. However, Ambassadors must successfully complete the Citizens Police Academy. **(16.4.1.a,b, 16.4.2)**

III.

MEMPHIS POLICE DEPARTMENT
BOXING PROGRAM

A. OFFICE INFORMATION

Location: 315 S. Hollywood
Memphis, Tennessee 38114
Office Hours**:** Monday-Friday, 10:00 AM- 6:00 PM
Telephone: 901-320-5708

Fax: 901-320-9323

B. DUTIES

The boxing gym is responsible for providing administrative support and supervision for the successful maintenance of the Boxing Gym and reports to the Special Operations Commander concerning Boxing Gym activities.

C. HISTORY

The Memphis Police Boxing Team has been in existence since the early 1950's. Funding for the program was established through the executive division of the Memphis Police Department. This unit was designed to provide inner city kids with an outlet to deter crime and to teach self-defense. The program was also designed to teach anger management and self-respect.

D. MISSION

To provide a facility for young men and women to improve their physical fitness and better health, to teach boxing skills, and to initiate self- respect and discipline. The program caters to inner city, troubled teens mostly from single parent homes.

E. GOALS

To deter young men and women from criminal activity and gangs. To teach and provide physical training. To monitor school progress and reward those who excel. To take individuals who excel in competition to places that they would not have otherwise had access. To produce National champions and to be among the best programs in America.

F. PROGRAMMATIC THRUST

- Commissioned Memphis Police Officers operate the Memphis Police Boxing Gym.
- The Memphis Police Boxing Gym is designed to fit the needs of kids and young adults in our community.
- The Memphis Police Boxing Gym provides year-round training for kids and young adults who are interested.
- Officers sometimes work on regular off days off when necessary to make sure all people involved in the program can compete in all activities.

G. MEDIA

The boxing gym is nationally recognized and has produced nationally ranked boxers. The news media often reports on information regarding these activities.

H. PROGRAMS

1. The Memphis Police Boxing Gym competes in all National boxing tournaments and club shows around the USA.
2. Participants who excel are selected to compete in the USA boxing elite program.
3. Jr. Olympic boxers compete in Jr. Olympic Elite Camp.

4. Scholarship Program is available for Elite boxers.

I. FORMS

1. Registration forms
2. Pass books
3. Medical forms
4. Hold harmless
5. Competition application
6. Athlete Form
7. Non-Athlete Form
8. Consent forms

Compensation and Benefits

Compensatory Time 2
Overtime Policy 2
Overtime List 2
Salary Augmentation 3
Educational Incentive Pay 3
Out of Rank Pay 4
Hazardous Duty Pay 4

I. Compensatory Time (22.1.1.e)

A. In accordance with FLSA, police officers through the rank of Lieutenant may accrue compensatory time in lieu of overtime. Compensatory time earned prior to July 1, 1984, will be the lifetime bank. Compensatory time earned after April 14, 1986 will be the Fair Labor Standards Act bank. It is agreed that compensatory time earned prior to July 1, 1984 will be taken off before using compensatory time earned after April 14, 1986.

B. Compensatory time may be earned after April 15, 1986 by police officers through the rank of Lieutenant to a maximum of 480 hours of compensatory time that represents not more than 320 hours of actual overtime work. The officer may request to use such compensatory time and will be allowed such use of the compensatory time provided it does not unduly disrupt the operations of the division.

C. The compensatory time off will be hours when the officer is not working and that are not counted as hours worked during the applicable work period for the purpose of overtime compensation. The officer will be compensated at the officer's regular hourly rate in effect at the time the compensatory time is taken off.

D. These accumulated hours cannot be paid in cash except in the case of death, retirement (regular or medical) or termination. In which event, the cash payment cannot be used for pension computation.

II. Overtime Policy (22.1.1.f)

A. The basic work week will be forty-three (43) hours per seven (7) day work period. Overtime will be paid at a rate of time and one-half (1.5) to officers through the rank of Lieutenant working more than forty-three (43) hours in a given work period.

B. Court time and Special Events Overtime Details will be paid a minimum of four (4) hours pay, or the actual time worked, whichever is greater. Officers selecting compensatory time for Special Events details or Court will receive a minimum of six (6) hours compensatory time. However, if an officer spends four (4) hours in Court or on an Overtime Special Events Detail, all time over this threshold will be computed at time and one half (1.5) and added to the six (6) hour minimum.

C. Call back will be paid four (4) hours regular rate or the actual time worked, whichever is greater, and can be taken as pay or compensatory time. It is also agreed that call back will not apply when the officer is called back to duty and such call back extends into their regularly scheduled workday.

III. Overtime List

A. An officer wishing to work overtime details will complete a “Placement on the Special Event List” form at the Special Events Office located at the Union Station.

B. Officers may not work an overtime detail if their Departmental status is any of the following: sick or injured off-duty, probation, suspension, non-enforcement, relieved of duty, limited duty/IOD, or leave of absence. Officers on any overtime detail list

should advise of their status (being unable to work), if they are contacted to work an overtime detail. Any officers found to be in violation will face disciplinary charges and be removed from the overtime list for a minimum of six (6) months.

C. Any officer may add or remove their name to or from the list at any time by submitting a memo to the Overtime Coordinator. Any officer who removes their name from the list must remain off the list for six (6) months. The list will be compiled by citywide seniority and as overtime details are requested employees will be called in the order as they appear on the list. If for reasons of illness, illness of an immediate family member, vacation, or where it interferes with a regular tour of duty, where the officer cannot work, the officer will be passed over and will not have the opportunity to work any overtime details until the overtime list is exhausted and the sequence is repeated.

D. If for any reason the overtime list drops below One Hundred and Twenty-five (125) individuals, the provisions of this Article will be null and void and overtime will be assigned as provided in the section of the Memphis Police Association's Memorandum of Understanding under Management Rights.

E. If the City has a large detail that requires more individuals than are available on the overtime list, the number required will be filled by calling the most junior members of the Police Services Division to come to work.

F. Overtime details where specific technical knowledge, equipment, or training is required will not be considered under the provisions of the overtime list.

IV. Salary Augmentation (22.1.1.g)

A. ***Educational incentive pay,*** as agreed upon in the Memphis Police Association MOU, will be granted to commissioned police employees based on the following percentages of their current base salary.

1. Application to all ranks:
   - 1 year college 1% (hired prior to 2-yr. college entry level requirement)*
   - 2 years college 2½% (hired prior to 2-yr. college entry level requirement)*
   - 3 years college 5%
   - 4 years college 7½%
2. Incentive pay will not be granted to any commissioned employee during the employee's probationary period.
3. Commissioned employees will become eligible for incentive pay upon completion of the appropriate probationary period and upon the attainment of the proper level of college credit. College credit will be measured in semester hours and degrees received from accredited schools. Original transcripts will be obtained by the employee and submitted to proper authority in order to receive this incentive.
4. Only commissioned employees hired prior to the requirement of two years of college training as a condition of employment will be eligible for the additional education incentive pay of one percent (1%) after one (1) year of college and two and one-half percent (2½%) after two (2) years of college.

* See Personnel Manual 18-08 for further Educational Incentive Pay details.

B. ***Out of Rank Pay*** will be granted to police employees who are designated to perform supervisory responsibilities over other employees of equal or lower rank.

1. The employee will receive five percent (5%) of the base rate for the top pay of their classification except as noted in item 2B and 2C.
2. No officer supervising other patrolmen will receive more than the top base rate for sergeant.
3. No officer supervising other sergeants will receive more than the top base rate for lieutenants.
4. Such pay for work out of rank will be made only when the officer is assigned a supervisory responsibility and is so designated by their commanding officer who is required to record that action on the roll call sheet. This will apply only to officers below the rank of sergeant who are assigned to supervise other employees of equal or lower rank and to sergeants who supervise other sergeants.
5. No pay will be made until such temporary assignment exceeds three (3) hours, at such time the pay for work out of rank will be retroactive to the first hour served.
6. Out of Rank Pay will not apply to senior officers in a car or senior officers on a detail, but is to apply only to those situations where officers of the same rank are designated as temporary supervisors for other officers at the same or lower ranks.

C. ***Hazardous Duty Pay*** will be granted to police employees who serve in the following positions:

1. Crisis Intervention Team
2. Hostage Negotiation Team
3. Motorcycle Squad
4. Bomb Technician Unit
5. Dog Squad

Performance Evaluations

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I. Purpose of Performance Evaluations

To successfully serve the citizens of Memphis, the Memphis Police Department must be able to depend on satisfactory work performance from all of its employees. Identifying the strengths and weaknesses of personnel with the intent of improving individual performance levels will improve the overall effectiveness of the department.

Commanding officers must monitor the Supervisor's evaluation results to insure that the process is uniform and unbiased. Supervisors will be evaluated by their commanding officers regarding the fairness and impartiality of ratings given, their participation in counseling employees, and their ability to carry out the rater's role in the performance evaluation system. This will provide the evaluated employee the confidence to use his or her evaluation as a benchmark for improving performance while increasing the potential for career advancement. (35.1.14)

The Performance Evaluation process will be conducted annually, with the evaluation period beginning on January 1 and ending on December 31. (35.1.2) Performance of the employee prior to or following the rating period will be excluded from the rating for that period. (35.1.5) **ALL EVALUATIONS WILL BE PRINTED ON WHITE PAPER.**

If an employee's performance is deemed unsatisfactory in any category, they will receive written notification at least 90 days, if possible,* before the end of the evaluation period. The employee will be notified of the area of the deficiency in the form of an Observed Behavior Report. Supervisors will advise employees of the unsatisfactory performance and define actions that should be taken to improve performance. If the unsatisfactory performance continues, the information will be included in the evaluation report at the end of the 90-day period. (35.1.6)

* The severity of unsatisfactory behavior (i.e. statement of charges or suspension) within 90 days before the end of the evaluation period may be a determining factor for inclusion on the annual evaluation.

The criteria for the evaluation will be specific to the assignment (Civilian, Patrolman, Sergeant, or Supervisor) of the employee for that period. (35.1.4) Performance evaluations will be retained in the employee's personnel file indefinitely. (35.1.13)

II. Procedures for Administering Performance Evaluations

The performance evaluation is to be completed by the employee's year-end supervisor. If the employee has been transferred at some point during the evaluation period, the supervisor may request a transfer evaluation from the employee's previous supervisor(s).

A. Ratings

Each dimension of the evaluation will be rated according to the employee's performance in that area for the evaluation period. The dimension will be rated as one of the following (35.1.1a):

- **Needs Improvement** – The employee *consistently* performs poorly with regard to the evaluated dimension.
- **Meets Job Expectations** – The employee performs their job satisfactorily and is

able to do so with minimal guidance by supervisors.

- **Exceeds Expectations** – The employee *consistently* performs beyond expectations of their job description, and does so with minimal supervision and guidance.

B. Dimensions

There are ten dimensions to be evaluated and each dimension on the evaluation form includes an area for explanatory comments. The Supervisor will complete the explanatory comments by giving specific facts supporting the rating of each evaluation dimension. Any performance rated as "Needs Improvement" or "Exceeds Expectations" must be substantiated with documentation (Statement of Charges, Letter of Commendation, etc.). This documentation will be attached and submitted with the evaluation. (35.1.7) (35.1.1b, c)

The Supervisor will complete the "Supervisor's Comments" area of the evaluation form, including guidance to the employee regarding performance expectations and recommendations for the upcoming evaluation period, as well as recommendations to the employee concerning career development. (35.1.9)

C. Approval and Review

Upon completion of the employee's evaluation, the Supervisor will forward the evaluation to their Commanding Officer. Evaluations should be completed and submitted for the Commanding Officer's review and approval no later than March 15. The evaluation will be reviewed for approval and signed by the Commanding Officer. (35.1.8)

After approval by the Commanding Officer, the evaluation will be returned to the employee's supervisor to be presented to the employee. Upon presentation, the Supervisor will review with the employee their evaluation. This advice will provide feedback regarding a review of performance and an indication of expectations for the upcoming evaluation period. This is also an appropriate time to discuss the employee's career goals, addressing what additional training and development the employee may need to achieve these goals. The employee should leave this review with a better understanding of what is required to improve-their performance score in the upcoming evaluation period. (35.1.9)

At the conclusion of the review, the employee will be given the opportunity to make written comments and sign the performance evaluation. The employee's signature will indicate that he/she has read the evaluation. The signature does not imply agreement or disagreement with the contents of the evaluation, as the employee may appeal the results. The employee will be provided with a copy of the evaluation. (35.1.10, 35.1.11)

III. Appeal Process

At the conclusion of the employee's review, the employee may wish to appeal the rating that the Supervisor has assigned to a dimension. The employee will indicate the desire to appeal by checking "yes" or "no" in the appeal category of the evaluation. If an appeal is requested, the

employee will indicate, by number, the dimension(s) that they wish to appeal, and address the appropriate dimension with written comments.

The Supervisor will forward the appealed evaluation to their commanding officer and the commanding officer will complete the appeal within 90 days. The employee will receive and sign a copy of the appealed Performance Evaluation after it has been reviewed by the commanding officer. This will be the end of the appeal process; the commanding officer's decision is final. (35.1.12)

IV. Performance Evaluation Training

Training in the administration and rating of performance evaluations will be given upon promotion to a supervisory rank. The training will be administered during the Developmental Training Class, which is conducted for each Supervisory promotional process. Additional training may be provided through electronic communications. (35.1.1 d) Refer to The Performance Evaluation Instructions and Procedures Power Point which is posted on KIOSK in the Administrative Forms section.

V. Evaluation Dimensions and Definitions (35.1.1 a)

A. Evaluation Dimensions/Definitions for the rank of PII

1. **JOB KNOWLEDGE-** Displays knowledge of law, procedures, policies, and techniques as related to the officer's job tasks.
2. **JUDGEMENT -** Analytic assessment of a situation and taking necessary and appropriate action after consideration of alternative approaches.
3. **DEALING WITH THE PUBLIC -** Ability to deal with the public in a respectful and tactful manner while acting within the scope of the Officer's duty and the law.
4. **RELIABILITY -** Dependability in job attendance, punctuality and acceptance of responsibility.
5. **COMMUNICATION -** Displays the ability to effectively express ideas clearly in both oral and grammatically correct written form. Includes the necessary and relevant information when completing reports.
6. **WORK ATTITUDE -** Demonstrates initiative and interest in service to the public by the performance of their job.
7. **COMPATIBILITY -** Ability to work with fellow officers in mutual decision making while taking an equal share of the workload.
8. **RECEPTIVENESS -** Shows willingness to receive information, follows orders, and accepts counseling from supervisors.
9. **APPEARANCE** - Personal and professional pride shown by neatness, grooming, and

uniform appearance.

10. **USE OF EQUIPMENT** - Displays knowledge, care, and skill in the use of all issued equipment.

B. Evaluation Dimensions /Definitions for the rank of Sergeant

1. **JOB KNOWLEDGE -** Displays knowledge of law, procedures, policies, and techniques as related to their job tasks.
2. **JUDGEMENT** - Analytic assessment of a situation and taking necessary and appropriate action after consideration of alternative approaches.
3. **DEALING WITH THE PUBLIC -** Ability to deal with the public in a respectful and tactful manner while acting within the scope of the Officer's duty and the law.
4. **RELIABILITY -** Dependability in job attendance, punctuality and performance level; acceptance of responsibility.
5. **COMMUNICATION -** Displays the ability to effectively express ideas clearly in both oral and grammatically correct written form. Includes the necessary and relevant information when completing reports.
6. **WORK ATTITUDE -** Demonstrates initiative and interest in service to the public by the performance of their job. Shows willingness to receive information, follows orders, and accepts counseling from supervisors.
7. **DECISIVENESS** - Displays readiness to make decisions, render judgments and take prompt action.
8. **INITIATIVE** - Proactively influences situations rather than passively accepting outcomes; originates new ideas or methods in response to problems.
9. **PLANNING AND ORGANIZATION -** Utilizes all available resources to efficiently establish an appropriate course of action to accomplish a specific goal.
10. **PROBLEM SOLVING -** Displays skills in identifying problems and gathering relevant information in order to institute solutions.

C. Evaluation Dimensions /Definitions for Supervisory Ranks

1. **DEVELOPMENT OF SUBORDINATES -** Supervisor is effective in maximizing the potential of subordinates through training, counseling, and development activities; shows ability to understand and to respond appropriately to the needs and viewpoints of subordinates, as well as shows fairness and impartiality in rating subordinate's performance through annual evaluations.

2. **JUDGEMENT** - Supervisor shows the ability to develop alternative solutions to problems, to evaluation courses of action and reach sound decisions.
3. **MANAGEMENT CONTROL -** Supervisor is skilled in establishing procedures to monitor processes, tasks, and actions of subordinates; shows the ability to evaluate the results of activities.
4. **STRESS TOLERANCE -** Supervisor shows ability to remain self-confident and maintains composure in any situation that is encountered.
5. **COMMUNICATION -** Supervisor shows effective communication in individual or group settings; shows the ability to express ideas clearly in written and grammatical form.
6. **LEADERSHIP -** Supervisor is effective in getting ideas accepted and directing a group or an individual toward accomplishing a task.
7. **DECISIVENESS -** Supervisor shows readiness to make decisions, render judgments and take prompt action.
8. **INITIATIVE** - Supervisor proactively influences situations rather than passively accepts outcomes; originates new ideas or methods in response to problems.
9. **PLANNING AND ORGANIZATION -** Supervisor shows the ability to efficiently establish an appropriate course of action for self and/or others to accomplish a specific goal; makes proper personnel assignments and uses resources efficiently**.**
10. **PROBLEM SOLVING -** Supervisor shows skill in identifying problems and gathering relevant information in order to institute solutions.

D. Evaluation Dimensions/Definitions for Civilian Employees

1. **TEAMWORK -** The employee balances team and individual responsibilities; exhibits objectivity and openness to others' views.
2. **QUANTITY -** The employee meets productivity standards by completing work in a timely manner while striving to increase productivity and achieve established goals.
3. **QUALITY -** The employee demonstrates accuracy and thoroughness, displays commitment to excellence, applies feedback to improve performance, monitors own work to ensure quality while looking for ways to improve quality.
4. **PLANNING AND ORGANIZATION -** The employee works in an organized manner by prioritizing activities and using time efficiently. The employee sets goals and objectives, and integrates changes smoothly.
5. **JOB KNOWLEDGE -** The employee is competent in required job skills and exhibits the ability to learn and apply new skills. The employee requires minimal supervision, uses resources effectively, and keeps abreast of current developments.
6. **INITIATIVE -** The employee volunteers readily, undertakes self-development activities,

seeks increased responsibilities while seeking and taking advantage of opportunities; takes independent actions and calculated risks but asks for help when needed.

7. **PROBLEM SOLVING -** The employee displays skills in identifying problems and gathering relevant information in order to institute solutions.
8. **COOPERATION** - The employee establishes and maintains effective relations, maintains a positive outlook, exhibits tact and consideration, offers assistance and support to co-workers, works actively to resolve conflicts.
9. **COMMUNICATIONS -** The employee expresses ideas and thoughts verbally and in written form; exhibits good listening and comprehension, keeps others adequately informed, and uses appropriate communication methods.
10. **ATTENDANCE AND PUNCUALITY -** The employee begins work on time, arrives at meetings and appointments on time, keeps absences within guidelines, schedules time off in advance while ensuring that work responsibilities are covered when absent.

A probationary period is important to the promotional process and will be used to observe a newly promoted employee's performance, easing the adjustment to their new rank. During the probationary period, the promoted employee's immediate supervisor shall evaluate and record their willingness and ability to perform their duties satisfactorily on a "Promotion Probation" form located on the MPD KIOSK.

Newly Promoted Rank	Probationary Period Length	Evaluation Reporting
Sergeant- Lt. Colonel	12 Months	Monthly, for 6 month(s) then 9th & 12th month(s)

Newly promoted personnel will be evaluated every month for 6 months then 9th & 12th month(s), unless they require remedial training and then every month there after. All remedial training will be documented no matter the level of training and will be part of the evaluation.

The evaluation will be completed by the 5th day of each month and forwarded to the respective supervisor and chief for review and approval.

During the probationary period, the employee will retain all rights and privileges afforded by the civil service merit system.

No later than two weeks prior to the expiration date of the probation period a recommendation will be made to the respective Chief, through the chain of command, for:

(1) an extension of the probationary period based only upon extenuating circumstances, such as illness of the employee, military leave, etc. supporting documentation for this request must be submitted to the Director of Police for determination.

(2) certification of the employee on the expiration date of the probationary period, or

(3) the employee shall revert back to their previously held civil service rank prior to the expiration or his/her probation.

The Director of Police or his designee will review the appointing authority or his designee's recommendation prior to granting approval or denial for the recommendation to be implemented.

Upon completion of the probationary period all evaluation forms will be stored in the employee's Human Resource file.

See Record Retention guidelines for further storage instructions. (34.1.7)

Night Duty Lieutenant Colonel

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Duties 2
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I. Night Duty Lieutenant Colonel

The designated Night Duty Lieutenant Colonel will operate city-wide and handle operational decisions after normal operating hours

The Night Duty Lt. Colonel Duty rotational roster is located in the N: drive/Shared Folder/Night Duty Lt. Colonel/Duty Roster.xls. Alternate night duty will begin at 1600 hours Friday and end at 0700 hours the following Friday.

During regular business hours Monday through Friday (0700 hours to 1700 hours), the appropriate station Colonel or Lt. Colonel will respond when operational decisions are required.

A. Duties:

The Night Duty Lieutenant Colonel should:

1. Make the scene of all critical incidents, including but not limited to:
   a. Police Officer shootings/firearms used and serious injury occurs.
   b. Police Officer is seriously injured.
   c. Critical injury crashes involving department vehicles.
   d. Incidents where resisting arrest results in serious injury (requiring admittance to a medical facility).
   e. Incidents where the suspect is critically injured while under MPD control regardless of the source of the injury.
   f. Hostage Situations/TACT call-outs.
   g. Incidents that involve high profile individuals or elected officials.
   h. All major incidents: i.e. natural disasters, civil disturbances/riots, verified bomb threats, multiple alarm fires, or terroristic activity.
2. Be available to the news media to provide necessary information for any critical incidents where they made the scene (see list above).
3. Make decisions within the scope of his or her authority.
4. Contact the Colonel on duty on a need to know basis or when in need of advice. The Colonel on call will contact the Deputy Chief on call if necessary.
5. Prepare a summary report of each day's activities which will be forwarded to the Command Staff (Director, Deputy Director, and Deputy Chiefs) via electronic mail or in written form.
6. Advise the Public Information Officer (PIO) via electronic mail of any news worthy incidents.
7. The Night Duty Lieutenant Colonel will visit stations and high crowd areas, such as Beale Street, Overton Square, etc. They will visit work stations in their districts and check on supervisors.

B. Inspectional Services Bureau Notification

The Night Duty Lieutenant Colonel shall notify Inspectional Services on:

1. All police officer shootings or firearms discharge on or off duty.
2. Serious police officer injuries that are the result of an assault.
3. Incidents where resisting arrest results in a serious or critical injury: The Field Supervisor will monitor the condition of the injured party via MPD Communications. (Inspectional Service Bureau will determine the necessity of making the scene on all critical injuries or injuries requiring the suspect to be admitted to a medical facility).

   If the suspect is treated and released that day, a supervisor will direct any potential complaints against the officers to the Inspectional Services Bureau on the next business-work day.
4. All Incidents where the suspect is seriously injured while under MPD control, regardless of the source of the injury.
5. Complaints of police officer misconduct where the Colonel/ Lt. Colonel deems immediate investigation is necessary.
6. Any circumstances where the Colonel/ Lt. Colonel or the Field Supervisor may need clarification.
7. All initial notifications must be made via the MPD Communications Supervisor.

NOTE: Copies of all forms, where physical force (i.e. chemical agent, SAGE SL-6, batons, etc.) was required against a citizen, consumer or suspect, must be forwarded to the Inspectional Services Bureau. It will be the Colonel/ Lt. Colonel's responsibility to ensure distribution.

On-Duty Majors will handle most other incidents but are encouraged to seek advice if necessary.

Communication of Vital Information: On situations involving serious violations or possible violations (Administrative or Criminal) it is imperative that the Night Duty Lt. Colonel **make the scene** and contact the Colonel on call.

Limited English Proficiency

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I. Limited English Proficiency

It is the policy of the Memphis Police Department, in accordance with Title VI of the Civil Rights Act Of 1964, to take reasonable steps to provide meaningful access of language assistance to Limited English Proficient (LEP) individuals in their encounters with employees of the Memphis Police Department. As employees of a federally assisted agency, MPD personnel have the responsibility of ensuring that all LEP persons have the same meaningful access to the MPD services that other citizens are afforded.

To determine the appropriate provision of language assistance to the LEP community, the Memphis Police Department will continually review and balance the following factors in an effort to prioritize the types of language services that are needed:

- The number of LEP persons that are likely beneficiaries of the services provided by the MPD.
- The frequency with which LEP persons come into contact with the MPD's programs or activities.
- The nature and importance of the activity or service provided by the program.
- The resources (financial or otherwise) of the Memphis Police Department.

II. Definitions:

Limited English Proficient (LEP) - Individuals who do not speak English as their primary language and who possess a limited ability to read, write, speak or understand English are considered to be Limited English Proficient.

Language Assistance Plan (LAP) – The strategy, design and methods contained in this policy which the Memphis Police Department will utilize to ensure that all LEP persons have the same meaningful access to the MPD services that other citizens are afforded.

Vital Foreign Language (VFL) – Any language with which data indicates Memphis Police Department employees have frequent contact or likely will have contact in providing police services. Demographics and departmental LEP contact data will be reviewed annually by the LEP Coordinator and the Deputy Chief of Administrative Services to determine what Languages necessitate being classified as a VFL with the Memphis Police Department. Current languages classified as a VFL with the Memphis Police Department:

- Spanish

Interpretation - The act of listening to a communication in a source language and orally converting it to another target language while retaining the same meaning.

Translation - The replacement of written text from the source language into and equivalent written text in another target language.

III. Coordination of LEP Program

The LEP Coordinator will be responsible for coordinating LEP strategies and needs as well as communicating with the Department of Justice. This Policy and all departmental demographics and LEP contact information will be reviewed annually in order to identify all Vital Foreign Languages. The following areas of responsibility will be distributed in order to support the LEP Coordinator in meeting the needs of this LEP Policy:

A. **LEP Population Data / Demographics** – Research and Development will use data received from the US Census Bureau, The Department of Human Services, The Social Security Administration, and Memphis City Schools to construct a detailed demographic layout of the LEP population and their residential outline. Data will be outlined by the boundaries of MPD Precincts.

B. **LEP Contact Tracking**
Any MPD employee who makes contact with persons of Limited English Proficiency will complete and submit the "LEP Contact" form located on the MPS Kiosk. The form is to be completed by the employee who first established contact with the individual. The following information will be provided:
- Precinct in which the contact resides if the contact is a Memphis resident.
- Precinct Ward where contact with LEP individual occurred
- Type of police services needed by the contact
- Actions taken (enforcement, complaint, report, advisement)
- Whether language assistance was provided (oral or written)
- Language spoken

Additionally:
- Call data from the Language Line will also be used to track LEP contacts.
- Communications contact with LEP individuals will be tracked through the Event Situation Type "LANG". The event will have a location assigned to this LEP contact, and this data will be extracted from the Communications Server.

The information collected through the LEP Contact form, Language Line call data, and Communications contacts will be used to assist the LEP Coordinator in determining the type and level of language services that the MPD will provide.

IV. Procedures for Providing Bilingual Support

If an employee encounters an individual and is unable to determine the language in which they are speaking, the employee will utilize the "I speak" pages in this policy to determine the language assistance needed. The gravity of each individual situation will affect the degree of language assistance required.

Officers issuing a citation or handling a minor disturbance/complaint call likely will not require assistance through formal means, but would utilize any basic language skills that exist, communicate through friends and family at the scene or surrounding area; or resort to rudimentary tactics such as communication through hand gestures or drawing on paper. If such means are not sufficient, the employee will contact their supervisor and notify them of the need for bilingual support indicating the language, circumstances of the contact, and the urgency of which support is needed. The highest level of competency available shall be dispatched in any situation.

NOTE: If Spanish translation/interpretation assistance is needed, the officer will make a request through dispatch for a Spanish speaking officer. The Memphis Police

Department has numerous personnel who have received departmentally funded training and are competent in communicating in the Spanish Language. These resources will be exhausted before any professional language services are utilized for translation or interpretation of the Spanish Language.

When bilingual employees are not available and an employee is unable to communicate with an LEP individual at a level commensurate to the circumstances and urgency, qualified interpretation services from the Language Line will be utilized to ensure that the proper language assistance is provided. This service will be requested through the employee's supervisor. Each supervisor will have access to Language Line services, and it is imperative that the supervisor protect the integrity of any passwords or personal identification numbers needed to secure Language Line Services.

The Communications Bureau will keep a directory of all qualified bilingual employees. This directory will be updated and maintained by the Training Academy, which will be responsible for submitting the directory to Communications as updates are made. The list will indicate the Non-English language(s) spoken, the level of communication ability as determined by the Training Academy, Name, Rank, and IBM. Communications will dispatch bilingual officers on a rotational basis, ensuring the workload is distributed among all available, qualified individuals.

When bilingual employees are dispatched to a scene to assist, their role is for language assistance only. The scene officer(s) who requested the assistance will handle all reporting and scene responsibilities associated with the incident/complaint.

Family members, neighbors, friends, acquaintance, bystanders and children should not be used for interpretation in communications involving witnesses, victims and potential suspects; or in investigations, collection of evidence, negotiations or other sensitive situations, except temporarily in unforeseen emergency circumstances while awaiting bilingual support.

In the event that a report is taken in which a victim, witness or other contact is LEP, the employee will indicate in the report that the individual is LEP and what type/level of language assistance may be needed for investigators or other personnel who may be required to follow up with the individual.

A specific language assistance plan will be maintained in the following Units' Standard Operating Procedure Manuals:

- Inspectional Services Bureau (Handling complaints from LEP contacts)
- Investigative Bureaus (Interrogation and interview of LEP contacts)
- Communications (Handling and tracking of LEP calls)
- Training Academy (Language competency assessment)

Document Translation and Distribution

Vital written materials (selected department/component forms, publications) will be translated into languages determined to be a VFL for the Memphis Police Department. The

Data collected by Research and Development, as well as data acquired through the "LEP Contact" form will be reviewed annually to determine what forms necessitate translation. Each Bureau and Unit should evaluate what forms and publications necessitate translation. If it is determined that a particular document necessitates translation, the Commanding officer of that unit will contact the LEP Coordinator. All translated departmental forms and publications will be made available on the MPD KIOSK "Translated Forms/Publications" page.

V. Notifying the Public of Language Assistance

A. Signage

The following MPD Public Access points shall have signage, posted in the most commonly spoken languages, stating that language assistance is available at no cost to the individual.

- Uniform Patrol Precincts
- Traffic
- Inspectional Services
- Vehicle Storage Lot
- Training Academy
- 170 N. Main:
    - 201 Poplar, Lower Level (Property and Evidence)
    - 7th floor Lobby (Central Records/Compstat)
    - 10th floor Lobby (Investigative Services)
    - 11th floor Lobby (Administrative Services)

The Commanding Officer(s) will ensure that all signage is posted and presentable at these locations. The LEP Coordinator will be responsible for ensuring that signage is made available upon request from the workstations.

B. Public Information Office

The Public Information Office shall ensure that the appropriate information regarding language services and departmental resources is distributed to the LEP community. The LEP Coordinator will notify the PIO that that language has become a Vital Foreign Language in Memphis. The PIO will then address this community via any outside published media and vital Departmental publications. The PIO will accomplish this by:

1. Maintaining and updating a list of all news organizations and media outlets of Vital Foreign Languages (VFL) in the City of Memphis and including these outlets in Media Policy Seminars.
2. Coordinating the appearances of MPD personnel at community gatherings or other outlets (Radio, TV, etc) organized by each VFL community.
3. Ensuring that Media Releases relative to individual VFL Communities are translated, distributed and readily available to that community.

4. Coordinate with Research and Development to publish VFL information about the Memphis Police Department and topics such as public safety & police functions; home & personal security, and how and when to file a police report. Web based information shall also be translated into all Vital Foreign Languages.

VI. Training

The Training Academy will be responsible for the development and maintenance of LEP training for all employees. Police Recruits will receive, at a minimum, survival language training in any language deemed to be a Vital Foreign Language.

The Training Academy will coordinate with the LEP Coordinator to assess the needs of the department regarding language training and deployment of bilingual personnel. The Training Academy will test and assign a competency level or "certify" bilingual employees regarding the level of language skills possessed. Testing for "certification" will be constructed and administered only in those languages deemed to be a Vital Foreign Language. The Training Academy will maintain a listing of Bilingual employees, languages spoken, level of skill, workstation assignment and contact information.

In the event that an employee speaks a foreign language which has not been deemed a Vital Foreign Language by the MPD, and that the bilingual employee wishes to assist if language support is needed during his/her duty hours, the employee should contact the Training Academy. Additionally, the Training Academy will annually send out an Information Bulletin requesting officers who possess these foreign language capabilities to contact them. Upon response, the Academy will use any available community resource to determine level of language skills the employee possesses, and add that employee to the bilingual list which is submitted to Communications.

VII. Directions for Using "I speak" Pages

The following phrase is written in various languages on the pages:

☐ **"Mark this box if you speak or read (language)"**

If you make contact with an individual and you are unsure of the language spoken, present the "I Speak" pages to the individual and let them indicate their primary language. Once you have determined the individual's primary language, contact your supervisor for assistance.

☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
☐ Խնդրում ենք նշում կատարեք այս քառակուսում, եթե խոսում կամ կարդում եք Հայերեն:	2. Armenian
☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
☐ ឈូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
☐ Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
☐ 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
☐ 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8.Croatian
☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch

☐ Mark this box if you read or speak English.	11. English
☐ اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بزنيد.	12. Farsi
☐ Cocher ici si vous lisez ou parlez le français.	13. French
☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
☐ अगर आप हिन्दी बोलते या पढ़ सकते हों तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
☐ Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano

☐ Marchi questa casella se legge o parla italiano.	21. Italian
☐ 日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
☐ 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
☐ ให้ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
☐ Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish
☐ Assinale este quadrado se você lê ou fala português.	26. Portuguese
☐ Însemnaţi această căsuţă dacă citiţi sau vorbiţi româneşte.	27. Romanian
☐ Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
☐ Обележите овај квадратић уколико читате или говорите српски језик.	29. Serbian
☐ Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak

☐ Marque esta casilla si lee o habla español.	31. Spanish
☐ Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
☐ ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
☐ Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
☐ Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.	35. Ukranian
☐ اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
☐ Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
☐ באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

Performance Enhancement Program

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I. PERFORMANCE ENHANCEMENT PROGRAM OVERVIEW

The Memphis Police Department's members are its greatest asset. The Department has a responsibility to its members and the community to identify and assist members who show symptoms of job stress or personal problems. Such symptoms may be exhibited in a member's work performance.

The Memphis Police Department's Performance Enhancement Program (PEP) is a structured system designed to identify and manage behaviors that result in performance related problems. It is a non-disciplinary system that is designed to improve the performance of Department members through coaching, training, and professional development as described in this policy. The intent of PEP is to provide non-disciplinary intervention, as needed, to assist members in order to provide the highest level of service and satisfaction to the public.

The PEP System shall not be accessed or used for the purpose of discipline or promotion. Allegations that this has occurred may be addressed through existing administrative remedies.

II. DEFINITIONS

A. PEP: Performance Enhancement Program.

B. INDICATOR: Behaviors tracked by PEP assigned thresholds which begin from the date of the first event and continue through a 3, 6, 12, or 18 month time period.

C. ASSOCIATED FACTORS: Events that will be considered in order to provide a comprehensive review of a member, once that member has surpassed indicator thresholds.

D. THRESHOLD: Aggregate value of indicators which trigger PEP review.

E. INTERVENTION: A proactive management tool intended to improve the efficiency of members and the Department as a whole.

F. PERFORMANCE REVIEW: For the purposes of this policy, an informal examination of a member's job performance to review actions that may contribute to PEP Indicator Entries.

G. COUNSELING: For the purposes of this policy, a meeting between a supervisor and subordinate in a non-punitive setting to discuss the subordinate's performance. Counseling sessions employ techniques designed to reinforce good performance, improve poor performance, and when appropriate, correct behaviors that precipitate or contribute to Indicator Entries.

H. TRAINING: Training is a non-punitive tool used to enhance member performance. Training may be in-house or referral based, specific to the needs of the member.

I. PEP/PSU (Psychological Services Unit) / CONCERN REFERRAL: Supervisory or self-initiated referral to the Performance Enhancement Program or Psychological Services Unit.

J. PERFORMANCE IMPROVEMENT PLAN: A written performance improvement plan agreed upon by the member, reviewing supervisor, and workstation commander designed to reduce or eliminate identified behaviors that contribute to PEP Indicator Entries. A performance improvement plan must describe the behaviors to be addressed, actions designed to change those behaviors, measures to enable both the member and supervisor to gauge progress and a time-line for reaching the objective of changing, moderating, or eliminating the behavior(s).

K. REASSIGNMENT: An intervention option to be used when absolutely necessary for the welfare of the member (i.e. TA, TL, reassignment to an appointed position or voluntary reassignment through the bid process). * Members on loan or special assignment will be tracked by their current assigned supervisor and their regular assigned supervisor.

L. POST INTERVENTION MONITORING: A follow-up review of a performance improvement plan within three (3) months to determine if the plan should be modified with additional intervention to assist in a member's success.

M. DISCIPLINE: Corrective actions intended to address inappropriate behavior. For purposes of this policy, discipline will only be imposed when intervention has been ineffective or when the member refuses to cooperate in the intervention process.

N. DAILY REVIEW: The PEP Coordinator will forward information to the workstation commanders for intervention daily. Workstation Commanders will notify shift supervisors of any members identified for intervention daily.

O. COUNSELING PANEL: For the purposes of this policy, a panel consisting of a member's supervisor, workstation commander, and deputy chief, who will review cases when a member refuses to sign a performance improvement plan or has a second referral.

III. PERFORMANCE ENHANCEMENT PROGRAM TRACKING

The PEP shall identify and track the following performance indicators:

1) Officer-involved firearms discharge
2) Non-lethal uses of force
3) Criminal arrests and investigations of subject officer
4) Officer-involved vehicular pursuits
5) Traffic crashes
6) Departmental disciplinary actions
7) Documented citizen-initiated complaints (i.e. Workstation, IAB, etc.)
8) Officer-involved civil suits
9) Sick leave
10) On-the-job injuries
11) Formal Management Referral

IV. PERFORMANCE ENHANCEMENT PROGRAM INDICATOR ENTRIES

A. The Performance Enhancement Program will identify and evaluate the behavior of members who have been involved in the following incidents within the following time frames:

- Firearms Discharge — 2 incidents within 18 months
- Use of Force — 3 incidents within 3 months
- Vehicle Pursuits — 2 incidents within 12 months
- On the Job Injury* — 3 incidents within 6 months
- Management Referral* — 1 incident within 18 months
- Traffic Crashes — 2 incidents within 12 months
- Overall Complaints — 5 incidents within 12 months

* On the Job Injuries and Management Referrals are not counted towards the Overall Complaint total.

All management referrals, even if a part of discipline, must be entered into Blue Team separately.

B. The Performance Enhancement Program will also identify and evaluate the behavior of members **who have received allegations of violations** of the following Departmental Rules:

1) Personal Conduct (DR-104, DR-107, DR-113, DR-121, DR-132, & DR-137):
   - DR-104 Personal Conduct — 2 in a 6 month period
   - DR-107 Courtesy — 2 in a 6 month period
   - DR-113 Alcoholic Beverages — 1 in a 6 month period
   - DR-121 Narcotics — 1 in a 6 month period
   - DR-132 Insubordination — 2 in a 6 month period
   - DR-137 Domestic Violence — 1 in a 6 month period
2) Use of Force (DR-301):
   - DR-301 Excessive Force /Unnecessary — 2 in a 6 month period
3) Use of Equipment (DR-803 & DR-904):
   - DR-803 Rough or Careless Handling of Equipment — 2 in a 12 month period
4) Dependability (DR-115, DR-1104, DR-1105, DR-1106):
   - DR-115 Punctuality — 2 in a 6 month period
   - DR-1104 Location When Ill — 2 in a 6 month period
   - DR-1105 A.W.O.L. — 2 in a 6 month period
   - DR-1106 Sick Abuse Policy — 2 in a 6 month period

Once the system has been in use, thresholds may be modified to make the best use of the analysis

capabilities of the system. Indicator thresholds, including any adjustments recommended by the PEP Board, are approved by the Director of Police Services.

V. PEP PANEL BOARD MEMBERS

A. The PEP Coordinator is responsible for the operation of the PEP and for submitting reports to the PEP Board and the Director of Police Services.

B. The Deputy Chief of Administration shall serve as Chairperson for the PEP Board.

C. The PEP Board will consist of the following members:
   1) Director of Police or designee
   2) All Deputy Chiefs
   3) One Station Commander from each Uniform Patrol District
   4) Health and Safety Officer
   5) Police Legal Advisor
   6) Training Academy Commander
   7) Memphis Police Association Representative
   8) Police Psychologist
   9) PEP Coordinator

D. The board will meet on the second Wednesday of every quarter (January, April, July, and October) at 1000 hours at 170 N. Main, to review aggregate information for thresholds met or surpassed during the previous quarter.

E. The Chairperson may designate a replacement in their absence. The number of board members needed for a quorum will be five, and consist of at least three Department members, with the rank of lieutenant or higher.

F. The board is an advisory panel as such, on a quarterly basis; the board will review PEP data on an aggregate basis. The board's primary functions are as follows:
   1. Review PEP data for identified patterns suggestive of possible problematic performance.
   2. Provide recommendations or suggestions to the command staff regarding the use of alternate intervention strategies that may be useful to supervisors and workstation commanders.
   3. Review the total number of interventions for the quarter, the types of interventions employed, and the effectiveness of those interventions.
   4. Determine future direction, needs, and development for the PEP, including suggested modifications.
   5. Review new trends and thresholds as recommended by the PEP Coordinator.

6. Review quarterly and annual reports prepared by the PEP.
7. Review and recommend changes of relevant policies to the Director of Police.

VI. PROCEDURES FOR INTERVENTION

On a daily basis, IAPRO and Blue Team authorized users will input new complaint information into the system by the end of their tour of duty in order for the PEP to accurately track indicator entries and threshold breaches.

The PEP Coordinator will review the system daily to determine if any member has met or surpassed a threshold. The Coordinator will review the surpassed indicators and associated factor information to determine if a pattern of at-risk behavior exists. If a pattern appears probable, the coordinator will electronically transmit the information to the member's workstation commander for further review and intervention.

A. INITIAL REFERRAL – PERFORMANCE REVIEW

1. On a daily basis, workstation commanders shall review electronically transmitted information sent by the PEP Coordinator, create a PEP folder if necessary, and assign reviews to appropriate supervisors.
2. Supervisors shall review the PEP information received from the workstation commander and determine if or what intervention is needed for any members under their supervision. The supervisor shall document the review on a performance enhancement action plan form and forward it to their workstation commander via Blue Team. The performance enhancement action plan form can be obtained from the departmental forms link in the mpdsupport portal. Once the plan has been agreed upon by the member, supervisor, and work station commander, it shall be placed in the member's PEP folder. Any documentation concerning such reviews and plans shall be retained in a member's PEP folder. Any member, who refuses to participate in a performance improvement plan or declines to sign the plan, shall be immediately referred to a counseling panel.
3. The workstation commander shall, within twenty-one (21) days of receipt of a PEP (Blue Team Alert) referral, verify that the required performance review/ performance improvement plan has been completed, attached to the Blue Team Alert, and transmitted electronically to the PEP Coordinator via Blue Team. The workstation commander shall electronically notify the PEP Coordinator if the performance review cannot be completed within twenty-one (21) days, along with the reason(s) why it cannot be completed.
4. The supervisor shall continue to monitor the member's performance after the intervention has taken place, and transmit a performance enhancement assessment follow-up report at three (3) months (post intervention monitoring) to the workstation commander and at six (6) months after the initial intervention.

5. Upon completion of the six (6) month time period of the plan, the supervisor shall write a memorandum to the workstation commander describing the outcome of the plan and recommending further action if warranted. Completed performance improvement plans shall be retained in the member's PEP folder for six (6) months after completion and then forwarded to the PEP Coordinator for filing. It will be the PEP Coordinator's responsibility to notify the workstation commander to forward the file after the time period has elapsed.

   Successfully completed plans shall be placed in a sealed envelope by the PEP coordinator at such time that the affected member has no adverse activity in the PEP System that rises to the level of requiring a performance review for five (5) years, Sealed envelopes will be opened only where required to comply with a court or administrative order or process, or where otherwise necessary to comply with a legal mandate.

6. If the workstation commander is not familiar with the member subject to review due to a recent transfer, the workstation commander's superior officer shall determine whom to assign the performance review. The PEP Coordinator shall be electronically notified of any changes in assignment of a performance review.

7. Supervisors may conclude that a pattern of at-risk behavior does not exist and forward their findings to workstation commander. The workstation commander may concur that a pattern of at-risk behavior does not exist and that corrective action is unnecessary.

   Conversely, the PEP Unit may not concur with the supervisor's finding; that a pattern of at-risk behavior does not exist. The PEP Coordinator will electronically forward the name(s) of the member(s) to the respective Deputy Chief for review, who shall ensure that the member's supervisor engages in a performance review and, if appropriate, initiate intervention with the member.

   Further the workstation commander shall ensure that the supervisor electronically transmits a report within twenty-one (21) days to the PEP, indicating what type of intervention has taken place.

8. Command and supervisory officers are encouraged to initiate performance reviews and counseling sessions with members under their command whenever they deem it appropriate. Based on their knowledge of the member's work performance, a supervisor may initiate a counseling session prior to a threshold being met or surpassed. Counseling sessions shall not be considered as discipline; however, they may be an essential part of the performance improvement plan. Counseling sessions should be recorded in the member's PEP folder after the member has been given an opportunity to review and sign the documentation.

B. SECOND REFERRAL – PERFORMANCE REVIEW

A second performance review session shall be held with any officer who has been entered into the PEP, and receives one or more additional PEP Indicator Entries within a six (6) month period. This session shall be conducted by the member's supervisor and workstation

commander within twenty-one (21) days of the second referral from PEP Coordinator.

1. When conducting this second performance review session, workstation commanders and supervisors shall review Quarterly Reports along with the member's PEP Indicators and associated factor history for the last five (5) years.
2. The member, workstation commander, and supervisor shall jointly develop a performance improvement plan in order to address behavior(s) that may contribute to meeting or surpassing thresholds. The plan shall be agreed to and signed by the member, supervisor, and workstation commander. This plan shall be placed in the member's PEP folder. Any member subject to a second referral, who refuses to assist in the development of a performance improvement plan or declines to sign the plan, shall be immediately referred to a counseling panel.
3. If the member's complaint history indicates similar conduct, as reported in the Quarterly Reports, a behavior pattern may be evident. If the member's PEP file documents any prior corrective action or failed performance plans, the matter shall be immediately referred to a counseling panel so that a comprehensive plan can be developed to correct the behavior.

VII. BEHAVIOR FACTORS

When conducting a performance review or a counseling session, the following behavior factors should be among the items to be considered.

1) Is there a behavior pattern that may be causing these PEP indicator entries, whether or not the PEP indicator entries have been investigated or sustained?
2) How does the PEP indicator history of the member compare with other members in similar assignments?
3) Can PEP indicator entries be reduced by simply advising the member of Department policies and procedures?
4) Can better interpersonal skills be developed?
5) Can formal or informal training correct the problem?
6) Are the details of the PEP indicator entries and the allegations so different as to suggest that there is no improper behavior pattern?
7) Is there any other relevant information about the member or circumstances that contributes to the number of PEP indicator entries?
8) Is there a common thread of conduct in separate PEP indicator entries that may be contributing to the frequency of PEP indicator entries?
9) In addition to the other options provided in this program, supervisors may make referrals to the Performance Enhancement Program or the Psychological Services Unit.

VIII. OVERSIGHT OF THE PERFORMANCE ENHANCEMENT PROGRAM

Each Deputy Chief is responsible for ensuring that their subordinates adhere to the

provisions of the Program. If the Deputy Chief determines that a Supervisor has not complied, the Deputy Chief shall direct the Workstation Commander to determine the reason for failed compliance. It is the responsibility of the workstation commander to ensure that their workstation is in compliance and that appropriate action has been taken. A written response shall be forwarded to the respective Deputy Chief within twenty-one (21) days, who will, determine whether disciplinary action is appropriate. In addition, the workstation commander may be required to prepare a plan to bring the unit into compliance. If a workstation commander has not complied, the respective Deputy Chief will be notified by the PEP Coordinator, and the Deputy Chief will submit their findings to the Director of Police within twenty-one (21) days.

On a quarterly basis, the PEP Coordinator will forward the number and names of members who have met or surpassed system indicators, associated factor information, and supervisors' intervention documentation to the Deputy Chief of Administration for review and distribution to the PEP Board. The PEP Coordinator will provide quarterly and annual statistical reports to the Deputy Chief of Administration, who will in turn provide the reports to the Director of Police.

The Deputy Chief of Administration shall review the reports and provide this statistical information to the Director of Police.

An audit of the Performance Enhancement Program will be performed every six (6) months to verity accuracy of data. The audits shall evaluate the data entry system, the outcomes of supervisory interventions, and the quality of supervisory reviews. Audit results shall be forwarded to the Deputy Chief of Administration, who will review them and forward them to the Director of Police.

Annually, the quarterly reports and audits will be used to assist in completing an evaluation of the system. The evaluation will help determine if the system is effectively working and assisting employees in improving their performance through non-disciplinary measures.

IX. INTERVENTION RESOURCES

There are numerous avenues of intervention available to members of the Memphis Police Department. This list below outlines some of the most widely used programs. This is not a comprehensive list of all intervention methods that may be employed.

INTERNAL RESOURCES

- Anger Management
- Cultural Awareness
- Conflict Resolution
- Remedial Driving
- EVOC
- Remedial Firearms
- MPD Psychological Services
- EAP
- Counseling/ PEP
- Enhanced Remedial Training
- Reassignment
- Fitness for duty
- Communication Skills
- Telephone Communications
- Verbal Judo
- Critical Incident Diffusing
- Defensive Tactics
- Tactical Response to Critical Incidents

- Professionalism and Ethics
- Policing with Honor
- In-Service Training
- Supervisor Counseling
- Peer Training

OUTSIDE RESOURCES

1. CONCERN
    - Marriage, Divorce, and relationships
    - Parent/Child Issues
    - Alcohol
    - Drugs
    - Emotional concerns
    - Grief
    - Gambling
    - Elder care
    - Financial problems
    - General Stress
    - General Life Skills
2. Behavioral Health
3. Civilian Vehicle Course

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I. General Information

In Tennessee, an arrest may be made either (1) by an officer under a warrant, (2) by an officer without a warrant, or (3) by a private person.

Officers of this department will make arrests for state felonies and state or city misdemeanors.

Offense in presence of magistrate - When a public offense is committed in the presence of a magistrate, he may, by verbal or written order, command any person to arrest the offender, and thereupon proceed as if he had been brought before him on a warrant of arrest.

A. Arrests of Adults for Warrants

Arrest warrants will only be executed by sworn law enforcement officers. Should an officer check a person and find that an outstanding warrant exists for that person's arrest and the Memphis Police Department officer has no other charges, the Memphis Police Department officer will notify Station B of the arrest. Station B, in turn, will notify the Shelby County Fugitive Squad, which will be operating on a 24-hour basis. If the prisoner is male the transporting Memphis Police Department officer will take the prisoner to the CJC (205 Poplar) and turn him over to the Shelby County Fugitive Squad officer. If the prisoner is female, the transporting officer will transport the prisoner to Jail East. The Fugitive Squad officer will then take the prisoner and serve the warrant. Memphis Police Department officers will provide their names, IBM numbers, and call numbers to the Fugitive Squad officer. That information will be placed on the Arrest Ticket by the Fugitive Squad officer.

If a person is arrested on a City Ordinance arrest warrant, the Memphis Police Department Officer will verify the warrant through the dispatcher, complete the Arrest Ticket, and obtain the warrant from the ADE office. If the person was arrested on charges other than the arrest warrant, then a separate Arrest Ticket must be completed on those charges.

Persons arrested on warrants, where circumstances indicate the need for additional investigation, will be handled as described in the procedures for Adult Arrests on Probable Cause.

B. Arrests by officer without warrant

An officer may, without a warrant, arrest a person:

1. For a public offense (misdemeanor) committed or a breach of the peace threatened in his presence;
2. When the person has committed a felony, though not in his presence;
3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it;
4. On a charge made, upon reasonable cause, of the commission of a Felony by the person arrested;

5. Who is attempting to commit suicide;
6. Who has committed a crime involving domestic abuse in or out of the presence of the officer (T.C.A. 36-3-619) re: (Note: For arrests of mental consumers, see Ch. IX).

C. Arrests by private persons - No fees allowed

A private person may arrest another: (1) for a public offense committed in his presence; (2) when a felony has been committed, and he has reasonable cause to believe that the person arrested committed it. Provided that a private person who makes an arrest of another pursuant to the provisions of State Law shall receive no arrest fee or compensation thereof.

A private person who has arrested another for a public offense (citizen's arrest), shall, without unnecessary delay, take him before a magistrate or deliver him to an officer. An officer taking custody of a suspect in this situation acts as transporting officer.

An officer may take before a magistrate, without a warrant, any person who, being engaged in the commission of a public offense, is arrested by a bystander and delivered to him, and anyone arrested by a private person as provided by state law.

II. Arrests Made as a Result of Crime Stoppers Information

Crime Stoppers is required to maintain accurate records of arrests based on tipster information. Arrests must be verified to ensure legitimate and proper awards are paid to tipsters, and to monitor the overall effectiveness of the program. In the past, verification has been difficult because arresting officers were not aware that the call originated from Crime Stoppers.

Dispatchers will notify responding officers if a call originates from Crime Stoppers. If an arrest is made as a result of the call, arresting officers will write "Crime Stoppers" in the narrative and at the top of the arrest ticket. ADE personnel will forward a copy of the arrest ticket to Crime Stoppers.

Arrests made as a result of Crime Stoppers information by the investigative bureaus will be handled as outlined in Investigative Services SOP chapter 9.

III. Probable Cause Arrests:

A. Adult Arrests on Probable Cause:

1. Prior to transporting individuals who are arrested for committing offenses that warrant additional investigation, the arresting officer will obtain the approval of his immediate Supervisor. The Supervisor will make the scene to approve the arrest and will contact the supervisor of the appropriate bureau. The bureau supervisor will advise if investigators will make the scene immediately, or if witnesses and/or suspects are to be transported to the bureau. During the hours of 1600-0800 Felony Response will be the contact bureau for the arresting officer's supervisor.

2. It will be the responsibility of the arresting officer's supervisor to determine if bureau notification is necessary:
   a. If no further investigation is warranted, the supervisor will deny the request for additional investigation, and it will be the responsibility of the arresting officer, after the approval of the Supervisor to either straight charge or release the suspect.
   b. If probable cause is present and further investigation is warranted, it will be the responsibility of the arresting officer to immediately execute the required arrest documents.

B. Juvenile Arrests on Probable Cause:

Arrests warranting additional investigation will be handled as described in the procedures for Adult Arrests on Probable Cause. Unless otherwise instructed by a supervisor, the defendant will be transported to Juvenile Court then the arresting officer will proceed to the ADE office with the original arrest ticket. These charges will not affect the policies of Juvenile Court and it will still be required that the arrest document indicate the specific offense with which the juvenile is charged.

IV. Straight Charged Felony Arrests

Some felony arrests warrant no additional investigation from a bureau. It will still be mandatory that the arresting officer's supervisor approve the felony arrest ticket on the scene. The ADE will route the Arrest Ticket, Affidavit of Complaint, and Bond Recommendation to the appropriate bureaus. The Bureau Involved and Offense Report Number blocks must be completed by the arresting officer.

When a suspect is arrested for the following offenses they will be straight charged by the arresting officer:

- Evading Arrest (Vehicle Pursuit) - Traffic Division must sign off on this arrest ticket also.
- Felony Vandalism – Vandalism over $500 (report required)
- Felony Shoplifting – Shoplifting Merchandise over $500 (report required)
- False Fire Alarms
- Carrying a Weapon on School Property (report required)
- Aggravated Prostitution (HIV+)
- Obtaining Controlled Substance by Fraud/Dec/Forged Prescription
- Possession of Controlled Substance w/intent to Man/Del/Sell

These are the **only** charges that this procedure applies to.

V. Mandatory Investigation Bureau Notification

All Supervisors have the responsibility of notifying the appropriate bureau or after hours (1600-0800) Felony Response, with regard to the following circumstances or events.

A. Crimes that involve serious or critical injuries.

B. Crimes with injured elderly and/or sick victims, regardless of the seriousness of the injury.

C. Crimes where a felony arrest has been made, which requires the bureau to charge the suspect.

D. Crimes where a public official, celebrity, or other high profile individual is a victim, suspect, witness or otherwise involved.

E. Crimes which occurred on school campuses.

F. Crimes that match an established pattern of acts.

G. Crimes where the value of the property taken is an excessive amount.

H. Crimes where further investigation by a bureau is warranted.

I. Crimes that gain media attention.

J. Homicides, suicides, accidental deaths, and all other deaths which are suspicious in nature.

K. Business robberies, including banks.

L. Home invasion robberies with injuries.

M. Child Abuse cases where the victim is less than 12 years old.

N. Sex Crimes where the suspect is unknown and the victim has no local contact information.

On a probable cause arrest where a bureau is assigned the matter, it will be the responsibility of the investigating officer to complete the Affidavit of Complaint and have it sworn to. When a person has been arrested on probable cause wherein misdemeanor charges are also to be lodged, the arresting officer WILL NOT complete an Affidavit of Complaint. The investigator handling the felony charge will complete the Affidavit of Complaint to include the misdemeanor charges. The arresting officer need only fill out a probable cause Arrest Ticket. The only exception will be on narcotics arrests where the arresting officer will straight charge the suspect. It may be noted that if a person is arrested for charges lodged by the arresting officer and it is found that a state arrest warrant is outstanding on this person, the Memphis Police Department Officer will complete the Arrest Ticket on the observed charges or on probable cause charges only and place the prisoner in jail as outlined above. The Shelby County Fugitive Squad will be notified by jail personnel and the Fugitive Squad officer will make out an Arrest Ticket on the charges as outlined on the outstanding warrant.

NOTE: Officers must contact a Traffic Division investigator whenever an arrest is made for a traffic related felony.

VI. Handcuffing Techniques

All arrested persons who are to be transported by Memphis Police Department Officers shall be handcuffed with their hands behind their back and the handcuffs double locked. This includes persons being detained by officers relative to a criminal investigation.

Exceptions to this handcuffing policy are as follows:

- Any person age 12 years or younger.
- Any person who has an injury or handicap, which may be aggravated by handcuffing.
- Elderly persons who may be injured by handcuffing.

Officers will retain discretion to handcuff the above-listed persons if they deem it necessary to prevent escape or injury.

When a prisoner is handcuffed, the handcuffs are not to be used to punish nor inflict pain. They shall be tightened only to the degree necessary to prevent escape from the handcuffs.

When officers are transporting a prisoner who is handcuffed, all traffic laws and ordinances will be obeyed. In instances of multiple suspects or dangerous felony arrests, a back-up officer should be utilized before proceeding to handcuff and search the suspects if it is practical to do so under the circumstances.

The four approved common positions for handcuffing and searching are:

- Kneeling
- Prone
- Standing with support
- Standing

The kneeling position is recommended for optimal safety; however, officers will retain discretion to utilize the best position under prevailing circumstances.

Additionally, the following points shall be considered whenever handcuffs are being utilized:

- If a person is to be secured to an immovable object, it will be designed and intended for such use;
- Officers shall not handcuff persons to themselves;
- Officers should recognize handcuffs as only a temporary restraining device;
- Officers are to use caution when removing handcuffs and try to maintain a grip on the cuffs at all times since open handcuffs, controlled by an arrestee, could be used as a weapon.
- Auto seat belts can be utilized for control of unruly prisoners. Possible methods of seat belt utilization are:
    1) Standard pelvic area use
    2) Seat belt through the handcuffed arms

- Officers should maintain control of handcuffed persons by utilizing a hands-on technique or securing the person in the back of the patrol unit to prevent escape.
- Utilization of the arrestee's belt is an acceptable method of further controlling the hands. The handcuffs can be through the belt to prevent the hands from being looped under the body and brought to the front.
- Persons being transported while handcuffed in patrol unit should be seat-belted in their seats, if it is practical to do so. Persons who have **not** been handcuffed, but who have been placed in the back of a patrol unit, and who are subsequently placed under arrest, should not be removed from the unit to be handcuffed without the presence of a back-up unit. All criminal suspects should be searched before being placed in the back of a patrol unit.

VII. Prisoner Restraint Devices

A. Purpose:

To reiterate the policy prohibiting the use of hog-tying to secure a prisoner and to establish a policy regarding the use of the Ripp Hobble Restraint Device.

B. Information:

1. Hog-tying

   Memphis Police Department Policy prohibits the use of hog-tying techniques on any person. This applies to all prisoners, regardless of whether or not the person is being transported. **Hog-tying** is defined as securing the hands to the feet or legs, either in front or in back of the person, with any restraining device or method.

2. Ripp Hobble Restraint

   The Ripp Hobble Restraint Device which can be used to effectively minimize the threat of danger to the officer and to maximize the restraints placed on the prisoner. Deployed in the proper manner, the Ripp Hobble should minimize injuries to the prisoner and prevent damage to the transporting vehicle.

   The Ripp Hobble is designed to secure the ankles or knees of a violent or potentially violent person. The individual can be controlled and transported in an upright-seated position. This minimizes the possibility of POSITIONAL RESTRAINT ASPHYXIA.

   a. Deployment Guidelines

      To ensure the safety of officers and to limit the possibility of unwarranted injuries, officers should adhere to the following guidelines:

      1) A prisoner will be handcuffed **before** being restrained with the Ripp Hobble.
      2) Always keep the prisoner in an upright position. **Do NOT leave any person in a chest down or side down position.**

3) The Ripp Hobble will **ONLY** be applied to the prisoner's legs.
4) Always secure the snap end strap inside of the front door of the squad car. Do **NOT** leave the strap hanging out of the vehicle's rear door.

b. Monitoring

Officers shall continuously monitor prisoners who are being restrained. Any officer, who confines an individual in a squad car and restrains the person with the Ripp Hobble, shall ensure that the circulation in the prisoner's legs is adequate. Officers will:

1) Ask the prisoner if the circulation is adequate.
2) Visually inspect the prisoner's legs, ankles, and/or feet for swelling, discoloration, or any other indication of inhibited circulation.
3) Adjust the tension on the Ripp Hobble to the extent necessary for adequate circulation to be maintained.
4) **Always** remember, the **only** reason for the application of the Ripp Hobble is to restrain the prisoner in order to minimize the possibility of injury to the officer or the person being restrained.

VIII. Processing Prisoners

It is important to note that for officer safety, all prisoners must be transported **properly handcuffed. A thorough search for weapons and/or contraband must be made prior to transport.**

A. The below listed procedures will be followed during the booking process:

1. Entry into the Sally Port will be made through the East overhead door. Officers will gain entry by making contact with the Deputy Jailers through the intercom.
2. Once inside the Sally Port, the officers will secure **all weapons and ammunition** (including ASP/wooden batons) in the trunk of the squad car or in one of the weapon lock boxes mounted on the south wall of the Sally Port. **Weapons must be secured prior to removal of the prisoners from the squad car.**
3. The prisoner will be removed from the squad car and walked to the Intake Medical Observation window where the following steps will take place:
   a. Medical Staff will visually inspect and assess the arrestee in the Sally Port for any obvious signs of injury, illness, emotional problems, or intoxication that would require immediate medical attention. Examples would include:
      1) Unconsciousness;
      2) Noticeable injuries or open wounds and sores that would require bandaging, stitching, or splinting;

3) Severe impairment where the arrestee is unable to stand or appears disoriented;
4) Prisoners who have registered a BAC of .28 or higher;
5) Violent or uncontrollable behavior that appears to medical personnel to be the result of a mental disorder.
6) Arresting officers should take prisoners to an emergency room/ hospital if the prisoners are charged with ingesting an illegal substance (tampering with evidence), or who have told the arresting officers that they have ingested illegal substances.

b. The Medical Staff will make a determination whether or not the arrestee will be accepted into the facility. If the arrestee is refused due to medical reasons, the arresting officer will be directed to transport the individual to the hospital for medical attention.

   Individuals previously deemed medically unacceptable by the Medical Staff due to a physical or mental condition will not be admitted into the jail without a written medical release from the emergency room or hospital. Federal law requires this documentation, even if the prisoner refuses treatment.

   The arresting officer may request the use of a wheelchair for prisoners who have been medically cleared to enter the jail, but refuse to walk on their own. This request must be made through the intake security supervisor.

c. Once the arrestee's condition is verified to be acceptable, the Intake Control Officer will observe the arresting officer's use of a hand-held detector wand to clear the arrestee of any metal contraband before entering the Law Enforcement Lobby. The hand-held wand will remain in the Sally Port and be used on ALL arrestees transported to the CJC.

4. At Jail East, when the arresting officer removes a prisoner(s) from their vehicle, the prisoner will clear the scanner and be escorted, by the officer, to the marker in front of the surveillance monitor in the Sally Port. The officer should push the button located underneath the monitor to alert Intake personnel. Prior to admission, the Intake Medical Staff will do a visual and verbal assessment of the inmate by looking through the Intake window to determine if she is in need of outside medical attention.

5. If the arresting officer has not completed the arrest ticket upon entering the Lobby area, the arrestee must be seated in the lobby or placed in a holding cell. The arresting officer remains responsible for the prisoner until the booking process is completed.

   An arrestee that is **cooperative** and **non-violent** may be seated and handcuffed to the bench in the lobby.

   Arrestees that are **violent**, **uncooperative**, or **pose a physical threat** will be placed in the holding cell. The arresting officer is responsible for monitoring the arrestee that they have placed in the holding cell.

Due to officer safety concerns and the absence of jail personnel in the lobby area, MPD Officers will place only ONE (1) arrestee per holding cell.

The key to the holding cells will be obtained from the Shelby County Fugitive Office window and returned to them before the officer leaves the lobby area.

It is the Jail Policy for deputy jailers to immediately assist officers with uncooperative prisoners. The Jail Clerical staff is not allowed to come from behind the glass window to assist the officer(s) with an uncooperative prisoner.

5. Upon completion of all paperwork pertaining to the arrest, the arresting officer will remove the handcuffs from the arrestee, obtain a thumbprint, and escort the arrestee and deliver all necessary paperwork to the Processing window.

   a. The Processing Staff will check the arrest ticket for a legible right thumbprint, the arrestee's name, D.O.B., sex, race, address, R&I number (if obtainable), charges with the appropriate TCA codes, and the arresting officer's name and employee number.

      If the right thumbprint cannot be taken, then officers will use the left thumb for a print. When this occurs or no thumbprint can be obtained, the officer must document the reason for this in the arrest ticket narrative.

   b. The Processing Staff will enter the arrestee's information into the JMS system as it appears on the arrest ticket. The arresting officer will then be instructed to have the arrestee place their right or left thumb onto the Thumbprint Scanner to verify the identity of the arrestee.

   c. If the print verification matches, the R&I number will appear on the thumb scan showing a positive "HIT" verifying the arrestee's identity. If prints cannot be determined or verified, the Processing Staff will notify the Records and Identification Section for assistance. The arresting officer will be allowed to proceed to the next process while the verification is taking place. If a message appears as "POSSIBLE HIT", the R&I staff will be contacted to verify the prints electronically. If the prints cannot be verified, the arrestee will be processed as a new arrest.

   d. During the verification process, a photo will be taken of the arrestee, and the Processing Staff will assign a tracking number (booking number) on the top right corner of the arrest ticket and make a copy.

6. On October 1, 2002, the District Attorney General's office assigned an experienced prosecutor to the A.D.E. Office during most shifts to assist officers with charging decisions in the processing phase of suspects that have been transported to jail.

   If an assistant D.A. is on duty, officers will take their charging documents to the assistant D.A. for approval **prior** to presenting the charging documents to the Judicial Commissioner. The screening assistant D.A. will advise the officer of any corrections that need to be made on the charging documents.

The screening assistant D.A. will be looking for more than mere probable cause. They may decline to prosecute a case where there is insufficient admissible evidence to create a reasonable chance for a conviction, especially when considering the most plausible, reasonably foreseeable defense that could be raised with the evidence presented.

A case may be declined for prosecution, even though the standard of evidentiary sufficiency has been satisfied, in situations where the District Attorney's office feels, after a review of the evidence, that the case cannot be proved beyond a reasonable doubt.

The screening assistant D.A. will be available for consultation by phone before transport to assist officers and supervisors with any questions they may have.

The arresting officer will then proceed to the Judicial Commissioner's window at which time the Commissioner will review the arrest on the pending charge(s). The following could occur at the window:

a. If the charges are validated, the arresting officer will take the arrest ticket back to the Processing Window and the arrestee will be admitted into the jail.

b. If the Judicial Commissioner rules that the affidavit of complaint lacks probable cause, the arresting officer should make the necessary corrections to the affidavit of complaint and re-submit it. However, if all the possible facts were in the original affidavit of complaint and no corrections can be made, then the arrestee will be released.

c. If the arresting officer believes that the affidavit of complaint contained sufficient facts for probable cause but was rejected by the Judicial Commissioner for whatever reason (animosity toward a particular law, belief that the arrest or search was illegal), then the arresting officer should obtain permission from a supervisor to prepare an arrest warrant for the now released arrestee. The arresting officer should present this arrest warrant affidavit to one of the General Sessions Judges at the next session of General Sessions Court.

d. If the Judicial Commissioner finds that the affidavit of complaint sets out probable cause but since the arrestee has now been identified by jail personnel at the processing window, directs that the arresting officer issue a misdemeanor citation, the arresting officer should advise the Judicial Commissioner:

    1) The prisoner was arrested in accordance with State law, as evidenced by the Judicial Commissioner's finding that the affidavit of complaint sets out probable cause; and

    2) Post arrest citation release is controlled in Tennessee law by TCA 40-7-120 (set out in its entirety at the end of this Policy and Procedure Update), which grants the Sheriff the authority to release by citation, after processing, persons brought to the jail under arrest for misdemeanors.

e. If the situation cannot be resolved, then the arresting officer should immediately request a supervisor meet them at the Sally Port.

f. If a Judicial Commissioner cannot be located when the officer is ready to swear to the affidavit of complaint, the officer should locate a 24-hour clerk as in past practice.

g. If a prisoner is issued a Misdemeanor Citation or released from the jail by any other means Memphis Police Officers will not transport the released arrestee to any location.

7. The Intake Control Officer will instruct the arresting officer to have the arrestee pass through the metal detector in the lobby. Arrestees that are admitted into the jail will be placed in one of four (4) transfer holding cells. Each cell will not contain more than five (5) arrestees. Once these cells have reached their maximum capacity, MPD Communications will be advised to notify officers that there will be a delay in accepting new arrestees. When the transfer holding cells are full, jail security staff will be assigned to supervise arrestees (more than one) inside the Law Enforcement Lobby after the booking process has been completed.

   At the point the officer has turned the prisoner over to the custody of the Shelby County Jail and has completed the written Arrest Ticket, the Arrest Ticket will be given to the Arrest and Data Entry personnel by passing it through the receiving tray at the ADE Office window. Prior to the officer leaving, a copy of the arrest ticket will be made for the arresting officer that includes a date and time stamp. (71.1.6.d)

8. Personnel from the Investigative Bureaus will continue to access prisoners for questioning via the elevator system that is currently used. If Investigative Personnel must remove individuals from the jail, they will follow the above procedures in 3, c) when returning a prisoner to the Sally Port. Since prisoners will have to be escorted outside the building, two (2) Detectives must accompany any individual that is removed from the jail area to be questioned or is being returned to the jail after questioning.

IX. Release citations for misdemeanants. 40-7-120.

A. As used in this section, except as otherwise specifically indicated:

1. "Citation" means a written order issued by a sheriff requiring a person accused of violating the law to appear in a designated court at a specified date and time. Such order shall require the signature of the person to whom it is issued; and

2. "Magistrate" means any state judicial officer, including the judge of a municipal court, having original trial jurisdiction over misdemeanors or felonies.

B. A sheriff or sheriff's designee may, at a county jail, issue a release citation to any person who has been arrested for a violation of law which is punishable as a misdemeanor and who has been booked and processed for such violation.

C. The citation shall demand the person cited to appear in court at a stated time and place, and it shall state the name and address of the person cited, the name of the issuing sheriff and the offense charged. The time specified on the citation to appear shall be as fixed by the sheriff issuing the citation.

D. The citation shall be executed in triplicate, the original to be delivered to the court specified therein, one (1) copy to be given to the person cited, and one (1) copy to be retained by the sheriff issuing the citation. The original citation delivered to the court shall be sworn to by the issuing sheriff before a magistrate or official lawfully assigned such duty by a magistrate. The person cited shall signify such person's acceptance of the citation and such person's agreement to appear in court as directed by signing the original citation.

E. Whenever a release citation has been prepared, accepted and the original citation delivered to the court as provided herein, the original citation delivered to the court shall constitute a complaint to which the person cited must answer, and neither the arresting officer nor the sheriff issuing the citation shall be required to file any other affidavit of complaint with the court.

F. The signature of the person cited shall create a presumption of knowledge of notice to appear and a presumption of intent to violate this section if such person should not appear as required by the citation.

G. The citation shall give notice to the person cited that such person's failure to appear as ordered is punishable as a separate misdemeanor offense. Each citation issued pursuant to this section shall have printed on it in large, conspicuous block letters, the following:

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE, WHICH IS PUNISHABLE BY A JAIL SENTENCE OF UP TO SIX (6) MONTHS AND/OR A TWO HUNDRED FIFTY DOLLAR ($250) FINE.

X. Duty Commander Notification of Injured Suspects

If any suspect taken into custody by members of the department has serious or critical injuries that require immediate medical treatment, the Duty Commander must be notified.

The Duty Commander, upon receiving notification, will immediately contact the Commander of Inspectional Services.

XI. Prisoner's Right to Phone Call

No person under arrest by any officer or private citizen shall have his name entered on any book, ledger, or any other record until such time that said person has successfully completed a telephone call to an attorney, relative, minister, or any other person that he shall choose, without undue delay. One (1) hour shall constitute a reasonable time without undue delay. However, if the arrested person does not choose to make a telephone call, then he shall be "booked" or docketed immediately.

To abide by state law, to provide prisoners with all their rights, and to protect our personnel from criminal as well as civil liabilities, all persons shall be informed of their right to make a phone call and be allowed to successfully complete one call to whomever the prisoner chooses to call. This includes drunks and persons under the influence of drugs. If assistance is needed, we should furnish it.

The one (1) hour stipulation is construed to be the time in which the prisoner is allowed to successfully complete his phone call. For example, if we arrest an individual at 1000 hours and transport him to detention at 1030 hours, he shall be informed of his right to a phone call immediately. Assuming we inform the prisoner of this right at 1031 hours, he has until 1131 hours to complete his phone call. At 1132 hours we can book him. This does not mean the prisoner can sit around and delay attempting his call, but must make an earnest effort to complete his call.

XII. Removing Prisoners from Detention Area

A. For Investigation:

All prisoners removed from the Detention area to be taken to an area for interrogation or further investigation will be handcuffed behind the back prior to leaving the Detention area and entering the hall.

Whenever a prisoner is suspected of committing a major crime, the prisoner will be handcuffed prior to leaving the Detention area and will remain handcuffed until returned to Detention. Also, two officers will accompany prisoners who are suspected of committing a major crime.

B. Temporarily Taken From Criminal Justice Complex:

In the event a prisoner is temporarily taken from the Justice Complex for any reason, such as to the hospital or for a physical examination, that prisoner must be returned to the jail using the same name under which he initially left the jail. If, during the time he is temporarily out of the jail, it is discovered that he has been using an alias, he should be returned to the jail under his alias, a.k.a. true name. Otherwise, he will not be accepted into the jail.

XIII. Jail Records & Information

A. Generally:

All original documents pertaining to, or affecting the status of, a person incarcerated in the Shelby County Jail will be transmitted directly to the Release Control area of this facility. This would include status changes from all courts, bond information on all types of charges, add-on charge documents, hold for, release holds, and any other documents that might affect the incarceration, length of same, or release from this facility.

If any agency transmitting information to the Release Control Center needs that same information to be held or handled by another branch of the system, it is the responsibility of the originating agency to notify all needed or interested parties.

No information of this type will be sent to the R & I Section. All information relative to this operation will be handled in-house by the Sheriff's personnel. All requests for information about the status of persons incarcerated in the County Jail will be handled in this area by calling 545-5660 or appearing in person at this area.

Do not call R & I for information about the current status, charges, bonds, or release information for persons currently in jail. They no longer have this information. It must be requested of the Records personnel located in the Release Control Center of the jail.

B. Prisoner Hold Forms

If a defendant is arrested for a misdemeanor or "straight charge felony", and the arresting officer believes the defendant is involved in other criminal activity; the arresting officer should *submit a memo to the proper investigative bureau and attach a copy of the arrest ticket.*

If there is probable cause to believe a person has committed a Class A or B felony that needs to be investigated further, the charging officer (Bureau Investigator only) will complete a “48 Hour Order Granting Detention for Probable Cause” and submit it to a Judge or Judicial Commissioner. This order will expire in forty-eight (48) hours.

If there is probable cause to believe a person has committed a crime involving narcotics where the arresting officer is required to test and weigh contraband, the officer will complete a “2 Hour Order Granting Detention for Probable Cause” and submit it to a Judge or Judicial Commissioner. This order will expire in two (2) hours.

Officers will never bring a prisoner into the Property and Evidence Room or leave a prisoner unattended to bypass this procedure.

C. Release without Charge/Status Forms

If a defendant is released without charge and no additional charge(s) are to be placed against said defendant, then the investigating officer needs to complete a Release without Charge form and submit it to the 24-hour clerk. Please note that this Release without Charge form will be printed on a red paper, which will indicate to the officer, the clerk, and the Sheriff that the defendant is to leave the jail.

If a defendant's original charge is being changed to another charge, then the investigating officer needs to complete the Status Change form and attach it to his amended original Arrest Ticket and Affidavit of Complaint at the same time they are presented to the 24-hour clerk.

If the defendant's charge(s) remains as an active charge(s), but additional charge(s) are placed against said defendant, then no Status Change form is necessary. The officer needs only to correct his original Arrest Ticket by adding the additional charge(s) and submit it to the 24-hour clerk along with his Affidavit of Complaint.

XIV. Bail Bondsmen

Officers are often faced with a situation involving Bail Bondsmen who are attempting to make an apprehension and who may request the aid of the Memphis Police Department officers. Further, the bondsmen may be from another jurisdiction and the question of extradition arises. The following legal authorities will provide guidelines for officers dealing with such situations. Officers, after determining the identity of the bail bondsmen and checking their warrant (which is their authority to act), should engage in no agreements, nor act in concert, with the bondsmen. This means that officers should not enter, or go upon the premises where the warrant is to be served, in a manner that could be reasonably construed as an attempt to aid the bondsmen with their apprehension. Officers still have a duty to protect the public's peace. However, this should be handled as any other police matter.

The definitive case is Maynard V. Kear, 474 F.Supp. 794- (1979), which is a 6th Circuit case. In that case, two out of state bail bondsmen saw two police officers and advised them they were about to attempt to apprehend a wanted party. The officers checked their warrant from the other jurisdiction, advised them to not engage in any affray and apparently gave them directions to the suspect's residence. The bondsmen proceeded to that address, forced entry, briefly fought with the suspect, and placed him in their auto. The police officers, who had obviously stayed in the area, stopped the bondsmen's car, checked the suspect for serious injuries and inquired as to what had happened. The bondsmen returned to the other jurisdiction the next day. When suit was brought against the officers by the arrested party for violating his civil rights, the court held in favor of the officers.

The court cited Fitzpatrick V. Williams, 46F2d.40, and Taylor V. Tainter, 83 U.S. 366 for the proposition that no extradition is necessary when a bail bondsman crosses state lines. The court was specific in pointing out that the police did not act in concert with the bondsmen, or pursuant to an agreement with them. Continuing, the court said there was no state action involved and no liability on the part of the municipality or their agents.

The bondsmen's authority, however, is not unbridled and they can use only that force which is necessary in effecting the arrest. The case of Poteete V. Olive, 527 S.W.2d 84 (1975), which is a Tennessee Supreme Court decision holds that:

(1) State law vests the bondsman with authority to arrest the principal (suspect) after a conditional judgment of forfeiture has been rendered and extends that authority even after final forfeiture if the principal is surrendered prior to payment.

(2) State law however, states that following payment, the bondsmen's right to surrender the accused lapses and with it, his power to arrest.

(3) State law also, requires a bondsman to give his agents a certified copy of bond properly endorsed in order to authorize the arrest and allows the endorsed bond, in the hands of the bondsmen's agents, to serve a legal process which must be exhibited to the principal (party to be arrested) when arresting him.

XV. Consular Notification

All levels of law enforcement must ensure that foreign governments can extend appropriate consular services to their nationals in the U.S. and that the U.S. complies with its legal obligations to such governments. It is essential that U.S. citizens be offered the same consular services when they are detained abroad. To require that of other countries, we must be certain we provide the proper procedures here.

A. Summary of Requirements Pertaining to Foreign Nationals

1. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
2. In some cases, the nearest consular officials *must* be notified of the arrest or detention of a foreign national, **regardless of the national's wishes**.
3. Consular officials are entitled to have access to their nationals in detention, and are entitled to provide consular assistance.
4. When a government official becomes aware of the death of a foreign national, consular officials must be notified.
5. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.

These are mutual obligations that also pertain to American citizens abroad. In general, you should treat a foreign national as you would want an American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide the consular services they deem appropriate.

NOTE: All foreign nationals are entitled to consular notification and access, regardless of their visa or immigration status in the United States**.**

B. Steps to Follow When a Foreign National is Arrested or Detained

1. Officers must determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
2. If the foreign national's country is **not** on the mandatory notification list (verification must be made through the dispatcher via Station B):
   a. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
   b. If the foreign national asks that consular notification be given, the officer's supervisor will direct the communications supervisor to notify the nearest consular officials of the foreign national's country without delay.
3. If the foreign national's country **is** on the list of mandatory notification countries (verification must be made through the dispatcher via Station B):
   a. The officer's supervisor will direct the communications supervisor to notify that country's nearest consular officials, without delay, of the arrest/detention.
   b. Tell the foreign national that you are making this notification.
4. Officers must document the provision of notification and actions taken in the arrest ticket narrative.

Arrest for Investigation

Arrests on Probable Cause.....2
Arrest of Adults on Warrants.....2
DNA Collection.....3
Juvenile Arrests on Probable Cause.....2
Straight Charge Probable Cause Arrests.....3

Processing of individuals arrested on Probable Cause:

I. Arrests on Probable Cause:

A. Prior to transporting individuals who are suspected of committing offenses that require additional investigation, the arresting officer will obtain the approval of his immediate supervisor (Lieutenant). The supervisor will make the scene to approve the arrest and will contact the supervisor of the appropriate bureau who will, in turn, advise if anyone from that bureau will make the scene for further investigation. During the hours of 1600-0800, Felony Response will be the contact bureau.

B. It will be the responsibility of the arresting officer's supervisor to:

1. Determine if no further investigation is warranted, or would not prove productive. In this event he will deny the request for additional investigation, and it will be the responsibility of the arresting officer, after conferring with the Commanding Officer, to either straight charge or release the suspect.

2. Determine that probable cause is present and further investigation is required and approves the detention of the suspect. In the event additional investigation is approved, it will be the responsibility of the arresting officer to immediately execute the required arrest documents and transport the suspect to the appropriate bureau for investigation.

C. Upon the suspect's arrival in the bureau, the case investigator will begin and complete a detention log on the suspect. The detention log is part of the case file and should appropriately be filed with the case records, whether the suspect is eventually charged or released.

II. Arrests of Adults on Warrants:

Arrests on warrants, where circumstances indicate the need for additional investigation, will be handled as described in the procedures for Adult Arrests on Probable Cause. Arrests on warrants that do not require additional investigation will be handled in the same manner that is currently employed, i.e., transported to the SCSD Fugitive Squad at 201 Poplar, Jail Annex, Room 10-24.

III. Juvenile Arrests on Probable Cause:

Approval for extended detention of juveniles arrested on probable cause will be obtained in the same manner as the procedure outlined for adults. The defendant will be transported to Juvenile Court then the arresting officer will proceed to the ADE's office with the original arrest ticket. These charges will not affect the policies of Juvenile Court and it will still be required that the arrest document indicate the specific offense with which the juvenile is charged.

IV. Straight Charged Felony Arrests

Some felony arrests require no additional investigation from a bureau. It will still be mandatory that the arresting officer's supervisor approve the felony arrest ticket on scene. The ADE will route the Arrest Ticket, Affidavit of Complaint, and Bond Recommendation to the appropriate bureaus.

When a suspect is arrested for the following offenses they will be straight charged by the arresting officer:

Evading Arrest (Vehicle Pursuit) - Traffic Division will sign off on this arrest ticket also.
Felony Vandalism – Vandalism over $500 (report required)
Felony Shoplifting – Shoplifting Merchandise over $500 (report required)
False Fire Alarms
Carrying a Weapon on School Property (report required)
Aggravated Prostitution (HIV+)
Obtaining Controlled Substance by Fraud/Dec/Forged Prescription
Possession of Controlled Substance w/intent to Man/Del/Sell

These are the **only** charges that this procedure applies to.

V. DNA Collection

When a person is arrested for the commission of a **violent felony**, as defined in TCA 40-35-321, such person shall have a biological specimen taken for the purpose of DNA analysis. The DNA analysis is taken to determine identification characteristics specific to the person.

As used in this statute, "violent felony" means:

- Murder, First Degree
- Murder, Second Degree
- Kidnapping, Aggravated
- Kidnapping, especially Aggravated
- Aggravated Assault
- Aggravated Child Abuse
- Burglary, Aggravated
- Burglary, Especially Aggravated
- Robbery
- Robbery, Aggravated
- Robbery, Especially Aggravated
- Carjacking
- Sexual Battery
- Sexual Battery by an authority figure
- Sexual Battery, Aggravated
- Statutory Rape
- Statutory Rape by an authority figure

- Rape
- Rape of a child
- Rape of a child, Aggravated
- Aggravated Arson
- Attempt, under 39-12-101, to commit the offenses above
- Solicitation, under 39-12-102, to commit the offenses above
- Conspiracy, under 39-12-103, to commit the offenses above
- Criminal responsibility, under 39-11-402(2), for any offense above
- Facilitating the commission, under 39-11-403, of any offense above
- Accessory after the fact, under 39-11-411, to any offense above.

Memphis Police Investigators/Officers will collect a sample sufficient to determine the DNA profile of all individuals charged with the above listed offenses.

Investigators/ officers are responsible for completing the Arrestee DNA Sample Submittal Form, and ensuring that the charges placed against the individual arrested is within the list of statutes that require DNA samples.

To ensure that DNA samples are not rejected by T.B.I. Investigators/ Officers shall:

1. Complete the Arrestee DNA Sample Submittal Form by filling in all of the requested information and placing the right and left thumb print of the arrestee in the appropriate space on the form.
2. Place the correct charges with the corresponding TCA codes in the offense area.
3. Sign the Arrestee DNA Sample Submittal Form. If the form is not signed, the booking process will cease and the form will be rejected.

Arrestee DNA Sample Submittal forms are located in the jail area and on Kiosk.

The Shelby County Sheriff's Department – Jail Division will collect the samples for the Memphis Police Department and submit them to the Tennessee Bureau Crime lab in Memphis, Tennessee in a timely manner.

A law enforcement agency has the right, as well as the duty, to investigate alleged criminal conduct. Consistent with his right, officers have the authority to:

1. Arrest a subject where they have probable cause to believe that the subject is guilty of a criminal offense;

2. Place the subject in a lineup for the purpose of identification;

3. Require a subject to give a sample of his handwriting;

4. Photograph the subject;

5. Fingerprint the subject;

6. Search the subject;

and to take any action consistent with the right of a department to conduct an investigation.

A person being subjected to custodial interrogation by a law enforcement officer is entitled to all the rights afforded by Miranda.

The Miranda warning need not be given during the questioning of a suspect who has not been taken into custody or otherwise deprived of his freedom of action in any significant way. If in doubt as to whether the defendant needs to be advised of Miranda rights, give the warnings. Although a defendant has a constitutional right not to make a statement, he is required to give such information as is necessary to fill out the top portion of the arrest ticket (name, DOB, address, etc.). This information has been held by the courts not to be a confession. A defendant refusing to give this information can be held in custody until he gives it.

It is well understood by police officers that once a criminal suspect in custody has "expressed his desire to deal with the police only through (legal) counsel, (he) is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges or conversations with the police", Edwards vs. Arizona, 101 S.Ct. 1880. Now that concept has been expanded in Michigan vs. Jackson, 106 S.Ct. 1401. That case holds that "if police initiate interrogation after defendant's assertion, at arraignment or similar proceeding, of his right to counsel, any waiver of defendant's right to counsel for that police initiated interrogation is invalid". Further, the Court held that while officers conducting the investigation may not know of the defendant's request for an attorney at the arraignment, "one set of state actors (the police) may not claim ignorance of defendant's unequivocal request for counsel to another state action (the Court)".

The effect of this recent decision is to disallow a waiver by the suspect, of his right to remain silent, if the police officer, even after advising him of his rights under Miranda, initiates the

interview. This does not preclude, however, initiation, by the suspect, of an interview with the investigating officer who informs him of his rights under Miranda prior to taking his statement.

Warrantless Felony Arrests:

A Police Officer can still make an arrest in a private home without an arrest warrant, but the U.S. Supreme Court has greatly restricted the police in making warrantless entries into the home to make an arrest. Only if there are exigent or emergency circumstances, is a warrantless entry to arrest justified. If an officer can make a non-forcible entry into a private home with the valid consent of a person who lives there, it is not necessary that he have an arrest warrant in order to make a lawful arrest on the premises. Further, if an officer is in "hot pursuit" of a fleeing felon, it is not necessary that he stop at the door and retreat to obtain an arrest warrant. Also, an officer does not need a warrant to enter premises to make a probable cause arrest if the arrest is necessary to prevent destruction of evidence. This ruling does not apply to houses other than the defendant's house. Thus, the police could not enter a defendant's home to arrest him without at least an arrest warrant **AND** reason to believe that he was at home at that time. The Court held that no search warrant was necessary because an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within".

A determination as to whether a felony arrest is "routine" or whether "exigent circumstances" exist will be based on the reasonableness of the officer's actions in light of the information available to the officer at the time of the arrest.

An arrest warrant, for misdemeanor or felony, empowers the executing officer to search for the individual named in the warrant when the executing officer has:

a. probable cause to believe that he is searching the primary residence of named individual, AND

b. has probable cause to believe that the named individual is at home at that time.

Officers should make every reasonable attempt to leave the matters of executing arrest warrants to the Sheriff's Department Fugitive Squad, and advise any officers from other jurisdictions, or bounty hunters, to seek the assistance of that unit.

Eyewitness Identification Procedures

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Escorting an Eyewitness in the Field 2
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Photographic Displays 3
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I. Identification Procedures - Generally:

A. Single Shot: An identification procedure within a short time after a criminal event, where a possible suspect is caught at, or a short distance from, the crime scene. The purpose of a single shot identification is to identify or eliminate a person as suspect in an offense.

B. Photographic Display: An identification procedure where a series of photographs, including a photograph of the suspect, is displayed to a witness.

C. Physical Lineup: An identification procedure, in which a group of persons, including the suspect is displayed to a witness for the purpose of determining whether the witness identifies the person responsible for the offence.

II. Conducting a Single Shot:

The practice of placing a defendant in a "single shot" situation shall be used only in cases where a witness or victim is at the scene of a crime and a possible suspect is detained in the immediate area of the crime within an hour. Officers should be reasonably certain that the witness/victim can identify the suspect and obtain a physical description prior to the single shot.

A. Officers who apprehend the suspect away from the scene will, without delay, transport the suspect. The courts allow the suspect in these cases to be brought back to the scene in order to ensure that the right person is arrested.

B. Officers should separate all witnesses to ensure each witness makes an independent identification without the influence or advice from other potential witnesses.

C. Witnesses should be instructed that an offense report will be taken and the investigation will continue regardless of their ability to make or not make identification.

D. The reporting officer will document in the offense report the results of the single shot identification. To identify the level of confidence of the witness, an investigator will take a written statement to continue the investigation.

E. During the single shot and the interview process, the witness/victim should not be given any hints or suggestions to influence the identification.

NOTE: PDA's will not be used for single shot purposes.

III. Escorting an Eye Witness in the Field for Identification Purposes:

Where a victim or eyewitness feels that he may be able to aid in the location and/ or identification of a suspect, officers may allow that person to ride in a patrol car for the purpose of helping to locate and identify the suspect.

IV. Multiple Eyewitnesses

Regardless of the lineup method used, at no time will investigators conduct a lineup (photographic, physical, or single shot) for more than one eyewitness at the same time. When there is more than one witness scheduled to participate in viewing a lineup, separate witnesses from one another to ensure that each witness makes an independent identification without influence or advice from other potential witnesses. (42.2.11c)

V. Photographic Display:

When a photographic spread is used for identification purposed, at least six (six) photographs of individuals similar in appearance must be used. If it is not possible to secure six (6) similar photographs because of unusual physical characteristics involved, a lesser number may be used. However, under no circumstances may less than four (4) photographs be used.

VI. Physical Lineups:

All suspects involved in identifications shall be identified in the show-up room of the Criminal Justice Center. In the event the show-up room is unavailable, lineups will be taken in the large interview room in the MPD Homicide Office. Pictures shall be taken of all lineups whether or not an identification is made.

A. Where a lineup is conducted BEFORE the defendant has been placed on the docket, indicted, or arrested on a warrant, the following procedure shall be followed:

   1. The defendant shall be advised that he MAY have an attorney of his own choice present during the lineup; or if he is unable to afford an attorney, the public defender will be contacted on his behalf.

   2. In the event the defendant does not desire to have his own attorney or the public defender present during the lineup, then the existing waiver cards now being used shall be signed by the defendant indicating that he has been advised that he may have an attorney present during the lineup but does not desire one.

   3. The attorney for the defendant, including the public defender if the defendant is unable to afford an attorney, shall be notified of the pending show-up and be given a reasonable opportunity to appear. If the attorney engages in unreasonable delay and attempts to otherwise delay the lineup, then the lineup may be conducted without him being present.

B. Where the lineup is conducted AFTER a defendant has been placed on the docket for his preliminary hearing, has been indicted, or has been arrested on a warrant, the following procedure shall be followed:

1. The defendant shall be advised that he has a RIGHT to an attorney of his own choice; or if he is unable to afford one or contact his attorney, the public defender will be contacted for him.
2. Where the defendant chooses to waive this right, the existing waiver card shall be signed by the defendant.
3. When officers are establishing lineups for possible identification of suspects, they will submit the "Interview Request Form". The investigator will then go to the Jail Release Section and have the Lower Level Housing Supervisor (Intake Sergeant) meet them. The supervisor and the investigator will then select the inmates whom the investigator wishes to appear in the lineup.
4. Lineups shall be conducted as in the past; and where a defendant's attorney is present, he shall be allowed to witness the lineup and observe whether or not any person made suggestive remarks to a potential witness. To avoid any allegations of improper conduct, communications between members of the department in the show-up room and the witnesses shall be held to an absolute minimum.

VII. Prisoner Interviews

Any officer wishing to interview a prisoner of the Criminal Justice Center shall complete an Interview Request Form. The jail release section will have a supply. There is no change in the procedures officers have been following in the event they wish to check a prisoner out for interviews, viewing of a crime scene, line-ups, etc. It is not necessary that court orders be obtained.

In order to conduct the necessary background checks to determine if a defendant is a second offender for charging purposes, to determine if he is wanted for other offenses, to use for identification purposes in the event the defendant should escape and assist other law enforcement agencies in performing their duties. It is essential that a set of fingerprints be obtained from an arrestee before his release. Thus when a defendant refuses to submit voluntarily to the fingerprinting process, a minimum amount of force may be used to obtain the prints.

When it is necessary to obtain fingerprints by the use of force, obviously the minimum amount of force needed to obtain a satisfactory set of prints will be used. Additionally, for the protection of the officers, an objective witness shall be present as an observer during the time in which the fingerprints are taken. (Not one who has been charged with the responsibility of processing the prisoner.)

Sexually Oriented Crime Investigations

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I. Purpose:

To outline a protocol for coordinated preliminary and continued investigations of sexually oriented crimes and other related offenses.

II. Policy:

Sexually oriented crimes (see Section III: Definitions) are personal violence crimes that have great psychological or physical effects on the victims. It is the policy of this department to assist victims of sexually oriented crimes in a supportive manner, using appropriate crisis intervention skills. Because of the special considerations involved in investigations of sexually oriented crimes, this policy encourages a multidisciplinary, coordinated community response. Public confidence in the reporting and investigative process will encourage all victims of sexually oriented crimes to report the crime. Reducing recidivism through the apprehension and prosecution of the assailants is a department policy.

III. Definitions:

Forensic medical examination: An examination by any healthcare provider who proves medical care and gathers evidence of a sexually oriented crime in a manner suitable for use in a court of law, provided to a victim reporting a sexually oriented crime to a healthcare provider (T.C.A. § 39-13-519(a)(1).

Hold kit: A sexual assault evidence collection kit of an adult victim that is coded with a number rather than a name pending the victim's decision to report the crime to law enforcement authorities, and has not been submitted to the state crime lab or similar qualified laboratory (T.C.A. § 39-13-519(a)(2).

Law enforcement agency: An established state or local agency that is responsible and has the duty to prevent and detect crime and enforce laws or local ordinances; and has employees who are authorized to make arrests for crimes while acting within the scope of their authority; and a campus security force created by an institution of higher education (T.C.A. § 39-13-519(a)(2)).
Sexual assault evidence collection kit: Evidence collected from the victim of a sexually oriented crime with a sexual assault evidence collection kit provided by the state of Tennessee, T.C.A. § 39-13-519(a)(4).

Sexually oriented crime: The following crimes are considered sexually oriented: rape, aggravated rape, statutory rape, mitigated statutory rape, aggravated statutory rape, rape of a child, sexual battery by an authority figure, aggravated rape of a child, and statutory rape by an authority figure.

Victim: A victim of a sexually oriented crime.

Victim Advocate: This term applies to service providers trained to assess and address the needs of the victim as well as provide counseling, advocacy, resources and information, and ongoing support. Depending on the primary functions of the advocate, the level of confidentiality and privilege they have will vary and should be communicated to those involved.

IV. Procedures:

A. Training and Personnel Selection

Training is necessary for all personnel who have contact with victims of sexually oriented crimes, including dispatch/communications and initial responders, as well as those who investigate these crimes. All officers receive ongoing training that specifically addresses the realities, dynamics and investigations of these crimes, the impact of these crimes on victims, community services available to victims of sexually oriented crimes, and legal developments pertaining to sexually oriented crimes. Responders at every level need to use appropriate communication skills when interacting with victims of sexually oriented crimes and recognize that they are accountable to the victims.

Careful consideration is taken when selecting personnel for the Department's Sex Crimes/Child Abuse Unit.

B. Communications Responsibilities

Communications/dispatch personnel may be the first to whom the victim will speak following a sexually oriented crime. In general, communications personnel should address two primary goals: collecting information and dispatching assistance.

C. Patrol Officer Responsibilities

When an officer comes in contact with a victim of a sexually oriented crime, the officer should notify their field supervisor of the situation. Each incident will be handled on case by case bases depending on the age of the victim and the hour in which the offense is reported.

Officers should be mindful of the impact of trauma on memory, especially when contact with the victim is within a short time after the sexually oriented crime occurred. Victims of any trauma, including but not limited to sexually oriented crimes, may experience difficulty with memory storage and recall. As a result, victims may be inconsistent or unclear in their descriptions. These symptoms may be indications of a traumatic experience rather than fabrication. This fact should be considered by the investigator to assure a more accurate follow-up interview after appropriate time has passed from the traumatic event.

1. Responding officers have the following immediate responsibilities:
    a. The victim's physical well-being – Give attention to the victim's emergency medical needs. Ensure safety.
    b. Preservation of the crime scene – Call additional officers, or a supervisor when necessary (The supervisor will contact the bureau when necessary).
    c. Be alert to any suspect in the vicinity – If applicable, give crime broadcast.
    d. A victim advocate should be contacted as soon as possible to provide assistance throughout the reporting and investigative process.
    e. Explain to the victim the officer role and what will be done at the scene.
2. The officer shall obtain detailed information essential to determine what occurred.
3. The officer shall obtain preliminary statements from victim and witnesses to obtain information in an effort to identify and locate the suspect.

4. The officer should ask if the victim would prefer to have a support person present and offer to contact the person if necessary.
5. The officer shall arrange transportation of the victim to the hospital, if necessary.
6. After approval from an Investigative Supervisor, officers should request that all adult victims go to the Shelby County Rape Crisis Center (SCRCC) for an examination due to their extensive evidence collection procedures. The officer will escort or transport the victim to the SCRCC. No victim will be forced to go to SCRCC. The victim has the choice of going to the SCRCC or they may go to any qualified physician who will conduct an examination. If the victim makes the decision to use their personal physician, this should not preclude the investigation of the case. It is recommended that a Sexual Assaults Kit be collected from a Sexual Assault Nurse Examiner.

D. Investigator Responsibilities

1. The investigator shall obtain a complete report from the patrol officer assigned to the case.
2. The initial contact with the victim may happen in different ways. Investigators have the following responsibilities:
   a. At the crime scene: The investigator shall protect the crime scene and begin the preliminary investigation. Explain to the victim the investigator's role and what will be done at the scene and through follow-up. The investigator shall inform the victim of the SCRCC and other community-coordinated response agencies and resources available to support the victim. The investigator should establish rapport with the victim and offer to transport the victim to SCRCC. The investigator should explain the medical and investigative purposes of the exam and advise the victim to bring a change of clothing.
   b. At the hospital: The investigator should collaborate with medical staff to arrange for the collection of evidence needed for prosecution. Ensure the victim understands the exam procedures and establish rapport for further interviews. Assist in arranging for clothing the victim may need after the examination. The investigator should never be in the examination room during the sexual assault exam, but shall have the victim sign a consent form in order to obtain a copy of the medical report. The sexual assault evidence collection kit shall be received from medical staff after it has been properly sealed and labeled. The sexual assault evidence collection kit will be stored and/or submitted for testing in accordance with state law. See, subsection G: Collection and Storage of Evidence.
   c. At the department: Before interviewing the victim, the investigator should review the officer's report and establish rapport with the victim by allowing the victim to ask preliminary questions and voice initial concerns.
   d. A victim advocate should be contacted as soon as possible to provide assistance throughout the reporting and investigative process.
   e. Explain to the victim the investigator role and what will be done at the scene and through follow-up.

3. Investigators shall be trained in sexual assault procedures:
    a. The investigator shall allow the victim advocate to be with the victim for support during the interview(s), if the victim desires.
    b. If the victim prefers a gender specific investigator, every attempt to provide one should be made. If one is not available, the investigator shall nevertheless encourage the victim's cooperation.
    c. The investigator shall prepare the victim for each phase of the investigation. The investigator will encourage the victim's cooperation by explaining investigative procedures.

4. Victim interviews:
    a. Privacy is a necessity for follow-up interviews. Choose a quiet room at the department or go to the victim's home. Recording is encouraged. A victim advocate may be helpful to the investigation. Ask the advocate not to interfere with questioning. The investigator shall obtain detailed information essential to determine what occurred.
    b. Polygraph Test, T.C.A. § 38-3-123. Victims of sexual offenses (T.C.A. § 40-39-402), or violent sexual offenses (T.C.A. § 40-39-202), shall not be required to submit to a polygraph test or any other test designed to detect deception, as a condition of proceeding with the investigation of the offense.
    c. The investigator should determine if there were any witnesses and interview them. Investigators should also determine if the incident was reported to someone else.
    d. Questions that must be addressed include, but are not limited to, the following:
        1) Assault circumstances: Where approached? How? Where occurred? When?
        2) Suspect information: Name, if known? Age? Race? Hair color? Clothing? Height? Weight? Identifying marks? Relationship to victim, if any?
        3) Multiple crimes: Did multiple assaults occur? Were other crimes committed?
        4) Assault details: What happened during the assault? Were weapons used? Describe them. Were threats made? What were they? Was there a fight or struggle? Were injuries sustained by the victim and/or suspect? Were drugs/alcohol involved? Was the victim incapacitated in any way?
        5) Details of sexual acts: What did the suspect do? If a male suspect, did he ejaculate? If so, where? Was a condom used? Was a lubricant used, and if so, what type?
        6) Duration: How long was the suspect with the victim?
        7) After the assault: What did the victim or suspect do immediately after the assault?
        8) Prosecution: Does the victim have concerns about prosecuting?

    e. At the conclusion of the interview, the investigator should ask about any additional assistance needed by the victim and refer the victim to appropriate services.

f. Inform the victim that it is common to remember additional details later. Encourage the victim to contact the investigator with additional details or to ask questions. Provide contact information to the victim.

g. Interviewing child sexual assault victims under the age of 18 requires special guidelines set forth by established statutory child sexual abuse investigative protocols. (See subsection F. Handling of Child Victims.)

E. Handling of Child Victims:

1. When an officer receives a complaint of a child who has been involved in a sexual offense, they will determine the following:
   a. If the child is under thirteen (13) years of age, or
   b. If the child is between the ages of thirteen (13) and seventeen (17) years of age, and the perpetrator is a parent, guardian, lives in the child's home, is in the custodial care of the victim, or responsible for the child's welfare in any way (Relative, child care provider, etc.).
2. If an officer determines that any of the above circumstance are present, the officer, if necessary to secure pertinent information, may briefly question the victim of the alleged offense, to obtain minimal facts. **Officers will not conduct an in-depth interview with the victim at this time.** Officers will request for their supervisor to make the scene and advise prior to questioning the victim in order to determine the necessity for the immediate preliminary interview.

   The decision will be based upon:
   a. The immediate safety or well-being of the child, or
   b. The probability the child may not be available later for the purposes of conducting a child protective investigation, or
   c. That the facts so warrant.
3. If the supervisor deems an immediate preliminary interview is necessary, the appropriate bureau (Sex Crimes/Felony Response Unit/ Child Abuse) will be notified for instructions.

All investigations of child sexual offenses will be handled by the Child Abuse - Child Protection Investigation Team (CPIT). The above guidelines are for officers to determine what cases are covered under the Child Sexual Abuse Law and the procedures for notifying the Child Protection Investigation Team.

Any investigation of a sexual offense of a child between the ages of thirteen (13) and seventeen (17) years of age which <u>do not</u> meet the criteria (Subsection (E)(1)) will be handled by the Sex Crimes Bureau.

F. Supervisor Responsibilities:

Effective supervision plays a key role in ensuring comprehensive responses to an investigation of sexually oriented crimes. Though this is important for victims, it is also important for ensuring compliance with department policy and accountability. Supervisors

shall demonstrate a thorough understanding of the victim issues and proper response by subordinates.

1. After the field supervisor is notified of a sexual offense, regardless of the age of the victim, the field supervisor will contact the appropriate bureau.

   a) If the victim is an adult, the field supervisor will contact Sex Crimes or Felony Response with pertinent details. After the appropriate bureau's supervisor determines that the victim should be examined and the victim is willing to complete an examination, the field supervisor will then notify Communications. Communications will notify a Nurse Clinician which will be dispatched to a designated location. (Shelby County Rape Crisis Center (SCRCC), Regional One Health, etc.)

   b) If the victim is a child (described in Subsection (E)(1)) the field supervisor will contact Child Abuse (Monday – Friday, 8:00 a.m. – 4:00 p.m.) or Felony Response (after regular bureau hours). The Felony Response supervisor will notify the on-call Child Abuse supervisor for instructions. After the appropriate bureau's supervisor determines the victim should be examined, the field supervisor will then notify Communications. Communication will notify a Nurse Clinician which will be dispatched to SCRRC. The field supervisor will provide Communications with the victim's sex and age and the estimated time of arrival at SCRCC. (The victim's name can only be given by telephone; do not advise the victim's name through radio communications.) Communications will call SCRCC or the nurse clinician and relay the information. Officers will transport the victim to the SCRCC. Nurse Clinicians should respond to calls within one (1) hour.

2. **The Child Abuse supervisor or designee must give approval in all cases pertaining to child sexual offenses prior to transporting the victim to SCRCC.**
3. Upon arrival at SCRCC, the transporting officer will remain with the victim until a Sex Crimes/Felony Response or Child Abuse investigator arrives on the scene and relieves the officer. The transporting officer will remain until the examination has been completed and/or they are advised that they are no longer needed.

G. Collection and Storage of Evidence:

The Sexual Assault Evidence Collection Kit or Hold Kit shall be received from the medical staff after it has been property sealed and labeled. A chain of custody for the Sexual Assault Evidence Kit or hold kit shall be established and the kit will be prepared for DNA testing or storage in accordance with established protocols. See, T.C.A. § 39-13-519 (b).

Collection and storage procedures for sexual assault evidence kits and hold kits are stated below.

1. Sexual Assault Evidence kit (T.C.A. § 39-13-519-(c)(2) and (d)(1)).
   a. If an adult victim reports the alleged offense to the police, or if the victim is a minor, the health care provider shall attach the victim's name to the sexual assault

evidence collection kit, and it shall be released to the appropriate law enforcement agency.

b. The law enforcement agency shall, within sixty (60) days of taking possession of the sexual assault evidence collection kit with the victim's name affixed to it, submit the kit to the Tennessee Bureau of Investigation (TBI) or similar qualified laboratory for either serology or deoxyribonucleic (DNA) testing.

2. Hold Kit (T.C.A. § 39-13-519 (c)(1) and (d)(2)).
   a. If an adult victim elects not to report the alleged offense to police at the time of the forensic medical examination, the sexual assault evidence collection kit becomes a hold kit, and the healthcare provider shall assign a number to identify the kit rather than use the victim's name. The healthcare provider shall provide the victim with the identifying number placed on the victim's hold kit, information about where and how long the kit will be stored, and the procedures for making a police report.
   b. Upon receipt of a hold kit with only an identification number attached to it, the department shall store the hold kit for a minimum of three (3) years or until the victim makes a police report, whichever events occurs first. Once the victim makes a police report, the department shall have sixty (60) days from the date of the police report to send the sexual assault evidence collection kit to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing. However, no hold kit shall be submitted to the state crime lab or similar laboratory for testing until the victim has made a police report.

V. Compliance:

Violations of this policy, or portions thereof, may result in disciplinary action. All members shall comply with this policy.

VI. Application:

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.

An officer who comes in contact with a person in possession of a weapon should use caution and good judgment. Individuals may lawfully carry a knife or switchblade of any length and a handgun with a valid permit. A person commits an offense who **possesses any deadly weapon with the intent to employ it** during the commission of, attempt to commit, or escape from any offense.

Individuals exercising their right to carry or possess a firearm in a vehicle should not be subject to investigatory detention unless an officer has reasonable suspicion that the aforementioned individual has committed or is about to commit a crime (i.e. the firearm is removed from the vehicle or brandished towards someone). The officer may take control of the firearm and then determine whether the individual is carrying the firearm legally as part of the officer's investigation into suspected criminal activity. However, this does not prevent an officer from approaching an individual possessing a firearm in a vehicle for the purpose of engaging them in voluntary conversation regarding the circumstances of the carry.

Carrying or possessing a firearm or firearm ammunition in a motor vehicle is legal if the person is not prohibited from possessing or receiving a firearm **and the person is in lawful possession of the motor vehicle. Passengers may not lawfully carry or possess a firearm without a permit, unless they are the registered owner of the vehicle.**

Persons may not legally carry or possess a firearm or ammunition if any of the following conditions apply:

1. The person has a domestic violence conviction; (check JSSI, Communications)
2. The person is under indictment or pending indictment for a felony; (check Fugitive)
3. The person is a convicted felon (verify); (check JSSI, Communications - III)
4. The person is the subject of an order of protection or exparte order; (check Communications, Fugitive)
5. Bail/ bond conditions prevent possession; (check Fugitive)
6. The person is a fugitive from justice; (check Fugitive, Communications)
7. The person has a dishonorable discharge from the military; (check Communications)
8. The person is a mental consumer;
9. The person is under the influence drugs/alcohol;
10. The firearm is prohibited, stolen, or the serial number is obliterated; (check Communications)
11. The individual is a juvenile or undocumented immigrant;
12. The firearm is possessed on school property;
13. The person is a driver of a vehicle provided by a government/private entity for the course of employment and that entity prohibits its drivers from carrying or possessing firearms or ammunition in their vehicle(s).

The following steps will assist officers in conducting field interviews and investigations.

1. Determine ownership of the vehicle and check the firearm to determine if it is stolen.
2. Determine ownership of the weapon.
    - In a situation where there are multiple occupants in a vehicle and no one claims

ownership of a firearm, officers should make an arrest **if it is determined** that the owner is in unlawful possession of the firearm. Have all occupants of the vehicle complete Rights Waiver Forms and tag the firearm and Rights Waiver Forms as evidence.

- If ownership cannot be determined, officers should take a memo, have all occupants' complete Rights Waiver forms, and tag the firearm as found property.
- If an occupant is transported to a bureau for further investigation, the investigator will complete the Rights Waiver Form. (Rights Waiver questions may be incorporated into a Defendant Statement.) Scene officers will still complete Rights Waiver forms for all occupants not transported to a bureau.

3. Check each person for warrants and contact Fugitive concerning bail/bond conditions.
4. Contact an investigator 170 N. Main and have them request a criminal history check (Triple I/III) from Communications. The criminal history will advise if the person has been convicted of a crime or offense that prevents them from possessing a firearm by 18 U.S.C. 922(g). South Main GIB (or Economic Crimes) should be contacted during daytime business hours (B shift). Felony Response should be contacted after hours (C, D, and A shifts).

Once the investigation has concluded and there are no known felony convictions in any jurisdiction (which would require the seizure of the weapon and arrest of the individual as a convicted felon) the subject should be released and their weapon returned without further action.

Officers should not allow a legal weapon to remain in a vehicle that is not under the direct control of a person designated by the weapon's owner. That designee must be at least 18 years of age, not legally prohibited from possessing the weapon, and otherwise competent to safeguard the weapon.

If a firearm is tagged, the owner should be advised to contact the Legal Advisor's Office (901-636-3718) concerning the release of the weapon.

Response to Resistance

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The following policy will govern ***response to resistance*** and the investigative procedures

thereof.

I. Definitions

A. Violent Felony - A felony in which the suspect has used, threatened to use, or attempted to use force that can cause death or serious bodily injury.

B. Deadly Force - That amount of force that is sufficient to, intended to, or may be reasonably expected to inflict serious bodily injury and/or death. This includes the discharge of any firearm at, near, or in the direction of any individual.

C. Empty Hand Control – A method of control employed by an officer without the aid of equipment or weapons. This physical force is employed when it is necessary to overcome a subject's physical resistance to an officer's lawful objectives. There are two subcategories: Soft and Hard Empty Hand Techniques.

D. Soft Empty Hand Techniques – This subcategory includes escort controls, touch pressure points, wrist or arm locks, and take down techniques that have a minimal chance of injury.

E. Hard Empty Hand Techniques – This subcategory includes kicks, punches or other striking techniques such as brachial stun or other strikes to key motor points that have a moderate chance of injury.

F. Probable Cause - *Probable cause* exists when facts and circumstances within an officer's knowledge, and of which he has reasonably trustworthy information, are sufficient to warrant a man of reasonable caution in believing that an offense has been, or is being committed, and that the suspect committed it.

G. Exhaustion of all Other Reasonable Means - All other reasonable means have been exhausted when an officer has tried to control conflict by using all alternate methods other than deadly force. However, all other reasonable means may be considered to have been exhausted when an officer analyzes a set of circumstances and honestly and reasonably concludes that any other means will be ineffective, useless, or hazardous to the officer or some innocent third party.

H. Necessary Force – *Necessary Force* or "reasonable force" is force that can be reasonably used by an officer to accomplish their duties in a timely manner; force that keeps both the officer and citizen as safe as possible. Members are permitted to use whatever force is necessary and reasonable to protect others or themselves from bodily harm.

I. Excessive Force – *Excessive force* is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances.

J. Unnecessary Force - *Unnecessary Force* is that force or violence that is unprovoked, needless, or not required when making an arrest or dealing with a prisoner or any person. Officers shall **NEVER** use Unnecessary Force.

K. De-escalation – *De-escalation* enables an officer when practicable to initiate specific actions to defuse an event where the use of force would be legally justified at that time. This may be accomplished through both verbal and tactical actions which may include: containment, securing backup, using cover or requesting CIT.

II. Response to Resistance Continuum

The Memphis Police Department has provided a **Response to Resistance Continuum** for its officers to use as a guide in the **Response to Resistance** in general and the use of Deadly Force in particular.

Officers should only use **THE NECESSARY AMOUNT OF FORCE** to safely accomplish their duties. Whenever possible, officers should allow individuals time to submit to the officer's commands before force is used. Officers should react to the amount of resistance shown by a suspect and then determine the amount of force that is reasonable and necessary to safely take this person into custody during a lawful arrest. (1.3.1)

This idea of safety should include the officer(s) involved, the person(s) suspected of committing the offense, and any innocent third parties that may be involved as victims, witnesses, or bystanders.

Any time there is an injury or an alleged injury as the result of any level of force used, officers will, upon properly restraining the subject, examine any person appearing injured or claiming injury and render the appropriate medical aid. Officers will request paramedics to the scene as needed. Any officer on the scene of an incident wherein he/ she is made aware of an injury or a claim of injury must immediately notify a supervisor. The notified supervisor will examine the suspect(s) injuries, speak with witnesses, and ensure the incident is documented via the Response to Resistance Incident in Blue Team, photographs, and/or other appropriate documentation. (1.3.5)

The **Response to Resistance Continuum** uses an escalating/de-escalating format to determine how Officers should consider the response to resistance. Officers must quickly react and establish objective reasonableness according to circumstances and the totality of facts known to the officer at the time of the incident. Officers are allowed to escalate their response to resistance in reaction to a particular situation as their experience and training dictate. Officers should also de-escalate their response to resistance when the situation is safely under control and a higher level of force is no longer necessary or reasonable.

RESPONSE TO RESISTANCE CONTINUUM

1. Physical Presence
2. Verbal Warnings
3. Verbal Commands
4. Chemical Agents
5. Empty Hands Control (Soft and Hard)
6. Impact Weapons/Less Lethal Weapons/MPD Canine
7. Deadly Force

Officers must be aware that this is a dynamic continuum where an officer can be justified in instantly escalating from the lowest level of force to Deadly Force without having to stop and utilize each and every step in between. The Officer can also de-escalate from a higher level of force to one of the lower levels without stopping at each lower level.
The Officer's experience and training are his guides as to which level of force to use in each situation.

III. Response to Resistance Incidents

A. It is the responsibility of the officer utilizing deadly force to complete a *Response to Resistance Form* on all incidents involving:

1. The discharge of a firearm (with the exception of recreation or training purposes). (1.3.6a)

B. It is the responsibility of the officer utilizing less than lethal force to complete a *Response to Resistance* incident in Blue Team on all incidents involving:

1. The use of any part of the officer's body to compel compliance. This would include uses of force that fall in level 5 (Empty Hands Control) of the response to resistance continuum. (1.3.6d)
2. Chemical agent use. (1.3.6c)
3. The discharge of a SL-6/IDS and CEW deployment event (1.3.6c)
4. The use of an MPD canine to apprehend a suspect.
5. The use of the Baton/Expandable Baton. (1.3.6c)
6. Whenever a suspect is charged with **T.C.A. 39-16-602 Resisting Arrest**.
7. Whenever there is a death, injury, or an alleged injury to an officer or suspect(s), as a result of police utilizing less than lethal force. (1.3.6b)

C. The *Response to Resistance* incident in Blue Team need not be completed for:

1. The mere presence of police officers, the issuance of tactical commands; or
2. Routine or procedural physical contacts, which are necessary to effectively accomplish a legitimate law enforcement objective. Examples include: guiding a subject into a police vehicle, holding the subject's arm while escorting, handcuffing a subject, and maneuvering or securing a subject for a frisk; or
3. The pointing of a firearm, SL-6/IDS, or CEW at a subject. When these weapon types are pointed at a subject, a Pointed Weapon Incident in BlueTeam will be completed. This report will **NOT** be a Blue Team threshold indicator of the PEP program, however; it may prompt an intervention. After chain of command approval of the response to resistance incident, the Workstation Commander or his designee will forward the incident to the Inspectional Services Bureau. The Inspectional Service Bureau will forward copies of the response to resistance incident to the Training Academy Firearms Training unit. (1.3.7.c)

The *Response to Resistance* incident will be submitted to the supervisor for approval prior to the end of the officer's shift. The Supervisor will ensure that the report has been completed, and will review the incident for any departmental concerns regarding policy and procedures, training, equipment and/or officer conduct. If the Supervisor recognizes that one of these areas needs to be reviewed and addressed by the Memphis Police Department, only then will he/she submit the concerns in a memo and forward the memo with a copy of the *Response to Resistance* incident to the Accreditation Office.

A supervisor, who is involved in a reportable response to resistance, including ordering the force used, will not review the incident report or the *Response to Resistance* incident for approval. Additionally, a supervisor will not handle/take a complaint/allegation of misconduct arising from an incident if the supervisor witnessed, was involved in the incident, or if he/she authorized the conduct that led to the complaint.

The *Response to Resistance* and the *Pointed Weapon* incidents are prepared as internal administrative instruments. The incidents will not be released to persons or agencies outside the Memphis Police Department without the prior approval of the Director of Police Services.

All reported *Response to Resistance* incidents will be reviewed by the Inspectional Services Bureau. The Inspectional Services Bureau will be responsible for the maintenance of the original *Response to Resistance* incidents, as well as the data generated by the incidents. This review will examine the following elements of the incident: (1.3.7)

- Was department policy and procedure adhered to?
- Is the applicable policy clearly understandable and effective in covering the incident?
- Is current departmental response to resistance training adequate?
- Is department equipment adequate?
- Are there tactical issues that should be addressed in training?

An annual analysis of response to resistance incidents will be submitted from the Commander of ISB to the Director of Police Services. This report will summarize the data extracted from reported response to resistance incidents and include written recommendations regarding any policy or training issues that need to be addressed by the department. All training issues should also be forwarded to the Commander of the Training Academy for review. (1.3.13)

IV. Use of Deadly Force Authorized

Officers shall use only the **NECESSARY** amount of force that is consistent with the accomplishment of their duties, and must exhaust every other reasonable means of prevention, apprehension, or defense before resorting to the use of deadly force (*if the situation allows time for this)*. (1.3.2)

A. Use of Deadly Force in Defense of Self or Others

Officers are authorized to use deadly force:

1. In self-defense where the officer has been attacked with deadly force, is being threatened with the use of deadly force, or where the officer has probable cause and reasonably perceives an immediate threat of deadly force; **or**
2. In defense of others where a third party has been attacked with deadly force, is being threatened with the use of deadly force, is in danger of serious bodily injury or death; or where the officer has probable cause and reasonably perceives an immediate threat of deadly force to a third party.

B. Use of Deadly Force to Affect an Arrest

Officers are authorized to use deadly force to effect the arrest of a fleeing felon only when:

1. The officer has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; **AND**
2. The officer has probable cause to believe that the individual to be arrested poses a threat of death or serious bodily injury, either to the officer or to others unless immediately apprehended; **AND**
3. Where feasible, the officer has identified himself/herself as a police officer and given warning such as, **"STOP--POLICE--I'LL SHOOT,"** that deadly force is about to be used unless flight ceases; **AND**
4. If all other means of apprehension available to the officer under the attendant circumstances have been exhausted.

V. Use of Deadly Force Prohibited

The use of **DEADLY FORCE** is prohibited in the following circumstances:

A. To apprehend or arrest a person for a misdemeanor offense; or

B. To effect the arrest of any person for escape from the commission of any misdemeanor offense; or

C. As warning shots [Warning shots will not be utilized under any circumstance (1.3.3)]; or

D. To apprehend or arrest a person known to be or believed to be a juvenile, unless the use of deadly force is immediately necessary in the defense of the officer's life or of another person's life after all other reasonable means have been exhausted [The officer's knowledge or belief of a person's age may be based upon factors such as the officer's previous knowledge of the person, his observations of the person's appearance, or upon reliable information given to him by other persons]; or

E. To apprehend or arrest a person fleeing from a felony which is not a violent felony [This includes, but is not limited to, felonies such as auto theft, larceny, embezzlement, fraud, burglary of an auto, or any other felony, which does not involve the use of deadly force, attempted use of deadly force, or threatened use of deadly force]; or

F. From or at any moving vehicle, except in a case where an officer has probable cause to believe that the suspect committed a violent felony and the poses a direct threat of serious bodily injury or death to other persons if not immediately apprehended. If the officer is in the path of the vehicle, the officer's first responsibility, if possible, is to move from the path of the oncoming vehicle, as shooting the driver of a moving vehicle raises the danger from an uncontrolled vehicle. Officers should not intentionally place themselves in the path of a moving vehicle or reach inside of a moving vehicle; or

G. In any case, where the officer does not have a clear field of fire and cannot be reasonably certain that only the suspect will be hit and that the potential for harm to innocent persons is

minimum.

VI. Notification Procedures When Weapons Are Fired:

When any officer of the Memphis Police Department discharges any firearm (with the exception of recreation or training purposes), whether on-duty or off-duty and regardless of the type of firearm, the officer will immediately report the incident to the dispatcher who will notify the proper supervisor. The appropriate supervisor will proceed to the scene of the shooting to begin an immediate investigation and notify the precinct or bureau commanders of the incident.

It will be the responsibility of the first Supervisor on the scene to secure the crime scene, separate and secure the witnesses (both civilian and police), and contact the following via the Communications Supervisor: Inspectional Services (ISB); Homicide; Felony Response, (after hours) and CSI. All weapons of officers involved in the initial incident are to remain holstered until a representative from Homicide, Inspectional Services ***and*** Crime Scene are prepared to check the weapon. Because of the chain of evidence, it is paramount that only CSI or ISB personnel take possession of any police weapon and this is to be done only after a representative from Homicide, ISB and CSI is present. An inner perimeter should be marked off with crime scene tape around the actual crime scene. No one should enter the crime scene area, unless an emergency exists, until the Homicide Bureau and Inspectional Services arrive. An outer perimeter should be established in order to assist with crowd control. The Supervisor will immediately notify the dispatcher and appropriate Deputy Chief or Duty Chief if the incident occurs after regular business hours or on a weekend.

The on-scene uniform commander will be responsible for returning uniform cars to service once it is determined they are no longer needed.

A. ISB, CSI, and **Homicide Bureau** will be notified and will respond for an on-the-scene investigation for all shooting incidents involving:

1. Shootings by an officer, either on-duty or off-duty, regardless of the weapon, where a suspect/individual has been shot or there is evidence that the suspect was shot and has not been located. *A courtesy call will also be made to the AG's office by the Director or Deputy Director anytime a suspect is carried critical, advising them of the situation. *See Chapter X Section 7: Handling Deaths, subsection (V)*
2. When an officer has fired their weapon at a suspect and there is no evidence that the suspect was shot.
3. Incidents where an officer has been shot or shot at by a suspect.
4. When an officer reports that they were attacked but not seriously injured.

ISB and CSI will respond for a scene investigation regardless of the time of occurrence. Homicide will respond during daytime hours. Between 1600 hours and 0800 hours, Felony Response supervisors will be notified and respond to the scene with investigators to handle the preliminary investigation. Felony Response will assist with scene security and containment of witnesses.

CSI will send a supervisor and two CSI officers to all police related shootings.

B. ISB and **CSI** will be notified and respond for an on-scene investigation of all incidents involving:

1. Any shooting by an officer that occurs on-duty or off-duty, regardless of the weapon, resulting in property damage; or
2. Animal related shootings by an officer that occur on-duty.

This policy excludes recreational use of personal firearms and training on legitimate firing ranges unless injury or death occurs.

C. Law Enforcement Use of Force and Custodial Death Investigations

The TBI will investigate law enforcement use of force investigation requests (from the District Attorney General) that involve the death of any person by police action, or the death of a detainee while in custody. These investigations will be conducted solely by TBI personnel, and they will take command of the scene when they arrive.

Upon the occurrence of such incidents, the department shall:

- Make the usual notifications to the bureaus and the Duty Chief;
- Duty Chief will notify the Director and/or Deputy Director;
- Immediately notify the DA's office (notified by the Director/Deputy Director), who will notify TBI.

ISB will direct uniform patrol to:

- Secure any scenes connected to the incident, including the main crime scene perimeter with access limited to emergency medical personnel, medical examiner personnel and TBI personnel;
- Detain and hold any suspects or arrested persons pending the arrival of TBI personnel, and
- Identify and separate all officers and witnesses for subsequent interview by TBI.

In exigent circumstances, necessary steps will be taken to shield the crime scene and document evidence prior to TBI's arrival when it is absolutely necessary to protect the integrity of the crime scene. TBI will be contacted prior to any actions by Crime Scene.

TBI will work with the department per the MOU with the Memphis Police Association and the agency's Critical Incident Stress Debriefing protocols.

TBI will initiate an investigation in accordance with state law and TBI policy. They will:

- dispatch TBI personnel necessary for the proper conduct of the investigation;
- be responsible for the collection, documenting, and processing of all evidence, including the uniforms, gun belts and possibly shoes of involved officers
- issue investigative reports and summaries to the DA's as appropriate in the investigative process; and

- submit final reports to the DA's office for review without an opinion on whether the force used, if any, was justified.

  NOTE: Officers should complete an Equipment Replacement Form to replace any items collected and not returned by TBI.

ISB and the Training Academy Response Team will still be notified to conduct department investigations. ISB will be the point of contact for on scene investigations with TBI. See Chapter X Section 7: Handling Deaths, subsection (V) for the detailed MPD policy on TBI investigations.

VII. Investigation

A. The Commander of the Homicide Bureau (or a designee) will be the overall on-scene commander**, unless the incident is one that requires TBI notification**. If the incident requires a TBI investigation, TBI will assume control of the scene when they arrive.

The primary objective of the ISB is to investigate all shooting incidents involving police officers either on-duty or off-duty. This includes incidents where the use of deadly force is authorized, use of deadly force is prohibited or any accidental discharge(s).

ISB will provide an on-scene debriefing area for the officers involved in discharging their weapons. This area may be a room, van or any other location deemed appropriate by the ISB Commander. This area will serve as a central point for filling out reports, checking weapons, issuing replacement weapons, and any other task necessary to complete the on-scene investigation. An ISB member will be provided at this location to assist the officers with any issue that may arise. No walk-through will be performed before ISB arrives. The walk-through will be done under the supervision of an ISB member. The purpose is to insure the integrity of the scene.

When a squad car is involved in an accident during a shooting incident, the Traffic Bureau will make the scene and take all necessary accident reports.

B. ISB will only investigate compliance with the department's policy on the use of deadly force. Any officer involved in a shooting incident where a suspect has been shot or there is evidence that the suspect was shot will be routinely relieved of duty with pay pending the outcome of the investigation. (1.3.8)

C. The Homicide Bureau will be responsible for the criminal investigation of shooting incidents handled by MPD. The Homicide Bureau will be called to handle the investigation of the incident including obtaining statements, supplemental reports, state reports and presentation to the Shelby County Attorney General. It will be at the discretion of the lead scene investigator whether additional bureaus will be contacted for assistance in the investigation.

The following procedures shall be followed on all police related shootings handled by MPD Homicide where a police officer has been shot, a citizen has been shot or there are substantial facts to believe a suspect or citizen has been shot.

- The Homicide Bureau will be responsible for the on-scene investigation. The oversight of Inspectional Services reinforces the integrity of the process.
- The only evidentiary photographs to be taken on the scene of a police shooting are by CSI, under the direction of the lead Homicide investigator and the Inspectional Services investigator. Photos will include both 35mm and digital photographs. A photo log will also be completed. CSI will tag all evidence, including the officer's weapon. The officer's weapon is evidence and is to be treated as such. The lead Homicide investigator will be responsible for ordering all evidentiary testing. A copy of the CSI report will be made available for the Inspectional Services' file along with a copy of the photographs.
- The scene will be described in writing, evidence documented and procedures taken by the lead Homicide Investigator or Felony Response investigator.
- Entrance into a contained scene shall be limited to the Lead Homicide/Felony Response investigator and one investigator to assist if necessary, one Inspectional Services investigator, for observation and note taking for internal investigation only, CSI Officers, and Medical Examiner staff. After the scene has been completely processed, the Homicide Supervisor and Inspectional Services Supervisor will review the scene with the lead Homicide Investigator to ensure that all investigative measures have been taken. Inspectional Services should then conduct a walk-through.
- The Inspectional Services Bureau, Homicide or any other Investigative Bureau will not interview officers who have been involved in a critical incident until at least 48 hours has passed since the time of the critical incident. This 48-hour provision will not preclude conducting interviews at the discretion of the Director of Police Services, his designee or the ISB, Homicide or any other Investigative Bureau Supervisor when circumstances dictate such. Inspectional Services will retain the original officer's statements and a copy will be provided to Homicide.
- Homicide Investigators, with Inspectional Service Investigators, will take live statements from all witnesses, including officer witnesses. The original statement will remain with the lead Homicide Investigator and a copy will be retained by Inspectional Services for their file.
- Within **five (5)** days of the scene investigation, a debriefing will take place with the lead investigator from Inspectional Services, Homicide, the Supervisor/**Commander** from both bureaus, and the **Commander or Assistant Commander** of Investigative Services. This debriefing will cover the initial facts gathered and direction needed for a successful completion of the case. This debriefing will take place at Inspectional Services office.

  This can also be an opportunity for the involved investigating bodies to discuss problems and develop solutions to these problems. It will be the responsibility of the Commander of Inspectional Services and the **Commander or Assistant Commander** of Investigations to brief the command staff.

Homicide Bureau or Felony Response will handle criminal charges placed against a suspect wounded during the commission of a crime.

VIII. Review Procedures

A. Two Attorney General's Homicide advisors will review the case independently at the conclusion of the initial investigation. The initial investigation is concluded when all crime scene work is completed and all known statements, including officer statements, have been taken. At the conclusion of this review, the Attorney General may recommend further investigative action, completion of the case and presentation to the grand jury for criminal prosecution, or indicate in writing that at this stage it appears the case will not be prosecutable. The Homicide Commander will advise the command staff in writing as to the initial findings.

B. All reports, including the *Response to Resistance Incidents*, Crime Scene Report, and Bureau Report, copies of arrest tickets, offense reports, and memos will be presented by Inspectional Services to the Director for review.

Upon reviewing all initial reports, the Director will take the following action:

- Order new and / or any additional investigations as required; or
- Concur with the investigative findings that the officer(s) was justified in the use of deadly force and order notification of the officer of said findings by letter; or
- Concur with the investigative findings that the officer(s) was not justified in the use of deadly force and direct administrative processing of the Statement of Charges issued by Inspectional Services under the established disciplinary procedures.

C. The lead Homicide Investigator will complete the investigative file, including all reports, lab results, final autopsy report, and all evidentiary information along with a written summary of the facts. The Homicide Supervisor and Lt. Colonel of Investigative Services will review the investigative file within ten (10) working days and accept or order additional investigative measures. The Homicide file will then be forward to Inspectional Services for review and presentation to the Grand Jury Section of the Attorney General's office for final review.

D. Upon completion of this review, the Inspectional Services Commander/Supervisor will notify the command staff of the final disposition.

IX. Response to Resistance Involving Animals

Officers should be aware that from time to time they will find themselves in a situation or receive a call that involves an animal that is causing a disturbance or is a threat to the officer or the community.

TCA 39-14-202 prohibits unnecessary cruelty to animals, and while animals are considered property under the law and are **NOT** guaranteed protection under the United States Constitution and Bill of Rights, officers should attempt to adhere to the guidelines concerning force established in the Response to Resistance Continuum in their dealings with animals. This means that officers should use force that is reasonable and consistent with the accomplishment of their

duties.

The safety of the officer and the community should be the primary factor when officers make the decision to use Deadly Force to control an animal. If a decision is made that, the animal must be shot in order to protect the officer or the community, the officer must make every effort to insure that the discharge of his weapon is done as safely as possible. The officer's actions must be in conscious regard for both the foreground and background near the animal to minimize the danger to other officers, citizens and/or private property. The officer's use of deadly force against an animal should be undertaken in such a manner that is humane, but unlikely to result in the animal's undue suffering or escape.

In addition, the officer must remain acutely aware of the potential danger that results from wounding a large frightened and/or vicious animal. If the animal's death is not immediate, officers are warned that the animal might become enraged and desperate, causing it to attack the officer or further threaten the safety of other citizens.

If deadly force is used against an animal, the officer should notify the dispatcher who in turn will notify the appropriate supervisors, bureaus and departments for further action. Per Policy and Procedure, the officer will complete a *Response to Resistance* form.

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I. Citizens Dispute Office

The Citizens Dispute Office handles Orders of Protection. Since the creation of the office, there has been confusion as to whether the Officer should, 1) take an offense report, or 2) refer to the Citizens Dispute Office, 3) write a memo, 4) advise the securing of a warrant, or 5) take no action. Citizens Dispute is a mediation service which has the option to refer citizens elsewhere in the Legal System. The Citizens Dispute Office is located at 201 Poplar Avenue, room LL-01, phone number 545-2520. It is open Monday through Friday, from 8:00 a.m. to 4:30 p.m. The Citizens Dispute Office does not handle criminal warrants.

The criteria for referral to Citizens Dispute Office for an Order of Protection are as follows:

1. Relatives involved in a dispute, or boyfriends and girlfriends, or neighbors.
2. Suspect known by name to the victim.

When an officer refers a citizen to the Citizens Dispute Office for assistance with an Order of Protection, the officer will note this on his/her log sheet.

II. Misdemeanors Observed by an Officer

A. Misdemeanor Charges

An officer witnessing a misdemeanor may make an arrest without a warrant. Two types of misdemeanor charges exist - state misdemeanors and city ordinances. The difference between the two is that state misdemeanors carry jail time and increased fines. City ordinance violations are civil in nature and can only result in a $50.00 fine to the offender. It is the policy of the Memphis Police Department that an officer uses a state misdemeanor charge, rather than a city ordinance, whenever possible in a criminal case. **An officer must not place both state and city charges on an arrest document.** City ordinance charges may be used when an officer is issuing a city ordinance summons or a traffic citation.

B. Dismissal of City Ordinance Charges

Occasionally, citations have been turned in with no violation listed, or situations have arisen where a citation/ summons was written in error. The following procedures must be followed for dismissal of summons and citations that do not have a violation listed and/ or summons/ citations that were written in error by officers.

1. Summons/ citations without a violation listed or checked:
   A copy of the summons/ citation will be sent back to the officer for correction.
2. If the summons/ citation needs to be dismissed:
   a. The officer must write a detailed memo explaining the reason for the request for dismissal and have it **signed** and **approved** by their immediate supervisor. **This detailed request must accompany all summons/ citations to be dismissed.**
   b. The officer must come to the City Court Clerk's Office during their regular work hours or on their next court date, with the signed dismissal request and the original summons/ citation **to be placed on the docket for their next available assigned**

court date.

c. The officer must appear before the judge of the division of court that they are assigned to and give an explanation for **possible dismissal.**

This process will be completed during the officer's tour of duty, prior to Signal "C" or on the officer's next court date. A copy of the summons and a copy of the memo will be maintained in the officer's personal file.

III. Domestic Disputes

A. In order for a call to be handled as **Domestic Abuse** per TCA 39-13-11 Domestic Assault, the following relationship (as defined in TCA 36-3-601) must exist between the primary aggressor and the victim of the assault:

1. Adults or minors who are current or former spouses;
2. Adults or minors who live together or who have lived together;
3. Adults or minors who are dating or who have dated, or who have or had a sexual relationship, [as used herein "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context];
4. Adults or minors related by blood or adoption;
5. Adults or minors who are related or were formally related by marriage; or
6. Adults or minor children of a person in a relationship that is described in 1 through 5.

Officers are required by law to make a written offense report of the incident, utilizing the appropriate offense classification based on the circumstances. The notation "Domestic Violence" is to be included as part of the classification. The officer should indicate in his/her narrative that the report is based on a "Domestic Violence" situation.

All "Domestic Violence" complaints will be reported by using the appropriate criminal classification, which could range from an assault to a homicide, along with a "Domestic Violence" notation. The original will be forwarded to Compstat.

B. A **"Domestic Violence Hold Harmless/ Victim's Rights Information"** sheet will be distributed to **EACH** victim of Domestic Violence on **EVERY** scene **EVERY** time. This is a two page document. The first page is left with the victim; the second page is completed by the victim and returned to the officer. Some victims may need assistance in completing the form; use direct quotes, and have the victim sign at the end of the quotes.

1. **If an arrest is made, the second page of the Domestic Violence Victim's Rights Information sheet is to be tagged in the property and evidence room.**
2. **If there is no arrest, the form is to be logged at the workstation and forwarded to the Domestic Violence Bureau.**

C. When a law enforcement officer responds to a domestic violence call and finds both the victim and the alleged assailant present:

1. The officer may arrest the alleged assailant without a warrant if he has probable cause to believe that that domestic abuse as defined in TCA 36-3-601 (1) "Abuse" has been committed against a domestic violence victim (as defined in TCA 36-3-601) though not in his presence. The law states if a law enforcement officer has probable cause to believe that a person has committed a crime involving domestic abuse, whether the crime is a misdemeanor or felony, or was committed within or without the presence of the officer, the preferred response of the officer is arrest.
2. If the disputants do not meet the guidelines of a domestic violence call as established by state law, then the call should be handled as a disturbance, and the party who owns the premises or is on the lease as tenant has the exclusive rights to the premises and may order the other party to leave. In such cases, a party may swear out a warrant or make a citizen's arrest as above.

D. When a law enforcement officer responds to a domestic violence call and the alleged assailant is no longer present:

1. The Officer must offer to transport the victim to the location where an arrest warrant can be obtained and assist them in procuring the warrant; AND
2. The Officer must also offer to transport the victim to a place of safety such as a shelter, another similar service, or a friend's or family's residence, or return the victim home.

If the victim wishes to obtain an arrest warrant between the hours of 8:00 AM and 4:00 PM, the Officer will transport the victim to the Domestic Violence Bureau located at 1750 Madison Avenue., 6th floor.

E. Wife Abuse Services of Y.W.C.A.

When the victim requests to be transported to a place of safety other than a friend's or family's residence, the Officer must contact the dispatcher to have them contact the YWCA to find out if room is available. If not, the dispatcher should contact one of the alternate shelters for available room. If there is no available room, then the only option is for the officer to transport the victim to a friend's or family's residence.

IV. Domestic Violence Bail Conditions Violations

A. Any member of the Memphis Police Department having been made aware that a defendant, who having been released on bail for domestic abuse, may have violated the conditions of bail, shall immediately contact the Shelby County Sheriff's Fugitive Division at 545-5620 to determine the conditions of bail and to determine if an arrest is to be made.

The Shelby County Sheriff's Fugitive Division shall maintain a copy of any order issued as an "Order Granting Bail for Domestic Abuse Cases" for all such active domestic abuse cases. Such order is no longer valid once the case has been disposed of in court.

If an active "Order Granting Bail for Domestic Abuse Cases" is on file with the Fugitive Division, then the arresting officer can legally assume that the defendant has been served with the notice of conditions for bail release and the defendant is subject to immediate arrest without a warrant for violating the conditions of bail. The proper charge is "**Violate Bail**

Conditions/ DV", TCA 40-11-150. The Fugitive Division shall provide a copy of the order, which is to be attached to the arrest ticket. It **is not** necessary to bring the defendant to the Fugitive Office.

If the defendant is still on the scene, an immediate arrest is to be made. If the defendant is no longer on the scene, the victim is to be advised to contact the Domestic Violence Bureau, 1750 Madison Ave., 6th floor 636-3741, Monday – Friday from 8:00am – 4:00pm for assistance in obtaining a warrant. An officer may arrest a defendant without a warrant who is not on the scene, if through the lawful course of their duties they locate the suspect who has not previously been arrested on a warrant for that offense.

B. Background:

September 1, 1999, Tennessee law regarding the release of defendants arrested in Domestic Abuse cases has been amended as follows:

1. TCA 40-7-103(b) If a law enforcement officer has probable cause to believe that a person has violated one (1) or more of the conditions of release imposed pursuant to Tennessee Code Annotated 40-11-150, and verifies that the alleged violator received notice of such conditions, the officer shall, without a warrant, arrest the alleged violator regardless of whether the violation was committed in or outside the presence of the officer.
2. TCA 40-11-150(c) Concurrent with the imposition of one (1) or more conditions of release, the magistrate shall;
   a. issue a written order for conditional release containing the conditions of such release on a form prepared by the administrative office of the courts in consultation with the Tennessee Task Force Against Domestic Violence and distributed to judges and magistrates by the administrative office of the courts;
   b. immediately distribute a copy of the order to the law enforcement agency having custody of the defendant which agency shall file and maintain such order in the same manner as is done for orders of protection; and
   c. provide such law enforcement agency with any available information concerning the location of the victim in a manner that protects the safety of the victim.
3. TCA 40-11-150(h) A person who violates a condition of release imposed pursuant to this section shall be subject to immediate arrest with or without a warrant as provided in Tennessee Code Annotated, Section 40-7-103(b). Such a violation shall be punished as contempt of the court imposing the conditions and the bail of such violator may be revoked.

V. Employee Domestic Violence.

PURPOSE: It is the policy of the Memphis Police Department to fully enforce laws dealing with Domestic Violence involving any employee of the Police Department and to take appropriate action to prevent or ameliorate domestic violence in the families of employees.

A. ACTION:

1. If an employee is involved in an alleged domestic violence incident the employee shall be immediately referred to a Departmental Psychologist for assessment and referral. A written report of the incident and the action taken will be sent through the chain-of-command starting with the scene supervisor to the appropriate Deputy Chief.
2. Police officers or employees as alleged offender/ victim:
   a. When an officer of this Department responds to a call of Domestic Violence and finds that one of the involved persons is a law enforcement officer or Memphis Police Department employee, the responding officer will, as soon as reasonably possible, call his/her supervisor to the scene. Should the individual be of equal or higher rank than that of the responding supervisor, the responding supervisor will then contact the Duty Chief. It will be the responsibility of the responding supervisor to ensure that state law is followed and to immediately notify the Inspectional Services Bureau where an officer is involved as a victim or as a suspect, regardless of the circumstances or initial statements. **The Inspectional Services Bureau will investigate all domestic violence incidents involving any suspect who is an employee of the Memphis Police Department.**
   b. Failure to Arrest/ Privilege/ Special Consideration.
   In any situation where an arrest is warranted, officers will not fail to arrest, when probable cause exists, and will not give privilege or special consideration to other law enforcement officers or employees when such officers or employees are alleged to have committed acts of Domestic Violence.
   c. Solicitation of Privilege/ Special Consideration.
   Officers or employees who are being investigated for any allegation of Domestic Violence will not solicit privileges or special consideration from other law enforcement officers.

B. Compliance:

All officers or employees shall adhere to this Policy in its entirety. Failure to do so will result in disciplinary action.

C. Incidents / Information That Does Not Result In Charges:

1. When information about Domestic Violence in an employee's family comes to the attention of a commanding officer or supervisor, it is the commanding officer's or supervisor's responsibility to conduct an informal inquiry. Such a session could be triggered by virtually any source, a family member, a neighbor, friend or colleague. The commanding officer or supervisor should discuss safety issues and treatment referral. Employees will be encouraged to make use of the treatment options which include our Psychological Services and Concern - the City's Employee Assistance Program.
2. If an employee is referred to Psychological Services by a member of management, notification will be given to the appropriate manager regarding an initial assessment

and preliminary treatment plan. Information beyond this will remain confidential, unless there is suspicion of intent to harm self or others, or if there is information regarding child abuse. If the employee is referred to an outside practitioner, professional communication will be maintained with the Psychological Services and will be kept confidential where appropriate.

3. Educational Programs. A curriculum on Employee Domestic Violence will be developed for presentation at the Training Academy. Information will be presented to recruits and new employees. Additional courses shall be developed for In-Service Training. Topics to be covered will include; Applicable Laws, Communication Skills in Family Relationships, Recurrent Problems in Police Marriages, and Information on Available Resources For Support. Training sessions will stress peer responsibility. Spouses will be encouraged to attend a separate session.

VI. Civil Matters

Generally, an Officer of the Memphis Police Department is not authorized to enforce the civil law or settle civil disputes unless a breach of the peace occurs or is about to occur. Members of the Shelby County Sheriff's Department are authorized to enforce civil court decrees. There are numerous types of court orders with which officers must be familiar, and each is handled differently.

A. Circuit and Chancery Court Injunctions:

In the event an officer makes a call to a domestic disturbance and is shown an injunction purporting to prohibit a spouse from coming about the premises, etc., the officer should act as follows:

1. Notify the offending spouse that the injunction may be binding upon that party even though the injunction has not been served upon him/her, and that a stamp stating "True Copy Attest" means the injunction has been signed by the judge.
2. Advise the enjoined spouse to leave, so as not to be subject to contempt of court and to contact his/her attorney.
3. Do not make an arrest on the basis of the enjoined spouse's refusal to leave, unless a disturbance continues or a misdemeanor is committed in the presence of the officer, i.e., vandalism, public drunkenness, etc.

B. Orders of Protection:

Orders of Protection are a different form of judicial order than a regular injunction. In the heading of the court order, it should specifically state "Order of Protection", rather than "Injunction".

In the Order of Protection, the victim is listed as the "Petitioner". The person the Order of Protection is against (the suspect) will be listed as the "Respondent".

All orders of protection must be verified through the Shelby County Fugitive Division. Out of

State Orders of Protection must be verified through NCIC then handled as any other Order. Officers must verify through fugitive the following information:

1. There is an order of protection in place against the respondent by the victim.
2. The order is not expired.
3. The order has been served on the respondent.
4. If the order is a Permanent Order or an Ex Parte Order.
5. If the findings of fact box on the order has been checked.

A person arrested for violation of an Order of Protection **shall** be charged with:

36-3-611. Arrest for violation of protection order
(a) An arrest for violation of an order of protection issued pursuant to this part may be with or without warrant. Any law enforcement officer shall arrest the respondent without a warrant if
(1) The officer has proper jurisdiction over the area in which the violation occurred;
(2) The officer has reasonable cause to believe the respondent has violated or is in violation of an order for protection; and
(3) The officer has verified whether an order of protection is in effect against the respondent. If necessary, the police officer may verify the existence of an order for protection by telephone or radio communication with the appropriate law enforcement department.
(b) No ex parte order of protection can be enforced by arrest under this section until the respondent has been served with the order of protection or otherwise has acquired actual knowledge of such order.

In addition to the 36-3-611 contempt charge, officers **must** place **the TCA criminal charge of 39-13-113** on the respondent if:

1. the order of protection is a permanent order, not an ex parte
2. the findings of facts box on the order has been checked

An offense report is to be taken on every Violation of an Order of Protection call. If it cannot be determined if an Order of Protection exists, then the officer should offer the victim transportation to a safe place, obtain a signed hold harmless form, provide the victim with a victim's rights form and recommend that the victim contact the Domestic Violence Bureau for assistance in obtaining a warrant or contact Citizens Dispute for assistance with an Order of Protection.

1. **Types of Orders of Protection:**
   a. **Agreed Order of Protection** is granted if the suspect comes to court and agrees to the order without a hearing.
   b. **Order of Protection** is granted after a hearing and the Judge finds that the victim should be granted an order of protection for safety reasons.
   c. **Ex Parte Order of Protection** is a temporary order of protection that is served to the suspect notifying them of a court ordered hearing. The Ex Parte is to be enforced as an Order of Protection, if the suspect has been served with a copy of the Ex Parte order, until the parties come to court for the hearing. Officers who

encounter a situation where an **Ex Parte Order of Protection** is produced must determine if it has been served on the responding party. No **Ex Parte Order of Protection** can be enforced by arrest until the responding party has been served or otherwise has acquired actual knowledge of such order.

Ex Parte Order: is issued by either a Civil Court, or General Sessions Criminal Court, without the knowledge or presence of one of the individuals involved in a dispute.

Example: Jane Smith goes to Court and Mike Smith is not present at the hearing and the Judge issues an **Ex Parte Order of Protection**, Mike Smith who was not present has no knowledge of the order. Officers are then called to a scene where Jane and Mike are involved in an argument and Jane produces the order. Officers, upon checking with the Shelby County Fugitive Division, must determine if the order is an **Ex Parte Order of Protection** and, if so, is there evidence Mike has been served with it or otherwise has actual knowledge of the order.

- If he has been served with it, and is in violation, then an arrest **must** be made.
- If he has not been served **and denies knowledge of the order**, then the officer will verify the existence of the order, and advise Mike that he is in violation and refusal to comply with the order might result in his immediate arrest.
- If he has not been served **and admits knowledge of the existence of the order**, then Mike should be arrested.

Officers must arrest Mike if he has committed a domestic violence act that requires such action.

d. **OUT OF STATE ORDERS OF PROTECTION**

If an Officer is advised by a victim that they have an out of state Order of Protection, the Officer should try to verify the order by:

1) Verifying the Order through N.C.I.C from Station "B" by running a QW on the suspect.
2) Determine if the victim has a copy in hand.
3) Determine if the order states that there is finding of fact that the order was issued because of a domestic violence.

All Memphis Police Officers **must** enforce the provisions of **any** Order of Protection; this includes Agreed Order of Protection, Order of Protection, Ex Parte Order of Protection, and Out of State Order of Protection.

C. Attachments, Replevin, etc.:

These orders generally allow one person to reclaim or get possession of personal property (appliances, furniture, etc.). Usually, a Shelby County Sheriff's Deputy will be present to serve these papers. Memphis Police Department officers are not authorized to do so. If a Sheriff's Deputy is not present, then the police officer called to the scene will only insure that no disturbance of the peace occurs. If the person with the court order already has complete

possession of the item, he/she will be allowed to leave with it without interference. If the party does not have complete possession of the item, he is to be referred to the Shelby County Sheriff's Department for assistance.

D. Evictions:

A person having a valid court order may forcibly evict another from a house, apartment, etc. The Shelby County Sheriff's Department usually assists in these matters. If a person is attempting to evict another, he will be allowed to do so if the other party is not resisting the eviction. If a disturbance occurs, the evicting party should be referred to the Shelby County Sheriff's Department for assistance.

E. Process Servers

T.C.A. 8-8-108 allots process servers the same power prescribed to sheriff deputies while in the performance of process service. Memphis Police Officers will not interfere nor assist in the service of any writ or process; the officer's involvement should be restricted to preventing any sort of violence or other type altercation. This necessarily requires a neutral approach and would preclude any assertive action on behalf of one individual to the detriment of another. If the police are called, they should stand by only to prevent personal injury and should not become a participant in the civil dispute. TCA code 39-16-602 states "It is an offense for a person to intentionally prevent or obstruct an officer of the state or any other person known to be a civil process server in serving, or attempting to serve or execute any legal writ or process". If an obstruction of service occurs, the process server will be the arresting officer and the scene officer will transport, completing a hearsay affidavit or issuing a misdemeanor citation.

F. Repossession of Automobiles:

In Tennessee, a repossessor may legally take a vehicle as long as he does so peaceably and does not destroy any private property. A court order is not necessary. An example is when a repossessor tows away a vehicle from private or public property without the owner's knowledge.
If the owner catches the repossessor and the Memphis Police Department is called, it is a civil matter. If the repossessor has full control of the vehicle, off the private property of the owner, he should be permitted to retain custody. If the repossessor does not have full control of the vehicle, or he is still on the owner's property, he must notify the Sheriff's Department for assistance. The owner will be allowed to keep the property until such time as the Shelby County Sheriff's Department takes over.

A repossessor who is taking a vehicle is required to have his lien papers on his person and must notify the Memphis Police Department's Report Center immediately upon taking the vehicle.

Police Officers inquiries regarding repossessions should be directed to the Report Center not to the Police Dispatcher.

Whenever an officer is called to a scene where a wrecker driver is attempting to effect a removal of any vehicle pursuant to a contract, the officer's involvement should be restricted

to preventing any sort of violence or other type altercation. It should be noted that the role of a police officer in any civil dispute, unless mandated by law to the contrary, is to maintain the peace and provide for the safety of the parties. This necessarily requires a neutral approach and would preclude any assertive action on behalf of one individual to the detriment of another (i.e. owner of private property calls a wrecker to said location to tow a vehicle which is improperly parked; the owner of the vehicle arrives on the scene and confronts the owner of the property and the wrecker driver. If the police are called, they should stand by only to prevent personal injury and should not become a participant in the civil dispute).

VII. Misdemeanor Arrest Procedure:

The Attorney General's Office and the City Prosecutor's Office have requested that our officers utilize state charges in every case where a state charge is applicable and to avoid using city ordinance charges except when no state charge is available. General Sessions Courts do not have jurisdiction to hear city charges. When a person is charged with a state misdemeanor and a city charge, the city charge may be dismissed for lack of jurisdiction by the General Sessions Court.

When a person is physically arrested for a state misdemeanor and other related charges, then the related charges should also be misdemeanor charges. For example: If a person is arrested for DUI and a city charge of speeding, that city charge of speeding should be designated as a state charge, using the appropriate T.C.A. sections. In all traffic related physical arrests, officers should utilize the proper state misdemeanor section numbers for the traffic offenses, rather than the past policy of using city charges. These state misdemeanor charges would have to be included in the Affidavit of Complaint.

In the event that only a city charge is applicable and it is the only charge against the person arrested, that city charge will still be heard in the City Court system. Officers will not place any city charges to be heard in General Sessions Courts. If there are a combination of state misdemeanor charges and city charges and the basis for the arrest is a city charge, then the situation should be explained in the narrative portion of the arrest ticket. Example: If a person is arrested after being observed drinking alcoholic beverages in the park (city charge) and after the arrest a search reveals that he is carrying a pistol (state charge), then he should only be charged with the state charge of Unlawful Possession of a Weapon The facts leading up to the arrest, i.e. drinking in the park, should be set out in the narrative portion of the arrest ticket.

A different procedure will be followed in traffic arrests. Where a city charge was the original basis for the observation in that event, a physical arrest will be made and a traffic summons issued.

IN SUMMARY, OFFICERS SHOULD:

- CONTINUE TO USE <u>CITY CHARGES ONLY</u> ON TRAFFIC TICKETS.
- IF A PHYSICAL ARREST IS MADE FOR A STATE MISDEMEANOR, CONVERT ANY RELATED CITY CHARGES TO STATE CHARGES IF THERE ARE

CORRESPONDING STATE CHARGES.

- IF STATE MISDEMEANOR AND CITY CHARGES ARE APPLICABLE, CHARGE THE DEFENDANT WITH THE STATE MISDEMEANOR CHARGE ONLY; BUT IF THE BASIS FOR THE ARREST IS THE CITY CHARGE, THOSE FACTS SHOULD BE SET OUT IN THE NARRATIVE PORTION OF THE ARREST TICKET. (**EXCEPTION**: IF THE OFFICER FEELS IT IS NECESSARY TO CHARGE THE DEFENDANT WITH BOTH A STATE CHARGE AND A CITY ORDINANCE VIOLATION, THEN THE OFFICER MAY ISSUE AN ORDINANCE SUMMONS FOR THE CITY VIOLATION.) FOR A TRAFFIC ARREST INVOLVING STATE AND CITY CHARGES, THEN A PHYSICAL ARREST IS MADE FOR THE STATE CHARGE AND A TRAFFIC SUMMONS ISSUED FOR THE CITY CHARGE.
- IF A PHYSICAL ARREST IS MADE FOR CITY ORDINANCE VIOLATIONS ONLY, CONTINUE TO USE THE APPROPRIATE CITY CHARGES.

VIII. Prior Records Check on Misdemeanor Suspects by Field Personnel

Officers may request a check for "wants" and "warrants" through Station B, but should not contact the Shelby County R & I Section for a record check unless it is an emergency or with the prior approval of a Supervisor.

In Shoplifting arrests, officers will still make a "wants" and "warrants" check through Station B, and will enter the charge of "Theft of Property - Over/Under $500 (depending on the dollar amount) in all shoplifting arrests where a want or warrant is not located on the individual. It will be the General Sessions Prosecutor's responsibility to determine whether that arrested party has prior convictions for purposes of punishment enhancement. Officers should use the "Theft of Property - Over/Under $500" charge in all shoplifting arrests, without checking with the R & I Section on whether that individual has prior convictions. Nothing in this policy should be construed as limiting investigators' access to information and records contained in the Shelby County R & I Section. Terminals in the various bureaus will give officers the general arrest history of individuals. Should an officer wish to see the file on a given individual, he need only go to the R & I Section and that information will be made available to him.

IX. Strikes/ Picketing:

It is the policy of this Department, when confronted with situations involving strikes and picketing activities, to consider the matter as a private dispute between the employers and the striking or picketing employees. Certain Federal Laws regulate private labor picketing.

Should officers of this Department receive a call from a business owner to a location where picketing activity is taking place the officers should advise the storeowner that he must obtain a warrant for any activity which the officer has not witnessed. The officer may arrest in only those situations where a misdemeanor has been committed in his presence or a felony has occurred, and the officer has probable cause to believe that a given individual committed the felony.

In situations where officers receive a call regarding picketers blocking ingress and egress to a business where the business is located on a shopping center lot, the officer should not require the picketers to conduct their picketing on the sidewalk adjacent to the street. Numerous cases have held that the shopping center lot and the sidewalks in front of the businesses on these lots can be used by persons conducting lawful picketing activity.

X. Ordinance Summons:

The below procedures will be followed for issuance of an Ordinance Summons:

A. Issuance and Routing

An Ordinance Summons is a ticket issued to an offender by a police officer to appear in the City Court, City of Memphis, for any offense other than traffic, showing the offense charged and signed by the offender agreeing to appear at the place and time indicated.

1. White Copy - This is the Court Complaint.
   The white copy of the Ordinance Summons will be filed with the City Court Clerk's office and shall be deemed to be a lawful complaint for the purpose of prosecution. Only police officers acting within the scope of their authority will be empowered to issue said Summons.
2. Yellow Copy - This is the City Prosecutor's copy.
   The yellow copy is to be turned in at the same time as the white copy (Court Complaint copy), and it is to be forwarded to the City Court Clerk's Office. The yellow copy will then be forwarded to the City Prosecutor's Office by the Court Clerk's Office.
3. Pink Copy - This is the Summons copy (Defendant's copy).
   The pink copy is given to the defendant to advise him of the date, time, division, and location of court. The court date is assigned by the officer issuing the Summons at the time the Summons is issued. Officers will set the court date and time on their REGULAR SUMMONS DAY, as is now being done with long traffic tickets wherein the court date is assigned a minimum of four (4) weeks from the date of issuance.
4. Officers will set all traffic tickets and City Ordinance Summons on their regularly scheduled monthly court date. (This will eliminate the need for Wednesday City Court Summons appearances, unless the officer's regularly scheduled date falls on a Wednesday).
5. In situations where more than one officer's name appears on an Ordinance Citation, the court date will be set on the arresting officer's (affiant's) scheduled court date.
6. In situations where there are co-defendants, an officer will assign **all** co-defendants the **same** court date and meet the guidelines above.
7. The affiant will be the **only** officer that appears in court.
8. If the case is continued by the prosecutor, it will be reset on the officer's next regularly assigned court date.

These guidelines are intended to improve the use of resources. Any effort to manipulate or circumvent the intent of these guidelines will be considered a violation and will result in disciplinary action.

B. Physical Arrest:

An Ordinance Summons should not be issued under the following circumstances:

1. The person arrested requires a medical examination, medical care, or if that person is unable to care for his own safety;
2. There is a reasonable likelihood that the offense would continue or resume, or that persons or property would be endangered by the arrested party;
3. The person cannot or will not offer satisfactory evidence of identity;
4. The prosecution of the offense for which the person was arrested or if another offense would thereby be jeopardized;
5. A reasonable likelihood exists that the arrested person will fail to appear in court; (i.e. previous warrants for Failure to Appear).
6. The person demands to be taken immediately before a Magistrate or refuses to sign the Summons.

** Officers should run a check on the individual for "wants" and "warrants" prior to issuing the Ordinance Summons. If the check is positive, officers should make a physical arrest.

C. Evidence:

If evidence is taken, this evidence should be marked with the defendant's name and date and it should be tagged by the officer, in the Property/Evidence Room without undue delay.

D. Procedure:

Whenever any person is served with an Ordinance Summons, said person shall appear at the date and time set forth therein in court for a hearing of said cause, unless said violation has a forfeiture set specifically in Section 23-28 of the City Code. If said person fails to appear on the date and time, a default judgment shall be taken not to exceed Fifty Dollars ($50.00) and costs for each offense.

The Field Commander will sign the Summons in the appropriate space marked "APPROVED BY", and the white and yellow copies will be forwarded to the City Court Clerk's Office, via the Clerks assigned to the various precincts, or by the following day's mail run. There will be no need to fingerprint the defendant at the time of issuance, as is done with the Misdemeanor Citations.

E. Other Charges:

In the event an officer feels it is necessary to charge a defendant with both a state charge and a city ordinance violation, the officer should issue the Ordinance Summons for the city violation and either make a physical arrest or issue a misdemeanor citation for the state charge. However, officers are not encouraged to use this double charging procedure unless

absolutely necessary.

F. Distribution of Ordinance Summons Books:

Ordinance Summons books will be distributed by the Clerks assigned to the various precincts.

XI. Misdemeanor Offense Situations:

All officers will adhere to the following procedures when they encounter misdemeanor situations:

A. Suspect is known:

When a uniform officer is called regarding a misdemeanor offense and the suspect is known and no further investigation is required, the officer should refer the victim to the Citizen's Dispute Office so that the matter might be resolved through mediation. If a crime has occurred the officer will take the appropriate offense report and the victim will be referred to the General Investigative Bureau for assistance in obtaining a warrant.

B. Suspect is unknown:

When a uniform officer is called regarding a misdemeanor offense and the suspect is presently unknown and further investigation is required, the officer should take a report and refer the victim to the appropriate investigative bureau.

XII. Smoking Prohibited as Public Nuisance in Certain Public Places and Areas, City Code 20-25.

A. Definitions:

1. The term "smoking" includes carrying a lighted cigar, cigarette, cigarillo, pipe, or any other lighted smoking material and/or equipment.
2. The term "restaurant" shall mean any eating-place which is open to the public, having a seating capacity of fifty (50) individuals or more.

B. Areas Affected:

Smoking in certain enclosed areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance. Therefore:

1. Smoking shall be unlawful and prohibited in:
   a. All public elevators;
   b. All Memphis Area Transit Authority buses;
   d. The Canon Center and the Auditorium stage area;
   e. The Criminal Justice Center (CJC);

f. The FedEx Forum;

g. All rooms in the Cook Convention Center designated by its management as nonsmoking meeting rooms;

h. Any theater, hall, hotel, public building, store warehouse, factory, or on the premises of any establishment, public conveyance or anywhere that smoking is dangerous, provided signs of a suitable size are posted in such places where they can be seen.

i. All publicly or privately owned restaurants or other eating establishments, as defined herein, except that this prohibition shall not apply to any such eating establishment which maintains a nonsmoking area adequate to meet demands and which informs all patrons that a nonsmoking area is provided. At the request of the patron, the patron shall be seated in the nonsmoking area. This prohibition shall not apply to any rooms while being used for private functions. Notwithstanding the provisions of this paragraph, any owner or person in charge of a business activity hereby governed may designate the restaurant as a nonsmoking area in its entirety.

j. All enclosed areas open to the public in any shopping area of a retail merchandising store, including grocery stores having more than five (5) employees; however, nothing herein shall prevent areas other than shopping areas from being established for "smoking" and "nonsmoking" employees and/or patrons by posting proper signs.

2. Nonsmoking areas shall be designated by the person in charge of all hospital lobbies and waiting rooms. After such designation, shall be unlawful and prohibited in such areas.

Both the places described in foregoing subparagraph (1.) and the areas designated as nonsmoking areas pursuant to foregoing subparagraph (2.) shall henceforth be referred to as "nonsmoking areas".

Exception: This ordinance is not intended to regulate smoking in retail stores whose sales consist principally of tobacco or tobacco related product sales.

Notice Requirements: This proprietor or other person in charge of any of the places or areas described in paragraph (b) above shall post and maintain conspicuous signs in all non-smoking areas, advising the public that smoking is prohibited therein, describing generally the perimeters of the nonsmoking area, and stating the penalty for violation of the prohibition in language similar to the following:

NO SMOKING
(General Description of Non-Smoking Area)
Memphis Code Section 20-25
Up to $50.00 Fine

Penalties: Any person or entity who fails to post and maintain the signs required by this section is guilty of a misdemeanor punishable by a fine of up to fifty dollars ($50.00) per required sign for each day during which a required sign is either not posted or not maintained. Any person who smokes or carries a lighted cigar, cigarette, cigarillo, pipe or

any other lighted smoking material and/or equipment in a non-smoking area is guilty of a misdemeanor punishable as provided in Section 1-8 of this Code.

Injunction: The Director of the City and County Health Department, the Director of the City Police Services Division, the Director of the City Fire Services Division, or any adversely affected party may institute an action to enjoin repeated violations of this section in any court of competent jurisdiction. (Ord. No. 2852, S 1, 4-3-79; Code 1967, SS 17-13, 22-61. Ord. No. 3517, S 20-25, 2-11-86; Code 1985)

XIII. Environmental Court / General Sessions Div 14

Officers issuing citations for environmental violations must place the court date at least 30 days from issuance. Any precincts that do not have a Community Court within its precinct boundaries must assign the court location as General Sessions Criminal Court Div. 14, 201 Poplar. The following precincts have Community Courts within their precinct boundaries.

Station	Assigned Court	Session Dates
Old Allen Station	Frayser Community Court	1st and 3rd Tuesday
Mt. Moriah/ Ridgeway Stations	Hickory Hill Community Court	2nd and 4th Thursday
Tillman Station	Orange Mound Community Court	2nd and 4th Thursday
Raines Station	Whitehaven Community Court	2nd and 4th Thursday

Distribution of Copies

(1) White Copy – Court's Copy (General Sessions Criminal Court Clerk, Div. 14)

(2) Yellow Copy - Station's copy.

(3) Pink Copy - Summons' copy (Defendant's copy)

The Rules of Criminal Procedure have established the requirement that every arrest that is made by a law enforcement officer be supported by an official warrant, which serves as a formal charging document to commence a criminal prosecution. If a judge of any Tennessee court issues an arrest warrant, then that warrant serves as the charging instrument and when the defendant is arrested on that warrant, no further document is needed.

When a defendant is arrested without a warrant for either a felony or a state misdemeanor, an Affidavit of Complaint is required and serves as an arrest warrant for purposes of formally commencing the criminal prosecution. UNDER THE RULES OF CRIMINAL PROCEDURE, THE COURT CLERKS ARE DESIGNATED AS MAGISTRATES FOR PURPOSES OF DETERMINING PROBABLE CAUSE FOR THE AFFIDAVIT OF COMPLAINT. THE CLERK, BY STATUTORY AUTHORITY, IS ACTING AS A JUDICIAL OFFICER AND IS RESPONSIBLE FOR REVIEWING THE ARREST TO INSURE THAT PROBABLE CAUSE EXISTS.

Whenever a defendant is arrested without a warrant for a felony charge, approved by the Command Duty Officer, and assigned to a Investigative Bureau for further investigation, it will not be necessary for the uniform officer to fill out an Affidavit of Complaint. The detective assigned to the case will do this when he charges the defendant. When an arrest on probable cause is made wherein misdemeanor charges are also lodged, the investigator handling the felony charge will complete the Affidavit of Complaint to include the misdemeanor charges. The arresting officer need only fill out a probable cause Arrest Ticket. WHENEVER A DEFENDANT IS ARRESTED WITHOUT A WARRANT FOR ANY MISDEMEANOR CHARGE, THE ARRESTING OFFICER MUST OBTAIN THE APPROPRIATE AFFIDAVIT OF COMPLAINT, FILL IT OUT COMPLETELY, AND HAVE IT REVIEWED AND APPROVED BY THE GENERAL SESSIONS COURT CLERK ON DUTY IN THE DETENTION AREA. IT IS CRITICAL THAT THE ARRESTING OFFICER PUTS SUFFICIENT INFORMATION IN THE AFFIDAVIT OF COMPLAINT TO ESTABLISH PROBABLE CAUSE.

The County Jail will not accept a prisoner unless an arrest ticket and an Affidavit of Complaint is completed. In the past, citizens/security guards were required to come to the Criminal Justice Center to complete the Affidavit of Complaint prior to the 9:00 a.m. setting of court on the next day. This procedure is not feasible in the Criminal Justice Complex. Therefore, all officers transporting prisoners to the County Jail who have been arrested by citizens/security guards must complete a hearsay affidavit.

For example: An officer receives a call for "Holding a Prisoner" to Joe's Supermarket and after arrival on the scene, talks to Mike Johnson, Security Guard, who advises the officer that he observed Harry Smith place a package of meat in his pants and attempted to leave the store without paying for same. The transporting officer would take the prisoner to the CJC and after placing him in the Intake Facility, fill out an Affidavit of Complaint relating that Security Guard Mike Johnson had advised the officer that he (Mike Johnson) had observed Harry Smith place a

package of meat in his pants and attempted to leave the store (list name, address of business, and value of item(s) taken) without paying for same. The officer would then take this Affidavit of Complaint and have it reviewed by Central Intake. The Officer would then proceed to the 24-Hour Clerk and swear to its truthfulness, as told to the officer by the security guard.

It must be understood that the officer is not swearing to the truth of the security guard's allegations. The officer is swearing to the truth of what was related to him by that security guard.

Any defendant who makes his first appearance in court for whom there is no charging instrument will be automatically dismissed. It is important for each officer's own protection from a false arrest that the Affidavit of Complaint be filled out accurately and completely.

Misdemeanor Citations

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I. Issuance and Routing of a Misdemeanor Citation

A. The following procedures will be followed for issuance of Misdemeanor Citations:

1. Misdemeanor citations may be issued when an officer makes an arrest or when an officer is called to the scene where a security guard or citizen has made an arrest.
2. If the officer witnesses the offense and issues a citation, he swears to the correctness of the form of the misdemeanor citation.
3. If a security guard or citizen has made an arrest and calls the police officer to the scene and it is determined by that officer that the subject meets the criteria for issuing a Misdemeanor Citation, then the officer issues the citation. **(Officer is not swearing to the truthfulness of the allegations made by the security guard/citizen, he/she is only swearing to the correctness of the form of the citation.)**
4. It is necessary to obtain the right thumbprint on the back of the hard copy for identification purposes. This will aid in the immediate release of persons wrongly identified and subsequently arrested for failure to appear for booking and processing or for failure to appear in court. On many occasions in the past, persons have given the officer wrong identification at the time the Misdemeanor Citation was issued, resulting in an arrest warrant being issued for the wrong party after the named party failed to appear for processing. Therefore, the thumbprint SHOULD BE ROLLED and clearly imprinted on the hard copy. **Be certain that the thumbprint is legible.**
5. The issuing officer of the misdemeanor citation must swear to the citation before a notary public (**located at some precincts**), a city court clerk **(located at some precincts**), a Twenty-four hour (24) clerk ,or a judicial commissioner **(located at 205 Poplar Ave in the Jail Annex)**.

B. Officers having written Misdemeanor Citations during the "Bravo" shift, must at the end of their shift, sign those citations before a notary public or a City Court Clerk, (**article 35, section 268 of the Memphis City Charter authorizes all Deputy City Court Clerks to administer oaths**) at the precinct, Twenty four hour (24) clerk, or judicial commissioner at 205 Poplar Ave in the Jail Annex.

C. "Charlie" and "Delta" shift officers will swear to their misdemeanor citation before a notary public or give any misdemeanor citation that they have written to their lieutenant who will hold them until the officer's next tour of duty for swearing before a notary public or city court clerk.

D. "Alpha" shift officers will swear to their misdemeanor citations before a notary public or city court clerk or if no notary public or city court clerk is/or will be soon available the alpha shift officers will notify their Lieutenant that they have written a Misdemeanor Citation and proceed, at a time designated during the shift by their Lieutenant, to the 24 hour clerk or judicial commissioner where their signatures on the Misdemeanor Citation will be notarized.

E. In the event a holiday or weekend is involved, the officer will appear before a notary public

or city court clerk at the first opportunity.

F. The officer will turn in the sworn Citation to his/her supervisor who will forward the white copy and hard copy to the General Sessions Court Clerk on the following day's mail run. A photo- copy will also be sent to ICAP.

II. Distribution of the copies of the Misdemeanor Citation (MPD Form 202)

A. White Copy - this is the court complaint.

The white copy of the Misdemeanor Citation will become the official charging document. If a security guard or citizen is the complainant, he should be advised that failure to prosecute the matter will result in dismissal of the charges against the defendant and may result in civil liability. Officers should make sure that the information on the back of the white copy (court complaint copy) is filled out completely.

If a security guard or citizen is the complainant, his name, address, and phone number should be listed in the proper space provided on the back of the white copy. Any other persons issued Citations or witnesses to the Citation should be listed on the back of the white copy. Witnesses or complainant's name should not appear on the pink or hard copies.

B. Pink Copy - this is the Summons.

The pink copy is **given to the defendant** to advise him of the charges against him and to inform him the date and place to appear for booking and processing, and the date, time, and Division number and location of Court. The officer issuing the citation assigns the booking and processing date and the court date. The booking and processing date must be 7-10 days from issuance. The court date will be set according to the dates on the court issued Misdemeanor Citation Court. **Officers will follow the issued court schedule to avoid setting a court date on a court holiday.** Officers will assign the court division as room LL-81.

C. Green Copy- Officers' Copy

D. Hard Copy - This is for the R & I Section.

The hard copy is to be turned in at the same time as the white (court complaint) copy and they are to be forwarded to the General Sessions Court Clerk. The General Sessions Court Clerk will assign a docket number on the Misdemeanor Citation. The hard copy will then be forwarded to the R & I Section.

III. Arrest

Tennessee law (TCA 40-7-118(b) (1) requires a peace officer to arrest a person for a misdemeanor (or receive the person from someone who has arrested the person for a misdemeanor) before the peace officer can consider issuing a misdemeanor citation instead (in lieu) of transporting the person to jail. A misdemeanor citation is not issued instead (in lieu) of arrest but instead (in lieu) of transport to jail.

A. An arrest for anyone of the five (5) specific misdemeanors (TCA 40-7-118(b)(3)(A)-(E), grants the peace officer unreviewable discretion to transport or issue a misdemeanor citation

and the peace officer need not insert a reason for the transport in the arrest ticket. **These five (5) Crimes are:**

1. Theft, formerly constituting shoplifting, TCA 39-14-103.
2. Issuing Bad Checks, TCA 39-14-121.
3. Use of a cancelled, suspended or revoked driver license, TCA 55-50-504 (driving), TCA 55-50-601(display, possession of cancelled, suspended, revoked or altered license or other fraudulent or illegal use), and TCA 55-50-602 (fraudulent reproduction, issue or sale of license or its use).
4. Assault, if the officer believes there is a reasonable likelihood that person(s)would be endangered if there is no custodial arrest of the defendant.
5. Prostitution, TCA 39-13-513, if there is past conducts of the defendant in prostitution or there is a reasonable belief that the defendant will attempt to engage in prostitution activities.

B. An arrest for any misdemeanor, other than the five (5) misdemeanors listed above, requires the issuance of a misdemeanor citation after the arrest instead (in lieu) of transport to jail unless one of the eight exceptions listed in TCA 40-7-118(c)(1)-(8) is present. These eight exceptions are:

1. The person arrested requires medical examination or medical care, or if he is unable to care for his own safety;
2. There is a reasonable likelihood that the offense would continue or resume, or that persons or property would be endangered by arrested person.
3. The person arrested cannot or will not offer satisfactory evidence of identification, including the providing of a field-administered fingerprint or thumbprint which a peace officer may require to be affixed to any citation.
   a. Note that an officer must make "all reasonable efforts to verify a defendant's identity". If a defendant does not produce identification, but is able to provide his name, date of birth, and valid drivers license number, once verified by the officer, this information is deemed "satisfactory evidence of identification."
   b. If not presented with a reasonably satisfactory form of identification, or if by exercising reasonable discretion an officer cannot determine the true identity of an offender, the officer will follow the guidelines as specified in this chapter.
4. The prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized;
5. A reasonable likelihood exists that the arrested person will fail to appear in court. In making such a determination, the arresting officer should look for those <u>communal ties</u> with the arrested party that would substantiate a belief that he or she was reasonably likely to appear for court. Such ties would include those individuals who are residents of the state of Tennessee and those who reside out of state but who are either employed within the state or attend school within the state. Under these circumstances, the issuance of a misdemeanor citation would be proper;

6. The person demands to be taken immediately before a magistrate or refuses to sign the citation;
7. The person arrested is so intoxicated that he/she could be a danger to himself / herself or to others; or
8. There are one (1) or more outstanding arrest warrants for the person.

If the officer determines that one or more of these eight (8) exceptions are met, then no citation shall be issued and the arrested person shall be transported to jail. In the event the arrested person is transported to jail, the peace officer is required to state in the narrative upon which of the eight (8) exceptions he/she is relying. This should be done as concisely and specifically as possible.

IV. Wanted Persons

OFFICERS SHOULD RUN A CHECK ON THE INDIVIDUAL FOR "WANTS" AND "WARRANTS" PRIOR TO ISSUING THE MISDEMEANOR CITATION. IF THE CHECK IS POSITIVE, OFFICERS SHOULD TRANSPORT THE ARRESTED PERSON TO JAIL. This requirement cannot be stressed too strongly. The R & I Section is not a secured area and very few commissioned personnel work in this department. Should a person appear for booking and processing against whom there is an outstanding arrest warrant, a serious situation could develop due to a lack of commissioned personnel, who would be needed to effect the arrest.

V. Theft of Services/Service Providers

The preferred method of charging individuals responsible for **theft of services** is to issue a misdemeanor citation on first offenses. However, an individual should be taken into custody and should be transported to the Criminal Justice Complex in instances where an individual(s) is involved in a second or subsequent event regarding theft of services from service providers such as **(i.e. M.L.G.W., Bell South, Time Warner Cable, etc)**, or the reckless endangerment of lives and property resulting from such thefts or attempts to steal such services and who through their actions have recklessly endangered the safety of lives or property.

A **representative** of the service provider involved with the investigation will proceed to the office of the Judicial Commissioner to provide **documentation** of the previous violation and evidence of the current violation including photographs and other physical evidence such as tools, parts, etc., which supports the charges.

Additionally, the arrest report and affidavit will include justification to transport individuals in both of these documents based on at least one previous charge, and the current violation with the inclusion of previously issued criteria for misdemeanor arrests. (Chapter II, Section 11, Page 3, Paragraph 2, Section B. - There is a reasonable likelihood that the offense would continue or resume, or that person(s) or property would be endangered by the arrested person.)

The officers should consider the following charges relating to theft of services:

T.C.A. 39-14-104. Theft of services.

A person commits theft of services who:

(1) Intentionally obtains services by deception, fraud, coercion, false pretense or any other means to avoid payment for the services;

(2) Having control over the disposition of services to others, knowingly diverts those services to the person's own benefit or to the benefit of another not entitled thereto; or

(3) Knowingly absconds from establishments where compensation for services is ordinarily paid immediately upon the rendering of them, including, but not limited to, hotels, motels and restaurants, without payment or a bona fide offer to pay

T.C.A. 39-14-105. Grading of theft.

Theft of property or services is:

(1) A Class A misdemeanor if the value of the property or services obtained is five hundred dollars ($500) or less;

(2) A Class E felony if the value of the property or services obtained is more than five hundred dollars ($500) but less than one thousand dollars ($1,000);

(3) A Class D felony if the value of the property or services obtained is one thousand dollars ($1,000) or more but less than ten thousand dollars ($10,000);

(4) A Class C felony if the value of the property or services obtained is ten thousand dollars ($10,000) or more but less than sixty thousand dollars ($60,000); and

(5) A Class B felony if the value of the property or services obtained is
Sixty thousand dollars ($60,000) or more.

T.C.A. 39-14-411. Destruction or interference with utility lines, fixtures or appliances, or property utilized by railroads.

(a) It is unlawful for a person to knowingly tap, cut, burn, break down, injure, destroy, or otherwise interrupt or interfere with the current, lines, cables, poles, towers, fixtures or appliances utilized to furnish service to the general public by any telephone or telegraph company, or electric light or power company engaged in furnishing communication, light, heat or power by electricity; or in any way to injure, remove, destroy or interfere with any gas fixtures or appliances.

(b) It is unlawful for a person to knowingly destroy or interfere with any property utilized by a railroad company to furnish service to the general public. Should the destruction or interference place a person in imminent danger of death or serious bodily injury, then it shall be reckless endangerment and punished according to § 39-13-103. In all other cases, it shall be punished according to the provisions of § 39-14-408.

(c) A violation of this section is a Class E felony.

T.C.A. 65-35-102. Prohibited acts.

It is unlawful for a person to:

(1) (A) Knowingly tap, cut, burn, break down, injure, destroy or otherwise interrupt or interfere with the current, lines, cables, poles, towers, fixtures or appliances utilized to

furnish service to the general public by any telephone or telegraph company, or electric light or power company engaged in furnishing communication, light, heat or power by electricity; or

(B) In any way injure, remove, destroy or interfere with any gas, sanitary sewer, or water fixtures or appliances:

(2) Obtain or attempt to obtain, by the use of any fraudulent scheme, device, means or method, telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities with intent to avoid payment of the lawful price, charge or toll therefor, or for any person to cause another to avoid such payment for such service, or for any person for the purpose of avoiding payment, to conceal or to assist another to conceal from any supplier of telecommunication service or from any lawful authority the existence or place of origin or of destination of any telecommunication, or for any person to assist another in avoiding payment for such service, either through the making of multiple applications for service at one (1) address, or otherwise;

(3) Obtain or attempt to obtain by use of any fraudulent scheme, device, means or method, electric, sanitary sewer, water, or gas service, with intent to avoid payment of the lawful price, charge or toll therefor, or for any person to cause another to avoid such payment for such service, or for any person to assist another in avoiding payment for electric, sanitary sewer, water, or gas service, either through the making of multiple applications for service at one (1) address, or otherwise;

(4) Divert or use electrical power with the intent to defraud or deprive any public or private electric power supplier from receiving proper charges or payment for such electrical power; or

(5) Commit any of the following acts which would make gas, electricity, telephone, sanitary sewer service, or water available to tenant or occupant by committing any of the following acts:

(A) Connect any tube, pipe, wire or other instrument with any meter, device or other instrument used for conducting telephone, gas, electricity, sanitary sewer service, or water in such a manner also to permit the use of the telephone, gas, electricity, sanitary sewer service, or water without same passing through a meter or other instrument recording the usage for billing;

(B) Alter, injure or prevent the action of a meter, valve, stopcock, or other instrument used for measuring quantities of telephone, gas, electricity, sanitary sewer service, or water;

(C) Break, deface or cause to be broken or defaced any seal, locking device or other parts that make up a metering device for recording usage of telephone, gas, electricity, sanitary sewer service, or water or a security system for such recording device;

(D) Remove a metering device for measuring quantities of telephone, gas, electricity, sanitary sewer service, or water;

(E) Transfer from one (1) location to another a metering device for measuring utilities of telephone, gas, electricity, sanitary sewer service, or water;

(F) Use a metering device belonging to the utility that has not been assigned to the

location and installed by the utility;

(G) Adjust the indicated consumption, jam the measuring device, bypass the meter or measuring device with a jumper so that it does not indicate use or registers incorrectly or otherwise obtain quantities of telephone, gas, electricity, sanitary sewer service, or water from the utility without same passing through a metering device for measuring quantities of consumption for billing; or

(H) Fabricate or use a device to pick or otherwise tamper with the locks used to deter electric current diversion, telephone diversion, gas diversion, water diversion, sanitary sewer service diversion, and meter tampering and meter thefts.

T.C.A. 65-35-103. Evidence of violation.

Any property on which it is found to have telephone, electric, gas, sanitary sewer, or water utilities tampered with in violation of § 65-35-102, and capable of receiving telephone, electricity, gas, sanitary sewer, or water service as a result of the use of any method of diversion prohibited in that section, is prima facie evidence and creates against the tenant or occupant a presumption of intent to tamper or divert in violation of the provisions of § 65-35-102.

The presence upon property served by a utility of a metering device altered to improperly monitor the amount of utility service used on or by such property is presumptive evidence that the utility customer has diverted or used utility service with the intent to deprive or defraud the utility from receiving proper charges or payment for such utility service in violation of the provisions of chapter.

T.C.A. 65-35-105. Criminal proceedings.

(a) A violation of § 65-35-102 is also a violation of § 39-14-104 and § 65-35-103 applies to any proceeding brought to impose the penalties for a violation of § 39-14-104.

(b) In all criminal proceedings brought to impose penalties under § 39-14-104 for violation of this chapter, the provisions of § 65-35-103 pertaining to "prima facie evidence," "presumption of intent" and "presumptive evidence" shall be deemed to be an inference of such evidence or intent.

T.C.A. 65-35-106. Civil remedies and criminal penalties mutually exclusive.

It is the intent of the general assembly that the civil remedies of this chapter and the criminal penalties imposed by any other act of the general assembly are mutually exclusive methods for the prosecution of the unlawful activities described in the respective statutes.

VI. Processing Date

The officer issuing the citation is register the misdemeanor citation in the Misdemeanor Citation Court Scheduler Program maintained by the Shelby County Sheriff's Office. It is an internet based program that can be connected to http://mcpcs.shelby-sheriff.org or by accessing the link in MDSAS under the links tab.

VII. Court Date

The officer will be set a court date for the person cited, according to the Misdemeanor Citation Court Scheduler Program maintained by the Shelby County Sheriff's Office.

VIII. Evidence

If evidence is taken, this evidence should be placed in a bag and marked with the defendant's name and then secured in the trunk of the officer's car. At some time before the officer completes his shift, the officer should properly tag the evidence in the Property Room and obtain a receipt.

IX. City Charges

Where only a city charge is to be placed against a defendant, officers should issue an **Ordinance Summons for the city violation**. (See section on City Ordinances.) If an individual violates a city ordinance and a state law, a State Misdemeanor Citation would be issued for the state misdemeanor violation and the city violation would be listed in the narrative to support probable cause. **Do not issue a misdemeanor citation and city ordinance summons/city traffic summons. Do not mix state and city charges on any charging document.**

X. Duties of the General Sessions Court Clerk

When the white copy and the hard copy are received, the clerk will obtain a docket number and enter this number in the space provided on both copies of the Citation. The General Sessions Court Clerk will keep the white copy as the official complaint. The hard copy will be forwarded to the R & I Section. A copy of the Citation will also be forwarded to the General Sessions Prosecutor's Office.

XI. Duties of R & I Personnel

When the hard copy of the Misdemeanor Citation is received from the General Sessions Court Clerk, either via the pneumatic tube or through the mail, it should be placed in a dated file. Each day the file should be checked to see who is scheduled to appear for processing on that date. When the defendant appears for processing, he will be printed and photographed and a jacket opened with the hard copy being placed in it as a permanent record. The R & I number will be placed into the computer and linked with the docket number already obtained by the General Sessions Court Clerk.

XII. Failure to Appear for Processing

If a defendant does not appear at the R & I Section for processing on the date and time scheduled, the R & I technician, at the end of the time allotted for processing on that date, will sign the back of the hard copy in the space provided, showing that the defendant did not appear for processing as instructed. The hard copy will then be forwarded to the General Sessions District Attorney for disposition.

XIII. Agency Blocks

The misdemeanor citation has spaces for the officers' names, IBM numbers, and car numbers. You will note that there are two (2) blocks designated "Agency". The computer designation for the Memphis Police Department is "MP". This designation should be placed in those blocks when filling out the citation.

XIV. Misdemeanor citations issued where not permitted, required, or warranted:

- **For incidents where there are only Class C misdemeanor violations of TCA Title 55**; Chapters 8 (Operation of Vehicle-Rules of the Road), 9 (Equipment and Lighting Regulations), 10 (Accidents, Arrests, Crimes and Penalties), 50 (Driver Licenses) and 55-12-139 (Financial Responsibility Law) a misdemeanor citation can **not** be issued. TCA 40-7-118(b) (2) (B).
- **Citations for DUI, 55-10--401, are specifically prohibited**, except where the defendant is admitted to a hospital or detained for medical treatment for a period of at least three hours, TCA 40-7-118(b)(2)(A).
- Citations **should not be issued** in cases of **domestic violence**.
- Officers must not issue a misdemeanor citation for DWLSRC and then issue a traffic citation for the initial moving violation**. Issue a misdemeanor citation for state charges only. Include the initial moving violation charge as a state charge.**
  DO NOT ISSUE BOTH; a state charge by affidavit of complaint or misdemeanor citation and a city charge by issuance of a traffic citation.
- Officers must not issue a misdemeanor citation charging defendants with Reckless Driving where there is clearly no conduct of reckless disregard for the property or safety of others. The only recourse is to issue a city ordinance summons for the appropriate city ordinance traffic violation.
- Misdemeanor Citations will no longer be given out by the Hit & Run Squad for Leaving the Scene of an Accident, as a result of a follow-up investigation. A misdemeanor citation may be issued for Leaving the Scene of an Accident **only if** the responsible party is witnessed, by the officer, committing this offense.

XV. Appropriate Steps to Follow When Making a Misdemeanor Arrest

1. **Arrest the person**: an arrest is the taking, seizing or detaining of the person of another, either by touching or putting hands on him/her, or by any act which indicates an intention to take him/her into custody and subjects that person arrested to the will and control of the person making the arrest.
2. Tell the person what he/she is under arrest for as required by TCA 40-7-106.
3. Restrain the person (use of handcuffs or the back seat of the squad car).

4. Tell the person he/she will be transported to jail unless he/she is found through further investigation to qualify for release in the field with the issuance of a misdemeanor citation.
5. Search the person.
6. Search the area the person had control over when you first made contact with the person
7. Check for warrants.
8. **Apply TCA 40-7-118(b) and (c) to your facts to determine whether the person will be issued a citation or transported.** *The arrest was already made in Step One. It is now time to determine if you give a ride or a citation.*

XVI. Civil or Criminal Liability

The misdemeanor citation law provides that an officer who, on the basis of facts reasonably believed to exist, determines that a citation cannot be issued because of one (1) of the eight (8) exceptions enumerated, shall not be subject to civil or criminal liability for false arrest, false imprisonment or unlawful detention.

Arrest Warrants

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1. **Procedure in Obtaining Arrest Warrants**

The General Sessions warrants containing the affidavit and warrant on the same form will be issued in the following manner: The officer will present this arrest warrant to the General Sessions Judge, who will determine probable cause and if that probable cause is present, the Judge will sign the warrant portion of that form. The warrant is then given to the Clerk in the Courtroom and the warrant will be forwarded to the Fugitive Squad after it has been assigned a number by the computer. The officer will not have physical possession of the warrant once the Judge has signed it. Copies for files may be obtained before the judge signs it; however, officers may not obtain copies of a signed warrant. The warrant will be forwarded to the Shelby County Fugitive Squad in all misdemeanor and felony cases. The Fugitive Squad will enter the warrant in the local computer system if it has not been previously entered by the Clerk.

It is not necessary for investigative personnel to complete a request for arrest form. The responsibility for entering the wanted party's name in the computer is that of the General Sessions Clerk and the Fugitive Squad. The wanted person's name will automatically be deleted under the new procedure once that person has been arrested. The supplemental information contained on the request for arrest which would further aid in identifying the wanted party, is now made a part of the new General Sessions warrant. This warrant requires that the description of the named party be set out on the back of the warrant.

Only a *duly elected judge* will be allowed to sign an arrest warrant wherein the defendant or defendant(s) are being charged with a Class “A” or Class “B” Felony.

A. **General Sessions Arrest Warrants**:

The General Sessions arrest warrant will be utilized for all state misdemeanor charges as well as all felony charges. Both the Affidavit of Complaint and the warrant is on the same document. Officers must fill out the informational description block on the back of the warrant. THIS INFORMATION BLOCK MUST BE FILLED OUT WITH ALL THE PERTINENT INFORMATION WHICH THE AFFIANT HAS AVAILABLE. This is necessary in order to enter the document into the computer and receive a warrant number.

It is also necessary to supply the names of witnesses needed in the prosecution of the case. This is also on the back portion of this document. This information is for the prosecutor's benefit and should not be used in listing any party who the officer wishes to remain confidential. That information should be given to the prosecutor prior to the trial date.

For clarification purposes, the information block contains initials for certain phrases, most of which are obvious; but the following information is for complete clarification.

DOB	-	Date of Birth
R/S	-	Race & Sex

Ht/WGHT	-	Height & Weight
R & I	-	Records & Identification Number

The designation R & I, as referred to in the General Sessions arrest warrant, refers to the Records and Identification number given to an arrested party. Do not put the offense report number in this section. If an offense report number is available, it should be entered below the description block. This will enable the Command Duty Officer to forward the information to the proper bureau once the wanted party is arrested.

It should be noted that in the "Warrant" section of the General Sessions arrest warrant, there is a space after the words " You are hereby commanded in the name of the State to". The word arrest should be written or typed in this space unless the "Fiat" has been signed by the Judge, in which case the words summons would be written or typed in this space. It will be extremely seldom that a summons would be issued. In almost every case handled by this Department, the document will become an arrest warrant after the Judge signs the warrant portion and the word arrest will be entered.

B. **City Ordinance Arrest Warrants**:

The procedure for obtaining City Ordinance arrest warrants is the same. The officer will obtain the warrant from a City Court Judge after it is signed and the officer will take it to the City Court Clerk's Office where this City Warrant will be properly numbered and entered into a log book. The warrant will be forwarded to the Warrant Squad for service.

C. **Possession of Warrant**:

It should be noted that officers may arrest based on the knowledge that a warrant for a person's arrest is in existence. It is not necessary that the officer have the warrant in his possession at the time of the arrest. In the past, if it was the officer's intention to immediately arrest the party after obtaining an arrest warrant, the officer would have the warrant in hand. This is not the case as far as misdemeanor and felony warrants issued by General Sessions Courts are concerned. The warrant will be forwarded to the Fugitive Squad who will maintain possession of that warrant.

D. **Issuance of Warrants Beyond Memphis City Limits**:

Situations have arisen when citizens of Shelby County, but not Memphis (i.e., Germantown, Collierville, Millington), have been cited with violations while in Memphis; and subsequently, warrants need to be served on these individuals to secure their presence in court to respond to such charges.

(1) If there has been a warrant issued for the arrest of an individual for the

violation of a Memphis city ordinance committed within the City of Memphis, it may be served anywhere in Shelby County.

(2) If there is a warrant of arrest for the violation of a state law, Memphis police officers have authority to execute such warrant within Shelby County.

2. **Procedure for Defendants Arrested on Warrants**

Arrest warrants will only be executed by sworn law enforcement officers. The following procedure will be followed when a person or persons are arrested on a warrant and turned over to the Shelby County Sheriff's Fugitive Squad: (74.3.2)

When an officer stops an individual and determines there is an outstanding warrant for that person and the outstanding warrant charges are the only charges to be placed against the individual, the officer should:

A. Notify the dispatcher to contact the Fugitive Squad.

B. Transport the prisoner to the Fugitive Squad Office.

C. Fill out a Memphis Police Department Arrest Ticket on the prisoner, to specifically include a narrative stating the circumstances surrounding the stop and subsequent arrest.

It should be noted that officers should NOT list any charge on the Arrest Ticket. This should be left blank, since the warrant charge will be listed on the Fugitive Squad's arrest ticket.

D. Turn the prisoner and the Memphis Police Department arrest ticket over to the Fugitive Squad, who will make out their own arrest ticket on the charges as outlined on the outstanding warrant. The Fugitive Squad will attach the Memphis Police Department Arrest Ticket to their arrest ticket and give these tickets to Memphis Police Department Central Intake.

This procedure only applies to outstanding warrants handled by the Fugitive Squad. It does not apply to outstanding city warrants and warrants from other local area jurisdictions.

Once Central Intake receives the Arrest Ticket, he will check and approve it for the following information:

(1) Arrest on warrants previously issued - The Sheriff's Fugitive Squad will pull the file card containing the MPD file number and other information and attach it to the copy of the Arrest Ticket given to Central Intake.

(2) On new warrants issued after the move to the Justice Complex, the officers obtaining the warrants from the General Sessions Clerk will place the investigator's name, the squad involved, the MPD file number, and their telephone number on line 5 in the subpoena section of the warrant. Upon receipt of an Arrest Ticket, Central Intake will check and make sure that this information is in narrative section.

Central Intake, will make sure either the blue file card is attached to the Arrest Ticket or the necessary information is written in the narrative section.

Upon receipt of the Arrest Ticket, Central Intake will immediately check the MPD file number and determine which squad is handling the case and notify that squad's commander, who will assign an investigator to pick up the Arrest Ticket. Between the hours of 4:00 p.m. and 8:00 a.m., the night Felony Response Commanding Officer will be notified.

3. PROCEDURES FOR ARRESTS ON JUVENILE COURT WARRANTS AND ATTACHMENTS PRO CORPUS (JC):

An officer may check for adult Juvenile Court warrants or juvenile Attachments Pro Corpus through Station B. Upon obtaining a "hit", Station B can verify the existence of the warrant by contacting Juvenile Court.

Adults should be transported to the Criminal Justice Complex.

Juveniles should be transported to Juvenile Court Intake.

4. **Procedures for Arrests on Warrants From Other Local Area Jurisdictions**

When an officer stops an individual and determines there is outstanding warrant for that person from other local area jurisdictions (i.e., Bartlett, Collierville, Germantown, and Millington) and the outstanding warrant charges are the only charges to be placed against the individual, then the defendant should be turned directly over to the law enforcement agency holding the warrant. The dispatcher will contact the agency holding the warrant and will have that agency send a unit to transport the prisoner.

When an officer is the victim of an attack that results in personal injury or damage to police equipment, the supervising officer should insure that the Crime Scene Investigation Unit photograph the injured officer and/or the equipment. This will assist the City Legal Department in later defending the officer if civil action arises. This includes the officer's damaged or torn clothing, leather goods, eye glasses, etc.

In cases of serious assault or damage, all evidence should be properly maintained, and Homicide, General Assignment, or Felony Response Squad is requested to make the scene.

Officers are to immediately notify a supervisor any time a resisting arrest situation occurs.

Public Recordings

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I. POLICY

The Memphis Police Department (MPD) recognizes that members of the general public have a First Amendment right to video record, photograph, and/or audio record MPD members while members are conducting official business or while acting in an official capacity in any public space, unless such recordings interfere with police activity.

II. REGULATIONS

A. Members are reminded that photography, including videotaping, of places, buildings, structures and events are common and lawful activities. If a person is taking photographs or recording from a place where he or she has a right to be, members are reminded that this activity by itself does not constitute suspicious conduct.

B. In areas open to the public, members shall allow bystanders the same access for photography as is given to members of the news media. Members shall be aware that:

   1. A bystander has the same right to take photographs or make recordings as a member of the media, as long as the bystander has a legal right to be present where he or she is located.
   2. A bystander has the right under the First Amendment to observe and record members in the public discharge of their duties.
   3. Public settings include, e.g., parks, sidewalks, streets, and locations of public protests; but that protection extends also to an individual's home or business, common areas of public and private facilities and buildings, and any other public or private facility at which the individual has a legal right to be present.
   4. The fact that a bystander has a camera or other recording device does not, however, entitle the bystander to cross a police line, to enter an area that is closed to the public, or to enter any area designated as a crime scene.

C. As long as the photographing or recording takes place in a setting at which the individual has a legal right to be present and does not interfere with a member's safety, members **shall not** inform or instruct people that photographing or recording of police officers, police activity or individuals who are the subject of police action (such as a *Terry* stop or arrest) is not allowed, requires a permit, or requires the member's consent. Additionally, members **shall not**:

   1. Order that person to cease such activity;
   2. Demand that person's identification;
   3. Demand that the person state a reason why he or she is taking photographs or recording;
   4. Detain that person;
   5. Intentionally block or obstruct cameras or recording devices by direct physical means (i.e. place hand over recording device); or
   6. In any way threaten, intimidate or otherwise discourage an individual from recording members' enforcement activities.

NOTE: Members may ask questions during the course of a contact, but members are reminded that there is no justification for ordering a person to stop or requiring that they answer unless the member reasonably suspects that a person has committed, is committing, or is about to commit any crime.

D. Members are reminded that the public does not have a right to interfere with police activity. Interference consists of conduct, threats, actions or activities that prevent or hinder, or purport to prevent or hinder, members from doing their job. Note the following actions:

1. If a person is photographing or recording police activity from a position that impedes or interferes with the safety of the public or members, or with a member's ability to perform their duties, a member may direct the person to move to a position that will not interfere. However, a member shall not order the person to stop photographing or recording.
2. A person's recording of members' activity from a safe distance, absent any action that obstructs the activity or threatens the safety of the member(s), does not constitute interference.
3. A person has the right to express criticism of the police activity being observed. So long as that expression does not jeopardize the safety of any member, suspect or bystander; and so long as that expression does not violate the law or incite others to violate the law, the expression does not constitute interference.

III. Digital Evidence Recovery

A. Evidence on a Camera or Recording Device: Probable Cause

1. Probable cause exists where the known facts and circumstances are such that a reasonable member in the same situation would believe that evidence of a crime will be found.
2. If a member has probable cause to believe that a camera or other recording device contains images or sounds that are evidence of criminal acts, the member shall:
   a. Request that the person voluntarily provide the device to include recording medium (e.g., removable media, memory card) to the member; or
   b. Detain the person if they refuse to provide the recording device, and notify a supervisor following the steps outlined below in (4.).

   Note: Consent to take possession of a recording device and/or medium must be given voluntarily. A member shall not, implicitly or explicitly, coerce consent to take possession of any recording device or any information thereon.

3. If the person provides the device or recording medium to the member, the member shall:
   a. Exercise due care and caution with any of the individual's property or electronic device(s);

b. Obtain a report or memo number for the evidence obtained, and provide the number to the individual;

c. In the "Property listing/Evidence" section of any applicable field report(s), document the item(s) surrendered by the individual;

d. Document the member's request and the individual's response in the narrative of the field reports, take photos of the device to include any damage to the device and attach it to the report in InformRMS, obtain a "Consent to Search" for the device, and tag the device and form in the Property and Evidence Room;

Note: A "Consent to Search" is only applicable when the owner is present during the data extraction to allow him to withdraw consent; otherwise, the assigned investigator must obtain a warrant to view any evidence located on the device.

e. Submit the report information and evidence number to the Sex Crimes/ ICAC Unit to access any relevant material as quickly as practicable. Members shall not attempt to view, download, or otherwise access any material contained on the device.

4. If the individual declines to voluntarily provide the device and/or recording medium and the member believes that exigent circumstances exist in so far as the evidence of criminal activity will be lost absent a seizure of the device, the member shall contact their immediate supervisor.

   a. The immediate supervisor, or higher ranking official with supervisory authority over the member, must be present at the scene before a member takes any significant action involving a person's use of a recording device. This includes warrantless search or seizure of a camera or recording device, or an arrest.

   b. The member shall inform the supervisor of the nature of the evidence of criminal acts believed to be contained on the device.

   c. The supervisor shall determine whether exigent circumstances, including the seriousness of the possible crime at issue, permit the seizure of the device without a warrant. The Bureau or GIB supervisor should be consulted when necessary. Warrantless seizure is permissible only when:

      (1) There is probable cause to believe that the property holds contraband or evidence of a crime; and
      (2) The exigent circumstances demand it, or some other recognized exception to the warrant requirement is present.

      Note: If the supervisor determines that the device or media contains evidence of improper police behavior, the supervisor will notify the Station or Bureau Commander for IAB notification.

   d. If the supervisor finds that exigent circumstances permit the seizure of the device without a warrant, approval shall be given to the member for the seizure.

e. The member shall obtain and provide the report number to the individual possessing the device.

f. Any such seizure must be a temporary restraint intended only to preserve evidence until a warrant can be obtained.

g. The appropriate Bureau will author and request a search warrant based on the facts presented and will notify Sex Crimes/ ICAC Unit of the report information and property receipt number for the seized property.

5. Officers should not attempt to view the material, but should take measures to place a cellular phone in airplane mode to prevent remote wiping of the memory of the device.

B. Viewing/Listening to Evidence on a Camera or Recording Device

1. Absent exigent circumstances or a signed "Consent to Search" for a device, members shall obtain a search warrant before viewing photographs or listening to recordings on a camera or media storage device (i.e. memory card or DVD) that has been voluntarily provided or seized as evidence.
2. In exigent circumstances, where there is reason to believe that an immediate search of the seized material is necessary to prevent death or serious injury, members shall contact their immediate supervisor, for authorization to review photographs or recordings without a warrant. Again, the Bureau/ GIB supervisor should be consulted when necessary.
3. The recordings should be downloaded as soon as possible by Sex Crimes/ICAC investigators for evidentiary purposes.
4. Photographs or recordings that have been seized as evidence and are not directly related to the exigent purpose shall not be reviewed.

C. Return of Property to Owner

1. The Sex Crimes/ ICAC Unit will review the data on the phone and provide the relevant video or photographs to the respective bureau.
2. Sex Crimes investigators will return the device or media to the Property and Evidence room and the respective bureau will be responsible for releasing the property and contents back to its owner.
3. If the owner is present for a signed "Consent to Search" request, the investigator can release the device to the owner after the download is complete.

D. **DR 141 PUBLIC RECORDINGS**

A. Members shall not, under any circumstances, erase or delete, or instruct or require any other person to erase or delete, any recorded images or sounds from any camera or other recording device that is in the possession of a non-member, or that has been voluntarily turned over or seized for law enforcement purposes.

B. Members shall maintain cameras and other recording devices that are in Department custody so that they can be returned to the owner intact with all images or recordings undisturbed in a timely manner.
C. In the case that a recording in the Department's custody is considered contraband or has been determined to be contraband by the AG's office, the recording and/or device will not be returned.

The City Council has adopted several ordinances, which affect activities on the Mid-America Mall, amending City Ordinance Chapter 2-84. These ordinances require that all concessions, encroachments, solicitations, and sidewalk activities be approved by the Downtown Memphis Commission and a permit be issued.

Certain ordinances will be enforced by the staff members of the Downtown Memphis Commission rather than by Memphis police officers. These include situations where a permanent business located on the Mall violates concession and encroachment requirements. In such cases, the Downtown Memphis Commission will notify the owner of the business involved to cease such violation. If the business fails to cooperate then the Downtown Memphis Commission staff will obtain a City Court summons or warrant. Police officers will not become involved in these type situations except to serve the summons or warrant. Once a summons or warrant has been obtained by the Downtown Memphis Commission staff, the Mall Walking Detail will take said summons or warrant and serve it.

Other violations will be enforced by the Memphis Police Department. These include:

1. Complaints of loud noise and/or music being played on the Mall without a permit (City Code Section 12-48-2;
2. Persons distributing handbills without a permit (excluding religious groups which are not required to have a permit) (City Code Section 12-48-2);
3. The operation of concessions or solicitations which are transient or non-stationary and being conducted without a permit (City Code Section 12-48-2);
4. Littering on the Mall (City Code Section 9-56-25);
5. No manually propelled vehicles such as bicycles, skateboards, etc. (other than infant and baby strollers, wheelchairs, and push delivery carts, which shall be allowed at any time) shall be allowed on the common mall area without a permit from the Downtown Memphis Commission, except after 6:00 p.m. Monday through Saturday and all day on Sunday. Except as otherwise provided in this section, the common mall area shall be designated as a tow-away zone and any illegally parked vehicles thereon shall be subject to the provisions of Section 11-40-3 of the City Code.
6. No motorized vehicles, other than emergency vehicles, are allowed on the Mall at any time without a permit (City Code Section 12-48-7). The only exceptions are wheelchairs and motorized carts for the handicapped.

The Mall has been designated as a tow-away zone except for the area of North Court and South Court from Second Street to the Mall, where vehicles are allowed to park. Vehicles cannot load or unload on the mall at any time. All vehicles must use designated loading zones or alleys for loading and unloading. City Code Section 11-40-18 allows any vehicle (car, station wagon, or truck) to use any loading zone regardless of the type of registration tags on the vehicle (commercial or private) as long as the vehicle is parked in compliance with the City Ordinance. This means that the vehicle may use the loading zone for up to thirty (30) minutes as long as the

driver is actually loading or unloading the vehicle and the emergency flashers or left turn signal of the vehicle are operating. The driver may not park his vehicle and go into an establishment to eat, shop, or conduct business. He must be either making deliveries or pickups. The only time a vehicle may use a loading zone in excess of thirty (30) minutes is when the vehicle personnel are continuously and visibly loading or unloading a large shipment.

I. Fugitives:

The Shelby County Sheriff's Office Fugitive Squad has primary responsibility for the Fugitive functions in Shelby County. This includes the arrest and processing of fugitives wanted by other jurisdictions, the request for arrest of fugitives from Memphis and Shelby County, and the return of fugitives to this jurisdiction.

A. When warrants or requests for arrest on indictable offenses are received by the Memphis Police Department from jurisdictions outside of Shelby County, they, along with information relative to them, will be referred immediately to the Shelby County Sheriff's Office Fugitive Squad. No request for arrest need be made or other action taken by the Memphis Police Department regarding these matters except in cases where charges may be placed or further investigation may be required growing out of offenses in the City of Memphis. When this situation arises, the Shelby County Sheriff's Office Fugitive Squad should be notified.

B. In cases where arrests are made by the Memphis Police Department of persons wanted in jurisdictions outside Shelby County, the arrested person, along with all available information, shall be referred to the Shelby County Sheriff's Office Fugitive Squad. Any local charges should be disposed of prior to this referral; however, the Shelby County Sheriff's Fugitive Squad should be furnished with information concerning the detention of the fugitive at once.

   When arrests are made by the Memphis Police Department of persons wanted in jurisdictions outside the city of Memphis but within Shelby County (Germantown, Bartlett, Collierville, and Millington) and the only charge is the active warrant, the arresting officer will verify the warrant with communications (Station B). The arresting officer will standby as communications notifies the surrounding jurisdiction of the arrest. The dispatcher will determine a location where officers from both jurisdictions can convene to safely exchange the wanted party. Under no circumstances will the arresting officer contact the agency where the warrant is active to arrange the exchange of the wanted party.

C. When indictable offenses are to be charged against persons not in custody, the investigator will submit a "Request for Indictment". If the circumstances dictate that an arrest warrant be obtained, as soon as practicable thereafter, a request for indictment will be submitted. When an officer has information that a person wanted in this jurisdiction is located in another jurisdiction, the officer is to notify the Shelby County Sheriff's Office Fugitive Squad. Notification should be made to the Fugitive Squad Commander or the Supervisor on duty.

D. Officers of this Department are not to initiate requests for arrest to agencies outside Shelby County and are not to enter wanted persons in NCIC except in the following circumstances:

   1) Class “A” offense where there is reasonable belief the suspect(s) has fled the jurisdiction **AND** the need for apprehension is **IMMEDIATE** (i.e. First Degree Murder, Second Degree Murder, Especially Aggravated Kidnapping, Especially Aggravated Robbery, Serial Rapists).

For these situations, a Full Extradition status (nationwide) is authorized. Bureau commanders will insure indictments are submitted promptly following the NCIC entry.

2) Class "B" offense where there is a reasonable belief the suspect(s) has fled the jurisdiction and LIKELY to be apprehended before an indictment can be obtained (i.e. Aggravated Robbery, Carjacking).

   For these situations, the NCIC entry will limit extradition to a 200-mile radius and MUST be pre-approved by the commanding colonel. Approving commanders are reminded that MPD is responsible for extradition and associated travel costs prior to an indictment.

II. Extradition:

When an individual commits a felony in a state other than Tennessee and is pursued into this state by law enforcement officers of that state (i.e., Mississippi or Arkansas), the officers of that state can apprehend the fleeing felon in Tennessee while in hot pursuit. After the officers have apprehended the individual, the law requires them to immediately take that individual to a magistrate in Tennessee for the purpose of the magistrate determining whether the arrest was lawful or not. If the magistrate determines the arrest to be lawful, the individual is to be held in Tennessee and not released to the authority of the state where the felony was committed unless he is extradited or waives extradition.

The same procedures apply when we pursue an individual into Mississippi or Arkansas.

In no instance should we bring the individual back into Tennessee without the extradition process being carried out, nor in any situation should we permit an individual to be taken back to a state without the extradition process being carried out. Such action would be illegal.

Hot pursuit privileges are only permitted when pursuing a suspected felon. We nor officers of other states have the right to cross state lines to attempt to apprehend a person who has committed only a misdemeanor.

The Memphis Police Department will protect and defend all persons consistent with current local, state, and federal law and afford all persons justice and the full protection of the law. A police report/investigation is not contingent upon a person's citizenship status or recognizable identification. Memphis Police Officers will take reports of crime that occurred within the City of Memphis from any individuals who need to file them, regardless of their citizenship status.

All individuals, regardless of citizenship, are entitled to basic rights and privileges which are set forth in common law, State and Federal law, and the United States Constitution. In addition, undocumented immigrants/foreign speaking persons may be entitled to rights and privileges set forth in the Vienna Convention and other international laws. It is the policy of this department to exercise its duties in conformance with all applicable laws, regardless of nationality or racial/ethnic background. (From Ch. XI Sec 01)

The Immigration and Customs Enforcement (ICE) will not respond to reports of undocumented immigrants unless the individual has been charged with any drug or other criminal offense. Undocumented Immigrants are subject to the laws of this country and are subject to arrest for violations.

The following procedures will be utilized when an officer encounters a situation involving an undocumented immigrant:

1. If an undocumented immigrant is arrested on any drug or other criminal charges involving moral turpitude and/or a felony, then the officer should arrest and transport the individual and notify the Immigration and Customs Enforcement (ICE) at 544-3500, twenty-four hours a day.

2. If the undocumented immigrant is arrested for a lesser offense, i.e. Criminal Trespass, Public Intoxication, Disorderly Conduct, Traffic, Theft of Property $500 or less, or other less serious charges, then the Immigration and Customs Enforcement (ICE) should not be contacted.

3. If no charges involving the undocumented immigrant exist, then an arrest should not be made.

4. If the suspect is a juvenile undocumented immigrant without the presence of a parent or guardian, officers should follow the MPD policy on Juvenile Arrest Status/Protective Custody, Chapter VII Section 4.

To insure uniformity in handling cases involving fraudulent prescriptions, the following procedures should be followed:

I. **Suspect Not On Scene**:

On calls regarding fraudulent prescriptions where the suspect is not on the scene, officers should obtain as much information as possible (suspect description, vehicle, pharmacist, doctor, witness), submitting a report to be investigated by Economic Crimes Bureau. The prescription should be handled as little as possible, preferably by placing it in an envelope before leaving the pharmacy. If the fraudulent prescription has been filled, and the pharmacist is reluctant to release the prescription due to record keeping procedure, leave the prescription with the pharmacist and include this information in the report. An Economics Crimes Investigator will retrieve the prescription at a later time.

II. **Suspect Is Arrested**:

If the suspect is arrested for passing or attempting to pass a fraudulent prescription, they are to be straight charged (w/Affidavit of Complaint and Bond Recommendation) and a report will be submitted. (Use T.C.A. 53-11-402, Obtain or Attempt to Obtain Controlled Substance by FRD/DEC/FORG Prescription, or T.C.A. 53-10-104, Obt/Attempt to Obtain Legend Drug by Fraud) If additional investigation is warranted regarding additional fraudulent prescription charges being placed against the suspect, the charges may be added after the Field Supervisor contacts an Economics Supervisor.

The two types of Prescription Fraud reports are:

Phone Prescription Fraud (TIBRS Code 26E) – The use of a phone, fax machine or other wireless communication device to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity to obtain a drug or drugs that requires a prescription by law.

Prescription Forgery (TIBRS Code 250) — The altering, copying, or imitation of a prescription, without authority or right, with the intent to deceive or defraud by passing the prescription as that which is original or genuine to obtain a drug or drugs that require a prescription by law.

This department wishes to render all aid possible to the City of Memphis Building, Plumbing, Electrical, Safety, Sign, and Elevator Inspectors in the enforcement of the technical City Code ordinances relating to their department.

The above mentioned City inspectors have the duty to enforce certain Code sections of the City and have the right to issue citations but do not have arrest powers. If a person to whom a citation is to be issued refuses to sign the citation as required by law, the Code Enforcement inspector will need the aid of the Police Department in arresting the party involved for violating the City Code.

The proper procedure to be followed is for the inspector, accompanied by a police officer, to make a citizen-type arrest of the violator for the misdemeanor and for the accompanying officer to transport the law violator to jail.

Whenever any of these fellow City employees need aid in enforcing the technical Code ordinances of the City, the officer of the Memphis Police Department should respond promptly.

The Training Academy Response Team (TART) will enable Academy instructors to observe first hand, the tactical procedures utilized in officer survival/ injury situations. By responding to the scene, Training Academy staff members will be able to analyze each situation from a training perspective and assess the effectiveness of training. The response team will gather information concerning the incident and address training issues in an attempt to prevent a recurrence of injuries/ situations.

A. The team will respond to:

   1. Any shooting by an officer, either on-duty or off-duty, regardless of the weapon, which involves death or injury to oneself, a suspect, other officers, or a citizen; or
   2. Any shooting by an officer, either on-duty or off-duty, regardless of the weapon, where a suspect has been shot or there is evidence that the suspect was shot and has not been located; or
   3. Any incident where an officer has been shot by a suspect.
   4. Any incident where an officer seriously injured during an assault or accident.

B. Each team will consist of a Lieutenant from both the Academy and Firearms Training Unit or the Training Commander's designee.

C. Each team will be "on-call" for one calendar month before completing rotation. Memphis Police Communications will be provided a call out roster and will be responsible for notifying the appropriate team Lieutenant.

In May 2000, the Tennessee Legislature introduced an Act to amend Tennessee Code Annotated Title 40, Chapter 3. The Amendment added a section that requires law enforcement agencies and their officers to notify crime victims of their rights.

To comply with this requirement, whenever an officer responds to a complaint of a crime where there is a victim/witness and an offense report is taken, or an arrest warrant obtained, the officer will give that victim/witness the "Notification of Victim's/Witness' Rights" form. Officers must note on their log sheet whenever this form is given to a victim/witness.

These forms notify victims/witnesses of their rights under Article I, Section 35 of the Tennessee Constitution as well as gives pertinent information that will aid them during the criminal justice process.

All precincts should keep a generous supply of these forms for officer utilization.

In addition, Investigative Services' personnel should complete a "Victim/Witness Assistance Referral Form" for any victim/witness believed to be in need of any of the services provided by the Crime Victims Center. Investigators must note in their report supplement whenever a referral is made.

When applicable, the department will also provide victims with the National VINE Program number for Shelby County VINE: 1-877-590-VINE for notification of suspects' release, transfer or escape.

NOTIFICATION OF VICTIM'S/WITNESS' RIGHTS

As a victim/witness of a crime in the City of Memphis, in accordance with TCA 40-38-113, the Memphis Police Department shall provide notice of the following information:

1. *The victims/witnesses are to be free from intimidation, harassment and abuse throughout the criminal justice system;*

2. *The availability, if any, of crisis intervention services, emergency and medical services;*

3. *The name of the law enforcement agency and telephone number;*

4. *In cases of domestic violence, the procedures and resources available for protection of the victim/witness;*

5. *The names and telephone numbers of public and private victim assistance programs, including the state criminal injuries compensation program and programs that provide counseling, treatment and other support services; and*

6. *The procedural steps involved in a criminal prosecution.*

VICTIM'S/WITNESS' RIGHTS

The right to confer with prosecution

The right to be free from intimidation, harassment, and abuse throughout the criminal justice system.

The right to be present at all proceedings where the defendant has the right to be present.

The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly.

The right to be informed of all proceedings and the release, transfer, or escape, of the accused or convicted person.

The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.

The right to restitution from the offender.

The right to be informed of each of the rights established for victims.

Detox

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Public Intoxication 2

I. Public Intoxication

Tennessee Code Annotated 33-10-407 provides protective custody procedures regarding public intoxication. "Any county may … provide facilities and services for the treatment and/or housing of a person intoxicated and/or incapacitated by alcohol in lieu of arrest".

The statue also states that "in such county or counties, when any person is intoxicated or incapacitated by alcohol and is clearly dangerous to the health and safety of such person or others, such person may be taken into protective custody by law enforcement authorities, or custodial health officers, acting with probable cause and taken to an approved treatment or social services facility."

Tennessee Code Annotated 33-10-407 provides definition for the context of the above mentioned in statute (TCA 33-10-407).

II. DEFINITIONS

A. Incapacitated by alcohol- means that a person, as result of the use of alcohol, is unconscious or that such person's judgment is otherwise so impaired that the person is incapable of realizing and making a rational decision with respect to such person's need for treatment is unable to take care of such person's basic personal needs or safety or lacks sufficient understanding or capacity to make or communicate rational decisions concerning such person's welfare.

B. Intoxicated person or person intoxicated by alcohol- means any person who meets a condition or the conditions set forth in **TCA 39-17-310- Public Intoxication Statute.** A person commits the offense of public intoxication who appears in a **PUBLIC PLACE** under the **influence of a controlled substance** or any other intoxicating substance to the degree that:

1. The offender may be endangered;
2. There is endangerment to other persons or property; or
3. The offender unreasonably annoys people in the vicinity.

III. GENERAL GUIDELINES FOR PUBLIC INTOXICATION

A. The Protective Custody DETOX Law (TCA 33-10-407) does allow **discretion/consideration** on the part of the officer as outlined in (TCA 33-10-407 (b) (1)-(4).

B. *Tennessee Code Annotated 33-10-407(e)* states, a law enforcement officer or custodial health officer, in detaining the person, is taking such person into protective custody. In doing so, the detaining officer may use reasonable protective methods, but shall make every reasonable effort to protect the detainee's health and safety.

C. For the purposes of determining whether a person is clearly dangerous to such person's health and safety, the degree of intoxication alone is sufficient if the enforcement officer

reasonably believes that the individual is unable to avoid severe impairment or injury from specific risks by or as a result of intoxication. (TCA Sec 33-10-407 (a))

D. There are several factors that an officer shall consider before taking a person to a treatment or social services facility in lieu of arrest:

1. Whether the person is likely to engage in a violation of the law while being transported to the treatment or social services facility or while at the facility.
2. Availability of services at the Crisis Assessment Center and not the Jail.
3. Whether the treatment or social services facility has space available for the type of services needed.
4. The "amenability" of the detain person. The context would suggest that "amenability" may best be considered within the conditions outlined in item 1 of this section.
5. Whether the person is in need of serious medical attention. (See **XII, C**.)

IV. PROCEDURES FOR TAKING PUBLICLY INTOXICATED PERSON'S INTO CUSTODY

A. Adults

Officers who encounter individuals who meet the procedural statues of the **Public Intoxication Law (TCA 39-17-310) will apply the statue TCA 33-10-407 as outlined in the following procedures and guidelines:**

1. Officers who take individuals into custody for Public Intoxication will utilize TCA 33-10-407 and transport the individual to the Crisis Assessment Center (CAC) located at 135 N. Pauline on the second floor. **(Note: A person commits the offense of Public Intoxication who appears in a <u>PUBLIC PLACE</u> under the influence of a controlled substance or any other intoxicating substance.)**
2. Officers are to run a check on individual for "WANTS" and "WARRANTS" before transporting the individual to the Crisis Assessment Center. If the check is positive, the officer will make a physical arrest. **No criminal charges can be accepted at the Crisis Assessment Center. Outstanding warrants will continue to follow MPD policy and procedures using criminal charges.**
3. Individuals taken to the Crisis Assessment Center facility **must** provide satisfactory evidence of identification.
   a. Unsatisfactory identification requires officers to transport the individual to jail with the criminal charge of Public Intoxication.

      <u>EXCEPTION:</u> Individuals without satisfactory identification but are known to the officer(s) may be transported to the Crisis Assessment Center based on the officer's familiarity of the individual.

b. Officers may park in the curved lane next to the south side main entrance to the building. Officers should not block the access ramp under the canopy.

c. Officers will enter the building through the front door and take the elevator to the second floor. Between the hours of 11:00 PM and 7:00 AM, the doors could be locked if the front desk security guard is making rounds. If this occurs, officers should have the dispatcher call the CAC, 577-9400, for entry.

d. **Officers will use the lock boxes located outside of the elevators on the second floor to secure their weapons before entering the facility.**

e. Officers will be directed to take the intoxicated individual into the male or female observation rooms before turning in the paperwork and briefing CAC personnel about the individual at the front desk.

4. Officers are required to complete **two** documents:

   a. **DETOX APPLICATION** – Staff members of the Crisis Assessment Center will supply the DETOX Application, that the officer must complete and return. TCA requires a copy to be given to the detained person(s); this is the responsibility of the Crisis Assessment Center staff.

   b. **Arrest Ticket-** Officers will complete an Arrest Ticket.

      1) The original arrest ticket (DETOX Ticket) is to be left at the Crisis Assessment Center in the appropriate box.

      2) Arresting/Transporting Officer is to submit a Copy of the arrest ticket to staff members of the Crisis Assessment Center.

      3) Routing of Original DETOX Tickets will follow the same procedures as Emergency Commitment Tickets. DETOX and Emergency Commitment tickets will be delivered to the ADE Office under normal mail routing procedures of the Uniform Patrol. **(NOTE: In the Charge Block of the Arrest Ticket DETOX TCA 33-10-407 will be the written entry.)**

      4) No affidavit of complaint is needed.

5. The Crisis Assessment Center will notify MPD Communications if the Crisis Assessment Center is full and unable to accommodate additional people. If the Crisis Assessment Center is full, officers will use the Public Intoxication Statue- TCA 39-17-310 and transport the individual to jail using normal public intoxication procedures. The Crisis Assessment Center will notify MPD communications, when they can begin accepting individuals again.

6. Officers will continue to utilize appropriate procedures such as: search techniques, warrant checks, documented narrative noting information that protects the officer(s) and the arrested individual, such as, large sums of money or jewelry, etc. The Crisis Assessment Center will be responsible for receipting the property to the individual. The officer will be provided a copy of the receipt to include with the paperwork.

B. Detox Patients must meet the following requirements for admission:

1. Patient must be able to walk on their own, with no assistance from officers or CAC staff and
2. without the use of wheel chairs (unless person is handicapped/disabled) or stretchers.
3. Patient must be conscious and able to communicate with CAC staff or officers.
4. Patient must not have any visible injuries or be complaining of medical problems.
5. Patient is non-combative and non-violent with CAC staff or officers.
6. Patient must submit to a blood alcohol content test (the only exception is if the person also has an Emergency Commitment charge).

C. Detox Patients may be refused by CAC Staff for the following reasons:

1. Patient cannot walk on their own without any type of assistance
2. Patient is unable to communicate or is unconscious
3. Patient has visible injuries or is complaining of medical problems
4. Patient is combative and violent with staff or officers
5. Patient refuses to submit to blood alcohol content test

If officers have an intoxicated individual that has been refused by CAC staff at 135 N. Pauline, the officers must transport the individual to the Regional Medical Center.

D. Juveniles

1. Officers may call a parent to take charge of an intoxicated juvenile and issue a Juvenile Summons for the offense in lieu of arrest, if the facts of the case so warrant (see MPD P&P Chapter VII Section 5).

2. Intoxication involving Juveniles will continue to include procedural referrals to Juvenile Court or appropriate emergency medical services for extreme intoxication (ex. juvenile is unable to stand, is injured, or is incoherent). See MPD P&P Chapter VI, Section 2, subsection VI. If medical services are needed:

   a. Juveniles (14) fourteen years of age or older should be transported to the Med ER.

   b. Juveniles under the age of (14) fourteen should be transported to LeBonheur.

   Note: When juveniles are transported to a medical facility, officers will have to remain with the juvenile until they are medically cleared for transport to Juvenile Court.

ADE (Arrest Data Entry)

ADE 2
ADE Procedures 2
Other Exceptions or Straight Charges 5

I. THIS SECTION IS FOR **ADE** PERSONNEL ONLY

A. **ADE Procedures:** The Arrest Ticket will be logged and entered into VISONRMS and will be distributed as follows:

1. **Misdemeanor Tickets – ADULT – Original & 2 Copies**

Original	R&I
Copy	ADE
Copy	G.I.B./Bureau Involved

* Make requested copies for Arresting Officer

2. **Felony Investigation Tickets – ADULT – Original & 2 Copies**

Original & **1 Copy** (stapled)	Bureau Involved
Copy	ADE
Copy	G.I.B./Bureau Involved

* No Felony Arrest, with exception of a Drug Felony Arrest, will be accepted without a local R&I Report Number.
* Make requested copies for Arresting Officer

3. **Felony Drug Arrest Tickets – ADULT – Original & 3 Copies**

Original	R&I
Copy	Vice & Narcotics
Copy	ADE
Copy	G.I.B./Bureau Involved

* Make requested copies for Arresting Officer

4. **Felony Drug Arrest Tickets – JUVENILE – Original & 1 Copy**

Original	Station/Bureau Involved
Copy	ADE

* Attach all other documents such as Affidavit, etc…
* Make requested copies for Arresting Officer

5. **Misdemeanor Arrest Tickets – JUVENILE – Original & 2 Copies**

Original	Bureau Involved
Copy	ADE
Copy	Station Involved

* Make requested copies for Arresting Officer

6. **Felony Arrest Tickets – JUVENILE – Original & 1 Copies**

Original & **1 Copy** (stapled)	Bureau Involved
Copy	ADE

Copy	Station Involved

* **DO NOT MAKE ANY COPIES FOR THE PUBLIC INFORMATION OFFICE**
* Assign a Juvenile Number to **ALL** Juvenile Felony Arrest Tickets including Felony Drug Arrest Tickets, then log with a **RED** number in the Log Book. (Ex. – **J022472**)
* Make requested copies for Arresting Officer

7. **Misdemeanor Drug Arrest Tickets – ADULT – Original & 2 Copies**

Original	R&I
Copy	ADE
Copy	Station Involved

* Make requested copies for Arresting Officer

8. **Misdemeanor Drug Arrest Tickets – JUVENILE – Original & 5 Copies**

Original	Bureau
Copy	ADE
Copy	Station Involved

* Make requested copies for Arresting Officer

9. **Domestic Violence Arrest Tickets – ADULT – Original & 3 Copies**
Domestic Violence or "DV" should be written next to the charge (Ex. Assault DV)

Original	R&I
Copy	IAB
Copy	ADE
Copy	Station Involved

* Make requested copies for Arresting Officer

10. **Domestic Violence Arrest Tickets – JUVENILE – Original & 3 Copies**
Domestic Violence or "DV" should be written next to the charge (Ex. Assault DV)

Original	R&I
Copy	IAB
Copy	ADE
Copy	Station Involved

* **DO NOT PLACE ANY JUVENILE ARREST TICKET IN THE PUBLIC INFORMATION BOX**
* Make requested copies for Arresting Officer
* Assign a Juvenile Number to all Juvenile Felony Arrest Tickets including Felony Drug Arrest Tickets, then log with **RED** number in the Log Book. (Ex. – **J022472**)

B. OTHER EXCEPTIONS OR STRAIGHT CHARGES:

Make one (1) additional copy of ALL **DUI Arrest Tickets** for the Traffic Bureau.

Habitual Motor Vehicle Offenders **(Felony)** should be **Straight Charged** and **Signed off** by an STIS Supervisor. Arrest Ticket distribution is the same as **Felony Investigation Tickets – ADULT –** make a copy for Traffic, **NO** copy to R&I. Assign a number if JUVENILE.

FELONY LOG BOOK – Enter ALL Felony Arrest Tickets, (Adult & Juvenile) in Felony Log Book except:

1. **Habitual Motor Vehicle Offender**
2. **Felony Drug Charge**

Carrying Weapons on School Property – Log as "**General Assignment**", (Give Juvenile Assigned Number) An Offense Report Number is required **[**Weapons Offense**].**

PROSTITUTION (HIV) – Log as "**Straight Charge"** – assign a number if Juvenile, No copy to R&I, copy of Arrest Ticket and Bond Recommendation to O.C.U.

OBTAIN CONTROL SUBSTANCE BY FRAUD/DECEIT/FORGED PRESCIPTION – Log as **"Straight Charge"**, assign a number if a Juvenile, No copy to R&I, copy of Arrest Ticket and Bond Recommendation to O.C.U.

POSSESSION OF CONTROL SUBSTANCE WITH INTENT TO MAN/DEL/SELL – DO NOT LOG IN AS A STRAIGHT CHARGE, Assign a number if Juvenile, copy to O.C.U. **ONLY** if approved by O.C.U. Supervisor. No copy to R&I, copy of Arrest Ticket and Bond Recommendation to O.C.U..

EVADING ARREST – Log as "**Straight Charge"** – Assign a number if Juvenile, No R&I copy required, copy of Arrest Ticket, Affidavit, Bond Recommendation to **the appropriate G.I.B**.

FELONY VANDALISM - Log as "**Straight Charge"** – Assign a number if Juvenile, No R&I copy required, copy of Arrest Ticket, Affidavit, Bond Recommendation to **the appropriate G.I.B**.

FELONY SHOPLIFTING - Log as "**Straight Charge"** – Assign a number if Juvenile, No R&I copy required, copy of Arrest Ticket, Affidavit, Bond Recommendation to **The Economic Crimes Bureau**.

FALSE FIRE ALARMS - Log as "**Straight Charge"** – Assign a number if Juvenile, No R&I copy required, copy of Arrest Ticket, Affidavit, Bond Recommendation to **the G.I.B.**

All **GROUP "A"** Arrest Tickets **must** have an OFFENSE REPORT NUMBER in the appropriate field. (Record of Arrest, Misdemeanor Citation, Juvenile Summons, & City Ordinance Summons.) **If there is NO Offense Report Number entered for the Arrest Ticket it will NOT be accepted by the ADE Office**.

Search and Seizure without a Warrant

Authority and Procedures 2
- **Exigent Circumstances** 2
- **Searches by Consent** 2
- **Frisk or Pat-Down of Persons** 3
- **Vehicle Searches** 4
- **Search Incident to Arrest** 6
- **Strip Searches** 6
- **Body Cavity Searches** 7
- **Plain View Seizure** 8
- **Crime Scene Searches** 8

I. Purpose

To designate circumstances under which searches and seizures may be conducted without a search warrant, and to establish uniform procedures for conducting such searches and seizures.

The information contained in this directive is consistent with the information disseminated by the Training Academy. However, when in doubt about a particular search situation, officers are encouraged to seek advice from the City Attorney. Any search, seizure, or arrest without a warrant must be justified and supported by probable cause. In the event of any conflict between this order and any statute, court opinion or other rule of law, the latter will be controlling. Further, in the event any statute, court opinion or other rule of law provides greater authority to a law enforcement officer than is stated in this order, the former will be controlling.

II. Policy

It shall be the policy of the Memphis Police Department that all searches and seizures be conducted based upon a proper warrant whenever appropriate under the circumstances. Searches and/or seizures that have not been reviewed and authorized by judicial personnel will be executed as established according to the procedures set forth in this order.

III. Authority and Procedures

Officers have the authority to conduct searches and make seizures without a warrant under certain circumstances. These circumstances include, but are not limited to the following:

A. Exigent Circumstances

"Exigent Circumstances" are emergency conditions. A search is reasonable, and a search warrant is not required, if all of the circumstances known to the officer at the time, would cause a reasonable person to believe that entry or search was necessary to prevent physical harm to the officer or other persons; the destruction or concealment of evidence; the escape of a suspect; and if there was insufficient time to get a search warrant. [1.2.4.e]

B. Searches by Consent

Officers may conduct a search of a person or property by obtaining prior consent. The consent must be voluntarily given, and that voluntary consent must be shown to be unequivocal, specific, and intelligently given, uncontaminated by duress or coercion. The consent must be proven to be voluntarily given by a preponderance of the evidence and is never lightly inferred by the courts. The prior consent must be obtained from the person or persons with authority to give a valid consent. Officers should have the proper departmental consent forms, appropriate to the search circumstances, available for their use. If consent is written, consent forms must be signed prior to the search. [1.2.4.a]

C. Frisk or Pat-down of Individuals

An officer has the right to perform a pat-down search of the outer garments of suspects for weapons, if:

The suspect is legitimately stopped,
AND
The officer(s) has a reasonable and articulated
fear for his/her own or another person's safety

Not every stop will lead to sufficient justification for conducting a pat-down search**.** The following are some criteria that may form the *basis* for establishing reason to perform a pat-down search:

1. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
2. Where more than one suspect must be handled by a single officer.
3. The hour of the day and location where the stop takes place.
4. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
5. The appearance and demeanor of the suspect, i.e. person appears to be unusually scared, jittery, or acting in a strange manner.
6. Visual indicators that suggest that the suspect is carrying a firearm or other deadly weapon.
7. The officer has a legitimate reason to require the individual to sit in the back of a police car.
8. An officer may also perform a pat down frisk if the person voluntarily consents to it.

Officers are cautioned that these criteria alone do not necessarily establish justification for a pat-down search. The totality of the circumstances must be considered before initiating the pat-down search, and officers must be able to clearly articulate the circumstances.

Officers are reminded that a frisk is limited to a search of the external clothing for weapons. Frisks shall be conducted reasonably and in good faith. The purpose is to secure the immediate area against procurement of weapons and destruction of evidence by the suspect or those acting in concert with him.

- Ideally, two or more officers will conduct the frisk, one to search and the other to provide protective cover.
- When possible, pat-down searches should be performed by officers of the same sex.
- When frisking, officers shall search only the external clothing for objects that reasonably could be weapons and remove them. Officers shall not place hands in pockets unless they reasonably suspect that weapons are concealed in them.

- If, during a lawful stop based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband immediately apparent, it may be withdrawn and examined.
- If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.
- If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made.

D. Vehicle Searches

1. **Moveable vehicles** - Officers may conduct an immediate search of a moveable vehicle when the officer has established probable cause to believe that contraband or evidence of a crime is present in the vehicle. The probable cause established must be as sufficient as that which would support obtaining a search warrant.

   The officer is not required to obtain a search warrant when, due to the mobility of the vehicle, an immediate search is necessary. However, articulated probable cause for the search must be established before the search commences. Probable cause to search exists where the facts and circumstances within the officer's knowledge, of which he/she has reasonable trustworthy information, are sufficient in themselves to warrant a person of reasonable caution to believe that contraband or evidence can be found in a particular vehicle.

   The United States Supreme Court has ruled that police officers who have legitimately stopped an automobile, and who have probable cause to believe that contraband is concealed somewhere within it, may conduct a warrant-less search of the vehicle. This search can be as thorough as a magistrate could authorize by warrant. [1.2.4.c]

2. **Vehicle Search Incident to a Lawful Custodial Arrest** – Officers may not search a vehicle simply because a recent occupant of the vehicle has been arrested and cannot access the passenger compartment of the vehicle. An officer is only permitted to conduct a vehicle search when an arrestee is within reaching distance of the vehicle or if it is reasonable to believe that the vehicle contains evidence of the offense or warrant.

   Example 1: An officer observes an individual legally park and exit a vehicle. The officer then calls the individual to them and later learns that the individual has warrants. Officers may not legally search or tow the individual's vehicle because of the arrest.

   Example 2: An officer observes an individual driving under the influence and subsequently stops and arrests the individual. The officer would be justified in searching for evidence of the consumption of alcohol within the driver's reach, if the officer had reasonable belief such evidence may be found. The officer must be able to articulate the reasonable belief in the arrest ticket and in court.

3. **Frisk for Weapons –** Officers may search a vehicle's passenger compartment when there is reasonable suspicion that an individual, whether or not the arrestee, is dangerous and might access the vehicle to gain immediate control of weapons. Officers must be able to articulate their reasonable suspicion justifying the search.

4. **Protective Sweep –** Officers may search where safety or evidentiary interests would justify a search, such as a limited protective sweep or those areas in which a officer reasonably suspects a dangerous person may be hiding. From a vehicle perspective this exception may be applicable when dealing with larger vehicles such as multi-passenger vans, recreation vehicles, motor homes, buses, and the like.

5. **Vehicle Inventory Procedures** - [1.2.4.f] Officers will conduct an inventory of impounded vehicles or property. In order for an inventory to be valid, such impoundment must be justified and consistent with the department's policy on vehicle impoundment. Special attention should be given to the reasonable alternatives to towing:

   a. When a vehicle is in lawful custody an officer is authorized to inventory the contents of that vehicle so as to protect:

      1) The owner/operator's property; and
      2) The officer and the department from unfounded claims that may result in liability to owners/operators who make claim that property was taken or damaged while their vehicle was in custody; and
      3) The officer and others present from dangerous materials.

   b. A vehicle inventory is permitted without a warrant or the consent of the operator/owner of the vehicle. The extent of the inventory depends upon the circumstances which caused the vehicle to be in custody.

      1) If due to a parking violation, or other circumstances where access to the interior of the vehicle is limited, a cursory survey will be made of the areas exposed to "plain view", or accessible to a thief (e.g. over sun visors, under front seat, unlocked glove box, other "unlocked" areas and containers), and items of apparent value itemized on applicable reports, and protected as each item demands and circumstances permit.
      2) Keys to the vehicle are present, in addition to the scope of the survey detailed above; the inventory will be extended to areas made accessible by the keys (i.e. locked glove box and trunk) and any "unlocked" container(s) located therein. In either case, the inventory should be limited to areas where personal items would reasonably be stored.
      3) The officer may properly open closed containers when necessary to make a realistic and meaningful inventory.
      4) The inventory does not extend to a locked container.

   IMPORTANT: The inventory of a vehicle should not be construed as limiting any

lawful consent or probable cause search, with or without a warrant.

c. **Alternative to Impoundment** - Just cause to arrest the owner or operator of a vehicle is not alone justification to impound the vehicle. There must also be reasonable cause to take his/her vehicle into custody. If the circumstances which brought the vehicle to the attention of the officer in the first place are such that the owner/operator, even though arrested, is able to make his/her own arrangement for custody of the vehicle, or if the vehicle can be legally parked and locked without endangering the public or obstructing traffic, such "alternative action" will be permitted rather than impounding the vehicle. The vehicle must be legally parked or left in the custody of another with that person's consent; or if it is to be driven away, the proposed driver must be willing to do so and be able to do so legally, i.e. have a valid drivers license, not be intoxicated, etc. When one of these alternatives is used, a "hold harmless" agreement shall be signed by the owner/operator.

E. Searches Incident to Arrest

A search incident to arrest is permissible after any lawful arrest. There are two valid purposes for conducting searches incident to arrest:

1. To protect the officer and other persons in the vicinity from any dangerous items in the possession of the person arrested; or
2. To prevent the destruction of evidence within the reach of the arrestee.

Officers of the Memphis Police Department shall conduct a search of any person or persons placed under a lawful custodial arrest. The scope of the search extends to the immediate areas in which the arrestee might obtain a weapon or evidentiary items, including clothing, purses and wallets of the arrestee, and may be for weapons, evidence, or means of escape. [1.2.4.g]

Officers are cautioned that searches of premises incident to arrest are not to be expanded into de-facto search warrants of the premises. Officers, however, are entitled to make a reasonable "protective sweep" of the premises on which the arrest occurs. The purpose of "protective sweeps" is, as its name implies, to determine if other persons, instruments, or conditions are on the premises which would pose a danger to the officer's safety or the preservation of evidence. Again, the "Plain View" doctrine applies, and items of contraband and instrumentalities or fruits of a crime may be seized and used as basis of criminal charges. [1.2.4.b]

F. Strip Searches

As used in this section, "strip search" means having an arrested person remove or arrange some or all of such person's clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person. Strip searches are to be restricted and shall always be reviewed with the greatest of scrutiny. Such searches by police have been limited by statute. Tennessee Code Annotated Section 40-7-119(b) restricts such

searches by police with the following language:

> "No person arrested for a traffic, regulatory, or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon, a controlled substance, or other contraband." [1.2.8.a]

It shall be the policy of this department that if an arrestee can be reasonably secured, without danger to the officer, that such a search, when deemed to be necessary and approved by a supervisor, be conducted by an officer of the same sex and in an area not easily viewed by the public. [1.2.8.b]

Inspectional Services will be notified via memorandum on all body cavity/strip search incidents, and will maintain a file on all such incidents.

G. Body Cavity Searches

Body cavity searches are strictly regulated by T.C.A. 40-7-121 which states in part that no person shall be subjected to a body cavity search by a law enforcement officer or by another person acting under the direction, supervision or authority of a law enforcement officer unless such search is conducted pursuant to a search warrant issued in accordance with Rule 41 of the Tennessee Rules of Criminal Procedure. The issue of whether a person subjected to a body cavity search consented to such search is irrelevant and shall not be considered in determining whether the search was a valid one under the provisions of this section, unless the consent is in writing on a preprinted form and contains the following language: [1.2.8.a]

> Waiver of Warrant Requirement and Consent to Search Body Cavities
>
> I knowingly and voluntarily consent to have my body cavities searched immediately by law enforcement personnel in the manner provided by the laws of Tennessee. By signing this consent form, I knowingly and voluntarily waive my right to require that a warrant be obtained from an appropriate judge or magistrate before my body cavities are searched.
>
> I understand that a body cavity search may involve both visual and physical probing into my genitals and anus. I understand that I would not be prejudiced or penalized by declining to give my consent to be searched in this manner.

A law enforcement officer who conducts or causes to be conducted a body cavity search in violation of TCA 40-7-121, and the governmental entity employing such officer, shall be subject to a civil cause of action.

Body cavity searches conducted pursuant to this section must be performed by a licensed physician or a licensed nurse in an area not easily viewed by the public. [1.2.8.b]

All search warrants or consent forms will be maintained in the case file. [1.2.8.c]

H. Plain View Seizure

Officers may seize any illegal contraband or evidence of a crime that is in "plain view". However, each of the following elements must be satisfied before the "plain view" exception is satisfied:

1. The officer must have the legal right to be in the particular place for view;
2. The officer must have probable cause to believe that the object(s) is/are lawfully seizable, and
3. The officer can physically reach the object(s) from the place the officer has a right to be. [1.2.4.g]

I. Crime Scene Searches

There is no "crime scene" exception to the search warrant requirement. Any seizure of evidence, whether at a crime scene or not, must be justified by a search warrant or the search must fit within one of the exceptions to the search warrant requirement. [1.2.4.d]

The **MINCEY RULE** is very important when dealing with crime scenes where a defendant and the victim both have an expectation of privacy. A prime example of this occurs in a domestic violence homicide or other violent crime inside the couple's home. Once police have rendered aid to the victim(s), swept the scene for suspects and secured the scene, a search warrant is **REQUIRED** before any evidence may be collected.

In Mincey v. Arizona **437 US 385 (1978)** The Supreme Court cited that the police had violated the defendant's fourth amendment rights. Mincey, who was dope dealer, had shot and killed an undercover narcotics officer during a drug raid. Mincey was wounded and one of his companions was killed in the subsequent gun battle. The Narcotics officers, following procedure secured the premises and notified Homicide. Homicide detectives conducted an investigation during which hundreds of pieces of evidence were seized by the police over a three-day crime scene search. Mincey was convicted of the murder of the undercover officer. The conviction was overturned by the Supreme Court, which maintained that Mincey's Fourth Amendment rights were violated and that the police who should have secured a search warrant. The Supreme Court basically informed law enforcement that "There wasn't any homicide crime scene exception" to the Fourth Amendment.

In 1984 The Supreme Court once again stepped in to address the same issue in Thompson v Louisiana **469 US 17 (1984)**. In the Thompson case, a woman who was reportedly depressed shot and killed her husband. She then took an overdose of pills in an attempt to commit suicide. She then suddenly experienced a "change-of-heart" and decided she didn't want to die. She called her daughter, who in turn called the Sheriff's Department, which dispatched an ambulance and deputies to the woman's home. The woman was transported to the hospital where she was treated. Investigators were called to the house and gathered evidence of the murder in the crime scene. The woman was subsequently charged and convicted in the murder of her husband. The United States Supreme Court ruled against The State of Louisiana citing the Mincey Decision and the expectation of privacy provided in the Fourth Amendment. The woman's conviction was overturned. Once again the courts ruled that there was NO Homicide Exception and that the police were required to obtain a search warrant.

Search Warrants

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Preparation of Search Warrants 2
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I. Policy

If officers wish to expand the scope of the searches/inventories established in Chapter III Section 1, they must obtain a search warrant to do so, absent any exigent circumstances. The definition of exigent circumstances includes those emergency situations in which a reasonable person would believe serious physical harm or the destruction of evidence is imminent and will result if the officer does not take the immediate action to prevent same.

II. Procedures

Officers who desire to secure a search warrant may contact the City Attorney for assistance in the preparation of the warrant. In the event the City Attorney cannot be contacted, the Attorney General's Office is available to assist officers in the preparation of a warrant. Officers are encouraged to get technical assistance if they feel it is needed. However, the officer may prepare the warrant on his own, after getting approval from his commanding officer. The receipt and execution of search warrants will be documented on the Legal Process Tracking Form. The form and the warrant will be included in the case file. [74.1.2, 74.1.2].

Search warrants may be signed by a judicial magistrate or a *duly elected judge*.

A. Preparation of Search Warrants:

An original and two (2) copies must be prepared. The original is served by the officer to whom the warrant is issued, one copy is left with the Court and the other is left with the defendant.

The original and copies must contain the date, time, and the name of the officer to whom issued. Copies must be identical with the original. If these requirements are not met, the warrant is void regardless of the probable cause shown in the affidavit.

Once the officer has obtained a warrant, he will be required to go to the General Sessions Court Clerk's Office and get a number on the warrant from the Clerk's log book. This may be done before the warrant is executed or after the warrant is executed, but must be done before the warrant is returned to court.

B. Execution:

A search warrant must be executed within five (5) days after its issuance. It may be served either in the daytime or the nighttime. The search warrant may only be executed by the law enforcement officer, or one of them, to whom it is directed. Other persons may aid such officer at the officer's request, but the officer must be present and participate in the execution.

1. Notice and Use of Force:

   Whenever possible, a uniform officer should be present and visible when executing a search warrant, for the safety of the officer. An officer must give notice of his authority and purpose before using force to gain entry; reasonable force may be used to execute the warrant. Notice is not required where no one is present at the time of the execution of the warrant. Where no one is present at the time of the execution, the defendant's copy should be left on the premises. If the person whose house is searched is known to

be in jail, the copy should be taken to him rather than left at the scene of the search, if the premises are not occupied.

Undue excessiveness or severity in the execution of the warrant is a misdemeanor.

2. Search of Persons on Premises:

When a person or persons are named or otherwise described in the warrant and affidavit, officers are authorized to search them pursuant to the warrant. However, if the warrant refers to "unknown parties", then you are not authorized to search every person on the premises, only those persons who are directly in control of handling, or appear to be physically in possession of, the items for which you are searching.

You would be justified in engaging in a frisk of the persons on the premises to insure that they are not armed and do not pose a threat to you while conducting a search. You may require persons on the premises to remain in one room while the search is conducted. It will be the uniform officer's responsibility on the scene to secure and watch all persons on the premises during the search. The uniform officers are not to assist in the search unless requested. If the items described in the warrant are found, and a decision is made to arrest a person, then a search of that person would be justified as a search incidental to arrest. Whether or not all persons on the premises would be arrested would depend on the facts and circumstances of each case tending to indicate their particular involvement in the items seized in the case being investigated.

Persons arriving on the premises who are not named in the warrant may not be searched pursuant to the warrant. However, you would be justified in conducting a frisk if you suspect that they were armed. You would not be justified in searching their vehicle unless it was described in the warrant.

3. Seizure of Evidence:

As a general rule, only those items described in the warrant may be seized pursuant to the warrant. Officers would be justified in looking in any area where the items are likely to be concealed. If, during the process of the search, other items are discovered which are known to be contraband or evidence of other crimes, then they may be seized pursuant to the "plain view" doctrine. To invoke the plain view doctrine, the discovery of the items must be unexpected and recognizable as evidence in other offenses. You cannot use an otherwise valid search warrant to conduct an exploratory search of the defendant's premises, to do so would make the search a general search and unlawful. It is best to photograph all evidence/ contraband found pursuant to the "plain view" doctrine in the location where it is found.

4. Receipt:

When conducting a search pursuant to a warrant, the person from whom the items are taken is entitled to a copy of the warrant as well as a receipt for the property taken.

You may use the defendant's copy of the search warrant to write your receipt. The receipt should list all items taken from the defendant or from the premises where the search was conducted. Where no one is present at the time of execution, the receipt should be left on the premises, unless you know the defendant is in jail; and in such case the receipt should be taken to him.

C. Return of the Warrant:

All items seized pursuant to the warrant must be listed and described on the warrant. In the event the number of items seized is extensive, additional sheets of paper may be attached to the original warrant. The return must be made to the magistrate who issued the warrant. The warrant should be returned to the magistrate as soon as possible after it is served (within five (5) days).

After the warrant has been executed and a return made, sufficient photo copies of the warrant and the completed Legal Process Tracking Form should be made and kept as part of the investigative file. Copies should be made of the inventory list reflecting all items seized pursuant to the warrant.

D. Strip Searches

As used in this section, "strip search" means having an arrested person remove or arrange some or all of such person's clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person. Strip searches are to be restricted and shall always be reviewed with the greatest of scrutiny. Such searches by police have been limited by statute. Tennessee Code Annotated Section 40-7-119(b) restricts such searches by police with the following language:

> "No person arrested for a traffic, regulatory, or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon, a controlled substance, or other contraband." [1.2.8.a]

It shall be the policy of this department that if an arrestee can be reasonably secured, without danger to the officer, that such a search is approved by a supervisor conducted pursuant to a search warrant when deemed to be necessary, and be conducted by an officer of the same sex and in an area not easily viewed by the public. [1.2.8.b]

Inspectional Services will be notified via memorandum on all body cavity/strip search incidents, and will maintain a file on all such incidents.

E. Body Cavity Searches

Body cavity searches are strictly regulated by T.C.A. 40-7-121 which states in part that no person shall be subjected to a body cavity search by a law enforcement officer or by another person acting under the direction, supervision or authority of a law enforcement officer

unless such search is conducted pursuant to a search warrant issued in accordance with Rule 41 of the Tennessee Rules of Criminal Procedure. The issue of whether a person subjected to a body cavity search consented to such search is irrelevant and shall not be considered in determining whether the search was a valid one under the provisions of this section, unless the consent is in writing on a preprinted form and contains the following language: [1.2.8.a]

Waiver of Warrant Requirement and Consent to Search Body Cavities

I knowingly and voluntarily consent to have my body cavities searched immediately by law enforcement personnel in the manner provided by the laws of Tennessee. By signing this consent form, I knowingly and voluntarily waive my right to require that a warrant be obtained from an appropriate judge or magistrate before my body cavities are searched.

I understand that a body cavity search may involve both visual and physical probing into my genitals and anus. I understand that I would not be prejudiced or penalized by declining to give my consent to be searched in this manner.

A law enforcement officer who conducts or causes to be conducted a body cavity search in violation of TCA 40-7-121, and the governmental entity employing such officer, shall be subject to a civil cause of action.

Body cavity searches conducted pursuant to this section must be performed by a licensed physician or a licensed nurse in an area not easily viewed by the public. [1.2.8.b]

Inspectional Services will be notified via memorandum on all body cavity/strip search incidents, and will maintain a file on all such incidents. All search warrants or consent forms will be maintained in the case file. [1.2.8.c]

Field Interviews

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I. Purpose

To help officers determine when field interviews are necessary, to establish procedures for conducting field interviews safely; and to establish procedures for forwarding any information / intelligence gathered in field interviews. [41.2.4]

II. Policy

The Memphis Police Department expects and encourages officers to conduct field interviews. Field interviews are valuable both to deter criminal activity and to aid criminal investigations, but they must be conducted with respect for constitutional safeguards and community relations. Field interviews frequently lead to building reasonable suspicion for conducting a frisk/ pat-down search, or even probable cause for an arrest.

The recording of field information affords the communication of suspect and suspicious person information in a consistent, accurate, and timely manner; it directly supports the investigative function of the department, and is an integral part of effective patrol procedures. Memo's submitted regarding field information will provide accessible intelligence, which may link a suspect or witness to crime or perhaps place an individual or a vehicle at a particular place and time.

III. Definitions:

A. Field interview -A brief encounter with a person to determine the person's identity and to resolve the officer's suspicions about possible criminal activity. A field interview resolves an ambiguous situation and contrasts with a stop, which is based on reasonable suspicion of criminal behavior. Field interviews require voluntary cooperation of citizens, and officers must ensure that their words or actions would indicate to a reasonable person that the person is free to leave or ignore the police presence. The person may be requested, but not compelled to provide identification or other information.

B. Reasonable suspicion – Articulation of facts that lead an experienced officer to reasonably suspect that a crime has been or is about to be committed. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated.

C. Stop - The detention of a subject, whether on foot or in a vehicle, for a brief period of time. In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be stopped is involved. The following situations may be considered in determining whether reasonable suspicion exists :

1. The individual (or individual's vehicle) matches the physical description of a suspect (or suspect's vehicle) in a recent crime.

2. A person has exhibited furtive conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.
3. The time of day or night is inappropriate for the suspect's presence in a particular area.
4. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
5. The individual is in an area where a crime pattern or series has been identified, during the time of day when that activity has been occurring.
6. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.
7. Any other circumstances known to the officer that can be articulated, in light of the officer's training and experience, which creates reasonable suspicion of criminal activity.

Hearsay information is acceptable. However, in order for the information to be credible, the officer must have some means to gauge the reliability of the informant's knowledge.

IV. Procedures

As a general rule, field interviews may be conducted anywhere the officer has a right to be present.

The following guidelines should be followed regarding the field interview:
Before approaching more than one suspect, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can be delayed until such assistance arrives.
Officers shall clearly identify themselves as a Memphis Police Officer and, if not in uniform, display identification. Officers will be courteous at all times during the contact, but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
During the interview, officers should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the officer's suspicions.
Miranda warnings are not required during field interviews.
When citizens refuse or cease to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a stop and frisk.
Field contacts shall not be done to coerce a person to leave an area where he or she has a legitimate right to be and where no violation of law has occurred.
Wants/Warrants Checks--All persons contacted for field interviews should be checked for outstanding warrants.
Field interviews must be conducted as briefly as possible. The field interview may not extend beyond the place where it was first affected, or the immediate vicinity thereof, without the express and voluntary consent of the person. Should the

suspicion be reinforced with additional information or the officer develops probable cause, the period of detention may be lengthened.

V. Field Investigation Memos

The documentation of suspicious or criminal field contacts will be accomplished by the submission of an incident database memo to the appropriate investigative bureau of the Memphis Police Department. An incident database memo should be submitted by any member of the department who observes, receives information/intelligence, or has contact with any person or persons whom they believe may have been involved in or may have knowledge of any criminal activity. Use of this process will allow the information generated to be made available to the appropriate investigative personnel in a timely manner.

If an officer performs a lawful field interview and detects a suspicious person(s) or discovers other pertinent information, the officer should forward such information to the appropriate investigative bureau, and any of the following available information must be included:

- Related incident numbers.
- Full name of person interviewed.
- Address/telephone number of person.
- Date of birth.
- Physical description.
- Time and date of interview.
- A brief statement of the reason for the interview and the results of the interview.

When completing a Field investigation memo, officers should follow these guidelines:

- Quality, not quantity of information shall be the guiding principle in preparing the field investigation memo.
- The field investigation memos are not intended and will not be used to replace an offense report.
- Officers shall consider the circumstances and significance of the contact in making their determination as to whether or not the memo should be completed. Experience, knowledge and good judgment shall be exercised.
- If any doubt exists whether or not a memo should be completed, the officer's immediate supervisor should be consulted.
- Most of the information in police reports is subject to public record, and a citizen has the right of access *unless* it:
  (a) Concerns an active investigation.
  (b) Would jeopardize the safety of an officer.
  (c) Would reveal the identity of an informant.

The Crime Analyst of Investigative Services shall be responsible for evaluating and disseminating any misrouted information to concerned departmental components and outside agencies.

VI. Gang TRAC

The Memphis Police Department has developed Gang TRAC which is accessible to any commissioned Memphis Police Officer through the MPD Kiosk. Gang TRAC is available Via PDA and Desktop. Officers will be able to enter and search gang information in compliance with the Tennessee Bureau of Investigation's 10 point rule.

To utilize Gang TRAC officers must:

- log into the Memphis Police Department Kiosk;
- select the appropriate database on the left side drop down menu;
- select search or enter and fill in the form with as much information as possible.

Only persons certified as gang members as outlined in the TBI's 10 point rule will be entered into the database. Gang TRAC is an electronic version of the gang form that officers have been using in the field. An officer can use either their PDA or a desktop computer to enter a person into Gang TRAC or to search a person in the Gang TRAC database.

MPD's Gang TRAC links to the previously used AIMES gang database and to the Jail Management System's (JMS) Tracking Active Gangs (TAG) database.

All entries into Gang TRAC will be reviewed for accuracy and completeness. The information entered is vital to the success of the program. Only commissioned officers will be able to search and retrieve data through the MPD Kiosk. This will aid in the identification of suspects by nicknames, gang affiliation and tattoos.

Any questions or suggestions should be emailed to the Gang TRAC administrator, Officer David Shedd, at David.Shedd@memphistn.gov.

The Tennessee Rules of Criminal Procedures, Rule 17(d), states:

A subpoena may be served by any person authorized to serve process, or the witness may acknowledge service in writing on the subpoena. Service of the subpoena shall be made by delivering or offering to deliver a copy thereof to the person to whom it is directed or by leaving a copy thereof with an adult occupant of his usual place of residence.

In all cases, officers should attempt to serve the subpoena upon the witness personally. If that is not possible, then a copy of the subpoena should be left with an adult occupant of the witnesses' home. The occupant of the witness' home is to be named on the **RETURN.** Only when repeated efforts at this manner of service have failed should the subpoena be served by registered mail, and then only with the express permission of a lieutenant in the Warrant Squad.

I. TENNESSEE SUBPOENAS

Officers of this department are subject to subpoenas from many courts and administrative agencies, including, but not limited to:

Criminal Court	General Sessions Court	Circuit Court
Chancery Court	City Court	Juvenile Court
City Alcohol Commission (Beer Board)		U.S. District Court (Federal)
State of Tennessee Confiscation Hearings (drug and vehicle seizures)		

A. Whenever an officer is required to make a court appearance in connection with his/her duties as a police officer, he/she will be compensated in accordance with current contractual provisions of the agreement between the City of Memphis and Memphis Police Association.

1. Although most of these court appearances are criminal in nature, there will be cases where an officer is subpoenaed by a private attorney. (ex. Circuit Court - accident). When the case is a criminal case, a government attorney (Attorney General, City Prosecutor, or City Attorney) will sign the officer's court slip. In civil cases, it will be signed by the private attorney who subpoenaed the officer.
2. Officers must complete and submit their own court slips. Each officer completing a court slip must present the court slip to the prosecutor (or designee) in person for the prosecutor's signature. No MPD personnel shall complete or submit a court slip for approval for any other MPD personnel.
3. The court slip will be placed in the Court Coordinator's box in Room LL58/LL59, Criminal Justice Complex. This slip should be filled out completely in order to expedite the officer's pay or accumulation of time. All Overtime Records (Blue Slips) are to be submitted to the court coordinator's office within (5) five business days after the officer's scheduled court appearance. This includes attaching the subpoena, notice or whatever form of documentation the officer has been furnished. If the court appearance is the result of a continuance, then the date of the previous setting and disposition must appear on the line titled "Case Disposition". If the court appearance is the result of an officer setting a moving violation on his/her summons day, then the ticket number must be furnished on the line titled "Subpoena No."; along with the letters O.S.D. (Officer's Summons Day). If for some reason, an officer's overtime slip is disapproved, the officer will be notified in writing by the Court Coordinator's Office.
4. An officer will not be required to make a court appearance on the first setting of his/her case. This is the arraignment and is followed by a later report date for the defendant. The trial date or preliminary hearing follows and the arresting officer will be notified to appear when necessary.
5. If an officer is subpoenaed for a case and it is continued while he is in court, it will be the responsibility of the officer to make note of the continuance date and to reappear in court on that date.

B. Court Appearance and Compensation

1. The court appearance procedure evolves and hinges on the start time of the first court appearance of the officer on any given day. The officer is compensated for four (4) hours and may be required to appear in more than one case or court during that four (4) hours time. Since the officer is paid for four (4) hours, the number of appearances in that period of time is irrelevant and for pay purposes, will be considered one (1) appearance.

2. If there is a break in the first four (4) hours and the period of the time exceeds four (4) hours, it is a continuance of the first four (4) hours. Being released for a recess is not considered a break of a court appearance.

3. The following hypothetical scenarios are offered as examples of the most common questions answered by the Court Coordinator's Office:

   Example #1: An officer is subpoenaed to a court at 9:00 am and released at 10:00 am. The officer has another court during the same time and is released from this court at 12:30 pm. The officer is allowed to submit only one (1) set of blue slips and the time on his slip will be from 9:00 am – 12:30 pm.

   Example #2: An officer is subpoenaed to civil court at 10:00 am and is released at 12:00 noon. His regular traffic summons court is at 1:30 pm on the same date and is released from traffic court at 1:50 pm. The officer is allowed to submit only (1) set of blue slips because both courts fall within the same four-hour period.

   Example #3: An officer is subpoenaed to a court at 9:00 am and released by the prosecutor at 2:00 pm. The officer is allowed to submit only (1) set of blue slips. The case is continuous, and the officer's time will be shown as 9:00 am until 2:00 pm. The actual time in court will be five hours.

   Example #4: An officer is subpoenaed to court at 9:00 am and released at 9:30 am. He also has a subpoena to appear in another court at 10:00 am. He is kept in the last court until 2:30 pm. The officer is allowed to submit only one (1) set of blue slips, combining both courts on the one set of blue slip. The officer's time would be from 9:00 am until 2:30 pm. The officer has multiple court appearance and continuous time.

   Example #5: An officer is subpoenaed to court at 9:00 am and then released at 11:00 am for recess. The officer is instructed to return at 1:30 pm. The officer is allowed to submit on (1) set of blue slips. The officer is being paid for 11:00 am until 1:30 pm for lunch and receives continuous time until time of release.

   Example #6: An officer is subpoenaed to court at 9:00 am and held in that court until 11:00 am. The officer then returns at 1:30 pm on the same date for a different court. The officer is allowed to submit two (2) sets of blue slips, one for each court appearance.

   Example #7: An officer is subpoenaed to court at 9:00 am and held in that court until 1:00 pm. The officer is also subpoenaed to appear in a different court at 1:00 pm. This officer is only allowed to submit one (1) set of blue slips. The reason being is there is not break in time between the end of the first court and the beginning of the second court.

NOTE: No officer will be compensated for court appearance if they were not subpoenaed or summoned by a prosecutor.

C. No personnel can ignore a subpoena issued by a judge for court attendance.

1. **Regarding General Sessions, Criminal and Federal Court;** if an individual is injured to a degree that prohibits him/her from leaving his/her residence, he/she must contact the Assistant District Attorney listed as the contact person on the subpoena. If an individual is taking a prescribed medication that cautions against driving a vehicle, he/she must contact the Assistant District Attorney listed as the contact person on the subpoena and transportation will be provided.
2. Officer/P.S.T.'s s subpoenaed to City **Court** should contact the court coordinator's office for instructions regarding attendance.
3. Officers subpoenaed/P.S.T.'s to **Civil/Circuit Court** should contact the attorney that is listed on the subpoena for instructions regarding attendance.
4. It is the Commanding Officer's responsibility to notify the court coordinator's office when an officer assigned to his workstation is injured, on vacation, or will be away from work for an extended period of time.

D. Issuing Court Subpoena via Email

All local (prosecutors') subpoenas, outside of lawsuits, must be sent to the Court Coordinators Office, where they will be distributed to officers/P.S.T.'s.

1. All local (prosecutors') subpoenas issued to MPD Officers/P.S.T.'s (*with exception of Juvenile Court subpoenas*) will be e-mailed to their appropriate workstation. A copy of the officer's subpoena will be e-mailed to the secretary, and copied to their Lt. Colonel and Colonel. If the officer's workstation does not have a secretary, Lt. Colonel, or Colonel then the e-mail will be sent to a designated Lieutenant and copied to their Major. The original recipient will print a hard copy of the subpoena and deliver the subpoena to the appropriate shift/officer. Once the officer/P.S.T. receives the subpoena, it should be initialed and returned to the original recipient. The original copy of the subpoena, with the officer's/P.S.T.'s initials, will be placed in the Court Notification File and a copy be sent through inter-office mail to the court coordinator's office.
2. Each workstation should create a Court Notification File, separate from the officer's/P.S.T.'s personnel file, for each shift in order to file the original initialed copy of the subpoena.
3. It is imperative that we maintain a current list of secretaries, Commanders, and supervisors in order to assure proper delivery of the court subpoenas. Please e-mail the court coordinator personnel and the court supervisor, with a list of the individuals that will be receiving the emailed subpoenas. A minimum of three individuals must be listed in case one of the individuals is off on vacation, sick, etc.
4. If an individual is transferred or no longer available to receive the subpoenas a replacement name should be sent to the Court Coordinator's Officer.
5. **NO SUBPOENA WILL BE SENT BY INTER-OFFICE MAIL.**

II. CITY COURT PROCEDURES

A. City court cases will be distributed among the three (3) City Court Divisions in the following manner:

DIVISION I	DIVISION II	DIVISION III
Bomb Unit	Academy	Air Support
Canine Unit	Appling Farms Station	Mt. Moriah Station
Court Officers	Airways Station	South Main Station
DUI	Crime Scene Inv.	Raines Station
Dare/Great	Harbor Patrol	Tillman Station
Information Systems	Memphis Airport Police	
Investigative Bureau	Memphis Animal Control	
OIS	Mounted Patrol	
Public Housing	Old Allen Station	
Real Time Crime	OCU	
Research & Development	Special Events	
Reserve Bureau	Traffic/STIS	
Ridgeway Station	University of Memphis	
Tact Unit	University of Tennessee	
Traffic/Motors		
Crump Station		

City Court and General Sessions/Criminal Court dockets are posted outside the respective clerk's office daily for officers and civilians wishing to check the dockets for individual cases.

City court dates are to be assigned a minimum of four (4) weeks from the date of issuance of the ticket on the officer's next regular assigned summons date after the expiration of this four (4) week period; exceptions: leave of absence, vacations, etc. Officers issuing long tickets for any City Ordinance Violation will include a court date at the bottom of that ticket with the date being set on the officer's regular assigned summons date. THIS APPLIES TO ALL VIOLATIONS ON A LONG TICKET.

In all accident cases involving any violation, resulting in "serious personal injury" the MANDATORY COURT APPEARANCE block on the front of the ticket must be checked, so that the Traffic Violations Bureau will be on notice not to accept forfeiture for this violation. Additionally, officers should advise the person cited that they must appear in Court, and cannot pay forfeiture in this matter.

The only exception to the above stated policy would be when an officer issues long tickets on non-moving violations, such as violation of state registration, financial responsibility, including headlights, seatbelt, etc., whereas a court appearance is not required on such charges. In such case, if those non-moving violations are the ONLY cases the officer has set on this summons day, then that officer need NOT make court on his/her summons day.

B. SUMMONS DATES FOR TRANSFERRED OFFICERS:

Summons dates of officers who have been transferred will remain the same for that calendar year, however, the time and division must coincide with the new transfer location. The court supervisor must be notified of the transfer so that the court dates will reflect these changes. This report is distributed to the Court Coordinator's Office, City Court Clerk Office, City Prosecutor's Office, City Traffic Court and City Court Judges.

C. SUMMONS DATES FOR NEW OFFICERS:

Summons dates will be assigned to new officers as quickly as administratively possible. New officers making off duty court appearances will not be held responsible to prosecute traffic cases until they have been properly assigned their own summons dates. Until such time they have been assigned summons dates, it will be the responsibility of their senior partner to prosecute these cases. New officers assigned to work shifts requiring off duty Court appearances should make court with their senior partner on no more than two (2) occasions in order to become aware of court procedures.

D. SUMMONS DATE PROCESS FURTHER EXPLAINED (EXAMPLE):

Officer Doe issues a speeding ticket to Joe Smith and sets a court date for September 25, which is Officer Doe's regular assigned summons date. At any time prior to September 23, (two [2] days before scheduled court hearing, Joe Smith may go to the Traffic Violations Bureau and pay the ticket. Joe Smith may wish to appear in court on September 25 in lieu of paying the ticket. In either case, Officer Doe MUST appear in Court on that day because Officer Doe will not know whether the ticket has been paid or not. If Officer Doe is assigned to the Crump Station at the time the ticket was issued, the division of court will be Division I. If Officer Doe had been assigned to the Mt. Moriah Station, the division of court would be Division III.

III. OUT-OF-TOWN SUBPOENAS:

The State of Tennessee and numerous other states are bound by a Uniform Law to Secure Attendance of Witnesses. This law requires that the requesting jurisdiction follow certain procedures prior to and in conjunction with the issuance of a subpoena for a person in another state or jurisdiction. This law mandates that certain compensation be forwarded at the time of the subpoena.

This law applies to a state or jurisdiction, which is attempting to subpoena a Memphis Police Officer to another state or jurisdiction to testify. The Memphis Police Department does not bear the financial cost of sending officers to another state or jurisdiction - this is the responsibility of the state or jurisdiction which issues the subpoena. Different states have different amounts of money they pay to officers for expenses and travel.

As a matter of policy, the Memphis Police Department tries to make officers available whenever

an out-of-town subpoena is issued.

Upon receipt of a subpoena or a request for an officer's appearance in another jurisdiction, that officer must contact the Legal Advisor's Office. **The out-of-town subpoena must be delivered to the officer in person.** It will be the duty of the Legal Advisor's Office to determine if the subpoena has been issued in accordance with existing Code regulations. If an officer is contacted by an out-of-town jurisdiction, that officer is to refer the caller to the Legal Advisor's Office at 901-636-3632. In no event is the officer to make arrangements to testify without first notifying the Legal Advisor's office.

Officers should complete the following steps, once they have been properly served with an out-of-town subpoena:

A. Upon notification that you have been subpoenaed for an out-of-town court appearance, you must do the following:

1. Immediately notify your supervisor.
2. Take a copy of the subpoena to the Legal Office located at 170 N. Main, 11th Floor Rm# 1111.
3. Complete a travel authorization form and submit it to the Deputy Chief of Administration for approval.
4. Pick up a Court Contract from the Court Coordinator's Office.
5. Request a road car authorization through the Support Services Office located at 170 N. Main, 11th Floor, Rm# 1107.

B. After the completion of court, officers should:

1. Contact the prosecutor for that jurisdiction and inquire about the process for being reimbursed for incidental expenses.
2. Complete the necessary documents for that jurisdiction and submit them prior to returning to Memphis.
3. Returned the signed Court Contract to the Court Coordinator's Office

* **A *Court Contract* must be picked up from the Court Coordinator Office on ALL Civil Court cases and Out of Town cases. The contract must be signed by the subpoenaing attorney and turned in to the Court Coordinator Office within (5) five business days of the officer's court appearance.**

I. CASES AGAINST OFFICERS:

When an officer is sued in connection with his police duties, he should do the following:

A. Accept service on the complaint from the Deputy or Marshall, process server. **Only the officer named in the complaint/lawsuit shall accept service of the complaint/lawsuit. No other Memphis Police Department employee shall accept service of another's complaint/lawsuit.** Complaints/lawsuits should not be accepted by another person and placed in the officer's box, or held until roll call. All complaints/lawsuits should be served in person to the officer named in the instrument.

B. The officer will note the date and time of service on the front page of the complaint along with their current address and phone number.

C. Take or send the complaint to the Legal Advisor's office as soon as possible on the day the complaint is received. Time is of the essence in these cases because a written answer must be filed with the court within 20 days if the matter is a Federal Lawsuit.

These lawsuits are forwarded to the City Attorney's Office, City Hall. The City Attorney will determine if the City may represent the officer and will notify the officer by letter.

If the City notifies the officer that it cannot represent them due to a potential conflict of interest and the officer wishes to obtain legal counsel, they will be instructed to contact an attorney of their choice.

If the City is representing the officer they should not discuss the case with any insurance company or opposing attorney, or give any statements without notifying the assigned attorney in the City Attorney's Office. Officers will not be paid overtime for court appearances or conferences with the City Attorney or Legal Advisor's Office when the City is defending that officer in such a case, nor will an officer be paid overtime for appearances at the legal Advisor's Office or City Attorney's Office to receive service of process when the suit is directed against him. This time is primarily for the benefit of the officer and is not covered by Union Contract.

II. OFFICER COMMENCING SUIT

When an officer of this Department decides to file suit against any person or company, and the suit arose out of the officer's official duties or is a personal injury suit, the officer shall notify the Legal Advisor's Office. Such suits (Assault & Battery, Slander, etc.) will always involve police reports, tapes, etc., and the Department needs to be on notice of the pending litigation.
Once the lawsuit is settled in any manner, the officer must also notify the Legal Advisor's Office of the settlement. The City is entitled to a reimbursement for any salary loss, medical expense, or equipment damage.

Jury Duty

Federal Court 3
State Court 2
State or Federal Jury Duty 3

According to all applicable State and Federal laws, the Memphis Police Department will excuse employees for time spent on jury duty.

State Court

An employee called for jury duty shall provide a copy of the summons to their immediate supervisor.

Officers should then contact the Jury Commission before the scheduled date on the summons and identify themselves as a police officer in order to select a week of service from the **twelve month** calendar. The twelve month service calendar is made available to officers to avoid causing a hardship for the Department. Officers should schedule the service week with consideration for adequate coverage at their assigned workstation and their days off section, for example, choosing a week for service when the officer has weekends off.

Officers may contact the Jury Commission by phone at 222-1650 or appear in person at the Jury Commission office located at 157 Poplar Ave, Suite 136.

NOTE: Officers are NOT required to attend the qualification session on the summons.

Officers and employees summoned to jury duty will report in proper civilian court attire. No part of the uniform, including the gun and badge, is to be physically worn when reporting for jury duty.

An employee who is required to attend jury duty on a scheduled work day will be compensated for a normal work day (8 hours), at their normal rate of pay.

NOTE: State law does not require an employee to return to the workplace after serving three or more hours of jury duty. However, if an employee is released after serving less than three hours, they are to **immediately** report to their work station to complete their normal work day. *State law also does not require an employer to pay the employee for more time than was actually spent serving and traveling to and from jury duty (no overtime paid).*

Employees should obtain a daily attendance letter for each day of service prior to leaving the Jury Commission Office for that day. The letter will provide the time the juror was due to arrive for service and the time of release from service. The letters should be turned in to the employee's immediate supervisor upon return to work.

Employees must notify their duty stations as soon as possible when released from jury duty in order to accommodate the shift supervisor preparing rollcall for the employee's next regularly scheduled tour of duty.

Federal Court

An employee called for jury duty shall provide a copy of the summons to their immediate supervisor.

Sworn police officers are **not** required to serve on a Petit Jury for Federal Court; however, civilian personnel are required to serve. If an officer receives a Jury Qualification Questionnaire letter for Federal Court, the officer is to correctly mark the exemption for being a "member of any governmental police or regular fire dept." The occupation section should also be completed prior to returning the questionnaire.

NOTE: Federal law requires that you correctly answer the questions about your occupation so that the Federal Courts can promptly determine whether you fall within an excused or exempted category.

Officers will receive an exemption letter excusing them from Petit Jury service. If you do not receive this letter, contact the U.S. District Court Clerk at 495-1500.

Qualified employees (civilians) selected as jurors are assigned a juror number and a thirty day block of time during which they may be required to serve as a juror. The employee will call the provided number after 5:00 p.m. each day to determine if they will be required to report for duty the following day.

If the employee is **NOT** needed, the employee will report to work for their next scheduled workday. The Department will excuse employees for time spent on jury duty. While not actively serving on a jury, employees will report to their work assignment, unless time off is granted by the employer.

If the employee is summoned for jury selection and they are **NOT** selected, the process for that employee is over. The employee will obtain a "Release Letter" at this time to provide to their immediate supervisor upon return to work.

If the employee is needed for jury selection and **IS** selected to serve on a jury, the employee will receive a "Letter of Release" at the end of the trial to provide to their immediate supervisor upon return to work on their next regularly scheduled workday.

State or Federal Jury Duty

An employee whose regularly scheduled work hours do not coincide with the hours set for jury duty (8 a.m.-5 p.m.) will be detailed to work a shift coinciding with the same hours. For operational purposes, employees will be detailed for Jury Duty the same as they would for In-Service Training. **No overtime will be paid for jury duty hours that exceed the normal work day (8 hours).**

Example: Officer Doe is called to serve jury duty from Monday through Friday. He works the midnight shift. Officer Doe's regular days off for that week are Wednesday/Thursday. Officer Doe will be regular swapped for Saturday/Sunday prior to his service. Officer Doe is

released from jury duty at 2:00pm on Friday. Officer Doe is required to contact his duty station and advise a supervisor to leave notice for his shift supervisor that he will return to work on his regularly scheduled shift beginning Friday night at 11:30 p.m. for Saturday because his detail ends at the same time his jury duty ends.

If Officer Doe is selected for a jury on Monday and the trial extends through the following Wednesday, Officer Doe's RDO will be regular swapped on the second week to accommodate his jury service as in the previous week. Officer Doe will return to work Wednesday at 11:30 p.m. for Thursday after contacting his duty station.

For purposes of this section, the crime scene is defined as the physical area where evidence of the crime may exist. Such evidence may include, but is not limited to, fingerprints, footprints, tire marks, weapons, or other instrumentalities, bullet casings or fragments, fruits of the crime, and/or any other physical evidence relevant to the investigation.

The following procedures shall be followed on any crime scene.

A. The first uniform officer on the scene should:

1. Immediately determine if there is a need for medical attention.
2. For critical/serious injury, when possible, the position of the victim/suspect should not be altered in any way prior to the officer making a written note as to the position of the victim/suspect to give investigating officers upon their arrival. The same officer should accompany ambulance attendants to the victim, making sure they do not alter the scene in any way.
3. For death, scan for obvious signs of lifelessness. (See chapter 10, section 1, and page 1). The officer should immediately leave the area of the deceased and secure the area until the arrival of the investigating officers. All caution must be used to ensure that nothing on the floor in the area is disturbed. Paramedics should not be allowed to remove items from the deceased's pockets or disturb the scene. Officers will not remove the driver's license or any other items from the deceased's pockets. The investigators upon their arrival will do this.
4. Allow **no one** to enter the crime scene area until the arrival of the investigating officers. (Ex: If officers respond to a holdup call to a grocery store, the store is to be closed and no customers allowed in or out. Even if the manager wants to keep the store open for business, the police have an absolute right to close the crime scene despite the manager's wishes.)
5. Officers will use manpower to secure weapons. Do not move, unload, alter or disturb any weapon on the scene that is not a direct immediate threat to safety.
6. Witnesses should be separated and secured immediately and held for the investigating officers. Statements made by witnesses should be written in notebooks and furnished to the investigating officers.
7. Any suspect(s) on the scene should immediately be isolated. Any statement made by the suspect should be entered in the officer's notebook to be furnished the investigating officers. The suspect is to be separated from witnesses, removed from the scene and transported to headquarters at the direction of a supervisor.
8. If the officer believes some evidence has been overlooked, he/she will report it as soon as possible to the investigating officer **not** the crime response officer.

B. The supervisor should

1. Be given information observed by the patrolmen.
2. Take charge of the scene until the arrival of the investigating officer.
3. **Will not** enter the crime scene unless some absolute need requires it.

4. Determine the number of men needed to preserve the scene and station them accordingly. All other cars placed on the call should be used to canvass the area for witnesses, suspects, or unusual events.
5. Remain on the scene until released by the investigative supervisor or in his absence the investigating officers.
6. Assist the investigator as much as possible.
7. Brief the news media as to the type of crime committed. **Do not** go into any detail about the scene or evidence involved.

C. The investigating officer will take responsibility for the investigation and the crime scene upon arrival to the scene.

D. The CSI officer will
   1. Assume responsibility for all physical evidence upon arrival.
   2. Take possession of the Crime Scene Personnel Log completed by the uniform officer or the investigator.

E. The news media
   1. Is to be excluded from the crime scene along with all other persons. However, the news media has the right to take photographs of the crime scene from the outside of the crime scene perimeter if they so desire.
   2. Is not to be interfered with as long as they remain outside the physically designated crime scene. General rule to follow is the media has a right to be anywhere that the general public has access. When establishing the crime scene perimeter make sure it is large enough to provide proper security.
   3. Will be referred to the duty chief if he is on the scene.
   4. <u>Under no circumstances will any officer connected with an investigation make any comments about any confession or admission made by any suspect under arrest.</u>

F. On crime scenes where the investigative bureau does not, or is not going to make the scene, the highest-ranking uniform officer on the scene will be responsible for the investigation, including the integrity of the crime scene itself.

G. MPD personnel on all crime scenes will utilize a Crime Scene Personnel Log. All official personnel who respond to a crime scene (law enforcement, Fire/ EMS. Medical examiner, etc.) shall be listed on the Crime Scene Personnel Log in the appropriate spaces provided. Only one (1) original Crime Scene personnel Log shall be generated at any crime scene. A separate Crime Scene Personnel Log shall be maintained for each different date whenever a crime scene is to be held for several days. No forms or blank sheets of paper other than the approved Crime Scene Personnel Log are to be utilized. The completed Crime Scene Personnel Log is to be given to the CSI officer handling that Crime Scene. Whenever a CSI officer is not called to process a crime scene, the original completed Crime Scene Personnel Log is to be sent to the bureau responsible for the crime that was reported. The Crime Scene Personnel Log can be left at the scene of a business or residence for responding CSI officers

when uniform patrol is no longer needed at the scene. Crime Scene Personnel Logs are available on Kiosk.

H. Crimes scenes involving deaths of citizens as a result of police action or while in police custody will be handled according to the protocol explained in Chapter X Section 7: Handling Deaths, subsection V. TBI Scene Protocol.

The **Crime Scene Investigation** is located at the Navistar Building (rear of the old International Harvester Plant) **475 Klinke Road**. The phone number is **901-636-8201**, and the mail drop number is **60.**

Legal "chain of custody" must be maintained on all evidence, no matter who originally seized it. The number of persons handling the evidence should be kept at a minimum and properly documented.

Sound documentation of the seized items will add to the integrity of the seizure by officers, as well as minimizing potential allegations of misconduct.

The arresting officer, or the officer recovering the property, will be responsible for all seized property and/or evidence until such time as he/she is properly relieved by a supervisor, crime response officer, or an investigator, or until such property is tagged as evidence.

Investigators who bring evidence to the Crime Scene Investigation for the items to be chemically processed will sign on the chemical processing logbook indicating the investigator's name, bureau, report number, date, and a description of the item(s) to be chemically processed. When processing is completed, the Crime Scene Investigation will notify the investigator and he/she must pick up the item and return it to the property room within **thirty (30) days**.

Officers should give special attention to money and/or other distinctive valuables that are to be inventoried and taken into police custody. The evidence is to be inventoried by the arresting officer, or the officer who recovered the property, in the presence of a supervisor, if possible. Documentation of the property should be made in inventory fashion by itemizing the seized item(s) on the appropriate police form or report that is applicable to the seizure/arrest event.

In the event that a large amount of money is seized, and where counting such property is not practical on the scene, the property should be locked in the trunk of the seizing officer's patrol car. As soon as possible, the officer followed by a supervisor should proceed to the property room where the money should be inventoried, and tagged.

When evidentiary weapons are recovered it will be the responsibility of the Crime Response Officer to make the weapon safe while protecting the evidence the weapon may hold. Guns and other weapons hold valuable evidence including fingerprints and DNA evidence. The weapon will be secured in an evidence gun box and sealed with red evidence tape, marked and identified with the date and initials of the officer. All necessary information about the weapon, make, model, serial number, etc. will be clearly marked on the outside of the box. (If a problem exist making the weapon safe, the Academy/Range staff has a person on call that can make the scene to render the weapon safe. The Crime Response Supervisor will determine the need to contact academy/range personnel).

Crime Response will transport the weapon to the Property Room and complete all necessary paperwork requesting the weapon be tagged. The weapon should be tagged in the evidentiary box without additional examination and without the evidence seal being tampered with.

It is the sole responsibility of the Crime Response Officer to make the weapon safe. No personnel unauthorized by the Crime Response Officer shall handle the weapon.

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I. Property and Evidence

A. General

All property/evidence must be tagged as soon as possible and must be placed under the control of the property and evidence control unit before an officer ends his/her tour of duty.

All property tagged in the Property & Evidence Section should have a booking number or ticket number written on the yellow tag. When tagging evidence of traffic violations the citation number should be noted. When tagging evidence taken during an arrest, the booking number should be noted and offense report/memo numbers should also be noted.

Officers are responsible for completing their own envelopes/tags before tagging property. Officers will note on all property envelopes/tags the actual time the evidence was recovered. ALL information required on the envelope/tag is to be handwritten in the unused spaces on the front and back of the envelope/tag and completed by the officer before the evidence is handed over to the Property Room Attendant (PRA). PRAs are not to accept items from officers who do not have complete and accurate information on the envelopes/tags.

When one officer is tagging property for another officer on a case that is not their own, the tagging officer becomes part of the chain of custody. The PRA will need the tagging officer's name and IBM.

B. Property taken to M. P. D. Property & Evidence Section should be tagged under one of four categories:

1. **EVIDENCE -** "Evidence" would include any fruits of a crime, contraband, and instrumentalities of a crime, or items, which serve an investigative purpose to be held for an investigation bureau.
2. **FOUND PROPERTY -** "Found" property would include items, which are not "Evidence", the owner of which is unknown or cannot be located without some further investigation.
3. **PERSONAL PROPERTY –** Upon approval of the on-duty property room supervisor, officers should tag as "Personal" any items taken from suspects, such as large sums of money or other items not accepted at the Jail Intake.
4. **CONFISCATED PROPERTY -** "Confiscated" property would include that property which may be seized by the M.P.D. incidental to an arrest or search warrant, and would have no investigative or evidentiary purpose.

Any property to be placed in the care and control of the Property and Evidence Bureau will be accepted at the Property Room, 201 Poplar, Room LL-106. Items too big and/or bulky to be stored at the main location must be transported to International Harvester (475 Klinke).

C. Steps to be taken for tagging large items which are too big and/or bulky or any property deemed necessary by the on duty Property and Evidence Supervisor:

1. If evidence that cannot be transported in an officer's patrol vehicle, the officer will

request their station's Inventory Control Clerk (Equipment Officer) to make the scene and transport the evidence to International Harvester. If the Inventory Control Clerk is unavailable or the item is too large for the Inventory Control Clerk to safely transport, the officer should inform the dispatcher who will notify the Property and Evidence Bureau Supervisor on duty. The Property and Evidence Bureau Supervisor will contact the city contracted agency responsible for transporting items to International Harvester. The tagging officer **must** follow the driver to International Harvester and accompany the property to ensure valid chain of custody. Dispatch of the city contracted agency is done only on the authority of the Property and Evidence Bureau Supervisor. (Neither the dispatcher nor the officer's Station supervisor has the authority to dispatch the city contracted wrecker service for property transport).

2. Normal operating hours for the International Harvester location to receive items are Mon-Fri, 0800-1400 hours, excluding city holidays. Items transported to International Harvester outside of this time frame require the officer to notify their supervisor, who will call the Property and Evidence Bureau Supervisor. The Property and Evidence Supervisor and a Property Room Attendant will meet the tagging officer at International Harvester to accept the item/s, log it in to the computer, and affix a bar code.

3. If only one Property and Evidence Supervisor is on duty in the Property Room at 201 Poplar Ave, the Property and Evidence Supervisor will have the dispatcher contact a Felony Response (GAB on weekend days) or Crime Scene Investigation Supervisor or designee to stand by at the Property Room, until the Property and Evidence Supervisor returns from International Harvester. Both a Property and Evidence Supervisor and a Property Room Attendant must be present for the tagging of the large item/s.

4. All items will be accepted by the Property and Evidence Bureau at either, 201 Poplar Ave. or at International Harvester; with the exception of motorized/recreational vehicles, to include trailers.

5. All motorized vehicles (i.e. golf carts, mopeds, ATVs, cars) will be towed to the City Lot. Officers are to notify the dispatcher, at which time a wrecker off the rotation list will be dispatched. If the property/evidence is involved in a Homicide, Robbery, or Sex Crime a Property and Evidence Supervisor should be notified prior to requesting a wrecker.

6. If an officer is tagging an item not accepted in the Property and Evidence Bureau at 201 Poplar Ave., the time frame is outside of International Harvester's normal operating hours, and the tagging officer is able to transport the item alone; they will take the property's information to the Property and Evidence Bureau at 201 Poplar Ave. The Property Room Attendant will log the necessary information into the computer and obtain a bar-code which identifies the item. The officer will then transport the property to International Harvester for storage. The Property and Evidence Supervisor and a PRA will follow the officer to International Harvester to accept the item/s. If the officer is unable to transport the property alone, refer to step #1. If the item is considered motorized/recreational vehicle the item/s must be logged into the system

and bar-coded, prior to the wrecker driver leaving the City Lot. **Under no circumstances** should the city contracted agency transport property to the Property and Evidence Bureau (201 Poplar Ave.) and then to the City Lot without approval of the Property Room Manager or his designee.

7. Fireworks and Explosives
   a. Fireworks tagged as evidence will be given a receipt number for tracking purposes; however, the items are to be turned over to the MPD Bomb Squad. Fireworks that are "found" should be taken directly to the Bomb Squad for disposal.
   b. Any item believed to be explosive in nature should remain at the scene, and the Bomb Squad notified for retrieval. This includes any "suspicious" packages of unknown origin. The Bomb-Squad or Crime Scene Investigation personnel will be responsible for seeing that the items are tagged and bar-coded by a Property Room Attendant.

D. Steps to be taken for tagging bicycles, lawn mowers and other combustibles which are not property/evidence.

1. The officer should take the items to the officer's assigned workstation. A completed report or memo and a Tow-In slip for each item must be given to the shift supervisor. A copy of the Tow-In must also be given to the Station's Inventory Equipment Clerk. At that point, the item becomes the responsibility of the station's Inventory Control Clerk/Equipment Officer. The items should be tagged at International Harvester at 475 Klinke Road. (Mon. – Fri. 0800 to 1600). No item should remain at the workstation longer than one week. Items should be tagged at International Harvester weekly.
2. If an item cannot be transported in an officer's patrol vehicle, the officer will have the Inventory Control Clerk meet them at their location to transport the property to their assigned workstation in the Station's equipment vehicle. If the Inventory Control Clerk/Equipment Room person is unavailable or if the item is considered a motorized/recreational vehicle the officer will advise a shift supervisor who will contact a Property and Evidence Supervisor for further instructions.
3. Consideration should always be given for the time involved so that no one will be inconvenienced due to long delays. Bicycles and other combustible items (such as butane grills, etc) can never be stored in the Property and Evidence Bureau at 201 Poplar Ave; they must be stored at International Harvester.

II. PROPERTY (EVIDENCE) IN SHOPLIFTING CASES:

When an officer makes a physical arrest or issues a misdemeanor citation in lieu thereof for shoplifting, the property (evidence) should be left with the store; it will be the responsibility of the storekeeper to bring this property at the time of the trial. The shopkeeper should be

instructed that the party who saw the goods being shoplifted should place these goods in some form of container, initial the container, and bring the goods to court on the date of the trial. This makes it the responsibility of the prosecuting witness to bring forward this evidence and not the officer, whose sole responsibility is to transport or in lieu thereof, issue a citation. If the property is of value exceeding $500.00 it should be photographed and retained by the owner.

III. CONFISCATION OF FIREARMS:

A police officer may seize a firearm:

A. When the firearm is evidence of a crime, for example: Unlawful Possession of a Weapon, Shooting Inside the City, Aggravated Robbery, etc.

B. When the firearm itself is the fruit of a crime, i.e., a stolen firearm.

C. When the serial number has been filed off the firearm, or when the firearm has an altered serial number. If the firearm has an altered serial number, the gun should be confiscated. Under State law it is a misdemeanor to sell, buy, or be in possession of any item where the identification number has been altered or destroyed for the purpose of concealing and misrepresenting the identity of that item.

D. When the weapon is a sawed-off shotgun, sawed-off rifle, or machine gun, or other prohibited weapon as described by State Law.

E. On orders of a supervisor. Officers receiving a disturbance call where one party has been armed with a weapon prior to their arrival should contact their supervisor prior to confiscation of said firearm. Confiscation of these weapons will only be authorized by a supervisor if he believes that extenuating circumstances exist.

F. When an officer is called to the scene of an **eviction** where weapons are found, the officer is to take custody of the weapon(s), check to see if the weapon is stolen, write a memo to Project Safe Neighborhoods concerning the recovery and tag the weapon(s) into the Property and Evidence room.

G. When an officer has probable cause to believe that a firearm falls within the categories as listed above, or the firearm is the subject of a search warrant, the officer has a right to seize the gun.

If the officer does not know that the firearm has been stolen or used in a crime, the officer should not confiscate the gun from citizens who otherwise legally possess such firearm; but if the officer has reasonable belief that the weapon is stolen, he should run a check through Station B. If a "hit" is made, the firearm should be confiscated. If a "hit" is not made, the firearm should be left in the possession of the concerned party.

All firearms should be checked through Station B before being tagged in the Property Room.

IV. PROPERTY RELEASE PROCEDURES:

Whenever property held by this department in the Property & Evidence Section is to be released, a property release form will be filled out and delivered to the Property & Evidence Section. The Property & Evidence Section will be responsible for preparing a Hold Harmless form for the release of any property or money.

A. These units are authorized to prepare a property release form:

1. Investigative Services
2. Traffic Investigation
3. Inspectional Services

B. The above units are authorized to release property in the following cases:

1. When the property is tagged as personal property belonging to a defendant under arrest.
2. When the property is tagged as evidence against a defendant but the investigation reveals that the property involved actually belongs to the defendant.
3. When stolen or lost property is recovered and the investigator identifies the true owner.

C. A check request should be filled out anytime money is to be released from the property and evidence room. The ONLY exceptions to this are monies seized by the Vice Narcotics Bureau or monies that will be forwarded to the State of Tennessee as unclaimed property.

The top portion of the check requests will be filled out by the Property Room Attendant, and the bottom portion will be filled out by the person requesting the money. The check request forms are pre-printed and located in the Property and Evidence room. They should be filled out completely. The following documentation should be attached to the completed check requests:

1. A signed release or court order from the appropriate bureau or judge. **Bureau releases in excess of $500.00 must be signed by the officer handling the case, reviewed and approved by their lieutenant.**
2. A copy of the state identification of the person making the check request.
3. A copy of the property receipt printed from Visions RMS.

All check requests will be reviewed and processed by the currency control officers assigned to the Disposition Review Team. Properly completed check requests will be forwarded to the Police Finance Administrator for final processing. Within six to eight weeks, approved check requests will be mailed to the person who made the request.

Under extenuating circumstances, a Property Room supervisor may authorize the direct release of cash money.

D. All firearms background casework will be the responsibility of the assigned bureau. Unless a case has been adopted by Project Safe Neighborhoods, firearm releases will be dispensed:

1. Through the Director's Designee, (the Legal Advisor's Office at this time) or
2. With a legitimate Tennessee Court Order – a copy of the court order will be forwarded to the Director's Designee, 201 Polar Ave, Room 12-28, phone number 636-3716.

E. All property tagged as Found will be released through the appropriate bureau or the City Attorney's Office, 576-6614.

F. Property (except weapons) held in Criminal or Juvenile Court cases will be released through the court prosecutor.

Property release forms shall be filled out by investigating officers immediately upon final adjudication by the court. This must be followed to help the Property & Evidence Section determine whether properties are to be destroyed, released, or maintained to help in obtaining convictions in subsequent trials.

G. Evidence should not be released if there is reason to believe the defendant will be bound over for the Grand Jury (held to State) even though nolle prossed in General Sessions Court.

No property may be released without proof of ownership and proper identification. Owners of property who are younger than 18 years of age must have property released to parent or legal guardian. Owners of property which has been rented or leased, i.e. Mobilecomm, Hertz Rent-A-Car, should be notified of the pending release of those items.

Identification or other items issued by a government agency would be returned to that agency for its disposal following case disposition. This would include, but not be limited to, revoked, suspended, cancelled or altered drivers licenses, USDA Food Stamps and special deputy identification.

V. RELEASE OF FIREARMS

The following is a guideline to aid Bureau investigators in cases requiring firearm releases.

Three main issues should govern decision-making:

- Are there any criminal charges pending (by arrest, warrant, or indictment) involving the weapon?
- If there are pending criminal charges, are they state or federal?
- If there are state charges only, is the case at the General Sessions or Criminal Court level?

Answers to these questions will determine your actions.

Note: Ammunition is not released simultaneously with any firearm and normally is not returned to the owner.

A. Project Safe Neighborhoods

The Project Safe Neighborhoods Gun Unit reviews all firearm-related arrests, misdemeanor citations, memos and weapon offense reports where firearms are involved. If the United States Attorney under the Project Safe Neighborhoods initiative adopts the case, the firearm and all related evidence will be held as evidence.

Any time an officer seizes a loaded firearm they should carefully remove any magazine from the firearm and place it in a separate evidence envelope without removing the rounds from the magazine. This will allow the magazines and any rounds in it to be processed for

fingerprints. Any time an Officer handles any firearm that is being seized as evidence they should wear latex gloves to help preserve any forensic evidence on the firearm.

United States Attorney's Office requests that anyone requesting the release of property being held in a Project Safe Neighborhoods' case be referred to Victim Witness Coordinator at 901-544-4231. This is applicable if the firearm is stolen and the victim is requesting its' return. If a convicted felon owns the firearm, it will never be returned. Before any firearm release is made, the person releasing the firearm should check with the PSN Office 901-528-2338 to ascertain if the firearm will be used as evidence in a PSN adopted case.

B. NON-PSN Firearm Cases:

If a firearm is being held in a case that **will not be adopted into the PSN initiative,** the PSN investigator that reviewed the original arrest will add a supplement to the case file noting that the case was not adopted. The supplement will include the Bureau assigned to the case where the firearm is being held as well as the investigator assigned. Before the Legal Advisor releases the firearm, a property release form authorizing the release of the firearm will be completed by the assigned investigator and sent to the Legal Advisor's Office along with a copy of a III check on the owner and a copy of the report.

The Legal Advisor will review the memo and make the final decision regarding the release.

1. Firearms may not be released if:
    a. The owner has been convicted of a crime in which the firearm was used, i.e., Unlawful Possession of a Weapon, Aggravated Robbery, or Homicide. A nolle prosequi or dismissal may be conditioned on the forfeiture of the firearm.

    b. The owner has been convicted in any state of any felony, or is presently under any indictment for any felony. A QH/QR check through NCIC of the owner's conviction history and QW for want status and a local check (for previous local convictions) or for any outstanding warrants must be made.
    c. The owner is an unlawful user of or addicted to any controlled substance or addicted to alcohol. A determination of arrest history for various drug charges or alcohol-related charges will be necessary.
    d. The owner has been adjudicated as a mental defective or has been committed, voluntarily or involuntarily to a mental institution, or is an undocumented immigrant, or has been dishonorably discharged from the Armed Forces (to be determined by checking discharge papers), or has renounced his/her U.S. citizenship, or if a rifle/shotgun, is under 18 years of age; if handgun, is under 21 years of age.
    e. The owner was involved in a situation involving the illegal use of the weapon where the facts constitute a sufficient basis to believe that there was a violation of the law or of a municipal ordinance and the victim was a current or former spouse of the offender, a person who lives or has lived with the offender, a person who

has dated the offender or who has had a sexual relationship with the offender, a person related to the offender by blood or marriage, or the adult or minor children of a person in a relationship with the offender as set out heretofore. This determination of sufficient basis to believe that there was a violation of the law or of a municipal ordinance shall be made based on the facts found in the investigation regardless of any charging decision or case/charge disposition.

It will be necessary to determine if any of the previously listed conditions exist prior to authorizing the release of any firearm. Any unusual circumstances or questions should be resolved by notifying the Legal Advisor's Office during regular office hours.
Ammunition will not be released simultaneously with any firearm.

C. NON-PSN CASES WITHOUT PENDING CRIMINAL CHARGES

The following will be forwarded to the Legal Advisor's Office to release weapons in cases without pending state criminal proceedings and not adopted by PSN:

1. Standard MPD Property Release Form signed by case investigator.
2. Copy of III check on the owner. Remember, when conducting III inquiries on owners for gun releases, use "F" (Firearms) instead of "C" for the "purpose code" on the NCIC log book.
3. Copy of Incident Report with updated name and property involvement.
4. Copy of supplement showing case was NOT ADOPTED BY PSN. Print separately and attach with other documents.
5. A Referral - Owners meeting statutory and policy eligibility requirements for weapon returns should be advised to contact the Legal Advisor's Office at 901-636-3715 to schedule an appointment for the release of the firearm. If the release of the weapon is approved, the owner will be provided with a MPD Firearms Release form and advised on further action governing the release of the weapon.

D. NON-PSN CASES WITH CRIMINAL CHARGES DISPOSED BEFORE OR AT PRELIMINARY HEARING

Complete steps 1-4 described above AND:

1. **A copy of JMS Booking entry showing disposition of case (i.e. guilty plea, dismissal). INCLUDE ALL ARREST HISTORIES.**
2. Forward all documents to Legal Advisor and make referral.

* **Caution should be exercised before weapons are returned in cases disposed in General Sessions.** Cases are often dismissed for "lack of prosecution" but forwarded to the grand jury for indictment (Example: #1-Witness was not served subpoena, or #2-Weapons are forfeited in connection with a guilty plea arrangement).

E. NON-PSN CASES WITH PENDING CRIMINAL COURT ACTION

In any case forwarded to Criminal Court for further proceedings (HTS, H5, and HI), case officers will:

1. Along with all other relevant documents contained in the State Arrest Report, submit a SIGNED COPY of a Property Release designated "Forward to State" for ALL EVIDENCE (including weapons) being held for trial purposes.
2. Original, signed Property Releases will be forwarded to the Property and Evidence Room, as normal.
3. Owners with weapons held as evidence in post-preliminary hearing General Sessions Criminal Court proceedings will be referred to the Shelby County Attorney General's Office at 545-5900 for release disposition. Firearm Releases are the responsibility of prosecutors at this point. Investigators **WILL NOT** be required to submit a Firearms Releases form.

F. PSN Adopted Cases

Case investigators will refer weapon owners to PSN at 901-528-2338 for any further action. Owners should be warned there might be a significant delay in the release of the weapon since its being held as evidence in a federal criminal proceeding. When considering if a case is potentially a PSN matter, determine if there is ***"a body attached to the gun,"*** or rather, has someone been charged or potentially facing charges by warrant or indictment.

The following property is to be released by Property & Evidence only after first notifying and obtaining Legal Office authorization during regular office hours.

1. Property which is to be confiscated by the State, e.g., gambling paraphernalia and money; drug-related paraphernalia and money; and untaxed liquor and money used in transactions involving such. This does not apply when the Property & Evidence Section is required by law to release this type property to another agency of city government or to a state or federal agency. Organized Crime is responsible for release of seized money tagged for state disposition.
2. Any stolen or recovered property over which there is a dispute as to the true owner.
3. Property belonging to any deceased person.

VI. Process for Requesting Evidence from the Property Room

Investigators requesting property from the Property Room for any reason (i.e. court, processing, release, investigation, etc) will fill out the Property Request form found on the MPD KIOSK under Bureau forms and email it to the Property Room at MPDPropertyRoom@memphistn.gov. A minimum of 48 hours notice is required. The investigator will be notified by a Property Room supervisor when their item is ready to be picked up. Once the investigator has been notified, the property will only be held in the

Property Room for 72 hours unless other arrangements are made.

VII. Process for Checking Out Evidence from the Property Room

A. When evidence must be checked out of the Property Room for additional processing, comparisons, court, or further investigative needs, the following procedures should be followed:

1. The officer / investigator will give the property room attendant the necessary information to complete their Evidence Temporary Assignment Receipt.
2. Once the property room attendant has printed the actual receipt, the officer / investigator will sign and date the front page of the receipt, and the back of the receipt.
4. The property room attendant will make a copy of the front page of the receipt for the officer's / investigator's file.
5. The officer / investigator will place the signed and dated copy of the receipt in the case file jacket.

   Vision personnel are looking at the possibility of making the Evidence Temporary Assignment Receipt one page only. This will eliminate the investigator having to sign both the front and back page of the receipt.
6. Once this is completed the bureaus will be notified, however, the officer / investigator must retain a copy of the receipt for the case file jacket.

B. Monies and guns can only be released Monday through Friday from 8:00 am to 3:00 pm. Exceptions to this policy can be made with prior approval from a property room supervisor. This will allow for a property room supervisor to contact the appropriate Bureau if there is a discrepancy with the release.

VIII. Process for Checking Out Narcotics from Property Room for Law Enforcement Purposes

Narcotics may be checked out of the Property Room through a court order for use in narcotics dog training and in undercover operations. The Manager of the Property Room will be responsible for obtaining and maintaining any court orders necessary to check out narcotics used for these purposes.

The Property Room Manager will coordinate with the Canine Unit, OCU and any other law enforcement agencies obtaining narcotics from the Property Room for law enforcement use to ensure their needs are met and the narcotics are available in a timely manner and usable condition.

To ensure the security of the narcotics as well as the integrity of the process, the following guidelines will be adhered to when checking narcotics out of the Property Room for law enforcement purposes:

A. Use of Narcotics as Training Aids:

1. Only the certified trainer for the Canine Unit, OCU, or any other law enforcement agency may check narcotics out of the Property for use as training aids.
2. To ensure consistency in the reweighing of the narcotics, the training aids will be configured prior to leaving the Property Room. The gross weights of these training aids will be recorded as the check out weights.
3. For use as training aids, the narcotics must not exceed the following amounts:
   a. The maximum amount that can be checked out of the following narcotics for use as training aids is two ounces:
      1) Marijuana
      2) Cocaine
      3) Methamphetamine
      4) Heroine
      5) Or and other narcotic not in tablet or pill form.
   b. The maximum amount of narcotics in tablet form that can be checked out for training purposes is 100 tablets.
4. Narcotics checked out for training purposes must be reweighed at the Property Room every thirty days. The narcotics should be in the same training aid form (wrapping, container, etc.) as they were when they were checked out. This is to ensure consistency in the weights. It is the responsibility of the unit commanders (OCU, Canine, etc.) to ensure the training aids are reweighed every thirty days. The Property Room Manager is responsible for maintaining a log recording the reweighing.
5. Training aids may be secured at the facility (Canine Unit, OCU) where they are used for training for the duration of the court order. The certified trainer is the only person that is to have access to the aids. This limited access can be accomplished by biometric reader, restricted keys for padlocks, or restricted combination for safes. The commanders of the Canine Unit and OCU are to ensure this restricted access is in place.
6. If a narcotic training aid is transported to a location other than the facility at which it is secured, a copy of the court order listing the narcotics checked out for training purposes must accompany the training aid.

B. Use of Narcotics for Undercover Operations:

1. Any amount of narcotics checked out of the Property Room for law enforcement use that is over two ounces or 100 tablets falls into this category.
2. These narcotics must be listed in a court order prior to being checked out.
3. These narcotics will be checked out of the Property Room for a 24 hour period. If the narcotics must remain checked out for more than 24 hours, approval from the OCU commander must be obtained. The OCU commander will advise the on duty Property Room supervisor of the approval for additional time and will give an estimated time when the narcotics will be returned to the Property Room. The Property Room

supervisor will make a notation of the release.

4. OCU will provide oversight and assist in the management of narcotics used for undercover operations to ensure the narcotics are in an acceptable condition for use. This management will comply with all applicable policies regarding access to narcotics stored in the Property Room.

IX. Process for Returning Evidence to the Property Room

Investigators returning property that has been checked out need to do so between 0800-1400, and 1600-1800. The Investigator must have the original labeling of the R&I number and the property receipt number when returning items. The investigator returning the property MUST wait until ALL the property has been checked back in. The investigator will receive a copy of the property receipt and must check it for accuracy before leaving the Property Room. This is for the investigator's protection in case property later becomes misplaced.

If an investigator will be checking in a large number of items or any particularly large item the investigator should contact the property room and give them advance notice.

I. Suspicious Substance Calls

When an officer receives a call regarding a suspicious substance, the officer will meet the Fire Department on the scene to coordinate the sample transfer. All Memphis Police Officers can respond to suspicious substance calls. A Fire Department HAZMAT technician will perform the field screening and collect the sample. The sample will be triple bagged and placed into a Biological Sampling Kit (paint can and delivery/transfer form) provided by the Fire Department. The HAZMAT technician will give the kit to the officer, who will transport the sample and form to the Memphis/Shelby County Health Department (814 Jefferson), at a pre-determined point of delivery. Notification to the Health Department will be made in advance, by the Fire Department Scene Supervisor. Upon arrival at the Health Department, a Health Department Representative will accept the kit and assist the officer in filling out the required portion of the delivery/transfer form.

Additionally, the officer shall submit a memo to the General Assignment Bureau, with details of the response, the time that the sample was delivered to the Health Department and the identity of the Health Department representative who received the sample (from the officer). The Health Department will receive all samples, unless other arrangements have been made in advance. The officer does not have to wait to receive a replacement Biological Sampling Kit from the Health Department representative.

NOTE: Do not transport any suspicious substance samples to the Memphis Police Department Property and Evidence room.

II. Suspicious Mail

With several reported incidents of Anthrax sent through the U. S. Mail, all personnel must take every reasonable measure to assure the safety of our employees. Offices should comply with the following safety requirements for the receipt of mail and related material from sources outside the Memphis Police Department.

As a first step, employees who open mail and related material should follow universal precautions that include wearing latex gloves, the use of facemask respirators and goggles. Latex gloves should meet the Center for Disease Control (CDC) standards. The P-100 filtering face piece respirators will provide protection from airborne particles/spores. Chemical/splash goggles without ventilation holes designed to accommodate the use of respirators will provide eye protection.

Mail should be visually inspected for suspicious signs. Offices receiving mail from outside sources should ensure that each letter or package is thoroughly examined upon receipt with respect to:

1. Correct address;
2. No return address;
3. Excess postage;
4. Stains;
5. Orders or restricted markings;
6. A lopsided or odd shape;
7. Excessive securing material such as masking tape, string, etc.
8. Incorrect titles;
9. Titles with no names;
10. Misspelled words or names.

Offices should ensure all MPD and other governmental agency mail be immediately inspected upon receipt for any overt indications of possible compromise.

Effective immediately, all inter-departmental mail will have the sender's workstation and employee identification number clearly marked on the envelope.

Offices must ensure that mail shipped from their facility conforms to existing policies regarding labeling and packaging to avoid potential compromise.

Any mail determined to be suspicious should be segregated for opening under the control procedures listed below:

1. Ideally, the suspicious package should be examined in an evidence control room environment in which negative air pressure ensures that any possible contamination would not be distributed throughout the office ventilation system. Since most workstations do not meet these specifications, suspicious mail should be opened in an area limiting the exposure to other personnel or areas in the work site.

2. The envelope or package should be placed in a clear plastic bag for opening and examination while the employee is wearing the appropriate protective equipment.

3. If suspicious powders or other residues are noted, the clear plastic bag should be immediately sealed and double or triple bagged for further containment.

4. Do not shake or reopen the sealed bags.

5. Do not move the sealed mail or package from the area.

6. Notify appropriate personnel in the chain of command.

7. Wash hands with soap and water.

8. Identify personnel who have been in contact with the letter or package prior to screening and keep them available should an emergency response become necessary.

9. Remove any contaminated clothing as soon as possible and place in a plastic bag that can be sealed.

10. Shower with soap and water as soon as possible. Do not use bleach or other disinfectant on the skin.

The necessary safety equipment will be available through Central Supply, and will be distributed to various work sites.

To ensure the safety of personnel, suspect letter/package procedures must be documented, prominently posted and made available to all employees. Appropriate security must also be afforded to suspect letter/package procedures to prevent possible compromise, therefore this information must not be posted in unsecured spaces (ie, loading docks, reception areas, etc.)

Each work site should designate one officer to open any suspicious mail. The officer should follow the above listed procedures.

When stolen property has been identified in a pawn shop, and prosecution has been confirmed with the owner of the property, case officers are to notify the Pawn Detail.

The Pawn Detail will then notify the pawn shop to place the item(s) on hold. The case officer must submit a **Pawn Shop Pick up Request / Recovery Form** (KIOSK) to the Pawn Detail.

The top portion of this document should be filled out by the case officer, including a copy of the offense report **with sufficient facts** to enable the Pawn Detail to prepare a Subpoena for Fingerprint Record and an Affidavit for Subpoena for Certain Pawnshop Fingerprint Records.

Upon recovery of the stolen item(s), the Pawn Detail will return a completed Pawn Shop Pick up Request/Recovery Form to the case officer as well as the original Subpoena and Affidavit for inclusion in the State Arrest Report (copies will be made for Pawn Detail files).

The case officer must submit evidence of prosecution with the corresponding incident number to the Pawn Detail (i.e. arrest ticket, a copy of arrest warrant, a supplement, or a request for indictment).

If the owner of the property declines to prosecute, the Pawn Detail will return the item(s) to the pawn shop upon notification from the case officer. The case officer will then determine the proper disposition of the item and complete a property release form for the State Arrest Report.

When the Pawn Detail seizes the item(s) of evidence, the Pawn Detail will leave a copy of the Subpoena and a receipt for the item(s) confiscated from the pawn shop.

Gambling Enforcement

Aggravated Gambling Promotion 2
Bingo 3
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Gambling

1. Three elements needed for Gambling under state law:

A. **CONSIDERATION:** Money or other thing which enables a person to play the game or make the wager.

B. **CHANCE:** No skill involved (no control over outcome by player).

C. **PRIZE:** Right to money, credits, or other things of value.

2. **Definitions**

A. "Gambling" means risking anything of value for a profit whose return is to any degree contingent on chance, but does not include a lawful business transaction;

B. "Gambling Bet" means anything of value risked in gambling;

C. "Gambling Device or Record" means anything designed for use in gambling, intended for use in gambling, or used for gambling;

D. "Lawful Business Transaction," as used in subdivision (1), includes any futures or commodities trading;

E.. "Lottery" means the selling of anything of value for chances on a prize or stake; and

F. "Profit" means anything of value in addition to the gambling bet.

3. **Gambling Promotion**

A. A person commits an offense who knowingly induces or aids another to engage in gambling, and

1. Intends to derive or derives an economic benefit other than personal winnings from the gambling; or

2. Participates in the gambling and has, other than by virtue of skill or luck, a lesser risk of losing or greater chance of winning than one or more of the other participants.

B. The offense of gambling promotion is a class B misdemeanor.

4. **Aggravated Gambling Promotion**

A. A person commits an offense who knowingly invests in, finances, owns, controls, supervises, manages or participates in a gambling enterprise.

B. For purposes of this section, "Gambling Enterprise" means two or more persons regularly engaged in gambling promotion.

C. The offense of aggravated gambling promotion is a class E felony.

5. **Possession of Gambling Device or Record**

A. A person commits an offense who knowingly owns, manufacturers, possesses, buys, sells, rents, leases, stores, repairs, transports, prints or makes any gambling device or record.

B. Any gambling device or record is contraband and shall be subject to seizure, confiscation, forfeiture and destruction in accordance with the provisions of the general forfeiture statute.

C. Possession of a gambling device or record is a class B misdemeanor.

6. **Video and Mechanical Machine Gambling**

A. Any mechanical machine used for gambling shall be considered a gambling device and subject to confiscation under possession of gambling device or record

B. Any **VIDEO GAME** used for gambling is subject to confiscation under possession of gambling device or record. No matter how innocent a machine is, if it is used as game of chance and payoffs are made on it then it can be seized.

C. Persons caught gambling on pinball or video poker machines should be charged with gambling.

D. When machines are used in gambling they should be confiscated and the players handled the same as in any other gambling case. A memo should also be submitted to the Vice and Narcotics Unit listing who was charged, what was seized, and who is the owner of the business.

E. If any video or pinball machine is confiscated out of a business licensed to sell beer or liquor, the officer confiscating must submit a memo to the city Alcohol Beverage Commission outlining all facts surrounding such seizure.

7. **Bingo**

Bingo is illegal in the state of Tennessee and **bingo** cases should be handled the same as other gambling cases.

8. **Chain Letters and Pyramid Schemes**

Send a memo to the Vice and Narcotics Unit outlining any details concerning these operations. They are gambling under state law.

9. **Cock and Animal Fighting**

A. It is unlawful for any person to:

1. Own, possess, keep, use or train any bull, bear, dog, cock or other animal, for the purpose of fighting or injuring another such animal, for amusement, sport or gain;

2. Cause, for amusement, sport or gain, any such animal to fight, bait or injure nother animal, or each other;

3. Permit any such acts stated in subdivisions (1) a OR (1) b to be done on any premises under the person's charge or control, or aid or abet such act; or

4. Be knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition for such fighting, baiting or injuring of any animal, with the intent to be present at such exhibition fighting, baiting or injuring.

B. It is the legislative intent that the provisions of this section shall not apply to the training or use of hunting dogs for sport or to the training or use of dogs for law enforcement purposes.

C. It is not an offense to own, possess or keep cocks, or aid or abet the ownership, possession or keeping of cocks for the sole purpose of selling or transporting such cocks to a location in which possession or keeping of such cocks is legal.

Alcohol Enforcement

Beer Violations Involving Minors....3
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Minors....6
Misc. City and State Alcohol Charges....4

1. **Definitions (Two types)**

A. **Liquor:** Any alcoholic beverage or intoxicating liquor which contains an alcohol content greater than 5%. Does not include any beverage with alcohol content of 5% or less.

B. **Beer, Ale, Malt Beverages:** Any alcoholic substance containing 5% or less alcohol content.

2. **Bootleggers**

THE FOLLOWING CHARGES SHOULD BE USED INVOLVING BUSINESSES

A. Unlawful sale of Alcoholic Beverages (T.C.A. 39-17-702)

1. It is unlawful for any person to sell wine, beer, ale, or any other beverage or mixed drink containing alcohol in any establishment unless the establishment is operating in compliance with all laws governing the sale of alcohol.

B. Storage of liquor for sale (T.C.A. 39-17-713)

1. It is unlawful for any person, unless authorized by law to do so, to have or keep in stock, in any warehouse or place of business or other place, any intoxicating liquors, including wine, ale or beer, intended for present or future sale as a beverage, either wholesale or retail, and whether intended to be sold for delivery at the place of sale or to be shipped or otherwise transported for delivery at another place.

2. Second offense or subsequent violations are deemed a felony.

C. Receiving, Possession, and Transporting Alcoholic Beverages (T.C.A. 39-17-703)

1. No person, unless authorized to do so under TCA Title 57, shall receive, possess or transport with the intent to redistribute or resale in this state any intoxicating liquor which does not have a proper state of Tennessee revenue stamp affixed thereto.

2. It shall be inferred that any receipt, possession, or transportation of more than five (5) gallons of intoxicating liquors which do not have a proper State of Tennessee revenue stamp affixed thereto is for the purpose of resale or distribution.

3. A violation of this section is a class A misdemeanor.

D. Manufacture of Alcoholic Beverages (T.C.A. 39-17-706)

1. It is unlawful for any person, company, or other entity to manufacture intoxicating beverages unless authorized by law to do so; provided, that this section shall not be construed to prohibit the manufacture of alcohol for use as a fuel to power motor-driven vehicles and machinery or for heating purposes or of not less than one hundred eighty-eight proof for chemical pharmaceutical, medical, and bacteriological purposes.

2. A violation of this section is a class "A" misdemeanor.

E. Possession of Still (T.C.A. 39-17-707)

It shall be unlawful for any person to have in his possession or control any still or other apparatus, or part thereof, used or intended to be used for the purpose of manufacturing intoxicating liquor as prohibited by law. A violation of this section is a Class B misdemeanor.

F. Selling Alcoholic Beverage W/O License (T.C.A. 57-3-304)

Any person, firm, or corporation desiring to sell alcoholic spirituous beverages to patrons or customers, in sealed packages only, and not for consumption on the premises, shall make application to the Alcohol Commission for a retailer's license. Any sales of such spirituous beverages without a license is unlawful.

3. **Beer Violations Involving Minors**

A. Minor Possessing/Transporting Beer (T.C.A. 57-5-301)

It shall be unlawful for any person under the age of twenty-one (21) years of age to have in his or her possession beer for any purpose, it shall be unlawful for any such minor to transport beer for any purpose except the same being in the course of his or her employment.

B. Minor Used False ID to Buy Beer (T.C.A. 57-5-301)

Any person under the age of twenty-one (21) years who knowingly makes a false statement or exhibits false identification to the effect that he or she is twenty-one (21) years or older to any person engaged in the sale of alcoholic beverages licensed hereunder for the purpose of purchasing or obtaining the same shall be guilty of a

misdemeanor.

C. Purchase/Attempt to Purchase Beer for Minor (T.C.A. 57-5-301)

Any person who purchases any beer for or at the request of a person under the age of twenty-one (21) years shall be guilty of a misdemeanor.

D. Allow Minors to Loiter Where Alcohol Sold (T.C.A. 57-5-301)

It shall be unlawful for the management of any place where alcohol is sold to allow any minor to loiter about such place of business, and the burden of ascertaining the age of minor customers shall be upon the owner or operator of such business.

E. Sell Beer/Alcoholic Beverage - Minor (T.C.A. 57-5-301)

It is illegal to sell any alcoholic beverages to minors. See section on **Minors**.

4. **Misc. City and State Alcohol Charges**

A. Sell Beer During Prohibited Hours

See section on Alcohol Sales Hours. It is unlawful for businesses to sell during prohibited hours.

B. Selling Beer without a License (T.C.A. 57-5-104)

All businesses involved in the selling of alcoholic beverages must apply for and receive a permit from the Alcoholic Beverage Commission.

C. Possession of Firearm Where Alcoholic Beverages are Served/Sold. (T.C.A. 39-17-1305)

a. It is an offense for a person to possess a firearm on the premises of a place open to the public where alcoholic beverages are served or in the confines of a building where alcoholic beverages are sold.

b. A violation of this section is a Class A misdemeanor.

c. The provisions of subsection (a) shall not apply to a person who is:

(1) In the actual discharge of official duties as a law enforcement officer, or is employed in the army, air force, navy, coast guard or marine service of

the United States or any member of the Tennessee national guard in the line of duty and pursuant to military regulations, or is in the actual discharge of duties as a correctional officer employed by a penal institution; or

(2) On the person's own premises or premises under the person's control or who is the employee or agent of the owner of the premises with responsibility for protecting persons or property.

D. Consuming Alcoholic Beverages on School Premises (T.C.A. 39-17-715)

1. It is unlawful to consume or possess any alcoholic beverage on the school plant or grounds of any public school in this state having any of the grades kindergarten (k) through twelve (12).

2. A violation of this section is a class C misdemeanor.

E. Alc. Bev. Prohibited in Massage Parlor **CITY**

No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of a massage parlor.

F. Drinking on Liquor Store Lot **CITY**

It shall be unlawful for any person to consume alcoholic beverages while upon the premises of a retail liquor package store or any parking lot under control of said store.

G. Poss/Consum Alcoholic Bev City Park **CITY**

It shall be unlawful for any person or persons to sell, consume or possess any beverage with alcoholic content in any of the public parks or properties under the jurisdiction of the Park Commission, except in such enclosed buildings or other structures and/or areas as are specifically designated and authorized by the Park Commission.

[All of the above charges were listed as they are in the **SCATS** for ease of use.]

5. **Duty of the City Alcohol Beverage Commission**

A. When you make any arrest in a business licensed by either the City Alcohol Beverage Commission or the State ABC (retail liquor stores and liquor by the drink businesses), then you must submit a memo (phoned in) to the City ABC. They will forward it to the State, if needed.

B. When an officer is called upon to testify at the Alcohol Beverage Commission, **It is**

the responsibility of the testifying officer to take with him/her all necessary arrest reports, memos, etc.

Therefore, once an officer submits an alcoholic beverage report, the **officer(s) submitting such report** will make sure all related documents will be attached to the copy retained at the precinct, O.C.U. office, or work station.

The **subpoenaed officer** will obtain all necessary documents prior to reporting to the Alcohol Beverage Commission's hearing at City Hall.

6. **Minors**

A. In the State of Tennessee a person must be 21 years old to purchase, possess, or consume alcoholic beverages, wine or beer.

B. A person must be 18 or older to sell, transport, possess, or dispense in course of employment.

C. If a violator is seventeen (17) or younger, issue a Juvenile Summons or if warranted, due to one of the misdemeanor exceptions, arrest the violator and transport to Juvenile Court.

D. If a violator is eighteen (18) or older, issue a misdemeanor citation, unless one of the exceptions is present, then make a physical arrest and transport to the CJC.

E. **IMPORTANT!!!** When you charge a person for any alcohol violation which is based on an illegal act of a minor, then you **must** list in the citation or on the arrest ticket of the adult the minor's name, address, and phone number. The prosecutor needs to have this for court.

7. <u>Sales Times for Beer and Alcohol</u>

A. All establishments selling liquor by the drink or beer must cease such sales at 3:00 a.m. No beer can be out in any type container at 3:15 a.m.

State Liquor Licenses (Liquor by the drink) prohibit the sale on premises after 3:00 a.m. A customer may use his own liquor to mix his personal drinks after 3:00 a.m. No Beer or liquor by the drink may be sold between the hours of 3:00 a.m. and 12 noon on Sunday.
(Exception: Beale Street until 5:00 am)

8. <u>Confiscation and Disposal of Contraband Alcoholic Beverages</u>

A. Three ways which lead to an alcoholic beverage becoming contraband.

1. Unlawful retail or wholesale sales: To engage in sale of alcoholic beverage unless licensed.

2. Liquor by the Drink: Unlawful to engage in sale of liquor by the drink without a license to do so.

3. Unlawful sale of beer or other beverages 5% or less alcohol:

B. Seizure and Disposition of Liquor & Beer:

1. The Police Department is required to notify the Alcoholic Beverage Commission in writing ten (10) days after the seizure and said liquor will be turned over to them.

2. Beer or beverages 5% or less in alcohol content will be destroyed by the Property Room.

C. Procedures Memphis Police Officers are to follow:

1. Notice to Claimant: A notice provided by the Property and Evidence Room outlining the procedure for filing a claim for the return of seized items will be delivered to the person from whom the items were seized. The officer making the arrest and seizure of contraband shall be responsible for the delivery. A copy of the notice, along with a memo regarding the seizure, will be forwarded to Vice Narcotics.

2. **Do not mark on the bottles or cans for identification purposes.** Marking of the bottles lowers the resale value when auctioned. Officers should attach a filled out Property Receipt Tag.

3. Duties of the Property and Evidence Room

a. On receipt of contraband beverages, Property Room personnel shall prepare an itemized list showing quantity, brand, name, and size of all bottles seized. Distribution of copies of itemized list are: one copy Alcohol Beverage Commission (when they take possession); one copy maintained for police records. One copy forwarded to office of the City's Chief Administrative Officer.

b. Property Room personnel should also make a photograph of the evidence for use in court.

c. Property and Evidence shall notify the local agent of the State Alcohol Beverage Commission of the items seized above 5% alcohol content.

1. **PROSTITUTION ENFORCEMENT**: When a person acts other than as a prostitute or customer of a prostitute, and:

A. Owns, controls, manages, supervises, or in any way keeping, alone or in association with others, a business for the purpose of engaging in prostitution, or a house of prostitution; or

B. Procures an inmate for a house of prostitution; or

C. Encourages, induces, or otherwise purposely causes another to become a prostitute; or

D. Solicits a person to patronize a prostitute; or

E. Procures a prostitute for a patron or

F. Solicits, receives, or agrees to receive any benefit for engaging in any of the activities defined in the above subsections.

Violation of the above law is a class E felony. Before placing these charges, first contact the Vice and Narcotics Unit.

2. **Prostitution:** To engage or offer or agree to engage in sexual conduct with another person in return for something of value to be received by the person or a 3rd party.

A. A person commits an offense under this section who engages or offers to engage in prostitution. This is a class B misdemeanor.

B. Prostitution within 100 feet of a church or school is classified as a class A misdemeanor.

3. **Patronizing Prostitution:** Soliciting the services of a prostitute for sexual conduct in return for something of value.

A. A person commits an offense under this section who patronizes or solicits the services of a prostitute. This is a class B misdemeanor.

B. Patronizing prostitution within 100 feet of a church or school is a class A misdemeanor.

4. **Indecent Exposure:** A person commits an offense who, in a public place or on the private premises of another, or so near thereto as to be seen from such private premises:

A. Intentionally:

1. Exposes his genital or buttocks to one (1) or more persons; or
2. Engages in sexual contact or sexual penetration

B. Reasonably expects the acts will be viewed by another and such acts:
1. Will offend an ordinary viewing person; or
2. Are for the purpose of sexual arousal and gratification of the defendant.

5. **Pedestrian Soliciting Rides/Business**

A. No person shall stand in a roadway for the purpose of soliciting a ride or employment from the occupant of any vehicle.

6. Definitions:

A. Sexual Conduct

1. Sexual intercourse, which means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. Deviate sexual intercourse which means cunnilingus or fellatio.
3. Sexual contact which means any touching, manual, or otherwise, of the erogenous area of one person by another done for the purpose of arousing or gratifying sexual desire of either party.

B. Something of value means any money or property, or any token object or article exchangeable for money or property.

6. Other Charges Used

A. Criminal Trespass

1. **Authorization of Agency:** If a property owner is having a problem with prostitutes gathering on their property, they can sign an authorization of agency whereby the police department can enforce criminal trespass on their property. A copy of this form should be maintained,1.) at the Precinct and, 2.) with the Vice and Narcotics Unit.

B. Homosexual Acts

1. It is a class C misdemeanor for any person to engage in consensual sexual penetration with a person of the same gender.

Obscenity

Allow Minor View Harmful Performance....4
Bookstores....2
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Parent allow minor/view performance....4
Prohibited Sexual/Pornographic Conduct....2
Topless Clubs....2

OBSCENITY: DO NOT PLACE ANY OBSCENITY CHARGES, EXCEPT THOSE IN SUBSECTION A (1a) AND A (2b), WITHOUT FIRST CHECKING WITH ORGANIZED CRIME UNIT.

1. **Topless Clubs**

A. **Prohibited Sexual/Pornographic Conduct** (this ordinance is used in establishments which have compensated dance permits and also sell beer.)

1. Live entertainment is permitted on any licensed premises, except that:

a. No person shall perform acts of or acts that simulate:

* sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, flagellation, or any sexual acts which are prohibited by law;

* the touching, caressing or fondling of the breast, buttocks, anus or genitals; or

* the displaying of the pubic hair, anus, vulva or genitals.

b. Subject to the provisions of subdivision (a) hereof, any entertainer who is employed in whole or in part, whether directly or as independent contractor or agent, by the licensee's premises shall perform only upon a stage at least eighteen (18) inches above the immediate floor level and removed at least twelve (12) inches from the nearest patron.

2. No person shall use artificial devices or inanimate objects to depict any of the prohibited activity described above.

B. **Indecent Exposure:** This ordinance can be used in business that do not sell beer or in situations involving sexual intercourse. See Section on Prostitution

2. **Bookstores**

A. Display Material of Sexual Nature: DO NOT PLACE ANY CHARGES WITHOUT CHECKING WITH THE VICE AND NARCOTICS UNIT.

1. It is unlawful for a person to display for sale or rental a visual depiction, including a videocassette tape or film, or a written representation, including a book, magazine or pamphlet, which contains material harmful to minors anywhere minors are lawfully admitted.

2. The state has the burden of proving that the material is displayed. Material is not considered displayed under the following circumstances.

* The material is placed in "binder racks" that cover the lower two/thirds of the material and the viewable one/third is not harmful to minors; or

* located at a height of not less than five and one half feet from the floor; or

* reasonable steps are taken to prevent minors from perusing the material.

B. The material is sealed, and, if it contains material on its cover which is harmful to minors, it must also be opaquely wrapped.

C. The material is placed out of sight underneath the counter.

D. The material is located so that the material is not open to view by minors and is located in an area restricted to adults.

E. Unless its cover contains material which is harmful to minors, a video cassette tape or film is not considered if it is in a form that cannot be viewed without electrical or mechanical equipment is not being used to produce a visual depiction; or

F. In a situation if the minor is accompanied by his parent or guardian, unless the area is restricted to adults as provided for in subdivision (B) (4)

A violation of this section is a class C misdemeanor for each day the person is in violation of this section.

3. **Concerts**

A. **Definitions**

1. "Excess Violence" means the depiction of acts of violence in such a graphic and/or bloody manner as to exceed common limits of custom and candor, or in such a manner that the predominant appeal of the material is portrayal of violence for the sake of violence.

2. "Harmful to Minors" means that quality of any description of nudity, sexual excitement, sexual conduct, excess violence, or sado-masochistic abuse when it:
a. Predominantly appeals to the prurient, shameful or morbid interest of minors;

b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

c. is utterly without redeeming social importance for minors.

3. "Knowingly" means having general knowledge of, or reason to know, or belief or ground for belief, which warrants further inspection or inquiry of both:

a. The character and content of any material described herein which is reasonably susceptible of examination by the defendant; and

b. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant makes a reasonable bona fide attempt to ascertain the true age of such minor;

4. "Minor" means any person who has not reached eighteen (18) years of age and is unemancipated.

5. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than full opaque covering or the showing of the female breast with the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

6. "Sado-Masochistic Abuse" means flagellation or torture or physical restraint by or upon a person for the purpose of sexual gratification of either person.

7. "Sexual Conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast; and

8."Sexual Excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

B. **Allow Minor View Harmful Performance**

It shall be unlawful for a promoter, performer, producer, or director to knowingly allow a minor to be present during a live performance which is harmful to minors as hereinabove described.

C. **Parent allow minor/view performance**
It shall be unlawful for a parent or legal guardian to knowingly allow their child or children to attend a live performance which is harmful to minors as hereinabove described.

D. **Minor purchase pass/harm performance**

1. It shall be unlawful for any minor to knowingly purchase or attempt to purchase a ticket or attempt to gain admission to, or attend a live performance which is harmful to

minors hereinabove described.

2. It shall be unlawful for any minor to present or offer to present any written evidence of his age which is false, fraudulent or not actually his own for the purpose of gaining admission to live performance which is harmful to minors as hereinabove described.

3. Any minor who acts in violation of anyone or more provisions of this section shall be taken before the Juvenile Court for appropriate disposition.

When a Uniform Officer receives a complaint or learns of a child who has been physically or emotionally abused or neglected, other than by accidental means, he or she is required by State Law to report this complaint immediately to the Department of Children's Services. A child is defined as any person under eighteen (18) years of age. This should be done by a supervisor or Commanding Officer through a Communications dispatcher. **The Tennessee Child Abuse and Neglect 24 hour hotline number (1-877-237-0004).**

The Uniform Officer responding to a complaint of child abuse has the responsibility for the preliminary investigation on the scene to determine the type of abuse, facts surrounding the abuse complaint, witness' information, and perpetrator, if known. The Uniform Officer will determine if there is any physical evidence on the scene which would include any signs of physical injuries (bruises, marks, cuts, etc.) If there is physical evidence and/or instrumentalities on the scene, then the Crime Scene should be called to photograph and collect such evidence.

If the Uniform Officer has reason to believe the child is subject to an immediate threat to his health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm, or the child may abscond to be removed from the jurisdiction of the court, the Uniform Officer may take the child into protective custody to protect the child's health, safety, or to prevent the child's removal from this jurisdiction. If the child should require immediate medical treatment, the Uniform Officer shall follow-up at a hospital to determine the seriousness of the injury.

All felony and misdemeanor investigations of child sexual, physical or emotional abuse or neglect will be investigated by the Child Abuse Squad. This will include severe child abuse, which is defined by State Law as abuse or neglect likely to cause great bodily harm or death, mental disorder, hospitalization, or wherein a deadly weapon is used to accomplish the act of abuse.

On Child Abuse calls where the officer's preliminary investigation determines that the offense is a misdemeanor, the officer will submit a detailed Child Abuse Simple Report. If the investigation determines that the offense is a felony, a Child Abuse Aggravated offense report will be taken.

If a Child Abuse complaint is received on the "A", "C", or "D" shift, the preliminary investigation will be handled by Felony Response, and the case will be forwarded to the Child Abuse Squad for completion.

Officers will not, in cases of non-severe abuse, make an arrest or issue a misdemeanor citation to anyone who has abused, neglected, or injured a child other than by accidental means, because Juvenile Court is the only court that has jurisdiction in non-severe child abuse cases. In these cases, the Child Abuse Squad will obtain a warrant after its investigation at Juvenile Court for cases of non-severe child abuse.

CONTRIBUTING TO THE DELINQUENCY OF A MINOR

An individual may be arrested for Contributing to the Delinquency of a Minor on either a warrant or as a result of conduct personally observed by the arresting officer. In either circumstance, the arrested individual will be placed in the Jail at the Shelby County Justice Center. The arresting officer will, in both circumstances, fill out an arrest ticket and show the appropriate charge followed by "set in Juvenile Court". An extra copy of the arrest ticket will be marked across its face "For Informational Purposes" and forwarded to the Child Abuse Squad.

The General Sessions Criminal Court Clerk's Office will place a copy of the warrant or, if the suspect was arrested as a result of conduct observed by the arresting officer, the Affidavit of Complaint, in a designated location to be picked up by a runner from Juvenile Court. The runner will pick up said instruments at approximately 6:00 am and 1:00 pm each day, seven days a week.

Bonds for Contributing to the Delinquency of a Minor, will be set at Juvenile Court. Between the hours of 8:00 am and 4:30 pm during regular business days, the bond will be made at the office of the Juvenile Court Clerk. At night, on holidays, and weekends, the bond will be made at the Juvenile Court Detention Intake Unit. In either circumstance, the party at Juvenile Court will furnish a "release" to the party posting the bond. That person will then present the bond to the jail for release of the prisoner.

Interview/Interrogation of Juvenile Prisoners

Juvenile Felony Investigations 2
Transporting 2
Interrogation/ Interview Procedures 2
Making Arrests and Interviewing Possible Suspects/ Witnesses in Schools 3
Waivers and Confessions 3

I. Juvenile Felony Investigations

A. Transporting

When a juvenile suspect is arrested for a felony offense, they will be transported to the appropriate bureau or Felony Response (after regular bureau hours) for interviews/interrogations BEFORE transporting the juvenile to Juvenile Court Intake. The Homicide Bureau and Sex Crimes Bureau will also be consulted on ALL juvenile suspects in regards to any homicide or sex crime investigations. Prior to transporting a juvenile prisoner to any bureau, the officer's field supervisor will contact the appropriate bureau with pertinent information for approval to transport. The contacted bureau will determine the necessity of the interrogation.

After transporting the juvenile to the approved bureau, an evaluation will be conducted to determine if a statement can be obtained from the juvenile during this initial phase of the investigation.

No juvenile prisoner will be removed from the detention area of Juvenile Court unless it is deemed necessary to further the investigation and then only when the proper prisoner check out procedure is followed.

B. Interrogation/ Interview Procedures

Because of Appellate Court decisions pertaining to the rights of juveniles, the following procedures are necessary so that statements elicited from juveniles will be admissible in court:

1. Investigators must make a reasonable effort to contact with a parent or guardian of a juvenile, prior to interrogation, in order to explain departmental interrogation procedures. When possible, a parent or guardian should be present during interrogation. Approval by a parent or guardian of the juvenile's waiver of rights is not permitted. A parent or guardian cannot waive the juvenile's rights. However, having a parent or guardian present shows a good faith effort on the part of the investigator to allow the parents to participate in the investigation.

2. Investigators must be especially cautious when interrogating children less than 16 years of age. When a child less than 16 years of age is charged with a serious offense, there is a strong presumption that the child is not capable of making an intelligent waiver in the absence of a parent, guardian, or attorney.

3. When unable to contact or have a parent or guardian of a child less than 16 years of age present during interrogation, investigators should consult their immediate supervisor for advice and a decision as to whether the interrogation should take place without the parent or guardian.

4. When interrogating a juvenile, there will only be two investigators present and the interrogation will not exceed (6) six hours.

II. Waivers and Confessions

A. When interrogating a juvenile, juvenile waivers are analyzed under a totality of the circumstances test that requires consideration of the following factors:

- The juvenile's age.
- Experience of the juvenile.
- Does the juvenile function without parental oversight on a daily basis?
- Level of education, intelligence.
- History with the criminal justice system. (Number of previous arrest, adjudications, street sense, etc.)
- Understanding/familiarity of the Miranda warnings and the consequences of the waiver.
- The ability to read and write in the language used to give the warning.
- Is the juvenile under the influence of intoxicants or drugs?
- Any mental disease, disorder or disability.
- Presence of a parent, guardian, or interested adult.

While courts shall exercise special care in scrutinizing purported Miranda waivers by juvenile suspects, no single factor such as mental condition or education should by itself render a confession unconstitutional absent coercive police activity.

B. In *State v. Gordon*, 642 S.W.2d 742, 745 (Tenn. Crim. App. 1982), this court ruled that when full *Miranda* warnings have been provided and understood, **the voluntariness and admissibility of a juvenile's confession is not dependent upon the presence of his parents at the interrogation.** *See also State v. Turnmire*, 762 S.W.2d 893 (Tenn. Crim. App. 1988). The appropriate standard for determining admissibility is "whether, under the totality of the circumstances, the . . . confession was the result of a knowing and intelligent waiver of . . . constitutional rights."

III. Making Arrests and Interviewing possible Suspects/Witnesses in Schools:

The following procedures must be followed when making arrests and interviewing possible suspects/witnesses in schools:

- Officers will first go to the Principle's Office and request the possible suspect/witness be escorted to the office.
- After the student reports to the office, the proper action may be taken.

There may be exceptions, such as making an arrest during a disturbance at the school or when the juvenile is committing an offense in an officer's presence.

Juvenile Arrest Status/Protective Custody

Juvenile Detention 2
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When dealing with a juvenile offender, officers should use the least coercive reasonable

alternatives. Officers shall ensure that the constitutional rights of all juveniles are protected as to an arrest (44.2.2c). Officers should consider the following guidelines in making a decision on an alternative to charging a juvenile with an offense.

1. Nature of offense- The character of an incident or condition surrounding the juvenile's involvement. Is the situation one where the officer has discretion or is it a mandatory charging situation? (44.2.2.a)
   NOTE: There may be a mandatory charging situation which still does not meet Juvenile Court's detention/arrest-transport guidelines (determined by Juvenile Court's Detention Assessment Tool). In such situations, a juvenile summons will be issued.
2. Is the juvenile alleged to have been harmed or to be in danger of harm?(44.2.2b)
3. Age of the juvenile- Involvement may have been precipitated by an older juvenile's influence or other factors.
4. Attitude (or mental position) of the juvenile with regard to the situation.
5. Officer's access to parent/guardian.
6. Knowledge of previous records may be indicative of the juvenile's attitude causing the officer to be less lenient in his discretion.
7. Known gang affiliation may alter and accelerate the normal handling of a juvenile.

The officer has the following procedures in which to handle and resolve incidents involving juveniles:

1. Warn and inform the juvenile of their wrongful action and take no further steps. (44.2.1.a)
2. Consult with the juvenile's parents.
3. Complete a juvenile summons (44.2.1.b)
4. Arrest and transport the juvenile without delay to Juvenile Court for processing and detention, notification of parents (if necessary), and/or referral for diversion alternatives. (44.2.1 c, 42.2.2.d,e)

I. Juvenile Detention

Juvenile detention ensures public safety and protection of the community while providing a safe and secure environment for juveniles prior to release or adjudication. Pretrial detention is reserved for the most serious offenders while less serious offenders are immediately released to their parents or guardians or diverted to community programs to avoid contact with the more serious elements of juvenile delinquency. **The least restrictive placement of a juvenile which insures the safety of the community is always preferred.**

Juveniles who commit offenses must meet certain criteria before they can be transported to Juvenile Court. In many cases, juveniles may be issued a Juvenile Summons in lieu of transport. **Officers will contact Juvenile Court's Central Detention Control by phone twenty-four (24) hours a day, seven days a week at 901-222-5267 to determine if a juvenile meets criteria for transport.** This will result with more juveniles being released with a summons or non-custodial diversion and fewer transports to Juvenile Court.
The list below provides examples of mandatory and discretionary transports.

Mandatory Transports
1. Possession/use of a firearm
2. Open Attachment Pro Corpus (APC)/ warrant from JC
3. Court-Ordered
4. Escape from a juvenile facility, institution, or other court ordered placement

Discretionary Transports (Juvenile Summons)
1. Whether a youth is eligible for secure detention based on risk assessment
2. The youth's prior history of delinquent offenses
3. Whether the youth qualifies for the detention alternative Electronic Monitoring Program

A child **shall be detained** for the mandatory transport reasons and for committing a crime against a person resulting in serious injury or death; or involving the likelihood of serious injury or death to the victim.

A child **shall not be detained** for:
1. Punishment; or
2. Treatment; or
3. To arrange for services; or
4. To meet the demands of the community, police, victim or school administrators; or
5. To provide convenient access to the child; or
6. To satisfy the demands of the child's parent(s) or guardian(s); or
7. To facilitate the interrogation of the child or investigation of the offense; or
8. To "teach the youth a lesson".

The two (2) page Detention Assessment Tool (see Attachment A on pages 4-5) is utilized by Juvenile Court to determine if a juvenile meets the criteria to be transported to Juvenile Court. MPD officers should review the form and have the necessary information available to answer questions from the Detention Control Officer. If the juvenile does not meet detention criteria, the officer has the option to issue a juvenile summons and release the juvenile. Juvenile Court will provide assistance as needed.

This policy section is not meant to inhibit or prevent an investigator from completing any necessary steps needed in order to conduct an investigation. This policy section only determines whether a juvenile will be transported to Juvenile Court for an offense.

II. Juvenile Arrest Procedures

A. For transport situations (mandatory and discretionary transports that meet Juvenile Court criteria for detention), the arresting officer will transport the prisoner directly to Juvenile Court, except in cases where medical attention is necessary or when directed by investigators to transport to the appropriate investigative bureau. Upon arrival at Juvenile Court, the transporting officer will give the original arrest ticket to the Juvenile Court Intake Officer, who will then make a copy and return the original arrest ticket to the transporting officer.

B. Routing: The Officer proceeds to the Arrest Data Entry/ADE Office at 201 Poplar Criminal Justice Complex (CJC), Room 156A, phone number 636-3565, and gives the original copy to

the ADE officer. It is the responsibility of the ADE office to make a copy for their records.

NOTE: The transporting officer will call Juvenile Court Intake back with any necessary property receipt numbers etc. The original is forwarded to the CompStat Office and disseminated to the appropriate Bureau's box and retrieved by the designated office personnel.

C. If the juvenile is an active gang member who has committed a crime involving gang activity, the supervisor should contact communications, which will contact the on-duty Multi-Agency Gang Unit Supervisor.

III. Juvenile Arrest Tickets

When a juvenile is arrested, the Arrest Ticket will contain a narrative completely describing the crime, witnesses, and all pertinent data.

Only two (2) officer's names will be listed on the arrest ticket as arresting officers. All other officers who participate in an arrest will be named in the arrest ticket narrative. The two officers who are listed are to be the ones who handled the primary arrest situation and are capable of testifying against the defendants at trial. If other officers are involved in the arrest, scene investigation, or recovery of property, this information is to be accurately noted in the narrative so that the prosecutor can determine these officers need to be subpoenaed for trial.

NOTE: When an officer is required to testify in a Juvenile Court hearing, the officer will check out the necessary evidence and take it to Juvenile Court. If the evidence is bulky, large, etc., a picture of the evidence will be taken to court.

IV. PROTECTIVE CUSTODY

When a child is in immediate danger from his surroundings (i.e. a six–year- old left home alone all day) officers **with supervisory approval** will contact Station B and request that the Department of Children's Services (DCS) be contacted. The officer will stand by until DCS makes the scene and takes custody of the child. Officers will ask the DCS worker for identification and a contact number, both of which will be documented on the Officer's log sheet. Officers will not transport children who are in Protective Custody for neglect, abuse or abandonment to Juvenile Court.

ATTACHMENT A

Juvenile Court of Memphis and Shelby County
Detention Assessment Tool

Child's Name: _____ **Assessor:** _____
Birth Date: _____ **Age:** _____ **Assessment Date:** _____
Gender: _____ **Race:** _____ **Transporting Agency:** _____
Court File #: _____
Presenting Offense: _____

1. Most Serious Alleged Offense (choose only most serious charge)	**Points**	**Score**
Class A: Felony	19	
Class B: Felony	15	
Class C: Felony	13	
Class D: Felony	11	
Class E: Felony	9	
Misdemeanor	5	
Traffic Offense	3	
Unruly/Status Offense	0	
Add if applies:		
Possession of a firearm	19	
Escape from a hardware secure facility	19	
Attachment (sometimes referred to as a warrant or capias or arrest order)	19	
Crime Against a Person involving violence, bodily harm or imminent threat of bodily harm	5	
2. Additional Charges in this Referral		
Two or more additional current felony offenses	5	
One additional current felony offense	2	
One or more additional misdemeanor or traffic offense	1	
3. Prior Adjudications		
Two or more prior adjudications of delinquency for felony offenses	5	
One prior adjudication of delinquency for a felony offense	2	
Two or more prior adjudications of delinquency for misdemeanor offenses	2	
One prior adjudication of delinquency for any misdemeanor offense	2	
One prior adjudication for any unruly/status offense or traffic offense	1	
4. Complaints/Petitions Pending Adjudication (exclude deferred adjudications)		
One or more pending petitions for a felony offense	10	
Two or more pending petitions for misdemeanor offenses	3	
One pending petition for other misdemeanor offense	2	
One or more pending petitions for unruly/status offense or traffic offense	1	
5. Current Status (Choose only one)		
Probation based on a Felony	3	
Probation based on a Misdemeanor	2	
Deferred disposition with conditions i.e. Advisement	1	
Court Pre-Trial Diversion	1	
6. History of Failure to Appear (FTA) (within past 12 months) **(Choose only one)**		
Two or more petitions/attachment/warrants for arrest/detention orders for FTA in past 12 months	8	
One petition/attachment/warrant for arrest/detention order for FTA in past 12 month	4	
7. History of Escape/Runaways (within past 12 months) **(Choose only one)**		
One or more instances of absconding from non-secure, court-ordered placements	4	
One or more runaways from home	2	
8. Violation of Probation (Choose only one)		
Violation by commission of a felony	5	
Violation with a misdemeanor	2	
Technical violation (Terms of Probation)	1	

9. Mitigating Factors	
Currently enrolled and attending school	-2
Currently Employed	-3
Successfully completed Court Ordered Program previously	-2
No Court contact in the last 24 months/First Delinquent Offense	-3
10. TOTAL SCORE	

Indicated Decision: ___ **0 – 9 Eligible for Release**
___ **10 – 18 Eligible for Detention Alternative**
___ **19 or above Eligible for Secure Detention**

Detention Alternative Used (if applicable)
_____

Complete if Discretionary Override:

1. Aggravating factors (override to more restrictive placement than indicated by guidelines)

   (specify)_____
2. Mitigating factors (override to less restrictive placement than indicated by guidelines)

   (specify)_____
3. Special Circumstances per TCA 37-1-114(c)(4) (specify)_____

If override, check any applicable factors used in the decision.

1		Age (specify)	5		Mental Health Status	9		Medical Status
2		1st Offense at age 16 or older	6		No offenses/violations within past year	10		Threats of Bodily Harm
3		Developmental Disability/Mental Retardation	7		Responsible adult to assure supervision and return to court	11		Successful completion of prior court supervision/order
4		Parent/custodian unavailable: explain	8		Parent/custodian unwilling to care for child: explain	12		Parent/custodian unable to care for child: explain

Supervisor Override (Optional):_____

Actual: _____ Release _____ Alternative _____ Secure Detention

Post Detention Release: Date: _____ Check reason for post-detention release; if "Other" please specify.

	Charge(s) dropped		After detention hearing		After posting bond
	By later staff decision		After adjudication		Other:_____

Revised 3/15/10

Juveniles in Custody of Tennessee Department of Human Services

Child Protective Services 3
DCS Custody 2
Procedures for Children in DCS Custody 2
- **Missing Children** 2
- **Delinquent children** 2
- **Interrogation of Juveniles** 3
- **Removal of Children from Custody by the Natural Parents** 3

I. DCS Custody

Children may be placed in one of two groups for whom the Tennessee Department of Human Services acts as the parent. The first group involves children who are in the guardianship of the Department of Human Services. Here, parental rights have been terminated with natural parents no longer having any claim on the children or having any contact with them or any part in the care or welfare of the child. The Department of Human Services acts in a total and final parental role.

The second group involves children who are in the custody of the Department of Human Services and have been made wards of the court and wards of the state through court action. It is important to remember that in both groups the Department of Human Services acts as the parent.

While a child is in the custody of the Department of Human Services, the natural parents have no rights whatsoever regarding the welfare of the child. They have no right to remove the child from the foster home or from the premises of the Department of Human Services without specific authority and approval of the caseworker.

The Department of Human Services may have occasion to contact our department in cases involving missing children, delinquent children, juveniles involved in criminal offenses, and juveniles who have been removed illegally by the natural parents either from the Department of Public Welfare or from a foster home.

II. Procedures for Children in DCS Custody

Following is the proper procedure for dealing with the Department of Human Services in these areas:

A. Missing Children:

When investigating missing children complaints, the primary source of the information should be the caseworker. While they are the primary source of information, additional information may be obtained from the foster parent who may have more current information concerning the child's location. Investigating officers should remember that the caseworker is the one primarily responsible for the welfare of the child, and he should be treated accordingly.

B. Delinquent Children:

The caseworker as well as the foster parents should be notified whenever a child is picked up on a delinquency matter.

A child may be released to the caseworker as well as the foster parent, and it is not necessary that the foster parent sign the appearance bond for the child.

C. Interrogation of Juveniles:

Where possible, the caseworker should be given an opportunity to be present during the

interrogation of any child in their custody who is being questioned as a suspect in a criminal matter or in any matter involving delinquency.

D. Removal of Children from Custody by the Natural Parents:

Where a child is placed in the custody of the Department of Human Services, the natural parents have no further rights in the child. As a result, their taking of the child either from the foster parents or from the Department of Human Services is unlawful. It is not necessary that an attachment pro corpus be issued in order to return the child to the custody of the Department of Human Services or to the foster parents. Custody has already been given the Department of Human Services.

III. Child Protective Services:

The Tennessee Department of Human Services, Shelby County Office, provides 24-hour service for Child Protective Services. During regular work hours, 8:00 am to 4:30 pm, Monday through Friday, Tennessee Department of Human Services social workers follow the procedure of obtaining a protective custody order from Juvenile Court whenever it is necessary to remove a child from his/her home. If police assistance is needed during regular work hours, the Tennessee Department of Human Services social worker contacts Sex Crimes/Child Abuse. After regular work hours and on weekends, if police assistance is needed, the Tennessee Department of Human Services social worker makes this request through the police dispatcher.

Police assistance is requested primarily for two (2) reasons:

(1) As a safety precaution when the complaint indicates the parent or custodian of the child is dangerous or threatening, e.g., the parent is in possession of a dangerous weapon or the neighborhood is potentially dangerous.

(2) Assistance in removal when the Tennessee Department of Human Services social worker has determined that the child is in immediate danger of death or serious harm and an emergency order cannot be obtained due to the unavailability of the Judge. The social worker must follow Tennessee Department of Human Services' procedures for emergency removal prior to requesting assistance.

When after regular work hours and on weekends a social worker determines that a child needs to be removed, the social worker will call the police dispatcher who will dispatch the appropriate officer to respond to the call. On the scene, the officer is to remove the child and transport the child as directed by the social worker. The child is not to be transported to juvenile court. The officer will need to determine that the conditions of the statute have been met, based on his observations and judgment.

In order to facilitate the establishment of a line-up, to minimize the amount of time an officer is required to be at Juvenile Court, and to minimize the interruptions, the following procedures shall be followed:

1. Whenever a police officer desires to establish a line-up, he/she shall contact the Juvenile Court Central Detention Intake (C.D.I.), phone 528-8536.

   a. The police officer is to give the C.D.I. personnel the defendant's name, sex, race and age of who is to be placed in the line-up.

   b. The C.D.I. personnel shall give the police officer the name and phone number of the attorney representing the defendant. (Note: If a juvenile defender is appointed and the police cannot contact that person, C.D.I. will have a list of alternate juvenile defender names and phone numbers.)

   c. The police will be responsible for contacting the witnesses, victims and attorneys that will be necessary to conduct their line-up, and set up a date and time for the line-up to be held at Juvenile Court.

   d. The police will make every effort to set the line-up at a time to fit the time frames as follows:
      (1) 1000 hrs. to 1100 hrs.
      (2) 1400 hrs. to 1600 hrs.
      (3) 1800 hrs. to 2000 hrs.

      NOTE: A one (1) hour notice of intent to conduct a line-up is required by Juvenile Court C.D.I. Whenever an absolute emergency situation develops that prohibits the witnesses or police from conforming to the established time frames, an exception may be made with the approval of the Juvenile Court C.D.I. superintendent.

   e. The police shall contact Juvenile Court C.D.I.; phone 523-8536, after a date and time for the line-up to be held is established and give at least a one (1) hour notice to C.D.I.

2. Necessary Forms and Equipment to Conduct the Line-up:

   a. The C.D.I. shall keep a line-up packet for police use when a line-up is conducted. The packet shall consist of the following forms:

      (1) JS-3 -- Request for Line-up
      (2) JS-15 -- Request for Fingerprints and/or Photographs
      (3) F-2100.448 - M.P.D. Line-up Form
      (4) C-2100.129 - M.P.D. Waiver of Attorney
      (5) C-2100.130 - M.P.D. Line-up Identification card

   b. Equipment:

      (1) The Juvenile Court C.D.I. will keep a Polaroid Camera to photograph the line-up if an identification is made. If I.D. is not made, a photo is not necessary.
      (2) Eight (8) large numbered cards will be kept by C.D.I. for police to use in placing a

number on each person in the line-up.

3. Location for Line-ups to be Conducted:
   a. For MALES -- Third floor, Juvenile Court Bldg., C.D.I.
   b. For FEMALES -- Second floor, Juvenile Court Bldg., C.D.I.
4. Legal Requirements for Identification and Line-up Procedures:

   Legal technicalities, transmitted via official departmental communications, including the Policy & Procedure Manual, regarding conducting identification and line-ups are applicable.

When apprehending a juvenile for committing an offense, officers may either:

1. Make an arrest and transport the juvenile to Juvenile Court; or
2. Issue a juvenile summons.

It is the practice of the Memphis Police Department and Juvenile Court to issue a juvenile summons in lieu of arrest when permitted by policy or law.

A juvenile summons may be issued for any misdemeanor offense and for felonies involving property crimes, where no further investigation is necessary.

The use of juvenile summons is strongly encouraged for the following misdemeanors:

* Disorderly Conduct
* Theft of Property under $500
* Criminal Trespass
* Vandalism under $500
* Assault
* Gambling
* Simple Possession of Marijuana

The following is the **preferred response** for officers when dealing with juvenile offenders. This does not eliminate an officer's discretion; each matter should be evaluated on an individual basis.

1. Officers may issue a juvenile summons whenever their investigation reveals that the juvenile has committed a state or city misdemeanor. Officers may also issue a juvenile summons for felonies involving crimes against property when no additional investigation is necessary. In such felony cases, the decision as to a physical arrest or a Juvenile Summons will be determined by the arresting officer's immediate supervisor who will consult with the appropriate Investigative Services Bureau supervisor.

2. Officers may issue a juvenile summons in misdemeanor marijuana cases. Officers may not use a juvenile summons for other drug offenses.

3. Officers may issue juvenile summons for simple assaults, when it is determined the act will not continue. However, other criminal offenses against persons (i.e. assault to murder, criminal sexual conduct, domestic violence, assaults against officers and teachers, etc.) require a physical arrest.

4. Officers should issue a juvenile summons whenever there is a prosecuting complainant in an incident. The officer does not have to witness the violation if the violation is a misdemeanor as long as there are witnesses or complainants. The officer, when issuing a juvenile summons, is merely acting as a reporting authority; and therefore, it is not necessary that a misdemeanor offense be committed in the officer's presence for the summons to be issued**. It is important that the officer include:** the complainant's name, home address, home phone number, business address, and business phone number so that the Juvenile Court can contact these people to prosecute.

5. A juvenile summons may be issued for any state traffic misdemeanor where a physical

arrest is authorized, such as Reckless Driving, Leaving the Scene of an Accident, Drag Racing, etc. This is applicable to those juveniles who are authorized to drive and meet all state requirements.

- Violations by juveniles of City Ordinances relating to traffic charges are issued on Juvenile Traffic Citations.
- **Driving Under the Influence of Intoxicants/Drugs (DUI) will still require a physical arrest.**

6. Officers **shall not** issue a juvenile summons for a status "non-criminal" offense such as habitual disobedience and unruliness. These types of offenses must be handled by a parent, guardian, or teacher going to Juvenile Court and speaking with a counselor.

7. A juvenile summons cannot be issued to a child who cannot be properly identified or who resides outside of Shelby County.

8. There is no procedure at Juvenile Court that allows a complainant to obtain an arrest warrant for a juvenile. However, Juvenile Court can issue an ATTACHMENT PRO CORPUS. This serves the same purpose as a warrant, and must be signed by a Judge. The order states **"To any lawful officer: It appearing to the Court that a summons cannot be served or that John Doe has failed to obey the summons of this Court or it appearing that summons for his appearance will be ineffectual, you are commanded to attach the body of said child and bring him forthwith before this Court."**

Pursuant to laws of arrest in Tennessee, a police officer may take a child into custody if there are reasonable grounds to believe that a child is suffering from an illness or an injury or is in immediate danger from his surroundings, and that his removal is necessary.

An officer can take a mentally ill or developmentally disabled child into custody under the following circumstances:

1. Any mentally ill or developmentally disabled youth who is apprehended in the commission of a crime is to be handled as any other youth would be.

2. When officers discover a mentally ill or developmentally disabled child who appears to be lost and is unable to tell the officers where he/she lives, in such cases the child, due to his condition, is a danger to himself if not properly cared for. When officers receive a call from a citizen who has discovered a mentally ill or developmentally disabled youth, the officer should make an effort to locate the child's home. However, when such information is not available, the child is to be taken to Juvenile Court, and the arrest ticket is to reflect that the child was taken into custody because said child was lost and the proper guardian could not be located.

Under no circumstances are officers to take a mentally ill or developmentally disabled child into custody in response to a call from the child's parents that the child is "unruly". Juvenile Court will not accept children under these circumstances through the Police Department.

The only time that a mentally ill or developmentally disabled child is to be removed from the custody of his parents or guardian is when the officer has reason to believe that the child is in immediate danger, and in such cases the mentally ill or developmentally disabled child is to be treated as any other juvenile in like circumstances.

When an arrested juvenile is actually taken to the Juvenile Court Central Intake Office and turned over to the Juvenile Court Authorities, the arrested subject's personal property will be left with the intake officer.

When a juvenile subject is arrested but is left somewhere else other than Juvenile Court, such as Regional One Health, Tall Trees, etc., and his personal property must be taken, the personal property will be turned in to the Detention Personal Property Office at the Criminal Justice Complex.

State Law makes it a felony to knowingly promote, employ, use or permit a minor (under 18 years of age) to engage in or assist others to engage in posing or modeling in sexually obscene acts.

If such violation occurs, the officer should place the appropriate charge against the responsible party and report such conduct to the Vice Narcotics Unit.

State Laws makes it a felony for any person to knowingly promote a performance which includes actual or simulated sexual conduct by a child. It also makes it a felony for a parent or guardian of a child to knowingly consent to child's participation in performance including sexual conduct.

Juveniles should never be mixed with adult prisoners, and should never be detained in the Shelby County jail unless by special order of the Juvenile Court Judge.

*** Officers can transport juveniles and adults in the same vehicle, but sound discretion should be used.**

Juveniles should not be finger printed or photographed without permission of Juvenile Court. Fingerprints of a child may be taken for exclusionary purposes with the permission of Juvenile Court, if there is probable cause that the fingerprints taken during an investigation are those of a particular child.

According to State Law a juvenile who has run away from home may seek sanctuary at a Runaway House and be given shelter for seventy-two (72) hours. The only way the runaway may be removed during this period is by order of the Juvenile Court.

However, sanctuary for seventy-two (72) hours at a Runaway House may not be granted if the juvenile runaway is known to have committed, or is under investigation for the commission of a delinquent or criminal act.

I. Truancy

If an officer observes a juvenile in a public area between the hours of 0800-1415, on a regular school day, who is not under visible adult supervision and control, the officer will briefly detain the youth to obtain the youth's name. Officers should preliminarily inquire of the minor child whether he or she is enrolled in a Shelby County School or participates in a homebound or home schooling program. The rights of the minor child are different in cases wherein the minor child participates in a homebound or home school program. If it is confirmed that the minor child is enrolled in a Shelby County School and is neither being home schooled nor participating in a homebound program, the officer will then transport the juvenile to the nearest one of five Truancy Centers around the county. The locations of these Truancy Centers are as follows:

1. Northwest Prep Academy
   205 N. Claybrook
   Memphis, TN 38104
2. Treadwell Elementary School
   920 N. Highland
   Memphis, TN 38122
3. Airways Middle School
   2601 Ketchum
   Memphis, TN 38114
4. Hickory Ridge Mall (Opening October 1, 2015)
   6075 Winchester
   Memphis, TN 38115
5. Shelby County Bus Maintenance Facility
   2800 Grays Creek
   Arlington, TN 38002

Additional stipulations under City Code "Sec. 20-29. Truancy – Parental Responsibility" includes the following:

Notwithstanding any other statute, provision , ordinance or regulation to the contrary, if any minor child is found, detained, or apprehended by a school truancy officer or a city police officer, upon the public streets during school hours during any school term who is unable to give an accounting of his whereabouts, the parents, parent, guardian, or ward having legal custody of said minor, shall be guilty of a misdemeanor and upon conviction, subject to a fine up to fifty dollars ($50.00), plus penalties as provided in section 1-8 of this Code.
(Code 1985, #20-29, Ord. No. 4329, 1, 6-6-1995)

II. Curfew Violations

NOTE: THIS CURFEW ORDINANCE DOES NOT APPLY TO ANYONE WHO HAS REACHED HIS OR HER 18th BIRTHDAY. IT APPLIES TO MINORS UNDER THE AGE OF 18 AND IT MAKES DIFFERENT PROVISIONS FOR MINORS WHO HAVE REACHED THEIR 17th BIRTHDAY, BUT HAVE NOT REACHED THEIR 18th BIRTHDAY.

The following is City Ordinance 20-32 (JUVENILE CURFEW REGULATIONS) which is also set out in T.C.A. 39-17-1702. The major provisions are as follows:

If a person is under the age of 17 (has not yet reached his or her 17th birthday), then it is unlawful for that person to remain in any public place during the following hours:

Monday thru Thursday between the hours of 10 p.m. - 6 a.m.
Friday thru Sunday between the hours of 11 p.m. - 6 a.m.

If a person has reached their 17th birthday, but has not reached their 18th birthday, then it is unlawful for that person to remain in any public place during the following hours:

Monday thru Thursday between the hours of 11 p.m. - 6 a.m.
Friday thru Sunday between the hours of 12 a.m. - 6 a.m.

It is unlawful for a parent to knowingly permit or by inefficient control permit a minor to violate the curfew ordinance. When a minor is in violation of this ordinance, the officer shall act in one (1) of the following ways:

(1) In the case of the first violation, and in the officer's discretion, take the child to the child's home, warn and counsel the parents or
(2) Issue a summons to the child and/or parents or guardians to appear in juvenile court.

Exceptions to the curfew are as follows:

(1) When the minor is accompanied by a parent, legal guardian or adult authorized by the parent or legal guardian.
(2) Until 12:30 a.m. if the minor is on an errand for the parent, or if the minor is directly in front of his or her residence.
(3) Forty-five minutes after curfew if the minor is on the way home from employment. The minor must have written evidence from the employer.
(4) When returning home by a direct route from (and within (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond 1:00 a.m.
(5) In the case of reasonable necessity, but only when the parents or legal guardians have communicated such to law enforcement in detail and in writing, along with the names and addresses of the parents or guardians.
(6) When exercising First Amendment rights, the minor must show good faith in exercising those rights. The minor must deliver to the appropriate authority written communication, signed by the minor with the minor's home address and telephone number specifying when, where, and in what manner the minor will be on the streets and exercising First Amendment rights.

(7) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

UNDER NO CIRCUMSTANCES IS A PERSON 18 YEARS OLD OR OLDER TO BE ARRESTED UNDER THIS ORDINANCE.

The following is a summary of the law and Juvenile Court's policy on "unruly juveniles".

As set forth by State Law, an "unruly" child means a child who:

1. While subject to compulsory school attendance is habitually and without justification truant from school;
2. Is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable;
3. Has committed an offense applicable only to a child; or
4. In any of the foregoing is in need of treatment or rehabilitation.

However, the Memphis Police Department will not transport a juvenile runaway to Juvenile Court without additional charges that meet the criteria for detention. *See MPD P&P Chapter VII Section 4.*

It is the policy of Juvenile Court **not to confine** a child to the Detention Center unless he is considered a menace or danger to the community. **Juvenile Court cannot be utilized as a clearinghouse for juveniles who are disobedient to the parent.**

If officers receive a call from parents concerning an unruly child - a child is disobedient and in conflict with his parents, the parent is to be advised to contact and go to Juvenile Court Counseling Services, Room 230, tel. # 901-405-8530, between the hours of 8:00 am and 4:30 pm to have a non-judicial conference and utilize their family counseling services.

D.U.I.

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Three Phases of DUI Detection 2

MEMPHIS POLICE DEPARTMENT DUI UNIT

The Memphis Police Department DUI Unit will provide mobile alcohol breath testing and/or collection of blood samples for alcohol and/or drugs in the City of Memphis, seven days a week, twenty-four hours a day.

I. M.P.D. DUI TRAFFIC STOPS

During interactions with individuals that have been driving or in physical control of motor vehicles where officers become suspicious that the individuals may be under the influence of alcohol or drugs, officers should always conduct investigations of possible impairment. Officer safety is the number one priority on any traffic stop, and officers should request additional assistance to conduct these "Unknown Risk" stops.

Detection is both the most difficult task in DUI enforcement, and the most important. The detection process begins when officers first suspect that a DUI violation may be occurring and ends when the officers decide that there is or is not sufficient probable cause to arrest the driver for DUI. If the suspected impaired driver is in custody for DUI, the DUI Unit must be called to the location of the arrestee. Furthermore, the subjects must be under arrest for DUI before the DUI Unit is requested.

II. THREE PHASES OF DUI DETECTION

DUI detection usually involves three separate and distinct phases: Phase One: Vehicle in Motion; Phase Two: Personal Contact, and Phase Three: Pre-Arrest Screening. The DUI detection process may not always include all three phases. Officers may not have the opportunity to observe the vehicle in motion, such as crash investigations, roadblocks or calls for assistance.

There are also situations that may prevent officers from interviewing the suspect or conducting Field Sobriety Tests. They may include: risk of flight or security risk, injury or medical condition, age of suspect (65 or older), over-weight by fifty pounds, and weather or traffic conditions.

Note: Officers should attempt to use other Field Sobriety Tests (such as counting, alphabet, finger dexterity, finger to nose, etc.) to aid in their investigations.

A. Phase One: Officer will observe the vehicle in operation, and using visual cues, decide whether there is sufficient cause to stop the driver. If yes, you will then observe the stopping sequence, noting any additional evidence of a possible DUI violation.

B. Phase Two: Officer will observe and interview the driver face-to-face. Based on your observations, you must decide whether there is sufficient cause to instruct the driver to step from the vehicle for further investigation.

C. Phase Three: Officer will, if possible, administer structured, formal physiological tests. These include the Horizontal Gaze Nystagmus Test, the Walk and Turn Test and the One Leg

Stand Test. When officers have individuals perform Standardized Field Sobriety Tests, they will document their observations on a M.P.D. DUI Field Sobriety Report.

Based upon their observations of: (1) impaired driving, (2) physical impairment (i.e. odor of alcohol/marijuana, slurred speech, bloodshot eyes, swaying, ect.) and (3) Standardized Field Sobriety Tests; officers should then decide whether to arrest the driver/suspect. If an arrest is made for DUI, the officer MUST call for a M.P.D. DUI Unit officer to continue the investigation.

If the individual is not free to leave, it is considered a custodial situation. When a custodial situation occurs, the individual is technically under "arrest." Therefore, situations will exist where Miranda may apply. Thus, officers should be wary of asking too many questions prior to the recitation of Miranda rights.

In order to request a M.P.D. DUI Unit officer, the arresting officer must be able to articulate, at a minimum, "reasonable suspicion", which in these situations equates to "probable cause", that the driver is under the influence of alcohol or drugs.

III. M.P.D. DUI TECHNICIANS

Once a M.P.D. DUI Unit officer arrives on the scene, the M.P.D. DUI Unit officer must consult the arresting officer to gather information about all of the arresting officer's observations of potential impairment of the individual. With that information, the M.P.D. DUI Unit officer should then interact with the individual to make his own observations of the individual. The M.P.D. DUI Unit officer should have the individual perform Standardized Field Sobriety Tests, and document the results.

Based upon the information from the arresting officer, the M.P.D. DUI Unit officers' observations of the individual and their performance on the Standardized Field Sobriety Tests, the M.P.D. DUI Unit officer should then determine whether a test should be requested. If the officers cannot articulate the reasons for asking for a chemical test, then the test may be suppressed at prosecution.

IV. M.P.D. DUI Field Sobriety Reports

To assist in arrest information, Patrol Officers and the M.P.D. DUI Unit will use a DUI Field Sobriety Report, which is located on the back of the Implied Consent Form. If the Uniform Patrol officer does not have a report, the M.P.D. DUI technician will furnish the form to the officer, who will complete the Field Sobriety Report on each defendant and return the form to the DUI technician. The arresting officer will circle and initial their observations of the defendant and the defendant's performance when the arresting officer administered the Standardized Field Sobriety Test.

If the arresting officer did not administer a Standardized Field Sobriety Test, then the arresting officer will complete only the indicators related to physical observations of the defendant and the effects of an intoxicant. The DUI Technician will complete their observations of the defendant and his/her performance on the Standardized Field Sobriety Test by circling and initialing the indicator or by

initialing the indicator already circled by the arresting officer if both observations are in agreement.

If either the arresting officer or the DUI Technician did not administer a SFST the reason for not administering the tests is to be listed in the comments section at the bottom of the Field Sobriety Report form. The DUI technician will then complete the Implied Consent portion and process the defendant in the usual manner. The M.P.D. DUI Unit will provide the Field Sobriety Report at the court hearing when necessary. The Implied Consent Form is self-explanatory and should be filled out completely.

V. TCA 55-10-406

Pursuant to T.C.A. § 55-10-406(a) (1), a M.P.D. DUI Unit officer may request a test to determine the blood-alcohol level or presence of drugs in a driver's breath/blood/urine when he has "reasonable grounds" to believe that the driver is driving under the influence. The statute does not provide a definition of "reasonable grounds;" however, "the term has been used interchangeably with 'probable cause' by the courts of this state." "Probable cause" exists to request a test when the officer believes:

(1) The suspect motorist has consumed an intoxicant or taken an impairing drug; and

(2) Evidence of the motorist's intoxication will be found if the breath/blood/urine is tested.

Therefore, if the M.P.D. DUI Unit officer has reason to believe that the individual has consumed an intoxicant and that evidence of this intoxication will be found if the individual is tested, he will remind that individual that they are under arrest. The MPD DUI Unit Officer will then read the Implied Consent Law.

VI. IMPLIED CONSENT LAW

After reciting the Implied Consent Law to the individual, the M.P.D. DUI Unit officer should ask the individual if they understand the Implied Consent Law and its consequences. After answering any questions, the M.P.D. DUI Unit officer should request the individual to take the breath/blood test. Multiple tests may be offered, and even though the suspect may take the first test, but refuses to take another test, the suspect can still be charged with refusal.

It is important to note, there is a two (2) hour window from the time of arrest to the time of test. In the case of a Hit&Run crash, the investigating officers have four (4) hours to locate the suspect, within a reasonable distance of the crash scene. They then have the same two (2) hour window from the time of arrest to the time of test.

If the individual agrees to submit to the requested test, the M.P.D. DUI Unit officer should follow the standard procedures. Using the results of these test(s), the M.P.D. DUI Unit officer should review his observations to determine if the results confirm his earlier observations and suspicions. Based upon both the results and the observations of both the arresting officer and the M.P.D. DUI officer, the officers should determine whether to charge the individual with DUI (along with any other charges).

If the individual refuses, the M.P.D. DUI Unit officer should note that refusal and the time of the refusal on the consent form, and should return the individual to the arresting officer. After a refusal, the arresting officer should charge the suspect with both DUI and refusal of the Implied Consent Law (along with any other charges). Officers shall no longer write the charges for Refusing to Submit to BAC and DUI on the same arrest tickets. The charge of **Refusal to Submit** will always require a second arrest ticket and also a second affidavit. Officers cannot mention any of the other charges contained in the first affidavit on the affidavit required for the Refusal to Submit charge. This is in Pursuant to Tennessee Code Annotated T.C.A. §55-10-406, subpart 6; **Tests; Implied Consent; License Suspension**: Any person violates the provision of the section by refusing to submit to either test or both such tests, pursuant to subdivision (a)(4), shall be charged by a separate warrant or citation that does not include any charge of violating §55-10-401, Driving under the Influence of Intoxicant that may arise from the same occurrence.

However, at any point in time, the officers may change their opinions of the individual's impairment, end their investigation of impairment, and release the individual from arrest for the charge of DUI. Both the arresting officer and the M.P.D. DUI officer should note all of his observations of indications of impairment (both driving and physical).

VII. MULTIPLE TESTS

T.C.A. 55-10-408 imposes presumptions that the defendant is not under the influence of an intoxicant if he registered .07% or less by weight of alcohol or BAC. This statute further states that .08% BAC does create a presumption that the defendant is under the influence of such intoxicant and that his or her ability to drive is impaired thereby.

This statute was changed and took effect July 1, 2003 and states: for the purpose of proving a violation of 55-10-401 (a) (1) evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401 (a) (1).
If a suspect is visibly impaired, but registers below .08 on the breath test, the officer can administer additional tests to detect the presence of impairing drugs in the suspect's blood. Testing below .08 is not an automatic release, and testing above .08 should not require additional testing. Multiple testing is a reality due to the fact that the combination of alcohol and drugs may be found in impaired drivers.

VIII. Arrest Tickets and Affidavits of Complaints

Fill in the appropriate blocks, making sure to show if a vehicle was towed, the towing company name, and the location to which the vehicle was towed. In the Charges and TCA section of the arrest ticket the proper SCATS wording and T.C.A. codes are used. The narrative on the arrest ticket should describe all the details and circumstances related to the arrest. In this narrative section you should describe your first observations of the suspect's actions, the suspect's location when first observed, describe any unusual actions taken by the suspect.

Also describe in detail your initial observations of the suspect's appearance and actions, and if the suspect was detained for actions connected with his/her operation of a motor vehicle you must describe the actions which establish that the suspect was actually driving or otherwise in physical control of the vehicle. If the suspect is arrested for DUI you must describe the suspect's actions during the administration of the field sobriety tests or explain why a field sobriety test was not administered.

Successful prosecution depends on your ability to describe in writing the events you observed and all actions undertaken by you. The Affidavit of Complaint(s) must contain all the elements related to the probable cause required to justify the arrest and charges placed.

Upon reaching the Sally port, the defendant's right thumbprint must be placed on the arrest ticket. A booking number must be obtained from the intake officer. The signed affidavits must be read and approved by the on-duty Judicial Commissioner. The ADE's Office will make copies of the arrest ticket/s and give the officers back their copies. A copy must be turned in to the DUI supervisor and the Report Center.

If an incident number has been reserved the incident number must be inserted by the officer into the Offense Report Number block on the arrest ticket. If property or evidence was placed in the MPD Property Room, the property receipt number must be entered on the arrest ticket. After booking juvenile arrestees at Juvenile Court, it will be necessary for the arresting officer to go to the Memphis Police Department's ADE office at 201 Poplar and have a Juvenile Booking Number placed on the arrest ticket.

Crash Reports

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I. State Traffic Reports

The Tennessee Department of Safety has requested that the Memphis Police Department advise all motorists who are involved in a traffic crash which results in personal injury or property damage in excess of $400.00, that the motorist must file a **State Report** within **twenty (20) days** of the crash. This is **not** the crash report, which is filled out by members of the Memphis Police Department. This is a separate state report that the motorist himself must fill out and send in. Motorists **should be informed** that these **State Reports** are available at Central Records, at all Precincts, and from the Tennessee Highway Patrol.

II. Tennessee Uniform Traffic Crash Report

Officers of this department have a responsibility to investigate motor vehicle crashes. This investigation normally occurs when the officer is called to the scene after the accident and has not witnessed a violation. The State of Tennessee requirements concerning the reporting of traffic crashes include:

- The driver of any vehicle involved in a crash resulting in death or injury or total property damage to an amount of four hundred dollars ($400) or more shall immediately notify police.
- The driver of any vehicle involved in a crash resulting in injury or death or total property damage to an amount of four hundred dollars ($400) or more shall, within 20 days, make a written report of it to the Department of Safety.
- Police officers who investigate a crash, for which a report must be made, either at the time of and at the scene of the crash, or thereafter and elsewhere, by interviewing participants or witnesses, shall by the end of their tour of duty forward a written report of the crash to their immediate supervisor for approval.

A. A police officer will be assigned, respond to, and prepare a crash report of crashes involving any of the following: (61.2.1.a,b,c,d,e,f) (61.2.2.a,b,c,d,e)

1. Death or injury (61.2.1.a) (61.2.2.a)
2. Property damage in excess of $400 (61.2.1.b)
3. Hit and run (61.2.1.c) (61.2.2.b)
4. Impairment due to alcohol and drugs (61.2.1.d) (61.2.2.c)
5. Hazardous materials (61.2.1.e) (61.2.2.e)
6. Any crash involving city property, vehicles, equipment, or facilities. (61.2.2.d)
7. Any crash on private property only if there is injury, death, hit & run or DUI occurs. (61.2.1.f)

Officers will submit paperless crash reports through Watsons, except for occasions when the Watson Applications are down.

For officers who successfully complete basic police recruit training and enter the Field Training Officer (FTO) Program, the following guidelines will be followed:

1. During Part 1, Phase 1 thru 4, of the Field Training Officer Program, PIIPs will use their

FTO's PDA in order to submit reports.

2. The PIIP's name will be in the 'Reporting Officer" block and the FTO name will be listed as "Additional Officer."
3. FTO's will review the reports prior to submission and make notations on the Daily Observation Report (DOR) regarding the PIIP's performance in both using the equipment and their written communication skill.

After successfully completing Part 1 of the Field training Program, PDAs will be issued to PIIPs. P2P's will be notified when their PDA's are available so they can schedule a time for pick-up.

B. Police officers should also be assigned to respond to any crash involving disturbances between principals, or which create major traffic congestion as a result of the crash or where vehicles are damaged to the extent that towing is required. Police officers may be assigned to report any other crashes, not listed above, to assist persons involved with information exchange, etc. Time permitting, officers may investigate and report such crashes for departmental use. (61.2.2.g,h)

C. Crash Investigation Follow-Up (61.2.4)

1. Follow-up activities which may be necessary include:
   a. Collecting off-scene data about driver, pedestrian, vehicle, etc.
   b. Obtaining/recording formal statements from witnesses
   c. Reconstructing crash
   d. Submitting evidentiary materials for laboratory examination
   e. Preparing crash and/or offense reports to support criminal charges arising from the crash.
2. In all serious crash involving severe injuries, fatalities, multiple vehicles, etc., it will be necessary to summon the STIS Unit. Such expert assistance should be requested through the Shift Supervisor.

D. Procedures for Reporting Road Hazards and Debris for Prevention of Vehicle Crashes: (61.4.2)

1. An officer who locates debris in the roadway that is hazardous shall remove it or request the dispatcher to notify the Public Works Division to remove it from the roadway to a safe location.
2. All roadway defects will be reported to the dispatcher and referred to Public Works as soon as possible.
3. Requests or suggestions for additional or new roadway safety features will be forwarded through chain of command to the shift supervisor who will forward request to appropriate department or agency, if the situation warrants.
4. Abandoned or inoperable vehicles, which are obstructing traffic, must be towed.

5. Hazardous material control and removal shall be the responsibility of the Fire Department.

NOTE: The block on the report, **"Reporting Agency/Name of Investigating Agency"**, must have two identifiers checked: **"CPD"** and **"Memphis PD".**

III. Filing False Crash reports: TCA 55-10-110

"Any person who gives information reports as required in §§ 55-10-107 - 55-10-109 knowing or having reason to believe that such information is false, commits a Class C misdemeanor."

Under Section 55-10-107 and Section 55-10-108, drivers of vehicles involved in a crash involving bodily injury, death, or property damage in excess of $400.00 are required to notify the Department of Safety. Under City ordinances, notice to the Memphis Police Department is required where property damage exceeds $50.00 under Section 11-48-1 of the Memphis City Code.

There have been cases arising where owners or operators of vehicles involved in crashes, in order to avoid liability for the crash, have reported that their vehicle was stolen. It has then been determined that the vehicle was not stolen but, in fact, was operated by the "alleged" victim. In cases of this type, the offending party shall be charged with a violation of TCA 55-10-110, which is a state misdemeanor or TCA 39-16-502, which is a felony.

Tennessee law requires citations to be issued for traffic violations. Arrest of a traffic violator is permitted only in exceptional situations, such as when the violator refuses to sign the citation.

I. ARRESTS

A. To be a legal arrest, the officer must:

1. Restrict the arrestee's freedom of movement, **AND**
2. Tell the arrestee they are under arrest.

B. Officers may arrest a driver, based on probable cause, for state misdemeanor charges in the following circumstances:

1. Whenever, from personal investigation of the scene, driver's statements, or witness statements, there is probable cause to believe the defendant violated Tennessee Code Title 55, Chapter 8 or 10, and the vehicle crash resulted in personal injury or property damage over $1,000.00 (TCA 40-7-103).
2. Whenever, from personal investigation at the scene, there is probable cause to believe a driver has committed D.U.I. regardless of personal injury or property damage **and** such person is arrested within four (4) hours of being transported to a medical facility or within four (4) hours of leaving the scene of the accident.

C. Officers **SHALL** arrest a driver without a warrant, if the driver is involved in an accident resulting in serious bodily injury or death <u>and</u> the driver:

1. Does not have a valid driver license, **AND**
2. Does not have evidence of financial responsibility. (TCA 55-10-119)

D. There is sufficient justification and case law to support using force to remove non-compliant individuals from a vehicle given the following conditions:

1. A lawful stop or detention has been made;
2. The officer has articulable reasonable suspicion/probable cause that the person may have committed a crime or safety concerns exist to order the driver from their vehicle;
3. The driver has been ordered to exit their vehicle;
4. The driver refuses to exit their vehicle;
5. The officer has called for Back-Up and a Supervisor to make the scene;
6. The driver has been advised of probable cause arrest;
7. The driver has been advised or warned that force will be used to remove driver;
8. Minimum amount of force necessary is used to remove driver from the vehicle; and
9. A physical arrest of the driver has been made.

It is critical to note that officers must articulate reason for removing said driver from vehicle. Absent any other articulable justification, officers are warned against using force to remove individuals from vehicles.

E. When an officer investigating a vehicle crash cannot establish reasonable and probable

grounds to substantiate a charge, only a report will be made.

II. Searches

Searches can only be conducted after an arrest, but not when a traffic citation is issued. A search is not allowed incident to a traffic citation. If an officer has articulable facts to support a reasonable belief that the traffic offender poses a present danger to the officer's safety then the officer may frisk the traffic offender.

The arrest of an occupant of a motor vehicle does not automatically authorize a search of the motor vehicle incident to that arrest. Only two situations authorize a search of the interior of a motor vehicle incident to the arrest of an occupant.

One, the motor vehicle can be searched if the arrested occupant or other non-arrested occupants are unrestrained and within reach of the motor vehicle.

Two, the motor vehicle can be searched if it could contain evidence related to the crime the occupant was arrested for, such as robbery, theft or DUI. However, if the arrest crime could not have evidence related to it, such as driving while license revoked, the search of the motor vehicle incident to that arrest would not be lawful.

There are lawful ways to search a motor vehicle other than search incident to arrest. Consent, inventory and probable cause to believe the motor vehicle contains seizable items are all lawful search methods if the appropriate facts are present.

If an officer makes an arrest of a traffic offender in bad faith or as a scheme to conduct an otherwise unlawful search, the search may be ruled illegal and the case would be lost.

Traffic Tickets

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I. Motor Vehicle Crashes

Officers of this department have a responsibility to investigate motor vehicle crashes. This investigation normally occurs when the officer is called to the scene after the crash and has not witnessed a violation.

A. TRAFFIC TICKETS

Officers may issue traffic tickets at the crash scene based upon personal investigation without regard to personal injury or property damage. Common examples of vehicle crash cause factors that can be deduced from physical evidence at a scene include:

1. Following Too Close
2. Failure to Yield, Pulling from Stop Sign
3. Turning from Wrong Lane
4. Failure to Yield, Pulling from a Private Drive

* The charge of disregarding a red light should be substantiated by disinterested witnesses on the scene.

B. When an officer investigating a vehicle crash cannot establish reasonable and probable grounds to substantiate a charge, only a report will be made.

II. Stopping the Traffic Violator for Issuance of Ticket (61.1.7)

Officers may use unmarked vehicle to stop traffic violators only when that vehicle is equipped with blue light and siren. Officers should request a marked vehicle when possible. (61.1.6c)

The following steps must be followed when stopping and approaching traffic violators and are intended to provide maximum safety for the officer, the violator, and others. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (drinking driver/ known or suspected felon), and the existing volume of traffic may require adjusting or altering the recommended procedure.

These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist:

A. Once the determination has been made to stop the violator the officer should notify the dispatcher of the intended location of the traffic stop, license number, make of vehicle, model of vehicle, color of vehicle and number of occupants.

B. The officer should note the license number of the vehicle on a note pad, to be left inside the patrol vehicle if the dispatcher cannot be notified.

C. The officer should be thoroughly familiar with the area, and anticipate the appropriate location with ample space, appropriate lighting, and should avoid stops on hills, curves, intersections, private drives, and business locations which have limited parking spaces.

D. The officer should signal the violator to stop. This task should be accomplished by activating

the blue light emergency system, hand signals, sounding horn, and if necessary sounding siren. These signals also alert other drivers of the intent of an officer and will usually facilitate securing the right of way for the stopping maneuver.

E. The violator should be signaled and directed to the right side of the roadway close to the curb, or onto the shoulder when feasible.

F. On multi-lane roadways, the officer should insure the safety of the violator during changes by gradually changing from lane to lane with violator until the right side of the roadway is reached.

G. Should the violator stop abruptly in the wrong lane or in another undesirable location, they should be promptly directed to move to a safer location. Officers should use the public address system to instruct violators to move to a safer location. If the officer's verbal directions and gestures are insufficient to bring understanding, the officer should exit from the patrol vehicle and give verbal instructions to the violator.

H. It the operator is suspected of drinking to the extent their driving abilities are impaired the violator should not be permitted to move their vehicle once it has stopped.

I. Once the violator has stopped in an appropriate location, the officer should position the patrol unit approximately 12 feet behind the violator's vehicle. The patrol unit should be positioned so that it will offer the officer some protection from oncoming traffic as well as cover from the violator. This position should be 2 feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic. The patrol car should not be left blocking the lane of traffic once the violator has pulled from the roadway at the completion of the stop.

J. The officer should exit from the patrol vehicle and be continuously alert for any suspicious movement or actions on part of the violator or other occupants in the violator's vehicle.

K. The officer should approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the tailing edge of the drive's side door. This position should be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping them in a slightly awkward position, and at the same time keep all occupants of the vehicle in view.

L. In those cases where the violator's vehicle has occupants in both, the front and rear seats, the officer should approach to a point near the tailing edge of the rear driver's side door. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position, and at the same time keeping all occupants of the vehicle in view.

M. In those traffic stops made by two or three more officers, one officer should be responsible for all radio communications. During the traffic stop, all officers should dismount from the vehicle. At no time should the two officers approach the violator's vehicle side-by-side.

* At night, the procedure is basically the same with the additional necessity of exercising caution in selecting an appropriate place for the traffic stop, signaling the violator and

positioning the police vehicle. After the stop, the headlights should be on low beam for the safety of oncoming traffic, and emergency bar lights in use on patrol vehicle. Officers may want to utilize a shining spotlight in rearview mirror of vehicle being stopped. This technique will make visibility in stopped vehicle clearer and offer better concealment for the officers.

III. Approaching the Traffic Violator/Officer Violator Relations (61.1.7) (61.1.8)

Once the officer has stopped the violator and approaches to a point where communications can begin, the following guidelines should be followed in terms of officer-violator relationships:

A. Be alert at all times for the unexpected, but do not be obviously apprehensive.

B. Be absolutely certain the observations of the traffic violation were accurate, without reservation.

C. Present a professional image in dress, grooming, language, bearing, and emotional stability.

D. Be prepared for the contact by having necessary equipment and forms immediately available if they are to be used.

E. Decide on the appropriate enforcement action based upon the observed violation not the violator's attitude. In most cases, it is advisable to have the form of enforcement action decided prior to initial contact with violator. An exception to this would be, when the officer, through conversation, finds an out-of-state driver performing a violation that would not constitute a violation in their jurisdiction and the officer then decides to issue a warning rather than a citation as intentionally intended.

F. GREET THE VIOLATOR WITH AN APPROPRIATE TITLE AND IN A COURTEOUS MANNER. ALWAYS BE MINDFUL OF HOW YOU ARE PERCEIVED AND HOW YOU WOULD WANT AN OFFICER TO TREAT A MEMBER OF YOUR FAMILY.

G. Inform the violator of the traffic law they have violated and the intended enforcement action. The violator should not be kept in suspense.

H. Ask for the violator's operator's license, vehicle registration and insurance verification, and accept only these forms.

I. If the operator has no driver's license, obtain another document of identification.

J. Take the time to fully explain your actions and allow the operator to discuss the violation. Do not argue, berate, belittle, or otherwise verbally abuse the violator.

K. Complete the forms required for the enforcement action taken or exercise a verbal warning.

L. Explain to the violator exactly what they are supposed to do in response to the action taken. Upon issuance, officers will advise the motorists of the following:

1. Court appearance (61.1.4 a)
2. Optional or mandatory nature of court appearance (61.1.4b)

3. If allowed to enter a plea and/or pay a fine by mail or at a traffic violations location (61.1.4c)
4. And any other relevant information that may be of importance to the motorist. (61.1.4d)

* Other circumstances may arise where contact with motorists may occur with no citation issued. In these situations motorists are in need of assistance. Officers will provide assistance to motorists under the existing situation. This may include requesting dispatcher to call wreckers, providing directions, or obtaining other services as needed. Time and duty permitting, officers may assist stranded and disabled motorists to obtain fuel and repairs. If officers must leave the scene prior to arrival of requested assistance, he/she should request another unit take the call or check by area and provide assistance and/or protection. (61.4.1 a,b,c,d)

M. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court. (61.1.4 a,b,c,d)

N. Be alert to any emotional stress exhibited by the operator. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

O. Return the violator's operator's license, registration, and a copy of citation.

P. Assist the violator in safely re-entering traffic flow.

Q. Do not follow the violator. At this point, all contact with violator ceases unless another infraction occurs.

IV. Issuance of Traffic Tickets: (61.1.2b)

A. Traffic citations should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, violations including, but are not limited to, hazardous or non- hazardous violations, operating unsafe and improperly equipped vehicles and violating City traffic laws i.e., speeding. (61.1.5c,d,f,h) If multiple infractions occur, check appropriate boxes or write in box provided on citation. (61.1.5 i) WARNINGS, however, may be issued under following circumstances: (61.1.2c)

1. There is a minor traffic infraction committed in those areas where traffic crash occurrences are minimal.
2. When the act may be due to ignorance of local ordinances, which may be a unique violation or a newly enacted law and/or regulation. A 30- day grace period will be established during which time only warnings are issued, unless a specific period is defined by statute.
3. Non-hazardous violations.
4. Or a violation of which the driver may not be aware.

B. Traffic citations and traffic summons are to be issued only on public streets and roadways. Citations and summons are not to be issued on private property or upon public property, which is not a public street or roadway, except in the following circumstances:

1. When the area in question has been designated as a restricted or prohibited parking zone. (Ex: Fire Lanes) In such cases, only a traffic citation covering the specific parking violation should be issued.
2. If an officer has observed an offender to be operating a vehicle on a public street or roadway and then pull onto private property, or onto public property, which is not a street or roadway, then the officer may follow that person onto said property and issue the citation.
3. Leaving the scene of a private property vehicle crash witnessed by the officer.

V. Handling: Special Circumstances and/or Categories of Violators:

A. Juveniles: Officers will issue a special juvenile traffic summons for juvenile violators only from the book distributed through the City Court Clerk's Office. A warning, if given, may include notification of legal guardian. (61.1.3b)

B. Non-residents: Citations shall be issued to non-resident violators in the same manner as residents of the City of Memphis. Non-residents who cannot appear on the required court date shall be directed to contact the City Court Clerk. If an officer has a reason to believe that non-resident violator will not appear in court or not pay the fine the officer may make an arrest. (61.1.3a)

C. Members of Legislature: During the session of the General Assembly shall be privileged from being taken into custody except treason, a felony or a breach of the peace. The issuance of a traffic citation for a moving traffic violation offense is allowed, as is an arrest in case of an offense involving DUI. (61.1.3c)

D. Foreign/Diplomats/Families/Servants, and other consular officials: While they may be granted diplomatic immunity, a report will be taken in traffic offenses resulting in injury, death, etc. (61.1.3d)

E. Military Personnel: Shall not be afforded special consideration. (61.1.3e)

F. Public Carrier/Commercial Vehicle Drivers: Treated as residents of the City of Memphis. (61.1.5g)

G. Persons Driving With Revoked/Suspended License: an arrest should take place and a misdemeanor citation rather than transport to jail may be issued providing the offense will not continue. An officer who sees an individual driving, who is known to be under suspension or revocation, if not able to stop the individual in a timely manner, may swear out a warrant for violator. (61.1.5b)

H. Bicycle/Pedestrians Violations: Consider warning unless repetitive or flagrant. (61.1.5l)

I. Violation Resulting in Traffic Crashes: Based on an officer's investigation, citation may be issued. However, the officer, in order to convict, will need to issue a courtesy subpoena to witnesses or other parties involved in corroborating his investigating. (61.1.5k)

J. Off-Road Vehicles, including dirt bikes and mopeds: Any officer observing an unlicensed off road vehicle that cannot be legally operated on a public highway or violating traffic laws shall order the vehicle to be removed and take appropriate enforcement action. (61.1.5e)

K. Newly Enacted Laws and/or Regulations: A 30-day grace period will be established during which time only warnings will be given, unless a specific period is defined by statute. (61.1.5j)

L. Suspected Incompetent, Physically or Mentally Disabled Drivers: If a driver is suspected of being incapable of exercising reasonable and ordinary care of a motorized vehicle, the officer may submit a Request for Special Examination (SF-0365) to the Department of Safety for re-examination. (61.1.12)

VI. Charging Non-Drivers with Traffic Offenses:

When vehicles have been driven in an unlawful manner and the surrounding facts indicate that a passenger was responsible for encouraging the driver to operate the vehicle improperly or was responsible for permitting a drunken person to operate the vehicle or permitted a driver to proceed in an improper manner, officers have been unsure what, if any, charges can be brought against the passenger and/or owner. These problems have arisen in connection with a passenger allowing an intoxicated individual to drive a car and a passenger encouraging a driver to engage in drag racing.
There are several sections of the Tennessee Code, which are available to us when the above type situations arise. TCA 55-10-201, "Parties to a crime" establishes that every person who aids or abets in the commission of any act declared illegal by Chapters 8 or 10 of the Motor Vehicle Section of the Code shall be guilty of the offense the driver committed. It further states that any accessory shall be guilty of such offense and that anyone who willfully causes or permits another to violate any provision of Chapters 8 and 10 shall be guilty of the same offense as the driver.

To charge one other than the operator of the vehicle with a violation of the law because he was a party to that crime (TCA 55-10-201), the individual must have either:

- Encouraged or forced the driver to violate the law; or
- Have had knowledge that the driver was violating the law, did not attempt to halt the illegal actions, and had control over who was driving the car, e.g., owner, renter, or custodian of the car.

D.U.I. charges could be placed against the owner of a car who was neither drunk nor driving when he knew the driver to be drunk and permitted him to drive in such drunken state. The proper charge would be aiding and abetting driving under the influence, TCA 55-10-401.

Aiding and abetting reckless driving charges could be placed against all individuals in a car who encouraged the driver to operate his vehicle recklessly. This charge would be appropriate where a group went out joy-riding. Even though only one person was behind the wheel, all participated in the crime by willfully inducing the driver to proceed in such a reckless manner. We must know that the passenger actively encouraged the unlawful action to bring these charges.

TCA 55-10-201 is not a criminal offense in itself but simply a codification of the common law theory of aiding and abetting offenses. It gives us the authority to charge persons with a particular offense by aiding and abetting its commission.

TCA 55-10-202 is directed specifically at owners of automobiles and people who have control over the driving of an automobile, e.g., employer-chauffeur relationship. This makes it unlawful for them to require or knowingly to permit the operation of the vehicle in an unlawful manner. This charge should be placed whenever the non-driver has the right to determine who shall drive the car. TCA 55-10-202 is a separate criminal offense and should be used in addition to a charge of aiding and abetting when appropriate.

TCA 55-10-501 deals with drag racing. It states that:

> "... any person or persons who arrange for, supervise, or in any way and manner set in motion any such `drag racing' as herein defined, regardless of whether or not such person or persons may be the operator of, or be a passenger in, any motor vehicle participating in such `drag racing'."

Proof to sustain a conviction based on any of these three statutes will need to be great. Discretion must be exercised in bringing charges against one other than the driver.

The Attorney General's Office is available to help whenever doubts exist as to whether the charge should be placed against the non-driver.

VII. State Charges on Traffic Tickets:

Long form traffic tickets issued by members of this department should include only City traffic charges. State charges cannot be placed on a traffic ticket. Any person charged with a state offense is entitled under the Tennessee Rules of Criminal Procedure to receive a formal Affidavit of Complaint and is entitled to a preliminary hearing. A traffic ticket does not provide the necessary requirements; and therefore, no state charges can be placed on a long traffic ticket.

Any time an officer is going to place state traffic charges (i.e., Reckless Driving or Leaving the Scene); the officer must arrest and transport or issue a misdemeanor citation in lieu of transport.

A. Reckless Driving (Private Property)

1. The Reckless Driving Statute (TCA 55-10-205) applies to private property as well as public roadways.
2. Officers may charge a defendant with Reckless Driving occurring on private property if the officer observes the person drive a vehicle in willful or wanton disregard for the safety of persons or property. Whenever such conduct is witnessed by an officer, he should make an arrest for the charge of Reckless Driving.

B. Leaving the Scene of an Accident:

1. An officer is not justified in making an arrest for leaving the scene where the officer does not see the offense. Under TCA 40-7-103, for the charge of Leaving the Scene of

an Accident, an arrest may be executed only after an arrest warrant has been secured. A misdemeanor citation for this offense is NOT to be used.

2. TCA 55-10-102, requires that a motorist stop and remain at the scene of any accident involving death, personal injury, or property damage.

VIII. Traffic Ticket Accountability Procedure:

A. Accountability

Officers will sign for their own ticket books with the Court Clerk assigned to issue said books in order to keep an accurate record of tickets. Officers will issue tickets from their own book only.

Officers will use all of the tickets in one book before starting another book, and each book issued will be signed out by number.

Each officer will be held accountable for those ticket numbers for which he has signed, regardless of whether any other officer's name appears on the ticket (e.g., partner). When a long ticket is written, the officer will retain the blue copy as he/she uses the ticket book; then when the officer has finished with his ticket book, he/she will staple all twenty-five (25) blue copies together and turn them in to the shift supervisor with their daily paperwork. The shift supervisor will then return the blue copies to the Colonel who will assure they are secure in a permanent file.

The Traffic Violations Bureau will make periodic audits of all tickets written; and any missing tickets will have to be accounted for. Discrepancies in long tickets will be checked by examining the officer's blue copies.

Each time a ticket is written, the officer will write the ticket number on his daily log sheet.

In the event that a traffic ticket book or a ticket is lost, stolen, or destroyed, the officer will submit a letter to his precinct/bureau commander outlining the circumstances surrounding the loss and the ticket numbers involved. A copy of the letter will be forwarded to the Traffic Violations Bureau and the Legal Advisor's Office with a copy remaining in the precinct/bureau.

When an officer issues a ticket that the driver refuses to sign, resulting in an arrest, the officer will forward all copies of the ticket, except the blue copy, to the Legal Advisor's Office with a memo. These tickets will be maintained in this office and will be available if the officer needs the ticket as evidence of the defendant's refusal to sign. The blue copy will stay at the precinct/bureau. At the time an individual refuses to sign a ticket, a supervisor will be requested to make the scene. City Ordinance violations will be changed to State Charges.

B. Dismissal of City Ordinance Charges

Legally, once a citation/summons has been issued, officers cannot make changes to the copy that they turn in. The original citation/summons and any copies **must** "mirror" each other. If there is a need to make changes to a citation/summons, an officer **must** reissue the

citation/summons or appear in court and request the judge to allow them to amend a citation/summons in open court. The citizen must have actual notice of any changes made after the citation/summons has been issued.

If a citation/summons is written in error, an officer may need to submit a dismissal request. Some common reasons for dismissal requests for citations/summons include:

1) Written in the County
2) Issued on private property
3) Individual arrested
4) Individual issued a misdemeanor citation
5) Wrong violation marked
6) Issued to a juvenile

Any citation/summons with incomplete or incorrect information will not be submitted for dismissal without the officer making a good faith attempt to contact the citizen and reissue the citation/summons. The officer should have an address and telephone number to contact the citizen. The officer will:

- Make a minimum of three attempts to contact the citizen by phone (at different times on at least two different days) to arrange a meeting in order to make any necessary changes; and, if unsuccessful
- Make at least two attempts to go to the citizen's address (if local) in a timely manner to meet with them to make the changes.

Before requesting a dismissal, attempts should be made to correct the error and submit a valid citation/summons. **If unsuccessful, the officer's detailed memo requesting a dismissal must include the dates and times of the officer's failed attempts to contact the citizen by phone and by home visits.**

Any citation/summons submitted to the clerk's office that is incomplete or otherwise invalid will be returned to the workstation commander with a request to have the officer reissue the citation/summons and return it to the clerk within fourteen (14) working days.

For citation/summons dismissal requests:

1) The officer must write a <u>detailed</u> memo explaining the reason for the request for dismissal (e.g., traffic sign down, radar gun malfunction, written in the County, failed contact attempts, etc.) and have it <u>approved</u> and <u>signed</u> by their supervisor. **This detailed information must be included in all memos requesting the dismissal of citations/summons.** Supervisors should investigate that the reason for the citation/summons dismissal is valid before signing and approving the memo.

    * Each request for ticket dismissal must be investigated to ensure that the officer has followed policy and made a sufficient effort to contact the citizen to correct the citation/summons, if applicable. **The investigation must also ensure that no ethical violations or special treatment is given to certain employees, relatives, friends, co-workers, acquaintances, etc.** Suspected ethical violations may be forwarded to Inspectional Services for further investigation.

2) The workstation commanding officer must submit a memo detailing the reason for the request. The memo should indicate that an investigation has been conducted and the request is valid and in compliance with MPD policy and procedures.
3) The officer must come to the City Court Clerk's Office during their regular work hours or on their next court date, bringing both memos and the original citation/summons to be placed on the docket for the next available court date.

   NOTE: Citations/summons sent through inter-departmental mail for dismissal or submitted without the proper documentation will not be accepted.
4) The officer must appear before the judge and/or prosecutor of the division of court that they are assigned to and fully explain the basis for the dismissal request.
5) No request should be submitted without the **FULL AGREEMENT** of the officer, his supervisor, and the workstation commander.
6) If the citation/summons is disposed, all memos and other documents are to remain attached to the citation/summons as a permanent record.

This process will be completed during the officer's tour of duty, prior to Signal "C" or on the officer's next court date. For long tickets and ordinance summons, a copy of the ticket or summons and copies of the memos will be maintained in the officer's personnel file. For short tickets, a copy of the memo only will be maintained in the officer's file. Do not use "white out" (correction fluid) on either type of ticket.

IX. Juvenile Traffic Summons:

Officers will issue a special traffic summons for juvenile violators only from the book distributed through Juvenile Court.

The juvenile traffic tickets are printed in blue ink rather than black. Each copy is color coded, and the distribution is as follows:

White copy-	Juvenile Court copy
Yellow copy-	Juvenile Court copy
Green copy-	Officer's copy
Dark manila copy-	Juvenile Offender's copy

The officer will not be required to appear at Juvenile Court unless he or she receives a summons from Juvenile Court. There will be no assignment of court dates on these juvenile traffic tickets by the officer; however, in the event an officer is summoned to appear at Juvenile Court, the date and time will be the officer's designated summons day at 10:30 a.m.

Officers should note that the charge boxes on the juvenile traffic ticket are not in the same sequence as the standard traffic summons (long ticket). Therefore, these boxes should be read carefully to avoid the incorrect charge box being checked.

For purposes of issuing a juvenile traffic ticket, a "juvenile" is defined as anyone under the age

of eighteen (18).

In the event an officer issues a juvenile traffic summons in error, the officer will forward the ticket to the Legal Advisor's Office, along with a memo approved by his supervisor explaining why the ticket was written in error.

X. Speed Enforcement

Excessive speed is the second greatest cause of death and injuries on American highways. Uniform methods of enforcement of speed laws within the City of Memphis should be applied by all officers. Procedures for enforcement of laws applying to speed will vary in accordance with type equipment utilized.

A. Pacing

The officer should follow vehicle being paced at a constant interval for a distance adequate, normally two or more city blocks, to obtain a reading on speedometer indicating a speed exceeding that posted.

B. Radar or Laser Operation

Radar – Laser enforcement should be utilized where vehicle speed is excessive or a hazard to other motorists or pedestrians. The following guidelines are established for use of the radar and laser, which will always be operated in compliance with manufacturer's instructions.

1. The radar or Laser must be properly installed in the vehicle and connected to appropriate power supply.
2. The effective range of a particular radar or laser unit must be thoroughly understood by operator, so visual observations can support speed meter readings.
3. The operator must choose an appropriate location in accordance with directions of his/her Supervisor relative to traffic accident experience in which speed has been identified as a factor. The location must also be conductive to the effective and safe operation of radar or laser.
4. The radar or laser gun will be properly tested for calibration to insure accuracy in checking speed. The operator must follow manufacturer's recommended specific method of checking calibration without exception. Any problems with operation of radar or Laser gun or apparent malfunction should be promptly reported to the Shift Supervisor/ Equipment officer.
5. The following elements must be established in court by the officer, when radar speed violation charges are placed:
    a. The time, place, and location of the vehicle stopped, identity of operator, speed of vehicle, and visual and radar or laser speed check.
    b. Officer qualifications and training in use of radar or Laser.
    c. Radar or Laser gun was properly operated.

d. Radar or Laser used was properly tested for accuracy at the beginning of the officer's shift prior to use and at the end of the officer's shift by approved method.
e. Identify target vehicle and should have made a visual observation of its apparent speed.
f. Speed limit in zone where violation occurred and be familiar with where posted speed limit signs are located.

6. Radar and Laser training is given to all Recruits (officers) during Academy training. Officers will receive up-to-date training in the operation and maintenance of speed detection equipment as needed.

C. Radar/ Laser Tickets

All traffic citations that are issued as a result of the use of a radar or laser gun shall be identified in the following manner:

1. The word "Radar" or "Laser" will be printed in block letters shall be placed on the ticket in the violation code area.
2. The equipment operator shall be clearly identified by inscribing a circle around his name and by placing the words "gun operator" immediately to the left of his name. This officer is the one who must appear in court. The court date issued should be the gun operator's court date.

D. Equipment Maintenance

Speed Measurement Devices: Radar (Genesis models) and Laser (Prolaser III) - Equipment specifications are located in the workstation equipment room. (61.1.9)

1. Officers must inspect, fully test calibrate the device at the beginning and end of each shift.
2. When an officer notes a malfunction of the device, the device will not be used.
3. The officer must notify the Equipment Clerk who will then in turn send the device to Radio Maintenance for repair.

The equipment officer is responsible for ensuring that radar/laser guns receive proper care and upkeep, that all required programmed maintenance and calibration of units is performed in accordance with the manufacturer's standards. Records should be kept on all radar guns at the Stations, and appropriate certificates are on file with the Radio Shop. All Laser gun certificates and maintenance records will maintained at the Traffic Division office by the equipment officer.

XI. Driver's License:

Classes of Tennessee Driver's Licenses

Class of License		Special Endorsement
A Combination Vehicles GCWR over 26,000 lbs. Towed Vehicle(s) over 10,000 lbs		**Endorsements**
B Trucks or buses over 26,000 lbs GVWR Any such vehicle towing a vehicle not in excess of 10,000 lbs. GVWR		**N** - Tanks 1,000 gallons or greater **H** - Hazardous Materials **X** - Tanks and Haz Mat **T** - Double/Triple Trailers **P** - Greater than 15 passengers including driver **S** - School Bus
C Vehicles weighing 26,000 lbs		

A. Learner's Driving Permit:

TCA 55-50-311 provides for the issuance of learner's driving permits. This law allows a minor at least fifteen (15) years of age to obtain a permit to drive an automobile when accompanied by a licensed parent, guardian, or certified driving instructor. The minor must have the learner's permit in his possession to drive under this section. The accompanying party must be at least eighteen (21) years of age. If the individual with the learners permit is less than 18, they cannot drive between 10P.M. and 6:00A.M.

The following persons are exempt from license hereunder:

> A student who is pursuing an approved driver training course in a public school or a private secondary school approved by the state commissioner of education or by a recognized regional or national accrediting agency, or in a duly licensed commercial driver training school. This exemption applies only to the operation of a motor vehicle bearing school driver training identification and only while an instructor, certified and registered by the Department of Education, accompanies the student.

If a juvenile driving on a learner's permit is arrested for D.U.I., he is to be taken to Juvenile

Court.

If the juvenile is driving without a learner's permit and has previously obtained one, he should be charged with driving without a learner's permit, TCA 55-50-311, in addition to any other laws violated. If the minor has never received a learner's permit, but is driving the car, he is to be charged with a violation of T.C.A. 55-50-301, Driving Without an Operator's License.

B. Temporary Driver's License: (Only valid for 90 days from date of issue.)

The temporary driver's license issued by the Tennessee Department of Safety is white with black writing, 8 1/2" wide by 5 1/2", with numbers beginning with the letter "P".

Officers should recognize and honor this temporary driver's license whenever it is presented to them by an individual.

C. Tickets Issued for No Driver's License: Many parties are being given tickets for no driver's license after incorrectly identifying themselves to the officers. On the date of the court appearance, those parties do not come to court and warrants are being issued for the arrest of the innocent person, whose identity is given at the time the ticket was issued. This has caused complaints to this department from both the innocent parties involved and the City Judges.

To help alleviate this situation, officers should, when issuing tickets for no driver's license, attempt to verify the party's true identity, either through a driver's license check, social security card, or through other means of identification. If, in the officer's opinion, the party is not the person he claims to be, then an arrest should be made.

D. Driver's License Check on Juveniles:

The Tennessee Department of Safety has advised that two new driving history codes for juveniles are now available for officers making a driver's license check on juvenile drivers. If a juvenile is stopped and the driver's license check indicates Code 457 on the juveniles driving history record, then the juvenile should be charged with driving on a suspended license and transported to Juvenile Court.

If the check reveals Code 458 on the juvenile's record, this indicates that Juvenile Court has issued a restricted license to the juvenile pursuant to Code 458, the juvenile driver should have an order from Juvenile Court for restricted driving privileges. If the driver is within these restrictions, then no charge should be placed. However, if the driver is violating the restrictions set out in the order, then the juvenile should be charged with "Violation Driving With Restricted License" and transported to Juvenile Court.

To determine whether a juvenile driver has a Code 457 or Code 458 on his driving record, officers should request a "driving history" check through Communications (Station B).

E. Temporary Driving Permit T.C.A. 55-50-311 When a Tennessee Highway Patrolman or any other agency issues a temporary driving permit to a motorist pursuant to the issuance of a

traffic citation, the temporary driving permit shall state on its face the period of the validity.

F. Taxi Drivers: Pursuant to Chapter 39, Article III, Section 39-90, a taxi driver permit shall expire on the driver's birthday each year. Expired permits shall be considered. Taxi drivers should be spot-checked to ensure their compliance with this ordinance. All drivers not possessing a permit with a valid expiration date are in violation and should be issued an Ordinance Summons.

G. Violation of Restricted License: When an individual is driving with a restricted license that limits him to driving to and from work and he is, in fact, not driving to and from work. The officer should charge the individual with driving under a revoked or suspended license in violation of TCA 55-50-504.

H. Locomotive Engineer's Operators Permit: There have been local instances of railroad locomotive engineers being arrested for operation of locomotives where the engineer did not produce a Tennessee vehicle chauffeur or operator's license.

TCA 55-10-116 provides that whenever an engineer of a railroad locomotive is required to show proof of his identity in connection with the operation of a locomotive, "such engineer shall not be required to display his operator's or chauffeur's license, but shall display his engineer's operator permit instead". A vehicle crash involving a train, the vehicle crash report should list the engineer's operator permit number, not driver's license number. Any engineer failing to produce his engineer's operator permit when properly requested to do so is subject to arrest for violation of TCA 65-12-115.

I. Wrecker Operators' Licensing Requirements: The following procedure should be followed in charging a person with operating a wrecker without a chauffeur's license.

The policy of this department with respect to the aforementioned charge is as follows:

Any person, employed by a wrecker service, whose principal duty is to operate the wrecker for the purpose of towing vehicles, is required to obtain a chauffeur's license. Any person, employed by a wrecker service, whose duties might include operating a wrecker but also include, to a significant extent, other responsibilities is not required to obtain a chauffeur's license.

This is consistent with state law, Tennessee Code Annotated, and the policy of the Tennessee Highway Patrol, and the City's wrecker services have been so informed.

Unless an officer is reasonably certain that a wrecker operator's principal duty is driving the wrecker, no action at all is to be taken.

However, if an officer is aware of facts that would lead him to believe that certain wrecker operators were in violation of state law and departmental policy, this information should be turned over to the department's Wrecker Coordinator for investigation. If, after investigation, the Wrecker Coordinator concurs in the opinion that violations have occurred, then appropriate charges may be placed at that time.

XII. Registration Requirements:

State law authorizes the issuance of only one registration plate per vehicle, which is to be attached to the rear of the vehicle. The State currently utilizes yearly stickers to show the month and year that the state registration expires.

A. Lost or Stolen Plates:

1. Stolen Registration License Plate/Tags: If a citizen reports their license plates stolen, the responding officer will complete a Theft of Motor Vehicle Parts/Accessories offense report. Officers of this Department, who stop a vehicle and after a QV and determines that the license plate is stolen, he/she should remove the license plate, submit a memo to the Vehicle Theft Squad, and tag it in the property room. The person driving the vehicle should be issued a ticket for Violation of State Registration if, in fact, the vehicle itself is not stolen.
2. Found Registration License Plates/Tags: Found license plates/tags reported to an officer are to be turned in to the precinct equipment person who will take the plates/tags to the Shelby County Court Clerk's Office.
3. Lost Registration License Plates/Tags: Any citizen who has lost their license plates/tags will report the lost plates/tags directly to the Shelby County Court Clerk's Office where the proper information will be obtained, and a replacement license plate/tag will be issued.
4. Partial Tag or Decal: If only the decal has been removed or part of the metal tag holding the decal has been torn/clipped off, the citizen should take the remaining partial tag to the County Court Clerk's Office.

B. Arrests/Tickets Based on Information that License Plates are Stolen:

Several states reissue the same numbers as the numbers reported on a stolen license plate, with a different expiration date on the tag. The State of Tennessee reissues PG and NG plates with the same numbers but with a different expiration date.

Officers of this Department, who stop a vehicle and after a QV, determines that the license plate is stolen, should remove the license plate and tag it in the property room. The person driving the vehicle should be issued a ticket for Violation of State Registration if, in fact, the vehicle itself is not stolen.

Arrests should only be made in those situations where the license plate, which is reported stolen, is on a vehicle, which is also reported, stolen.

Auto theft investigators do not attempt to locate the owner of a stolen, lost or raised auto license plate. Memos in this regard should not be sent to Vehicle Theft Squad.

C. Dealer/Special License Plates: TCA 55-4-221(a) states: A manufacturer or dealer owning any vehicle...may, either in person or through his duly authorized agent or employee,

operate...such vehicle, upon condition that any such vehicle display thereon...a special plate (dealer plates).

The dealer may also authorize the operation of a vehicle bearing dealer plates by a customer for temporary purposes not exceeding twenty-four (24) hours.

Therefore, the following people may operate vehicles bearing dealer plates: dealers, their families, their employees, and customers. Customers are limited to twenty-four (24) hours use while the others may operate on dealer plates as long as the dealer plates are current.

Improper registration charges should not be placed against any of the individuals permitted to drive on dealer plates unless the plates have expired.

Dealer plates are not to be confused with drive-out tags (temporary paper tags) which are valid only for the time stated thereon: All Tennessee special license plates (Emergency, Judiciary, Dealer, Sheriff, Rescue Squad, National Guard, etc.) are stamped with the year of issue and expire March 31 of the following year.

D. Identification/License of Commercial Trucking Vehicles: City Ordnance 21-347 required that all local commercial trucking vehicles shall have identification by displaying on two parallel horizontal lines, on the right and left front-most doors of the truck, at least three (3) inches high, the name of the owner, firm, or lessee on the first line and the street address immediately below on the second line. Elsewhere on the doors must be an individual vehicle identification number no less than six (6) inches in height, displayed conspicuously.

Any local commercial truck not in compliance with this ordinance shall be cited for violation of City Code Section 21-347, Ownership Identification, and should be handled in a manner consistent with the handling of any other non-moving traffic violation.

All Tennessee commercial license plates (i.e. P00-0000, Apportioned) are stamped with the year of issue and expire February 28, with a grace period ending April 15, of the following year. These plates are black lettered on straw-colored background.

E. Government Vehicles:

Federal Government vehicles are exempt under existing law from having to have Tennessee license plates. Furthermore, governmental vehicles are exempt under City law from having to comply with the inspection ordinance and the city sticker ordinance.

Therefore, an officer shall not issue a citation for violation of registration and/or inspection to any vehicle where it appears the vehicle belongs to a governmental agency and, specifically, an agency of the federal government.

F. Electric Turn Signal Lights - Exceptions:

Every passenger vehicle and truck shall be equipped with electric turn signal lights except that passenger cars and trucks less than eighty (80) inches in width, manufactured or assembled prior to 1955, and motorcycles and motor-driven cycles, need not be equipped with electric turn signal lights. The lights showing to the front shall be mounted on the same

level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber. The light showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lights on vehicles eighty (80) inches wide shall be visible at a distance of not less than three hundred (300) feet in normal sunlight. Turn signal lights may, but not need be, incorporated in other lights on the vehicle.

G. The following courses of action are to be taken if an officer finds a superimposed Month/ Year tag on a state registration:

1. Vehicle is on street:
   a. Owner/driver same: Arrest and issue misdemeanor citation for TCA 55-4-129 "Unlawful removal of registration decal or plate". Tag the license plate as evidence in the property room. Direct the driver to remove the vehicle from city streets within a reasonable amount of time. Advise the owner/driver to properly register the vehicle. T.C.A 55-4-101 "Violation of vehicle registration law."
   b. Non-owner is driver: Issue traffic citation for Violation of Registration, Sec. 11-60-5. Tag the license plate as evidence in the property room. Direct the driver to remove the vehicle from city streets within a reasonable amount of time. Note: A notation should be made in the margin of the traffic citation that said sticker was stolen.
   c. Unoccupied: If vehicle is parked, unoccupied, on a city street, the officer should remove the license and tag same as evidence in the property room. Place a seizure notice on the vehicle advising the owners of the disposition of the tag. (Notice obtained in central supply.)

   NOTE: In the event that the owner appears at the Property Room to reclaim the above mentioned license plate, a traffic citation will be issued for Violation of Registration.

2. Vehicle is at Vehicle Storage:

   Initially, the plate should be tagged as evidence at vehicle storage. Issue a traffic citation for Violation of Registration, Sec. 11-60-5 to the owner when the owner arrives to pick up the vehicle. Upon the issuance of said traffic citation, the plate should be tagged at the MPD Property Room, within that tour of duty, for evidentiary purposes.

   NOTE: A notation should be made in the margin of the traffic citation that said sticker was stolen.

3. If any person is caught in the commission of stealing the Month/Year tag on a state license plate, then the responsible person would be charged with Theft of Property valued under $500.00.

4. Whenever a license plate with a stolen sticker affixed is tagged at the Property Room, it is imperative that the officer provide the Property Room personnel with the exact location of the vehicle at the time the plate was seized (i.e. on the street at a certain address).

XIII. Miscellaneous Traffic Laws:

A. Fire Lanes: To be in violation of City Code Section 9-44-1 Obstructing Fire Access Areas and Fire Hydrants, the area marked as a fire lane must be a public street or alley or an off-street driveway or alleyway officially designated as a fire lane and adjacent to either:

1. A public or private hospital; or
2. Any public building; or
3. A private building whose owner has consented to the designation of fire access areas.

Any person violating Section 9-44-1may have their car impounded by the Fire Marshal. (See Chapter VIII, page 29). Section 9-44-1 should only be enforced (citations written and/or cars towed) for private property violations at any of the locations on the list, which are marked with official signs. Enforcement of Section 9-44-1 on any public property marked as a fire lane is not affected.

B. Motorized Bicycle (Moped) Law: A vehicle with (2) or (3) wheels, an automatic transmission, and a motor with a cylinder capacity of (50) cubic centimeters which produces no more than (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than 30 miles per hour on level ground. The operator of a motorized bicycle must be in possession of a valid operator's or chauffeur's license and shall be subject to all applicable and practical rules of the road. A motorized bicycle may not be operated on a highway of the interstate and defense highway system, any similar limited access multi-lane divided highway, or upon sidewalks. The motorized bicycle (moped) is not required to be registered or to display a license tag.

Crash bars are not required; however, helmets are required for both the operator and passengers as with motorcycles. The titling and registering of motorized bicycles (mopeds) is permissive at the option of the owner. Therefore, license tags are not required on these vehicles and no citations should be issued. Any person desiring to title and register a motorized bicycle (moped) may do so by following the normal procedures that apply to any other motor vehicle.

C. Motorcycles: Section 12-84-13 of the City Code prohibits the operation of vehicles in City parks except on the designated roadways. The only exception to this is the operation of a golf cart or other vehicle authorized by the Park Commission on the park property.

Officers observing the illegal operation of a motorcycle or any other vehicle in the park area shall cite the operator of the vehicle for a violation of Section 12-84-13 of the Memphis City Code.

D. Red Traffic Signals and Right Turns on Red:

TCA 55-8-110(3)(A) permits right turns on red after stopping and yielding the right-of-way. This law authorizes local governments to erect signs prohibiting right turns on red where appropriate.

The City Ordinances have been amended to conform to the state law and city charges may be placed when violations occur.

1. Section 11-12-6 (A) (3) regulates the actions of drivers and pedestrians facing a red alone (steady circular red) signal as follows:
   a. 11-12-6 (A)(3)(a) Vehicular traffic shall stop at a clearly marked stop line, but if none, then before entering the crosswalk on the near side of the intersection.
   b. 11-12-6 (A)(3)(a) Vehicular traffic, after stopping, may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceedings as directed by the signal at the intersection. Vehicular traffic shall not make a right turn where a sign is erected prohibiting such turns.
   c. 11-12-6 (A)(3)(b) Unless otherwise directed by a pedestrian control signal (Walk/Don't Walk), pedestrians facing the red alone (steady circular red) signal shall not enter the roadway.
2. The City charge of "Disregarded Red Light" should be placed against drivers who:
   a. Run a red light;
   b. Turn right without first stopping; or
   c. Turn right at a red light where it is prohibited by an official sign.

   The appropriate section number will be used.
3. Drivers who make an otherwise legal right turn on red, but fail to yield the right-of-way should be charged with "Failed to Yield Right-of-Way", Section 11-12-6 (A)(3)(a).
4. Pedestrians who illegally enter the roadway against a red signal should be charged with "Disregarded Red Light", Section 11-12-6 (A)(3)(b).

E. Passing School Bus:

Under TCA 55-10-308, enforcement for Section 55-8-151 is the primary responsibility of the Memphis Police Department inasmuch as this act applies to territory within the limits of the City. Therefore, the Memphis Police Department has the authority to enforce Section 55-8-151 and the comparable City Code Section 11-16-13.
The operator of a motor vehicle upon meeting or overtaking from either direction a school bus which is stopped on the highway for the purpose of receiving or discharging school children is required to stop his vehicle before reaching the bus and not proceed until the bus resumes motion, or is signaled by the driver to proceed, or the visual signals are no longer activated.

Drivers are not required to stop on streets with separate roadways when meeting or passing a school bus which is on a different roadway or when upon a controlled access street and the school bus is stopped in a loading zone which is part of the street and where pedestrians are not permitted to cross the street. Separate roadways mean roadways divided by an intervening space, which is not suitable to vehicular traffic. (For example: Parkway or Central, west of Cooper).

A violation of Section 55-8-151 is a misdemeanor punishable by a fine not to exceed Fifty Dollars ($50.00) or by imprisonment for not greater than ninety (90) days or by both.

Violators of this statute may be given a ticket citing them with violation of City Code 11-16-13 When an operator refuses to sign the summons and it is necessary to arrest the operator, then the operator should be placed on the state misdemeanor docket, TCA 55-8-151, and shall be processed, as are other State arrests.

Example 1: A school bus stops at a school zone and is in the process of discharging students and does not have its warning signals turned on at the time. Under Section 11-16-13, the operator of a motor vehicle may proceed without being required to stop.

Example 2: If stop sign is exhibited, then operator is required to stop.

Generally, the operator of the bus will have the visual signals activated when it is necessary to safeguard the children either in boarding or in discharging from the school bus. For the purposes of enforcement, you may presume that where the signals are not activated that the operator of the bus does not intend for other vehicles to stop just because the bus is parked at a location.

There is also a state misdemeanor charge, TCA 55-8-151, which can be used when arrest is necessary and there are other state charges that the officer is going to place against the driver.

F. Striking Unattended Vehicle Charge: TCA 55-10-104 has mistakenly been used by some officers as a basic state traffic charge for striking a parked vehicle. There is no state charge for striking an unattended vehicle or fixed object. This section, TCA 55-10-104, pertains to leaving the scene, after striking an unattended vehicle.

The alternative is to use the city charge, 11-16-45, striking a parked vehicle or fixed object, or the appropriate state charge for the violation committed that caused the driver to strike the unattended or parked vehicle (i.e., TCA 55-8-142, changing direction of travel in safety; TCA 55-10-205, reckless driving, etc.).

G. Vehicle Passenger Seat Belt: TCA 55-9-602 states that all persons operating a motor vehicle are required to have a transported child under the age of four in an approved restraint system. The driver and all passengers over sixteen shall be cited for failure to wear safety belts. The driver shall be cited for those passengers failing to wear seat belts who are between the ages of four through sixteen. Those who are not required to wear seat belts are:

1. Those who are physically disabled and whose condition is certified in writing by a physician as being inappropriate for the use of safety belts.
2. Rural letter carriers performing their duties.
3. Mechanics and salespersons performing their duties for an automobile dealer provided the dealership customarily test drives 50 or more vehicles per day and the test drivers are within one mile of the location of the dealership.
4. Utility workers, water, gas, and electric meter readers during the performance of their duties.
5. Newspaper delivery service from the time of the first delivery to the time of the last delivery.
6. The City Ordinance 11-36-2 “Use of safety belts in passenger vehicles” is a primary ordinance and does not require another violation present in order to enforce the

ordinance.

XIV. Conflict of Charges: (State Charge of Reckless Driving with Moving City Traffic Violations):

Because the theory of double jeopardy precludes a double prosecution for lesser included offenses or lesser charges arising out of the arrest situation, officers should cease issuing traffic citations when they place a state charge of Reckless Driving, as this charge encompasses the lesser traffic charges. The consequence has been that defense attorneys will plead their clients out on the city charges, which will bar subsequent prosecution on the state charge of Reckless Driving.

If there are no comparable state charges for the city charges, the city charge should be disregarded and incorporated in the narrative as a part of the officer's probable cause. If there are additional state traffic charges, they can be included in the arrest ticket along with DUI and Reckless Driving.

XV. Traffic Violations:

The following information is a guide for officers for issuance of a ticket or making an arrest in traffic cases, assignment of court dates, and appearance for traffic violations.

A. Vehicle crashes involving authorized emergency vehicles will normally be investigated by S.T.I.S., and in some cases court appearances may be necessary for the parties involved and the investigating officer.

B. The twenty-four (24) hour time system "military time" will be used by this department in all reports, letters, and correspondence with the **exception of traffic tickets**.

C. All long tickets issued by officers will include a court date at the bottom of the ticket, with the date being set on the officers assigned summons day, as set forth in Chapter IV, of the Policy and Procedure Manual. Court dates will be issued at the beginning of each year and will not be changed even if the officer changes work stations. However, if an officer changes duty hours their court appearance time may change. Officers will never set more than one court date a month. (EXCEPTIONS: DUI, Motors and PST's.)

D. "Residents" will include all persons living or employed in Shelby County Tennessee.

E. Aggravated includes situations wherein excessive speeding and/or drinking is involved.

F. Officer Actions in Traffic Situations:

1. **Vehicle crash involving serious bodily injury or fatality and person has a valid D.L. *AND* proof of insurance:**

Officers Action

Resident
Assign a court date - MANDATORY
Court appearance required on regular summons day
Non-Resident
Assign a court date - MANDATORY
Officers may issue a citation if, in his judgement, the person will appear in court. If so, the violator will be treated as a resident. However, if a physical arrest is necessary, officers must obtain a Lieutenant's approval.

2. **Vehicle crash involving serious bodily injury or fatality and person does NOT have a valid D.L. and proof of insurance**

Officers Action
Resident
Make an Arrest
Non-Resident
Make an Arrest

3. **Vehicle crash with personal injury, which requires the injured party to be transported from the scene for immediate medical attention:**

Officers Action
Resident
Assign a court date
Mandatory court appearance required of violator
Court appearance required on regular summons day
Non-Resident
Assign a court date
Officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if a physical arrest is necessary, officers must obtain a Lieutenant's approval.

4. **Leaving the scene, TCA 55-10-102, or failure to report the accident, State charge TCA 55-10-106:**

Officers Action
Resident
Issue a citation for Failure to Report 21-246
Court appearance required after receiving a court notice
Non-Resident
Make an Arrest

5. **DUI (Alcohol/Drugs), TCA 55-10-401:**

Officers Action
Resident
Make an Arrest

Non-Resident
Make an Arrest

6. **Traffic Charge without serious personal injury or property damage & No Driver's License, or State Registration violation:**

Officers Action
Resident
Assign a court date
Mandatory court appearance required of violator
Court appearance required on regular summons day
Non-Resident
Assign a court date
Officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if a physical arrest is necessary, officers must obtain a Lieutenant's approval.

7. **Driving on a revoked license, TCA 55-50-504:**

Officers Action
Resident
Make an Arrest
In some cases, a misdemeanor citation may be issued in lieu of transport under the guidelines set forth in the Policy and Procedure Manual.
Non-Resident
Make an Arrest

8. **Driving on a revoked license, plus a moving violation, witnessed by the officer, or as a result of an accident:**

Officers Action
Resident
Make an Arrest
In some cases, a misdemeanor citation may be issued in lieu of transport under the guidelines set forth in the Policy and Procedure Manual.
Non-Resident
Make an Arrest

9. **Reckless Driving, State Charge only, TCA 55-10-205:**

Officers Action
Resident
Make an Arrest
In some cases, a misdemeanor citation may be issued in lieu of transport under the guidelines set forth in the Policy and Procedure Manual.
Non-Resident

Make an Arrest

10. **Speeding in School Zone:**

Officers Action

Resident

Assign a court date

Mandatory court appearance required of violator

Non-Resident

Assign a court date

Officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain a Lieutenant's approval.

12. **Speeding 26 MPH over the speed limit:**

Officers Action

Resident

Assign a court date

Mandatory court appearance required of violator

Non-Resident

Assign a court date

Officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain a Lieutenant's approval.

13. **State Registration violation (city charge only, 21-269) or No Driver's License (City only 21-86):**

Officers Action

Resident

Assign a court date

Mandatory court appearance required of violator

Non-Resident

Assign a court date

Non-Residents: Officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain a Lieutenant's approval.

14. **State Registration violation or No Driver's License with a moving violation witnessed by the officer.**

Officers Action

Resident
Assign a court date
Mandatory court appearance required of violator
Non-Resident
Assign a court date
Non-Residents: Officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain a Lieutenant's approval.

15. **Passing a stopped school bus:**

Officers Action
Resident
Assign a court date
Mandatory court appearance required of violator
Non-Resident
Assign a court date
Non-Residents: Officers may issue a citation if, in his judgement, the person will appear in court, if so, the violator will be treated as a resident. However, if an arrest is necessary, officers must obtain a Lieutenant's approval.

16. **Drag Racing (State charge only, TCA 55-10-501)**

Officers Action
Resident
Make an Arrest
In some cases, a misdemeanor citation may be issued in lieu of transport under the guidelines set forth in the Policy and Procedure Manual.
Non-Resident
Make an Arrest

17. **Other moving traffic violations:**

Officers Action
Resident
Assign a court date
Non-Resident
Assign a court date
Non-Residents: The officer maintains discretion to make an arrest when the identity of the violator is in question, or the violator refuses to sign the ticket,

or the violator poses a threat to the safety of the community. However, officers must obtain a Lieutenant's approval before making an arrest.

18. **Other non-moving traffic violations:**

Officers Action

Resident

Assign a court date

Non-Resident

Assign a court date

Non-Residents: The officer maintains discretion to make an arrest when the identity of the violator is in question, or the violator refuses to sign the ticket, or the violator poses a threat to the safety of the community. However, officers must obtain a Lieutenant's approval before making an arrest.

Parking

Handicapped Parking 2
Parking Around Police Headquarters and Justice Center 2
Parking Meter Enforcement 2
Parking on the Mall 2

I. PARKING METER ENFORCEMENT

City Ordinance 11-44-4 provides for enforcement of parking meters from 8 am to 6 pm, Monday through Friday. Saturday and Sunday and certain holidays - Christmas Day, New Years Day, July Fourth, and Thanksgiving Day - are excluded from enforcement unless the meter specifies "24 hours per day each day of the week, holidays included".

Vehicles displaying a distinguishing handicapped placard or license plate, or disabled veterans license plate, issued by Tennessee or any other state, are exempt from paying a fee to park at parking meters or public-owned parking facilities.

II. PARKING AROUND POLICE HEADQUARTERS AND JUSTICE CENTER

No police vehicle, marked or unmarked, will be allowed to park in a fire lane or block a fire plug.

Police vehicles are not to park on the sidewalk or block alleys.

Police vehicles parked and unattended in the Criminal Justice Complex garage shall be locked to reduce the possibility of vandalism or theft of police property from the vehicles.

III. PARKING ON THE MALL

Parking on the Mall is only permissible after a permit is issued by the Mid-America Mall Office. Exceptions to this policy for parking on the Mall are those for loading and unloading as posted. THIS WILL BE STRICTLY ENFORCED WITH NO TOLERANCE OR ANY EXCEPTIONS.

IV. HANDICAPPED PARKING

City Code Section 11-40-15 prohibits persons from parking a vehicle in a parking space clearly designated as being reserved for the physically handicapped, unless the person driving the vehicle is physically handicapped or parking such vehicle for the benefit of a physically handicapped passenger. This ordinance is enforceable on public and private property where a business, firm, or other person transacting business with the public from a permanent location has provided specially marked parking spaces for the exclusive use of handicapped drivers or passengers.

A vehicle parked in such place shall display a distinguishing placard, license plate, disabled veterans' license plate or distress flag or card. The placard, issued by the State Department of Revenue, may be used in lieu of the distinguishing license plate when displayed on the dashboard of a vehicle on the driver's side.

When officers observe a violation of this ordinance, either on public or private property, they should issue a traffic citation (short ticket).

Crashes Involving Police Vehicles

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Vehicle Crash Review Board 3

I. CRASH SCENE PROCEDURES:

All crashes involving police vehicles will be investigated by a Traffic Investigation Bureau unit. A Commanding Officer of the unit involved in the vehicle crash, along with a supervisor from the precinct in which the vehicle crash occurs will also make the scene if possible.

An S.T.I.S. Sergeant will make the scene of these crashes, and in consultation with his or her Traffic Supervisor, will determine the necessity of a citation. This decision will be based on fundamental standards routinely used in daily traffic investigation procedures, and citations will be issued as they would be if private vehicles were involved.

If a Commanding Officer is involved in a vehicle crash, a Commanding Officer at the next higher rank will be dispatched to make the decision of placing charges. In the event there is no Commanding Officer of higher rank available, the Duty Chief will make the scene.

All traffic crashes involving Police Department vehicles where there is damage or injuries will be photographed. The "Special Traffic Investigation Squad" investigator taking the photographs of the crash scene will forward the negatives to the Memphis Police Department's "Photo Lab". The scene photographs will be developed when requested to do so by a Traffic supervisor or a Traffic investigator.

Whenever an officer or vehicle of another law enforcement agency is involved in a reportable motor vehicle crash within the City of Memphis, the Memphis Police Department will have primary responsibility for investigating this crash. This primary responsibility is based on Tennessee Motor Vehicle Laws, Section 55-10-308 T.C.A. and on City of Memphis Code of Ordinances, Sections 21-2, 21-3, and 21-5.

II. POLICY

A. It is the policy of the Department to **curtail the causes** of crashes involving officers (employees).

B. The responsibilities of the Vehicle Crash Review Board are:

1. To review the investigation of each traffic crash involving a Department vehicle, each motor vehicle pursuit, and each on-duty crash related injury of a Department member;
2. To evaluate safety suggestions presented by Department members;
3. To recommend changes in policy, procedure, or equipment in order to provide a safer working environment.

III. VEHICLE CRASH REVIEW BOARD

A. The Vehicle Crash Review Board will be appointed by the Director of Police Services and will consist of the following:

1. Colonel
2. Traffic Division Executive Commander
3. Commander of the Training Academy or their Executive Officer
4. District 1 Patrol Officer
5. District 2 Patrol Officer
6. Two non-commissioned members selected from the community.

B. The Colonel will act, as chairperson of the Board; the Traffic Division Executive Commander will be the vice-chairperson, and will act as the keeper of the records. The Traffic Division Secretary will act as the recorder and all notes and other documents will be kept in the Traffic Division office.

C. All members will serve for a term of one year with the exception of the Traffic Division Executive Commander, the Training Academy Commander and the Training Academy Executive officer who will serve as long as they hold their respective positions.

D. Board meetings will be conducted once a month with a quorum of the membership present. A quorum will consist of the chairperson or vice-chairperson and three other members.

IV. PROCEDURE

A. The Vehicle Crash Review Board will review the investigation of all traffic crashes involving Department vehicles, and will determine if the Department member exercised reasonable care in the operation of the Department vehicle, or if the member deviated in any, from safe driving practices.

B. A member will be determined not to be at fault if:

1. The member was aware of impending hazard, alert to its consequences and skillful in minimizing the effect of the occurrence;
2. The member exercised required skill and good judgement;
3. The member was legally stopped, standing, or parked;
4. The member was operating during conditions when the occurrence could be excused; or,
5. There is insufficient evidence to make a determination.

C. A member will be determined to be at fault if:

1. The member failed to exercise due care;
2. The member was careless or used poor judgement;
3. The member deviated from general safety practices; or
4. The member violated traffic laws.

D. The Vehicle Crash Review Board will review all on-duty injuries of Department members to determine:

1. If the injury could have been prevented by action on the part of the Department member;

or,

2. If the injury was caused by faulty policy, procedure, equipment, or method of operations of the Department.

E. The Vehicle Crash Review Board will review all motor vehicle pursuits to determine if the member(s) involved complied with applicable Department policy, procedure, and rules. The review will consider the actions of the police officer initiating the pursuit, the pursuit supervisor, and Communications Center personnel.

F. The Vehicle Crash Review Board will review and evaluate safety suggestions made by Department members.

G. If the matter under review involves a member of the Board, that member will not participate in the Board's determination and/or recommendation.

H. Disposition and Reports

1. The Vehicle Crash Review Board will review all reports and, in those cases they deem necessary, summon those Department members before the Board.
2. The Board may return a vehicle crash or on-duty injury report to the proper supervisor for further investigation.
3. When the Board has reason to believe that changes in policy, procedure, training, or other operations is necessary, they will make such recommendations to the Director of Police Services.
4. If a motor vehicle crash is judged the fault of the Department member, the Board will make a recommendation for corrective action towards the at-fault member. The range of recommendations may include, but is not limited to, discipline and remedial training.
5. A vehicle crash review form will be completed for each at-fault accident.
6. When a majority of the Board reaches agreement on a recommendation, the Board Secretary will prepare a written report of the findings to the Deputy Director of Police Services.

I. If the Board determines that a violation of Department policy, rules, or regulations was committed by a member, they will recommend appropriate corrective action.

V. DISCIPLINE

A. The traffic crash disciplinary point system will ensure that the review of recommended corrective and/or disciplinary action is consistent and fundamentally fair. The recommended corrective and/or disciplinary action will be based on the evaluation of points from the Vehicle Crash Review Form assessed to the following indicators:

- Personal injury (citizen/employee)
- Property Damage
- Damage to at-fault and/or not-at-fault vehicle(s) involved
- Prior departmental driving record

- Automatic point accumulation for designated at-fault categories

B. The total cumulative points will determine the disciplinary range assignment for the category violations. Each category considers first-time occurrences, same or similar infractions and combinations of past occurrences. The range of discipline may increase with the seriousness of the infractions. Remedial training will be mandatory for each category violation.

C. Definitions

1. Property Damage
   a. **Minor**-Nicks, scratched, or surface damage.
   b. **Moderate**- Dents, cracks, gouges, etc. of less than four hundred dollars of damages.
   c. **Major**- More severe dents, cracks, gouges exceeding four hundred dollars of damages, to include total property loss.
2. Vehicle Damage
   a. **Minor**: Surface damage to the vehicle which may decline the vehicle's value.
   b. **Functional**: Vehicle damage which affects the operation of the vehicle or its parts. The vehicle may not require towing assistance.
   c. **Disabling**: Vehicle damage which prevents the vehicle to be driven away from the scene of the accident or results of driving would cause more damage. The vehicle will require towing assistance.
   d. **Total Loss**: Not reasonably salvageable.
3. Remedial Driving Training: Minimum of eight (8) hours of training to include driving and classroom lecture.
4. Enhanced Remedial Driving Training: Minimum of sixteen (16) hours of training to include driving and classroom lecture. Training may exceed the minimum hours to complete the proper training compatible to a specific violation.

D. Disciplinary Range Category

1. **Category "A" Violation**
   - First occurrence of minor rules violations (0- 3 cumulative point total)
   - Possible or no injuries, minor/superficial or no property or vehicle damage.
   - A 3rd Category "A" violation within a one (1) year period will be reviewed under Category "B".
   - Discipline Options:
     - Written Reprimand
     - Remedial Driving Training
2. **Category "B" Violation**
   - 4-8 cumulative point total
   - Non-Incapacitating Injuries, Minor/Superficial Property Damage or Functional Vehicle Damage or
   - Enhanced violation from Category "A".

- A 2nd Category "B" violation within a one (1) year period will be reviewed under Category "C".
- Discipline Options:
  - Mandatory Remedial Driving Training
  - One (1) to Five (5) days suspension; with no pay

3. **Category "C" Violation**
   - 9- 12 cumulative point total
   - Disabling/Incapacitating Injuries, Moderate Property Damage or Disabling Vehicle Damage or
   - Enhanced violation from Category "B".
   - Same or similar Category "C" violation within a one (1) year period from the last Category "C" will be reviewed under Category "D".
   - Discipline Options:
     - Mandatory Remedial Driving Training
     - Three (3) to five (5) days suspension; with no pay

4. **Category "D" Violation**
   - 13 or greater cumulative point total
   - Life Threatening Injuries, Major Vehicle and Property Damage or
   - Enhanced violation from Category "C".
   - Same or similar Category "D" violation within a one (1) year period from the last Category "D" will be reviewed under Category "E".
   - Discipline Options:
     - Enhanced Remedial Driving Training
     - Five (5) to Fifteen (15) days suspension; with no pay

5. **Category "E" Violation**
   - Permanent Life Altering Injury or
   - Fatal Injury or
   - Catastrophic Property Damage or
   - Total Vehicle Loss
   - Enhanced violation from Category "D".
   - Discipline Options:
     - Enhanced Remedial Driving Training
     - Thirty (30) or greater days suspension; with no pay
     - Demotion
     - Termination

Vehicle crashes involving off-duty Law Enforcement Officers:

A Supervisor or Commanding Officer from the Precinct where a vehicle crash occurs will make the scene if it involves an off-duty law enforcement officer. This includes: Police and Reserve Officers, or any other Officers from outside agencies. The Supervisor/ Commanding Officer will submit a memo to the involved employee's supervisor, advising information and action taken.

It will be the responsibility of the Supervisor/ Commanding Officer to make the scene, determine the facts, and advise if any charges are to be made.

Tow-In Policy

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I. General:

A. Disabled vehicles are either damaged or in such mechanical condition that they cannot safely be driven from the scene of a crash.

B. Officers should advise the dispatcher if wreckers are required for a "private pull" or a "city pull" along with any pertinent information concerning the tow. The current contracts lists are maintained by MPD Communications.

C. Officers should notify the dispatcher if wreckers are needed; the notification is to include the following information:

1. Year
2. Make
3. Model
4. License Plate Number
5. Special Requests
6. The location to which the vehicle will be towed.
   - When the vehicle is to be towed to a wrecker company's lot, the officers will notify the dispatcher by requesting a "private pull."
   - When a vehicle is to be towed to the MPD Impound Lot, the officers will request a "pull to the lot."

D. Officers must visually examine all reasonably accessible areas of vehicles that are going to be towed to identify injured persons or crime victims.

II. Vehicles Disabled in Crashes:

Vehicles damaged in a crash to the extent that they cannot be safely driven are to be removed from the scene of the crash by a **licensed** wrecker. These vehicles are to be towed to the wrecker company's storage facility **if the vehicle is not needed as evidence as defined later in this section.**

Wrecker drivers must possess a valid Tennessee driver's license with the appropriate license class for the wrecker/tow truck vehicle being used. **Officers will perform a driver's license check on all wrecker drivers called to perform tows within the City of Memphis.** City of Memphis permitted wrecker drivers should also have a City of Memphis issued wrecker photo identification card indicating the company that they work for. It is a violation of city ordinance 41-26F to operate a wrecker licensed in the City of Memphis without the proper wrecker driver ID.

In addition to the Wrecker ID Card, wrecker drivers are required to possess a "Rate Card" and have their Wrecker Company Decal displayed in the front and rear window of the wrecker. A wrecker/tow company will not be permitted to make a tow from any call where the Memphis Police Department is on the scene unless they have satisfied the requirements for licensed operations.

When the driver or owner of a disabled vehicle needs a tow from the scene of a crash, a licensed

wrecker will be called by the police dispatcher from the wrecker list **unless the owner/operator has a preference**. Upon the owner/operator's request for a preferred wrecker, the officer shall notify the dispatcher of such request, and a notation will be made on the Towed/Recovered Vehicle Report in the Inventory/Comments/ Notes Section– "Owner/Operator Preferred Tow". All requests for towing services shall be directed through MPD Communications. This may include wrecker companies not on the Memphis Police Department Emergency Wrecker Rotation list, and not in the city limits; however, a timely response of 30 minutes by the wrecker is still required. If the preferred wrecker cannot make the scene within 30 minutes, the wrecker may be disregarded and dispatch will call for a wrecker from the City of Memphis approved wrecker list. No member of the Memphis Police Department shall promote or solicit any wrecker service to the affected parties.

Note: In case of a conflict, officers will not take third party tow instructions from company representatives not involved in the accident scene. Printed tow information provided by the driver is acceptable. The final decision for a tow lies with the department. An officer must articulate his or her decision when there is a conflict on the scene in the narrative of the related report or memo.

Exceptions to the "owner/operator preferred tow" include the following:

- A distance too great for the service to respond to in a timely manner.
- Inclement weather factors,
- The need for specialized services, and
- Any other emergency situation where the officer determines that it is necessary to send the closest available wrecker.

In the event that the owner or operator of a wrecked vehicle is not available to designate the place to which the wrecked vehicle is to be taken (Example: The occupants of the wrecked vehicle have been transported to a hospital or the occupant is unconscious), the officer will request a wrecker through dispatch, and the vehicle will be towed to the wrecker company's lot if it is not needed for further investigation.

Officers will notify the owner/operator of a vehicle which is disabled on the expressway and cannot be removed by other means, that the officer will contact the police dispatcher and have a wrecker dispatched from the rotation list if the owner/operator does not have a preferred licensed wrecker.

If the dispatched wrecker does not arrive on the scene within 30 minutes after being given the call by the police dispatcher, the call will be canceled and the next wrecker on the rotation list will be called. However, if a wrecker cannot get to the scene because of traffic or other circumstances, the police dispatcher will request that an officer escort the wrecker to the scene.

III. Arrest and Search Situations:

A. Vehicle towed for Evidentiary Purposes:

When there is probable cause to believe that a vehicle is needed for evidentiary purposes (vehicle is evidence or contains evidence of a crime), the vehicle should be towed to the CSI Office, located at the MPD Impound Lot.

This includes situations when the car is needed for identification purposes (i.e., getaway car) or

is needed for processing. As long as an officer has probable cause to believe that the vehicle was used in the commission of a crime or contains evidence or contraband, the vehicle may be legally searched. There are certain restrictions applicable to searching items in the trunk, such as suitcases, etc. These searches will be completed by a crime scene officer and the case investigator. Officers and tow truck operators must touch these vehicles as little as possible to avoid compromising or cross-contaminating evidence. In these circumstances, the vehicle inventory by the towing officer should not be completed, and the towing officer must write "NOT INVENTORIED" in the Inventory/Notes/Comments section of the Towed/Recovered Report. However, officers must still visually examine all reasonably accessible areas of the vehicle to locate additional injured persons or crime victims that might be present. If it is necessary to enter the vehicle to conduct the examination, the officer must take care to minimally disturb the interior of the vehicle and document the name of the officer who entered the vehicle on the Towed/Recovered Report in the "Inventory/Notes/Comments" section. Tow truck drivers will not be allowed to enter a vehicle towed for evidentiary purposes.

If an officer tows a vehicle for evidentiary purposes or by request of an investigator, the officer will follow the wrecker to the MPD Impound Lot where the vehicle will be checked in at the office. The vehicle will be escorted to the Crime Scene Investigation Building at the rear of the MPD Impound Lot in order to ensure the integrity of the evidence contained in the vehicle.

Anytime an officer tows a vehicle for evidentiary purposes, the officer will complete the Hold Information section, which is located in the upper left corner of the Towed/Recovered Report. Holds will not be placed by uniform patrol unless instructed by a supervisor at the rank of lieutenant or above. If an offense report is submitted, the information related to the towing of the vehicle is to be contained in it. If no offense report is submitted, a memo will be submitted to the appropriate investigative bureau.

Whenever any vehicle is towed for investigative purposes, (i.e., homicide investigations, auto theft investigations), the requesting officer should request the dispatcher to provide a wrecker and state the reason for the tow (i.e. "Hold for homicide"). After a vehicle has been towed, it will only be held for fifteen (15) days, unless the investigative bureau extends the hold. The investigator is to notify the MPD Impound Lot manager via phone and send a written memo extending the hold.

B. Hit and Run Cases:

If an officer has probable cause to believe that a vehicle may have been involved in a hit and run vehicle crash, then the officer may tow the vehicle to the MPD Impound Lot. If the officer towing the vehicle also created the vehicle crash report, then the tow information should be on the report. If the officer towing the vehicle is not submitting the vehicle crash report, then a memo to the Hit and Run Squad must be submitted. In that instance, the vehicle will only be held at the MPD Impound Lot for fifteen (15) days unless the Hit and Run Squad extends the hold.

C. Release of Arrested Party's Vehicle:

When an officer arrests a person and the person's vehicle is not needed as evidence, the officer must allow the person to leave the vehicle at the scene of arrest if the defendant so desires and it is legally parked. The person may not park a vehicle on private property without the consent of the property owner or management. The vehicle owner may authorize a third party at the scene who is not under arrest to legally park the vehicle. The arrested person will not be allowed to move his or her vehicle once he or she has been arrested. Under no circumstances will an officer drive the vehicle with or without the owner's consent. These options must be explained to the person before the decision to tow is made.

If a vehicle cannot be legally parked, left on private property with permission, or released to a third party, the vehicle should be towed to the MPD Impound Lot. A supervisor must be contacted for approval prior to requesting a wrecker. If the vehicle is left at the scene or is released to a third party, a hold harmless agreement must be signed by the person that was in possession of the vehicle. The signed hold harmless agreement should be filed at the precinct with the officer's other paperwork at the conclusion of the shift.

D. D.U.I. Arrests:

If the person is under arrest for public intoxication or DUI, the vehicle is to be treated the same as (**C**) above. The United States Supreme Court ruled that the police department must allow the person the option to turn the vehicle over to a third party or allow it to remain properly parked. The Court further indicated that the simple fact that a subject is intoxicated enough to be arrested does not automatically mean that the person lacks the capacity to make the decision to park the vehicle. However, there are cases when the person will be so intoxicated that he or she has no idea what he or she is doing or even where he is. The decision to tow the vehicle or to allow the driver to leave it parked is left to the sound discretion of the arresting officer. If the officer determines that the vehicle should be towed, then it should be sent to the MPD Impound Lot.

E. Recovered Stolen Vehicle:

When an officer locates a vehicle that the officer believes to be stolen, the vehicle is to be towed to the MPD Impound Lot after a complete inventory. In cases where an owner locates his or her own stolen vehicle, the vehicle may be released to the owner at the scene as long as the owner has proper ownership papers, and the vehicle does not need to be processed for evidence.

IV. **Towed/Recovered Vehicle Report**:

When a motor vehicle is sent to the MPD Impound Lot for any purpose, the officer completing the Towed/Recovered Report must record the offense report number on the report. If the vehicle was stolen or involved in a crime in another jurisdiction, the vehicle will not have a local offense report number. In this event, the officer should enter the recovery/ foreign report number or memo and NCIC number.

In many cases, neither an offense report number nor an NCIC number is available. In these cases, the officer should enter the best information that he or she has available**.** If the MPD Impound Lot receives a vehicle without the previously listed information, the officer's supervisor

will be notified and the officer will be required to go to the MPD Impound Lot to update the Towed/Recovered Vehicle Report.

When a vehicle is to be towed to the MPD Impound Lot or a private lot, the following distribution of Towed/Recovered Vehicle Report will be followed:

A. Distribution of reports on vehicles sent to the MPD Impound Lot:

The officer will give all three (3) copies (white, yellow, and pink) to the wrecker driver. The wrecker driver will turn in the white and yellow copies to the MPD Impound Lot staff and retain the pink copy for the wrecker company's records.

B. Distribution of Towed/Recovered Vehicle Reports on vehicles sent to a private lot:

1. The white copy is given to driver or owner of vehicle being towed.
2. The pink copy is given to the wrecker driver for the wrecker company's records.
3. The officer will turn the yellow copy in to his or her supervisor with the report. The officer's supervisor will forward the yellow copy to the Wrecker Coordinator's Office for filing.

Regardless of the destination, **the Towed/Recovered Report must include all available and pertinent information.** If a Towed/Recovered Report is submitted with mistakes or corrections, the officer who completed the Towed/Recovered Report will be contacted to complete a new Towed/Recovered Report.

C. Vehicles towed to MPD Impound Lot and held for investigation:

1. If a "HOLD" is placed on a vehicle, indicate on the Towed/Recovered Report the bureau for which the vehicle is being held,
2. Include on the report the offense report or memo number that is related to the vehicle that is being held. If the check with Station B and/or the Report Center indicates no offense report has been submitted, then a memo must be submitted to the investigative bureau for which the vehicle is being held.
3. If the vehicle needs to be processed, the towing officer must complete the entire "Hold Information" section of the Towed/Recovered Report. The MPD Impound Lot personnel will maintain a file on all vehicles sent to the impound lot that are to be held for further investigation or processing.
4. MPD Impound Lot personnel will notify the bureau commander each day and advise them of any vehicle that has been placed on the lot and held for the bureau. The name, date, and time of the notification will be placed on the Towed/Recovered Report along with instruction from the bureau to either continue the hold or release the vehicle.

   It is the responsibility of the investigative bureau to release the hold on the vehicle and to determine what other investigation is necessary, such as processing for fingerprints, blood, evidence, etc. In the event a vehicle is held for further investigation, it can be held for fifteen (15) days. To extend the hold, the investigator is to notify MPD

Impound Lot management via phone and send a memo extending the hold through intradepartmental email. If the departmental email system is not functioning, the extension will be sent through intradepartmental mail.

V. Abandoned Vehicles:

A. Abandoned Motor Vehicle (TCA 55-16-103) includes:

1. Motor vehicles over four (4) years old left unattended on public property for more than ten (10) days;
2. Motor vehicles in obvious state of disrepair (See B below) and left unattended on public property for more than three (3) days;
3. Any motor vehicle that has remained illegally parked on public property for a period of more than forty-eight (48) hours.

B. Obvious state of disrepair means:

- Inoperable under its own power;
- Missing one or more wheels;
- Burned throughout, or
- With more than one broken window.

C. Officers are to look for the conditions listed below when responding to calls related to a suspected stolen motor vehicle. These conditions are commonly associated with stolen vehicles; however, this list is not inclusive nor is any one variable necessarily sufficient to justify the towing of a vehicle suspected of being stolen.

Conditions:

1. Broken steering column casing that is indicative of the technique used to steal vehicles;
2. Broken side window is a typical method of entry into a secured vehicle;
3. Residence of a registered owner versus its location in a known "drop site" area;
4. Stripped is the condition of the vehicle;
5. Miscellaneous indicators such as a "ransacked" vehicle with identification, photos, "punched truck lock", etc.
6. Unfamiliar Vehicles - people in the area not recognizing the vehicle as having been in the area previously.
7. Any motor vehicle found on public streets or thoroughfares, which is dismantled, or appears to have been left unattended on the street without it being possible for the officer to reasonably discover the owner.

** **The decision to tow as a possible stolen vehicle must be made by a field supervisor and will be based upon the conditions listed above.** If the vehicle is not towed as a suspected stolen, an “Intent to Tow Notice” should be placed on the vehicle to be executed after ten (10) days. During the ten (10) day period, a supervisor will be responsible for ensuring that an officer checks the VIN through NCIC daily to facilitate a

speedy recovery in the event the vehicle is reported stolen.

D. Towing of Abandoned Vehicles:

A Federal Court order prohibits the towing of abandoned vehicles without a notice unless the vehicle is obstructing traffic. The below procedure should be followed when towing an abandoned vehicle on a public street:

1. Abandoned Vehicle Call

   Whenever Uniform Patrol or Traffic officers receive an abandoned vehicle call on a public street where the vehicle is not blocking traffic, officers should fill out a "Notice of Intention to Impound Abandoned Vehicle". One copy of the notice will be left on the vehicle and a green "Intent to Tow" sticker will be placed on the driver's window. The second copy will be returned to the work station.

   All shifts will respond to abandoned vehicle calls and leave the required notice on the vehicle. Officers must record on their daily log sheets whenever they receive an abandoned vehicle call and the action taken.

   Officers should only tow abandoned vehicles from public property. In the event an officer is called on an abandoned vehicle on private property, the officer should refer the complainant to the City of Memphis Code Enforcement within the Division of Housing and Community Development.

2. Public Housing Projects
   When officers handle an abandoned vehicle in a public housing project, a notice should be left on the vehicle. Officers should mark the block "Public Housing" on the notice, and forward it to the City of Memphis Code Enforcement within the Division of Housing and Community Development to tow the vehicle after the 10-day period.

3. Intent to Tow Notices
   It is important that the officer leaving the notice fill out the form as completely as possible, making every effort to ascertain the VIN and the license number. The VIN may be located on the dash of the vehicle or inside the driver's door. The officer should conduct an NCIC check to determine if the vehicle is stolen and mark the block "NCIC CHECK" on the notice. If there is no NCIC check made, the officer should mark the block "no" on the form and the reason (i.e., computer was down). If the vehicle is determined to be stolen, the vehicle should be handled according to the policy that addresses the recovery of stolen vehicles.

   Notices must be submitted at the end of the officer's shift to their shift supervisor.

4. Procedure after Two (2) day or Ten (10)-day Notice
   All submitted Intent to Tow forms that were issued on public streets will be reviewed by an officer at the end of the relevant time period. If the vehicle has been moved from the location, the officer should mark the block "Vehicle Moved" on the bottom portion of the notice. If the vehicle has not been moved from the public street at this time, the officer should contact the dispatcher to tow the vehicle to the MPD Impound Lot, and

mark the block "Vehicle Towed" on the notice. A second notice should not be placed on the vehicle, and the vehicle should be towed after the appropriate waiting period. After doing the follow-up on the "Intent to Tow" and completing the paperwork, the officer should return the completed "Intent to Tow" notice to his or her supervisor, who will maintain the original at the work station and forward a copy of it to the Traffic Division. Traffic will keep a file of the copies.

When officers call for a wrecker to two a vehicle because of "Intent to Tow", the officer will notify the dispatcher that they have a vehicle to be towed as a result of an "Intent to Tow." The dispatcher will call a wrecker company from the current wrecker rotation list.

The "Intent to Tow" form will be sent with the Towed/Recovered Report with the wrecker driver.

Any questions should be referred to the Wrecker Coordinator's Office**.**

E. Removal:

Section 14-4-92 of the Memphis City Code states that no person shall park or store a wrecked, junked, partially dismantled vehicle upon any property in the City for a period in excess of ten (10) days unless the vehicle is enclosed within a building or stored in connection with a duly licensed business or enterprise.

Section 14-4-93 of the Memphis City Code requires the director of Division of Housing and Community Development to give notice to the registered owner of the vehicle and the person in control of the property upon which the vehicle is located that the vehicle is in violation of the ordinance. This notice, which can be accomplished by a posting on the premises or the vehicle, shall require the vehicle to be removed to a lawful storage place within 10 days. If the party fails to remove the vehicle within that time period, the inspector of abandoned or junked vehicles (City of Memphis Code Enforcement within the Division of Housing and Community Development) shall have the vehicle removed from the property to the MPD Impound Lot by a wrecker.

If these requirements are met and the property owner refuses to allow the vehicle to be removed, the police department should inform the owner that the interference is illegal and that the owner will be subject to arrest for violating Section 14-4-94 of the city code. This section declares it to be a violation of the city code to refuse to move or fail to remove the vehicle in accordance with the notice left with the party.

F. Unregistered Vehicles:

The same procedure as that used for abandoned vehicles will be used concerning the towing of unregistered vehicles, except that the owner will have forty-eight (48) hours from the time the notice is posted on the vehicle to take the proper action. During the forty-eight (48) hour period, the vehicle may be immobilized by use of a boot. Each notice should contain the same information as the notices sent to owners of abandoned vehicles, except that the car has been determined to be unregistered should be designated in each notice. If the owner is with

the vehicle, the owner should be issued a traffic summons for improper state registration.

VI. Obstructing Traffic and Parking Violations:

When a vehicle is obstructing traffic, including the interstate, and the owner/operator is not available, the vehicle should be towed to the MPD Impound Lot. A vehicle may be left on the portion of the interstate not intended for travel for a period of four (4) hours if there are indications that an emergency situation necessitated the vehicle being left (i.e., raised hood, emergency lights flashing, note left on vehicle).

When a vehicle is violating a parking restriction but is not obstructing traffic, the vehicle should be given a traffic citation (short ticket) for the violation rather than being towed. If an officer discovers an unregistered vehicle, the officer may issue a long ticket to the owner/driver if one can be found. If there is no owner/driver available, a notice of intent to tow may also be placed on the vehicle as above. **A short citation may not be issued for violation of state registration.**

VII. Fire Lanes:

To be in violation of City Code Section 14-1, Obstructing Fire Access and Fire Hydrants, the area marked as a fire lane must be a public street or alley or an off-street driveway or alleyway officially designated as a fire lane and adjacent to either:

1. A public or private hospital; or
2. Any public building; or
3. A private building whose owner has consented to the designation of fire access areas.

If a fire lane only is blocked, then the officer should issue a ticket. Towing cars from fire lanes should be done only with the approval of the Fire Marshal's Office. If a vehicle on the street is blocking a fireplug, the officer is to tow the vehicle.

VIII. Inventory of Vehicles:

Unless a vehicle is needed for evidentiary purposes, vehicles must be inventoried when possible whenever they are towed. The inventory is done for the purpose of protecting the owner's property, protection of the police from subsequent claims of loss or stolen property, and the protection of the police from dangerous instrumentalities. The listed objectives are police caretaking procedures designed to secure and protect vehicles and their contents within police custody. If a vehicle is not going to be towed, the vehicle may not be searched for the purposes of completing an inventory.

An inventory should include the area of the vehicle to which an officer has access. If the keys to the trunk or glove compartment are in the officer's possession, the officer should inventory these areas even if locked. If the officer does not have these keys and the compartments are locked, the officer should not inventory them and should note that the compartments were locked in the officer's offense report and Towed/Recovered Report. If the compartments are unlocked, they should be inventoried. All closed containers found within an inventoried vehicle should be examined and contents listed unless locked and no key is available. This is permissible as long as such an examination can be conducted without a forcible entry that would result in property

damage.

Unless being left undisturbed in the vehicle for evidentiary reasons**,** any unattached items of apparent monetary value will be removed and tagged in the property room. This includes, but is not limited to: paper money, cell phones, laptops, eyewear, etc. Any items left in the vehicle and found by the MPD Impound Lot personnel will require the officer to go to the MPD Impound Lot, sign for the items and tag according to policy. If property is left in the vehicle, officers should list the items in the Inventory/Notes/Comments section of the Towed/Recovered Report that a reasonable person would worth creating documentation; other items will be documented with the use of the officer's assigned body camera.

If a semi-truck is towed or left legally parked and officers have knowledge that it is transporting animals, perishable items, or temperature controlled items, officers must make a reasonable effort to inform a party that has responsibility for the care of the cargo. Officers should cooperate fully with such individual to preserve the lives of such animals or condition of perishables. This information, if not available from the driver, can usually be found inside the truck on the Bill of Lading.

IX. Approval to Tow Vehicle to the City Impound Lot:

The approval of a supervisor is not necessary prior to sending any vehicle to the MPD Impound Lot, provided the tow is in compliance with existing Tow-In Policy. All holds require the approval of a supervisor at the rank of lieutenant or above.

X. Information Regarding Licensed Wreckers:

If a wrecker is called to the scene but before it was hooked up to the vehicle in question, the owner or operator volunteers to remove it; he or she should be allowed to do so free of any tow-in charge if this can be done safely and lawfully. The police dispatcher should be made aware of the incident and the wrecker company assigned should be placed back on top of the wrecker list.

Police Service Technicians work under commissioned supervision to perform a limited range of tasks related to traffic control and direction, motor vehicle code and statute enforcement, and non-critical accident investigation. This is a non-commissioned entry level trainee position in which future police officer candidates receive basic training, education and experience.

A. Police Service Technicians will **not** handle the following calls:

1. **Any recovered stolen vehicle -** Communications will dispatch a Motorcycle Officer to handle this call. If no Motorcycle Units are available, a Uniformed Patrol Officer will be dispatched.

2. **Transport Car -** Police Service Technicians will not be called for transporting duties. This includes witnesses or victims of crimes.

3. **Evidence -** Police Service Technicians will not transport or tag property or evidence involving any crime or fatal/critical vehicle crashes.

4. **Memphis Housing Authority Developments -** Police Service Technicians will not be dispatched to calls in any Housing Developments.

5. **Vehicle Crashes on the Interstate System and Sam Cooper Blvd.**

B. Police Service Technicians **will** handle Abandoned Vehicle Calls **unless:**

1. The abandoned vehicle's license plate or vehicle identification number shows stolen.

2. The vehicle is located in a Memphis Housing Authority Development.

3. The vehicle is located in a hazardous, out-of-the way, or otherwise dangerous location.

NOTE: Motorcycle Units may still be used to handle abandoned vehicles; however, Police Service Technicians will be the first dispatched if the above three categories do not apply.

1. Movie details will be coordinated through the Special Events Office and handled by the Motorcycle Squad. Should extra personnel be needed due to movie requirements to cover a large area, these officers will be selected from the overtime list.

2. A liaison officer will determine manpower requirements, coordinate the detail, act as relief, etc. These officers will work directly for the Commander of Special Events and coordinate directly with the appropriate movie representative. The liaison officer, or his/her designee, will be physically present on the set each day when filming is underway.

3. To the extent possible, the movie detail will be worked with a 50-50 split among on-duty and off-duty motor officers. This split will however not deplete an entire shift of available motors for normal police functions.

4. There will be no charge for the liaison officer or on-duty motors. Overtime motors will be billed at a rate 25% less than the current municipal rate.

5. Taking into consideration the necessity for safety of citizens, movie participants and officers, details will be worked with a minimum number of officers to satisfactorily fulfill the requirements of traffic and crowd control and security of the site. However, at all times, safety will be the over-riding concern in determining the number of officers required for all movie details.

6. Should questions arise between the liaison officer and movie representatives, the Commander of Special Events will be contacted to conduct negotiations with the movie representative regarding the number of officers required for the detail. Based on safety concerns and the requirements on the set, the decision of the Commander of Special Events in conjunction with the Deputy Chief of Special Operations will be final.

7. All producers of any movie, commercial, film shoot, or film project will be directed to the Memphis & Shelby County Film Commission for proper approval, insurance, and permits.

The first officer/PST on the scene of a crash is responsible for the scene. Their duties include: (61.2.3.a) (61.3.2.a)

1. Administering emergency medical care (basic life support measures) pending arrival of emergency medical services. (61.2.3.b)
2. Summoning additional help as required (officers, MFD, tow truck, etc.).
3. Protecting crash scene. (61.2.3.e)
4. Preserving short-lived evidence (broken parts, skid marks, etc.).
5. Establishing a safe traffic pattern around scene. (61.3.2.a)
6. Locating witnesses and recording crash information on crash report. (61.2.3.d)
7. Expediting removal from the roadway of vehicles, persons, and debris (In property damage only crash, where possible, get vehicles off the roadway immediately to get traffic moving). (61.2.2.h)
8. Contacting the Memphis Fire Department on any crash involving hazardous materials or fire. At that time, MFD will assume control of the crash site. Further investigation by MPD will resume once cleared by Fire Department. (61.2.2.e)
9. Refer any traffic engineering deficiencies to MPD Traffic Commander. (61.3.1.a)

Any property belonging to crash victims will be protected from theft or pilferage if victims are not present and should be brought to the Memphis Police Department Property and Evidence room, properly tagged, and held for victim. (61.2.3.f)

All departmental patrol personnel are issued high visibility Reflective Traffic Vests that shall be utilized to increase officer safety when assigned or conducting traffic control duty as a result of a crash. (61. 3.2.g)

The General Assembly of the State of Tennessee passed amendments to two TCA title subsections relative to the investigation of traffic crashes. Title 54, Chapter 16, was amended to allow the Department of Safety, Department of Transportation, or local law enforcement agencies to immediately remove any wrecked, abandoned, burned, or unattended vehicle, or spilled cargo or other personal property from the roadway of a controlled access highway, if the object(s) is creating an obstruction or hazard to traffic as determined by authorized officers of the department or agency.

TCA Section 55-10-117 states that when a motor vehicle crash occurs with no apparent serious injury or death, the driver of each motor vehicle involved in the crash, or any other licensed occupant should remove the vehicle from the roadway into a safe location (shoulder, median, parking lot, etc.) whenever, in the judgement of the driver, the moving of the vehicle can be done safely and the vehicle does not require towing.

With these changes, we are authorized to remove or to have removed any object that remains on the roadway that causes a hazard to other vehicles. P.S.T.s and police officers investigating a vehicle crash should be cognizant of the safety needs of the public and remove hazards from the roadway as quickly and safely as possible. This includes patrol and P.S.T vehicles that should be removed from the roadway as

expeditiously as possible to further relieve the flow of traffic. Furthermore, the use of blue lights and yellow lights at crash scenes inhibits the flow of traffic and should be limited to warn drivers during the hazard. Use of emergency lights should be discontinued once the hazard or vehicles are removed.

Police personnel who investigate a crash, for which a report must be made, either at the time of and at the scene of the crash, or thereafter and elsewhere, by interviewing participants or witnesses, shall by the end of their tour of duty forward a written report of the crash to their immediate supervisor for approval.

Inclement Weather Policy (61.3.2d)

In Case of inclement weather, it shall be the responsibility of the Senior Dispatcher to notify the Traffic Commander during normal duty hours when the total number of crash calls holding exceeds fifteen (15) calls. The Traffic Commander will assess the situation and advise a Deputy Chief that the Inclement Weather Policy should be considered based on the number of calls holding. After normal working hours, the Senior Dispatcher will notify the acting Duty Colonel.

The Duty Colonel will notify the Deputy Chief on duty who will make the decision to implement the Inclement Weather Policy.

Upon making the decision to implement and terminate the IWP, the Duty Chief will advise the Public Information Officer who will see that the notifications are distributed through "CityWatch" to the radio and television stations.

The Public Information Officer will be responsible for the timely cancellation of the inclement weather announcement.

After normal working hours, or if the Public Information Officer cannot be reached then the Senior Dispatcher will send the "CityWatch" announcement and will be responsible for its cancellation.

The "CityWatch" announcement will state:

The Memphis Police Department has announced the implementation of the Inclement Weather Policy.

If you have been involved in a crash and there are no injuries, drinking or drugs involved and no wreckers are needed on the scene, the drivers should exchange names, addresses, phone numbers, insurance information and tag numbers of the vehicles involved and both drivers should arrange a time to meet at the nearest Memphis Police Department Precinct or report to the Memphis Police Department Traffic Office located at 1925 Union Avenue. Drivers should bring with them their vehicles, proof of insurance and vehicle registration to file the crash report within ten (10) working days.

It shall be the responsibility of the Duty Chief to monitor the weather conditions and the calls for Police Services and make the decision as to when to lift the IWP.

If there is a question as to whether or not **crash** meets the above criteria, the dispatcher will dispatch a car and the dispatched officer shall take a crash report.

I. Definitions:

Discriminatory/ Bias Based Profiling is the interdiction, detention, arrest, or other non-consensual treatment of an individual based solely upon one's race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or socioeconomic status.

Reasonable Suspicion is a conclusion based on a set of specific articulated facts and circumstances that would be sufficient to induce an ordinarily prudent person, under existing circumstances, to believe a criminal act has, or is about to occur.

II. Purpose

The Memphis Police Department does not train, endorse, support, or condone any type of discriminatory profiling in its interaction with the public. Members of this department shall not consider race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or socioeconomic status as a basis for taking enforcement action. Biased based profiling alienates citizens, fosters distrust of law enforcement by the community, and invites legislative action and judicial intervention.

This policy applies to all:

- Subject Contacts and Field Interviews
- Asset Seizure and Forfeiture
- Traffic Stops

Officers should focus on a person's conduct or other specific suspect information. Officers must have reasonable suspicion supported by the specific articulated facts that the person contacted regarding their identification, activity or location has, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others.

Traffic stops and routine patrols are vital law enforcement responsibilities. Not only do they deter motor vehicle violations and reduce accidents; they provide law enforcement with increased visibility and discourage more serious criminal activity. Our officers will not engage in any enforcement activity based on race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation. Officers shall base all such enforcement action on reasonable suspicion that the occupant or occupants of a vehicle committed a motor vehicle violation or some other offense.

This policy is not intended to inhibit enforcement activity. Traffic stops have always been a valuable tool in uncovering evidence of criminal activity, however, it is important that officers use sound police skills and reasonable suspicion as primary reasons for stopping individuals.

This policy does not constrain officers from:

1. Considering a person's apparent age when investigating a possible curfew violation.
2. Making voluntary citizen contacts in order to solicit information or cooperation.
3. Conducting traffic saturations/ checkpoints.

Officers shall treat every person with courtesy and respect. Upon making a traffic stop, officers should state the reason for the stop, interdiction, detention, arrest, or other non-consensual contact. All traffic and citizen stops should be limited to the reasonable amount of time necessary to conduct the officer's official actions.

III. Violations

Employees who violate this policy will be subject to corrective action pursuant to DR 101 *Compliance with Regulations*.

All levels of supervisors should encourage proper enforcement tactics and take prudent steps to ensure that the sworn members under their command understand that discriminatory profiling will not be tolerated and should not condone or ignore evidence of such practices.

IV. Training

Officers will receive initial and ongoing training in enforcement tactics, discrimination, and cultural diversity, as well as training of the laws governing search and seizure. This training will emphasize the rights of citizens to be free from unreasonable police action or intrusion based on common traits such as age, race, ethnic origin, sexual orientation, gender, or socioeconomic status.

V. Annual Review

The Inspectional Services Bureau will conduct an annual review of departmental practices with regard to discriminatory profiling. This review will be based on citizen complaints, but will also factor in the disposition of the complaints that are being reviewed. The review will be used to address citizen concerns and evaluate the necessity for additional departmental training in the area of discriminatory profiling. The Commander of ISB shall submit a report summarizing the annual review to the Director of Police Services. This report shall be included in the Bureau's Annual Report.

Tennessee Code Annotated 55-12-139, indicates that all vehicles must be in compliance with the Financial Responsibility Law.

When any driver is charged with a moving violation, or involved in a vehicle crash, the officer will request evidence of financial responsibility. All drivers involved in a vehicle crash, without regard to apparent or actual fault, must show proof of financial responsibility.

Financial responsibility under this statute means:

1. Documentation, such as declaration page of an insurance policy, an insurance binder or an insurance card from an insurance company authorized to do business in this state, stating that a policy of insurance has been issued;

2. A certificate from the Commissioner of Safety stating that a cash deposit or bond has been paid or filed with the Commissioner, or is qualified as a self-insurer; or

3. A motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the Department of Safety, or the Interstate Commerce Commission, or was owned by the United States, the State of Tennessee, or political subdivision thereof.

Officers will enforce the Financial Responsibility Law using a **mandatory** traffic citation. Officers will check the block marked "OTHER" and write in "FAILURE TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY". This is a violation of Section 11-8-10.

Officers will not ticket the driver of a MLG&W owned vehicle for no proof of financial responsibility. MLG&W Claims Office is the insurer.

When an officer investigates a crash scene involving a City of Memphis owned motor vehicle the investigating officer will write "City Claims" as the insurance company, tel. # 901-636-6616. If the crash involves a MLG&W owned vehicle the investigating officer will write "MLG&W Claims" as the insurance company, tel. #901-528-4261.

If an arrest is made for some other state offense and the defendant is transported or a misdemeanor citation is issued, officers will use the appropriate state charges and TCA 55-12-139.

Failure to provide proof of financial responsibility is a violation of **T.C.A. 55-12-139** *Compliance With Financial Responsibility Law Required –Evidence of Compliance.*

A violation of this offense is a *Class C* misdemeanor, punishable **only** by a fine of not more than one hundred dollars ($100.00).

When officers encounter a person in possession of a forged or counterfeit drive out tag and a felony arrest is determined to be appropriate, **the arresting officer will straight charge the defendant**. The CDO will place a copy of the arrest ticket in the Auto Theft Bureau and Auto/Cargo Theft Task Force mailboxes. If multiple drive-out tags are recovered, the Auto Theft Bureau or Felony Response Squad will be contacted for follow-up investigation.

TCA 55-5-116 requires fraudulent intent for the person to be criminally liable. The person holding or using the forged document must have knowledge that the document is altered, forged, or falsified. This requires some scene investigation by the officer**.** The person should be advised of his Miranda rights before questioning after the officer discovers the forged drive out tag. A Rights Waiver Form and the drive out tag should be tagged as evidence in the property room. If a defendant is charged with TCA 55-5-116, a Counterfeiting/Forgery report must be taken.

The information below will be needed for prosecution and should be in the arrest ticket:

1. The probable cause for making the stop or checking the tag;
2. Why the officer believes the tag is counterfeit or falsified;
3. Vehicle make, model, and vehicle identification number (VIN);
4. Reference to any statements the defendant voluntarily makes or any statements he makes after being Mirandized (that shows knowledge of the alteration);
5. Information printed or written on the drive out tag regarding the dealer who issued it, the type of vehicle it was issued to, who it was issued to, and date of expiration;
6. Disposition of the evidence. (i.e., both the drive out tag and the Rights Waiver Form should be tagged in the property room)

"Altering, Falsifying, or Forging Evidences of Title, Assignments, or Plates". TCA 55-5-116 is a *Class E* Felony.

Traffic Checkpoints

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Checkpoint Enforcement 3
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It is the policy of the Memphis Police Department to conduct traffic enforcement checkpoints in a safe, effective and lawful manner.

I. DEFINITION

A. Checkpoints, as referred to in this policy, are the temporary stopping of motorists for the specific purpose of identifying violators of the Driving Under the Influence and Seatbelt/Child Restraint laws.

B. The Memphis Police Department does not have the authority to conduct a checkpoint for the purpose of checking for driver's licenses. Officers conducting a checkpoint may only ask for a driver's license after another violation has been observed.

C. It is prohibited to use a checkpoint as a subterfuge for drug interdiction or other unspecified purposes.

II. AUTHORITY TO ESTABLISH CHECKPOINTS

A. The Director, Deputy Director, Deputy Chiefs, Colonels and Lieutenant Colonels shall have the authority to establish checkpoints at their discretion.

B. Field supervisors, i.e. Watch Commanders, Captains and Lieutenants, must have administrative approval before a checkpoint is conducted.

III. SUPERVISORY RESPONSIBILITY

A. Lieutenants or a higher-ranking supervisor must:

1. Pre-check the site for changes in road conditions and traffic flow.
2. Provide the dispatcher the detail officer's names, IBM, and car number prior to the detail.
3. Brief officers prior to the start of the checkpoint as to their purpose and responsibilities.
4. The stopping order of vehicles at the checkpoint (i.e.: every car, every other car, every 3rd car) must be determined prior to the checkpoint by a supervisor not actively involved in the checkpoint itself. Traffic may be allowed to flow freely to clear any backups. This determination may be made by the supervisor on the scene.

5. A supervisor must contact the Public Information Office at 545-5771 and provide the date, location, and time of the checkpoint. This information must be provided to the media at least seven (7) days in advance of the checkpoint.

B. Supervisors must:

1. Remain on site to supervise the detail, which will last one to two hours maximum.
2. Complete a checkpoint activity sheet.
3. Notify the dispatcher at the completion of the detail.
4. Submit the activity sheet to the precinct Commanding officer.

IV. MANPOWER

A. Minimum staffing shall consist of a Lieutenant and two uniformed officers.

B. The detail may be supplemented with PSTs and/or other Tennessee law enforcement personnel.

C. Uniformed personnel, wearing a reflective vest, are to announce their identity and purpose of the checkpoint.

D. Motorist stops shall be brief and conversations shall be confined to the enforcement activity.

E. This does not preclude an officer from taking appropriate enforcement actions for any observed or detected violations of the law.

V. CHECKPOINT ENFORCEMENT

A. The site must be well lit, safe, and highly visible to oncoming traffic.

B. Advance notification shall consist of a minimum of one checkpoint sign. The sign must be clearly posted, providing adequate warning that a checkpoint is ahead.

C. Approaching motorists must be provided with a way to avoid the checkpoint. This does not allow for approaching motorists to make illegal turns to avoid the checkpoint.

D. Marked police vehicles, with activated blue lights, shall safely channel oncoming traffic through the control zone.

E. Additional channeling aids such as cones and signs may be used.

F. Establish an area, out of the main flow of traffic, to direct possible violators for further investigation.

G. Congested traffic will be allowed to run until the normal flow resumes.

H. Checkpoints will be cancelled/terminated during inclement weather or an emergency.

S.T.I.S. Responsibilities

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I. Special Traffic Investigation Squad (S.T.I.S.)

The Special Traffic Investigation Squad (S.T.I.S.) possesses unique expertise in dealing with vehicle crashes and the reports created by them are invaluable during criminal prosecutions. S.T.I.S. investigators may be called upon to complete Crash Reports or Investigative Supplemental Reports. S.T.I.S. will investigate motor vehicle (as defined TCA 55-8-101-31) crashes that occur upon public roadways and private property generally frequented by the public at large (TCA 55-10-101 through 55-10-107).

A. Crash Reports

The dispatcher will notify the S.T.I.S. supervisor of calls which require S.T.I.S. to conduct an investigation. The S.T.I.S. supervisor will determine if S.T.I.S. is needed on the scene. The following is a list of crash circumstances that S.T.I.S. will respond to:

1. Fatalities: motor vehicle crashes on the public streets, roadways or private property generally frequented by the public at large where the proximate cause of the fatality is the crash.
2. Criticals: crashes where a victim's condition is listed as "critical". The dispatcher will notify the S.T.I.S. supervisor and after confirmation by an S.T.I.S. investigator through the attending medical personnel that the victim will likely expire from his injuries, the S.T.I.S. will respond and investigate the crash.
3. Placing the charge of Vehicular Assault: S.T.I.S. will conduct the scene investigation. This charge is only placed by S.T.I.S. and results from an intoxicated drivers actions being the proximate cause of a victim receiving "Critical" injuries, disfiguring injuries, amputation of limbs or injuries so severe that a protracted hospital stay will be required (most if not all injuries of this nature will be classified as "Critical"). In the last three circumstances the first responder's supervisor will need to advise the S.T.I.S. supervisor of the potential for placing the charge. S.T.I.S. will be notified prior to the scene being altered.
4. Elderly: Crashes involving persons who are 85 years and above **and** who were transported to the hospital by an ambulance from the crash scene will require notification of S.T.I.S; S.T.I.S. will then respond to the crash scene and take photographs and measurements, regardless of the victim's listed condition.
5. Memphis Police Department vehicles: marked and unmarked.
6. Memphis Fire Department vehicles: all emergency vehicles.
7. Any outside LAW ENFORCEMENT agency vehicle, except Shelby County Sheriff's Department and Tennessee Highway Patrol, who investigate their own officer involved crashes (unless they request S.T.I.S.).
8. Any emergency vehicle involved in a crash (public or private) **while operating in emergency mode.**
9. Any motor vehicle crash involving an active police pursuit.
10. When requested by an Investigative Bureau Commander.

TCA CODE 55-8-101 (31) *"Motor Vehicle" means every vehicle, including a low speed vehicle as defined in this section, that is self-propelled excluding motorized bicycles and every vehicle, including a low speed vehicle as defined in this section, that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.*

TCA 55-10-101 through 107 *...the requirements herein shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises which are generally frequented by the public at large.*

B. Investigative Supplemental Report (Intentional Acts)

S.T.I.S. may be called when motor vehicles are used as instruments in the intentional commission of homicides or aggravated assaults (when **critical** or **fatal** injuries occur). The on scene Investigative Bureau Supervisor will contact the S.T.I.S. Supervisor to request assistance; S.T.I.S. will assist in the investigation through supplemental information, diagrams, measurements and photos. All assistance will be predicated on the existence of an intact scene [i.e. physical evidence that can be photographed, measured or diagramed such as skid marks, broken glass etc]. The supplement will be labeled as an "Investigative Supplemental Report" with the incident number listed at the top and will be forwarded to the appropriate bureau by the investigator upon completion.

These Supplements include:

1. Intentional acts involving homicides or aggravated assaults where fatal or critical injuries are involved. S.T.I.S. will investigate the scene and provide supplemental information, diagrams, measurements and photos only.
2. Industrial accidents involving motor vehicles where critical injuries or fatalities occur or accidental critical injuries or deaths involving a motor vehicle but not falling under TCA 55-10-101 through 107 as regards to location.

C. REPORTS NOT HANDLED BY S.T.I.S (involving Critical or Fatal Injuries).

These should be investigated as accidental injuries and not as motor vehicle crashes.

1. Train / pedestrian
2. Mata Trolley / pedestrian
3. Bicycle crashes
4. Skateboard crashes
5. Horse drawn carriage / pedestrian
6. Horse drawn carriage / MATA Trolley
7. Motor vehicle crashes not complying with location constraints (TCA 55-10-101 through 107) Example: ATV crash in the Covington Pike Bottoms.
8. Industrial Accidents, victims are injured or killed in the course of performing duties required by their employment other than using the public roadways for transportation. Example: construction zone worker struck by a piece of construction equipment in the normal course of use.

D. <u>CRASH REPORTS NOT HANDLED BY S.T.I.S.</u> (not involving Critical or Fatal Injuries).

1. MATA vehicles.
2. Memphis Light Gas and Water vehicles.
3. Off Duty Police officers in Private vehicles.
4. Any government vehicle not used for emergency purposes (i.e. Public works, Sanitation, etc.)

Dealing With Mentally Ill / Crisis Intervention Team

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I. Recognition of Mental Illness

Signs or symptom which may indicate the presence of Mental Illnesses:

- Loss of memory/disorientation
- Delusions - These are false beliefs that are not based in reality. The individual will often focus on persecution or grandeur (he/she is God)
- Depression
- Hallucinations - hear voices, or see, smell, taste or feel things
- Manic behavior - accelerated thinking and speaking or hyperactivity with no or little need for sleep - may also be delusional
- Anxiety - feelings are intense, state of panic or fright
- Incoherence - difficulty expressing themselves, disconnected ideas and/or thoughts
- Response - may process information more slowly

When an officer recognizes that they are potentially dealing with a mental consumer, they should consider applying some of the following de-escalation techniques. If the person is actively violent the officer may request assistance from a CIT Officer.

The officer should:

- Assess safety issues
- Introduce yourself and attempt to obtain the person's name.
- Remain calm and avoid overreacting
- Be helpful
- Present a genuine willingness to understand and help
- Speak slowly, low tone -- using short sentences – repeating
- Move slowly
- Remove distractions or disruptive people from the area
- Demonstrate "active listening skills" – i.e., summary of verbal communications.

The officer should NOT:

- Engage in behaviors that can be interpreted as aggressive.
- Allow others to interact simultaneously while you are attempting to talk to the person and to stabilize the situation.
- Corner, or be cornered: (Give the person expanded space and ensure that you, the officer, has expanded space and a safe exit, if it should become necessary).
- Raise your voice, use a sharp edge in your speaking, or use threats to gain compliance.
- Attempt to gain compliance based on the assumption that the person is as reasonable about things as you are.
- Argue

Officers will receive entry level training regarding recognition and interaction with mentally ill persons. Refresher training will be given annually, and will be given at in-service training, or in the form of a training alert tape. (41.2.8 a, c, d, e)

II. Crisis Intervention Team

The Crisis Intervention Team is made up of volunteer officers from each Uniform Patrol Precinct. C.I.T. Officers have received specialized training with regard to mental disturbance type events.

C.I.T. Officers currently respond to regular police service calls, in addition to mental disturbance crisis events.

On all police service calls involving mentally ill individuals in a disturbance/crisis event, the dispatcher will dispatch the nearest available precinct (city wide) C.I.T. car(s), along with necessary police patrol cars.

The C.I.T. Officer(s) on the scene of a mental crisis call has the duty and responsibility of that scene event and, if necessary, should advise other officers of request(s) that supports a team effort for a safe and appropriate disposition. The C.I.T. Officer(s) will maintain scene responsibility unless otherwise directed by a Supervisor. C.I.T. Officers also have the responsibility of completing a "C.I.T. STAT SHEET" Form.

If a C.I.T. car (city wide) is not available for a crisis call, the dispatcher will send the appropriate patrol cars. In this event, the dispatcher is to advise the patrol cars that "no" C.I.T. unit is available. The first officer(s) on the scene of a mental disturbance where a C.I.T. Officer(s) is not available for that response will weigh the situation based on the information and circumstances as presented and/or known. If in a situation that the scene officer reasonably concludes that a C.I.T. Officer(s) is necessary the scene officer(s) will request the dispatcher to "clear" a C.I.T. car(s). The dispatcher, in accordance with the officer's request, will contact the closest C.I.T. car that is available to "clear", and dispatch the C.I.T. car to the requested scene.

III. Handling Calls to Mental Health Facilities

A. If a treating facility feels that a person is of sufficient mental stability to be allowed a pass or furlough from the institution and that individual does not return, the person is probably not a candidate for police action. However;

B. If a person has escaped from an institution and constitutes a danger to himself/herself or others, officers of this department shall cooperate in the apprehension of the person, which includes taking a missing person report and, subsequently, if apprehended, returning him or her to the reporting facility.

C. If the mental patient has pending criminal charges, officers of this department will take all appropriate action to apprehend the individual and, likewise, return the party to the reporting facility until such time he or she is released for the purpose of criminal prosecution.

D. If the patient, while away from the institution, commits a criminal offense or sustains injury during the course of the apprehension, the officer should initially transport the patient to the Regional One Health and the County will make arrangements to deliver the individual to the reporting facility.

IV. Non-Emergency Civil Commitment

When an officer receives a request for information as to a Non-Emergency Civil Commitment, the officer may advise the citizen as follows:

A petition may be filed by a family member in Probate Court seeking to have the individual examined by doctors. This procedure, under T.C.A 33-6-504, allows treatment to be ordered for persons who are suspected to be mentally ill, but does not fit the guidelines for a TCA 33-6-401 emergency commitment.

In the event an officer is ever involved in any type of dispute with a citizen regarding this policy a supervisor will be called to the scene.

V. Taking Mentally Ill Persons Into Custody:

The State Mental Health law has defined and established the right of law enforcement officers to take alleged mentally ill people into custody for evaluation.

The only time a mentally ill person can be taken into custody solely for being mentally ill is in an "Emergency Commitment" situation. (With one exception: Non-Emergency Civil Commitment through Probate Court TCA 33-6-504).

Officers can and should take a person into custody who appears to be mentally ill AND poses an immediate substantial likelihood of serious harm because of the mental illness. A "substantial likelihood of serious harm" is defined as:

IF AND ONLY IF:

A person has threatened or attempted suicide or to inflict serious bodily harm on himself, OR

The person has threatened or attempted homicide or other violent behavior, OR

The person has placed others in reasonable fear of violent behavior and serious physical harm to them, OR

The person is unable to avoid severe impairment or injury from specific risks, AND

There is a substantial likelihood that such harm will occur unless the person is placed under involuntary treatment.

Authorization to take a person into TCA 33-6-401 custody may be given by: a licensed physician/ health care psychologist or mobile crisis team social worker.

It is important to note that the emergency commitment law is intended to allow a police officer to act in order to prevent a person from harming himself/herself or others. The person does not have to be violent at the time the officer arrives on the scene. The person may be taken into custody when the officer arrives, and there is sufficient information available to lead the officer to a reasonable belief that the person is dangerous. This belief can be based on statement of the person, witnesses, family members, and on the physical scene itself (broken dishes, windows, furniture, torn clothing, weapons, etc.)

This determination is basically the same as any other probable cause determination. It can consist of minor facts or consist entirely of one fact (ex: the person is wandering around in traffic talking to himself/herself). The officer must simply be able to decide the issue of: "If I don't do

something, this person is going to hurt himself/herself or someone else."

The intent of the law is that the officer will be able to take a person into 33-6-103 custody if he/she feels that the failure to do so will probably result in physical harm to the person or others.

When an officer takes a mentally ill person into custody through this process, the officer should transport the individual according to procedures outlined in Section VI below.

VI. Transporting of Emergency Commitment Persons (TCA 33-6-401)

A. Transporting to the Crisis Assessment Center:

1. When transporting becomes necessary regarding a TCA 33-6-401 call, then such transporting will be to the Crisis Assessment Center. An officer is authorized to take a person into custody if a licensed physician / health care psychologist or a mobile crisis team social worker advises the officer the person is subject to custody under TCA 33-6-401. An officer may also transport based on information and/or personal observations that can substantiate a T.C.A. 33-6-401 custody arrest. Call locations may include: Street, Private Residence, Public Locations, Non-Hospital Facilities - I.E. Mental Health Center, Doctor's Office, Crisis Stabilization Unit, et cetera.
2. 33-6-401 Arrest Tickets: The original and one copy are to be left at the Crisis Assessment Center. Officers will follow the procedures below, when transporting individuals to the Crisis Assessment Center for treatment:
   a. Officers may park in the curved lane next to the south side main entrance to the building. Officers should not block the access ramp under the canopy.
   b. Officers will enter the building through the front door and take the elevator to the second floor. Between the hours of 11 PM and 7 AM, the doors could be locked if the front desk security guard is making rounds. If this occurs, officers should have the dispatcher call the CAC, 577-9400, for entry.
   c. **Officers will use the lock boxes located outside of the elevators on the second floor to secure their weapons before entering the facility.**
   d. Officers will be directed to take the individual into the assessment rooms or holding tank before turning in the paperwork and briefing CAC personnel about the individual at the front desk.

   * The holding tank is provided for individuals who display violent behavior. If the holding tank and all rooms are occupied, and officers may be asked to wait with an individual until space becomes available.
3. In the event that the Crisis Assessment center refuses to accept a person due to their medical needs, an officer will be directed to transport the person to Regional One Health. Upon arrival at Regional One, the officer should check the person in and notify Regional One Security for release of custody. Regional One personnel will contact the Crisis Assessment Center (577-9400) about assessing the person.
4. If the situation warrants, and the person is violating a criminal statute, then the person may be charged with a criminal offense. The CAC will not accept persons with a

warrant(s) or criminal charges. Persons with warrant(s) or criminal charges should be taken to the Regional One ER. If a patient (TCA 33-6-401) is brought to the Regional One ER then the following procedures should be completed by the arresting officer:

a. Arresting Officer completes Hold Ticket (leave Hold Ticket with MPD Police Holding Officers.)

b. Arresting Officer completes original Arrest Ticket and leaves it at the MPD Police Holding Station.

c. Arresting Officer proceeds to the 24 hour Clerk's Office and submits an Affidavit of Arrest (misdemeanor or straight charge felony) regarding above mentioned arrested subject. 24 Hour Clerk maintains holding of signed Affidavit. Arresting Officer does NOT submit an arrest ticket to the Clerk nor to the CDO.

5. Patient/Prisoner with pending criminal charges who is subsequently referred to MMHI from Regional One will be transported by a Police Holding Officer when sufficient staff is available and delivered to MMHI with the following documents:

   a. Copy of the Arrest Ticket

   b. Certificate of Need

   c. The original and copy of Hold Ticket. The transporting officer will return a signed copy (by MMHI Personnel) of the Hold Ticket back to MPD Police Holding Station.

6. After Patient/Prisoner has been delivered to MMHI the transporting officer will proceed immediately to the CJC Sally Port and submit the Original Arrest Ticket of the Patient/Prisoner. Note: Emergency Commitment Charge is to be marked out - only criminal charges will be accepted. Detention Officer will confirm by phone the Patient/Prisoner is in fact detained at MMHI. On confirmation of this detention a booking number will be placed on the submitted arrest ticket.

7. After transporting officer receives the arrest ticket with a booking number the officer will proceed to 24 Hour Clerk's Office and then to the CDO Office. The officer will advise the 24 Hour Clerk an Affidavit is held on file. (Arresting officer has submitted an Affidavit after the Patient/Prisoner had been taken to Regional One for Emergency Commitment Evaluation.)

8. If the Patient/Prisoner is NOT referred to MMHI for further TCA 33-6-401 proceedings then the patient will be transferred to the CJC Sally Port by a transporting officer following normal arrest booking procedures. Transporting Officer will continue booking procedures as outlined in number 7 above.

9. If the Patient/Prisoner is taken into custody for TCA 33-6-401: No new criminal charges, **but** a warrant check has indicated an outstanding criminal warrant then:

   a. Warrant is to be verified and a Warrant Number is to be obtained from Fugitive Squad.

   b. Patient/Prisoner is transported to Police Holding.

   c. Arresting Officer completes Hold Ticket. (Hold Ticket is left with Police Holding Officers.)

d. Arresting Officer completes original Arrest Ticket noting facts pertaining to TCA 33-6-401 custody, also including information regarding verified warrant (Warrant Number). After completing tasks (a) - (d) the arresting officer may return to service.

e. Patient/Prisoner with outstanding warrant who is subsequently referred to MMHI from Regional One will be transported by a Police Holding Officer when sufficient staff is available and delivered to MMHI with the following documents:

1) Copy of the Arrest Ticket
2) Certificate of Need
3) The original and copy of Hold Ticket. The transporting officer will return a signed copy (by MMHI Personnel) of the Hold Ticket back to MPD Police Holding Station.

f. After Patient/Prisoner has been delivered to MMHI the transporting officer will proceed immediately to the Fugitive Squad and submit the Original Arrest Ticket of the Patient/Prisoner. Note: Emergency Commitment Charge is to be marked out. Notation of an Outstanding Warrant and Warrant Number should be noted in the Arrest Ticket Narrative. Fugitive Squad Personnel are to be advised Patient/Prisoner is being held at MMHI. After completion of this task the transporting officer may return to service.

g. If the Patient/Prisoner is NOT referred to MMHI for further TCA 33-6-401 proceedings then the Patient/Prisoner and the original Arrest Ticket will be transported to the Shelby County Fugitive Squad at 201 Poplar following normal procedures.

B. Transporting by Ambulance (Regional One or Private Hospital):

1. In the event of an attempt suicide, injury or illness, paramedics will address the patient's (33-6-401) need for medical and transportation services. In addition to TCA 33-6-401 facts, if ANY of the following circumstances exists then the patient should be transported to Regional One:

   a. Patient is out of control (acting out) and presents the likelihood of a continued confrontational encounter.
   b. No private hospital is willing or has agreed to accept the patient.
   c. Possibility of criminal charges.

2. The patient may be transported to a private hospital under each of the following procedures (non-custody):

   a. The patient (33-6-401) is in need of medical attention as a result of an attempt suicide.
   b. The patient is cooperating with paramedics and there is no evidence or information that would support further violence.
   c. A private hospital has agreed to accept the patient.

Note: The receiving hospital has the responsibility to treat the patient for medical and psychological concerns (first signature evaluation if necessary). Officers are not required

to accompany paramedics or maintain a presence at a receiving hospital. The patient is not under TCA 33-6-401 "arrest". Officers will take an Attempt Suicide Report.

3. If a 33-6-401 patient is in need of medical care and the paramedics request police assistance or intervention regarding transporting, officers will charge the patient with TCA 33-6-401 (Emergency Commitment). The patient is to be transported to Regional One, and an arrest ticket is to be submitted. If requested, an officer will accompany paramedics during transport. The Crisis Center will be contacted by Regional One personnel.
4. If paramedics advise that a patient is medically stable and does not require ambulance service, and the officer can substantiate the charge of TCA 33-6-401, then the officer should transport patient to the Crisis Assessment Center.
5. If criminal and emergency commitment charges are placed on a patient in need of medical care then the patient is to be transported to Regional One. See also Section (A) (3) above.

C. Transporting Juveniles:

1. All Juveniles that are taken into TCA 33-6-401 custody who do not require serious medical attention will be transported to Lakeside Intensive Care Assessment Center (ICAC) located at 2911 Brunswick Rd **or** St. Francis Hospital East ER (on Park Ave.). Officers are to electronically complete an arrest ticket and print it out at the transport location. A copy of the arrest ticket should be forwarded to the C.I.T. Coordinator's Office.

   a. The following procedures should be followed when transporting an individual to the Lakeside Intensive Care Assessment Center:

      1) Officers should park in the circle drive in front of the building.
      2) Officers should use the phone in the grey box on the wall by the door to call the office. Officers do not have to dial a number; the phone will immediately ring the office. A staff member will meet officers and take them to the reception area.

         * Officers may call ahead to the office at 901-377-4729. If there is no answer at this line, officers may call 901-377-4733. This line will always be answered. This is not required.

      3) Once inside, the staff member will take responsibility for the consumer and escort them to the patient waiting room.
      4) The staff member will then receive a verbal report from the officer, and make a copy of the arrest ticket.
      5) The officer will then be able to return to service.

   b. The following procedures should be followed when transporting a juvenile to St. Francis Hospital East ER:

1) Officers should enter the Emergency Room with the juvenile and advise the ER staff that they have a juvenile transported for Emergency Commitment who needs to go to the Clinical Assessment Center.
2) Officers will be directed to the secured area where they will be met by a staff member.
3) Officers will submit the arrest ticket, explain any details to the staff for the juvenile to be accepted, and get a copy of the arrest ticket.
4) The officer may return to service once the juvenile is secured.

2. Juveniles under the age of fourteen (14) who require serious medical attention will be transported to LeBonheur. Juveniles fourteen (14) years of age or older who require serious medical attention will be transported to Regional One.

D. Transporting Patients (TCA 33-6-401) From A Private Hospital to another Facility:

1. Private hospitals that request transportation to other hospitals or facilities, are to be advised to contact the Shelby County Jail Transport Team or a private ambulance service.
2. If a private hospital is unable to obtain the above mentioned transport service then MPD will accommodate a transport to MMHI (ONLY) per the procedures outlined in Section E below.
3. Hospital Disturbance Call - See Section F below.

E. Transporting To M.M.H.I. (State Hospital):

1. CERTIFICATE OF NEED is required.
2. Medical Clearance is required. (Medical Clearance Defined: Given by a medical doctor stating that the patient (33-6-401) has no immediate medical problems that require medical intervention.)
3. M.M.H.I. approval is required. Hospital should obtain M.M.H.I. staff approval before a patient is transferred. If the patient is not committable to M.M.H.I. then the patient would not be an appropriate 33-6-401 transport.

   NOTE: Transporting to M.M.H.I. the officer will: complete an arrest ticket noting the EMERGENCY COMMITMENT and the transport disposition; transport to 951 Court (Admissions); deliver CERTIFICATE OF NEED and Medical clearance documentation and a copy of the arrest ticket. Original arrest ticket (no criminal charges) is to be taken to Police Holding.

F. Transporting From Private Hospital Regarding 33-6-401 Disturbance Calls: (Disturbance on the Scene)

1. A mentally ill person walks in a hospital E.R. and causes a disturbance which jeopardizes the safety of hospital personnel and the public. If the person is exhibiting behavior consistent with TCA 33-6-401 and is not a patient to that hospital and police action is the most prudent response, then officers should affect an emergency custody

arrest (TCA 33-6-401). The officer should transport the patient to the Crisis Assessment Center. If medical attention is required then this should be addressed before the officer assumes a transporting role.

2. It is the intent of the Department to cooperate with private hospitals as has been previously outlined in this section (F) and Section (D) above.

3. If a First Signature evaluation has not been completed by hospital personnel then the officer should request that the hospital comply with Section E above. In the event that these procedures are not complied with and the patient is in need of TCA 33-6-401 proceedings then the officer should affect an emergency commitment charge. The patient would be transported to the Crisis Assessment Center documenting the TCA statue and the transporting circumstances including the name(s) of hospital personnel who conversed with the officer. A copy of this arrest ticket should be forwarded to the CIT Coordinator in an effort to ensure cooperation between the Department, area hospitals and mental health advocates (National Alliance on Mental Illness).

G. Transporting Request: Physician / Health Care Psychologist or Moble Crisis Team Social Worker: (Non-Hospital Event)

1. TCA 33-6-401 allows a licensed physician / health care psychologist or mobile crisis team social worker to authorize custody (TCA 33-6-401) of a patient. The ideal situation would be to have the physician/clinical psychologist meet the officers on the scene and to articulate the facts which substantiates TCA 33-6-401. However, this is not always feasible in every circumstance. If the physician is not present on the scene then the most practical response would be to have the physician communicate with the officer by phone. After conferring with the physician and receiving facts supporting TCA 33-6-401, the officer should transport to the Crisis Assessment Center and note the appropriate details.

2. Officers that are requested to take involuntary custody action should consider how reasonable the request for officers to take action is. Most requests will involve "attempt suicide calls". Example: A physician advises officers that he/she has reason to believe that a patient is going to commit suicide, however, the patient does not open his/her door and refuses to talk with officers. Officers should confer with their supervisor. The question is how reasonable would it be to force entry or set up for a barricade? The totality of the facts and circumstances must be considered in order to determine what is a reasonable response and the immediacy to act accordingly.

3. There are occasions when a physician / health care psychologist or mobile crisis team social worker will meet an officer on the scene (non-hospital) with a signed Certificate of Need. In this situation the officer would receive facts that support TCA 33-6-401 custody and transport the patient to the Crisis Assessment Center. Transporting the patient to the Crisis Assessment Center completes the requirement of obtaining medical clearance for M.M.H.I. Transporting responsibility ends at the Crisis Assessment Center.

H. In the event a dispute arises regarding the Police Department's Emergency Commitment Transport Policy, a Supervisor will be called to the scene.

VII. Mental Health - Community Resources

In the event that an individual does not meet the criteria set forth above, the following community resources are available to the individual:

Calvary Street Ministry	543-0372
Catholic Charities	722-4700
Case Management INC.	821-5600
Crisis Center	274-7477
Genesis House	726-9786
Homeless Detox	Regional One Health
Mobile Crisis Team (Mental Health)	577-9400
National Alliance on Mental Illness (NAMI)	725-0305

ACTION

The following protocol is required by the Shelby County Medical Examiner's Office and will be followed by the Memphis Police Department. Its purpose is to reduce unnecessary intrusion into crime scenes by "First Responders" (police officers or emergency personnel). If the victim has no obvious signs of life or has been determined to be deceased via asystolic means by a paramedic, then the body WILL NOT be touched, no items will be removed from the body or disturbed in any way until permission of the medical examiners office, which will generally be given by the ME investigator.

The intent of this protocol is **not** to undermine the duties of any first responder, nor to deny any victim the benefit of pre-hospital assistance to ensure their survival.

PROTOCOL

Pulseless non-breathing people fall into one of two categories:

1. Victims with obvious signs of lifelessness.

2. Pulseless, non-breathing victims who do not have obvious signs of lifelessness.

VICTIMS WITH OBVIOUS SIGNS OF LIFELESSNESS.

1. Decomposition of body tissue.

2. Multiple signs of lifelessness. (The victim must have two of these conditions). These signs include:

a. Rigor mortis
b. Lividity (having black and blue or a leaden or ashen gray color)
c. Loss of body heat
d. Glazed corneas

NOTE: Rigor mortis is fairly reliable. Lividity is less reliable and requires an undressed victim. Loss of body heat is of no value in a cold environment, but has some value in a warm one. Multiple corneal disease can cause glazed corneas. Victims who have been drinking and are in cold environments can mimic lividity, rigor, etc.

3. An injury which is clearly not compatible with survival (e.g., decapitation, incineration, total separation of vital internal organs from the body or total destruction of such organs).
There should be absolutely no doubt in anyone's mind when a person meets the "obvious signs of lifelessness" criteria. If there is any question in the minds of the pre-hospital personnel as to whether a person meets the above criteria, the person should be treated as those in the next

category and CPR should be initiated.

PULSELESS, NON-BREATHING VICTIMS WHO DO NOT HAVE OBVIOUS SIGNS OF LIFELESSNESS:

All victims who are not categorized above should be treated with all the skills available to pre-hospital personnel. Victims who are pulseless and non-breathing but do not have obvious signs of lifelessness should be treated by pre-hospital personnel. CPR should be initiated, and paramedics should treat the victims with advanced life support skills.

When you are in doubt as to which category your victim is in, you should treat him / her with all the skills you can provide.

NEXT OF KIN NOTIFICATION:

To provide for the proper notification of next of kin (the closest relative of the deceased - spouse, parents, brothers, sisters and children) in cases of death or serious injury/illness from accident and non-accident situations. Notifications will be made in person, regardless of the fact that the injury/illness/death occurred within the City of Memphis or if the notification is requested by another agency. Minor injury notifications to next of kin may be made by telephone, based on the information known at the time.

I. Procedures

A. The Memphis Police Department may be requested to make notifications in the following instances:

1. Death or serious injury
2. Serious illness
3. Accident and non-accident situations

B. In those notifications that involve the death or serious injury of a member of the Memphis Police Department, the notification will be made in accordance with protocol of Line of Duty Death, **Memphis Police Department Policy and Procedures, Chapter XV, Section 10: Law Enforcement Officers Support Division, Pages 4 and 5.**

C. In those cases that involve a police officer from another agency, a Supervisor will, when possible, notify the Duty Chief and wait for a member of that agency to accompany him to make the notification.

D. Officers should avoid using the name of the deceased, injured, or ill over the radio prior to notification of immediate family members.

E. Officers shall ensure that the next of kin is given a list of referral agencies that may be helpful.

F. Personal effects shall not be delivered to family members at the time of notification.

D. All notifications involving death, serious injury or illness will be made by sworn personnel only and will be documented.

The Shelby County Medical Examiner's Office is responsible for all body removal services to the Regional Forensic Center. A ME investigator will be contacted **on all** deaths and will make transportation arrangements. This includes deaths in and out of health care facilities. Tennessee Law mandates that bodies falling under medical examiner jurisdiction cannot be moved without the permission of the medical examiner. This includes natural deaths outside a medical facility, natural deaths in an emergency room, DOA unknowns, accidental deaths, suicides or homicides.

The ME investigator is on-call 24 hours a day and can be reached for patrol officers through the Dispatcher and directly from investigators.

HOSPICE:

An organization (Hospice) exists which assists in the handling and treatment of terminally ill patients who have chosen to return home to await death. Agreements have been reached between the City of Memphis, the Shelby County Medical Examiner's Office, and local Hospice Services, which represent terminally ill patients. **These agreements will eliminate the need for the officer to take an incident report or to notify the deceased person's physician and will eliminate the need for those Hospice patients to be sent to the Regional Forensic Center at the time of their death**.

An exception is if the deceased person is to be buried in the Shelby County cemetery. In this type of case, the Hospice Nurse will contact the MPD. The scene officer will contact the Police Dispatcher who, in turn, will contact the on-call ME investigator at 1-800-204-9105 for assistance. If possible, the officer should obtain a copy of the hospice letter, with the name of the physician who will sign the death certificate. A copy of the hospice letter will be sent to Regional Forensic Center with the body.

The policy eliminating the need for officers to make the scene of "hospice calls" and taking incident reports remains in effect.

The officer(s) will not make the scene of a hospice patient's death unless the Hospice Nurse believes foul play is involved, or there is a family disturbance, surrounding the death, or if the body is to be buried in the Shelby County cemetery.

If foul play is suspected, the officer will notify a supervisor, who will contact Homicide or Felony Response. The investigator will request that the ME investigator be contacted. The investigator will speak with the ME investigator and advised the circumstances. The body will not be disturbed until permission is given by the ME investigator.

Removal of organs from hospice organ donor for transplant purposes is not a police issue. If confronted with such a situation, officers should advise anyone concerned that it is the responsibility of the removing physician to contact the Medical Examiner's Office prior to any organ removal.

I. Injured Parties

When members of this department handle calls that involve an injured party and the Memphis Fire Department Ambulance Service arrives on the scene, it is the sole responsibility of the Fire Department medical personnel to determine whether an individual needs to be transported by ambulance to a local hospital. If an arrested party competently refuses medical care and or transportation to the hospital by way of Memphis Fire Department Ambulance, and the officer makes the determination that they should be evaluated and or medically cleared prior to processing at jail intake, the officer may transport the arrested party to The Regional One Hospital via an MPD vehicle. A supervisor must be contacted regarding any disagreement between MPD officers and MFD personnel as to whether the arrested party shall be transported via ambulance or MPD vehicle.

When requested by Fire Department personnel, an officer will ride inside a transporting ambulance with a violent injured party. An arrest should be made if the party violates the law by virtue of his/her actions. If an arrest is to be made, the injured party is to be properly restrained with handcuffs so as not to interfere with medical treatment; however, the restraint should be placed in such a manner as will reasonably lessen the likelihood of injuring self or others. If the officer is in a one-man unit, a second car will be called to stand by with the police vehicle until a two-man unit can arrive to transport the vehicle to the officer at the hospital. At no time will the ambulance be made to wait for a two-man unit before departing to seek medical treatment.

II. Pocket Medical Kits (Blow-Out Kits)

Trained officers will carry pocket medical kits (PMK) or "blow-out kits", which can minimize bleeding in life threatening injuries. These officers should, when feasible, use PMKs to apply tourniquets, use direct pressure to control bleeding, and seal chest wounds with occlusive dressings. These are not advanced medical techniques and can be utilized by officers to stabilize a victim until medical first responders arrive.

Each PMK contains the following one-time use items:

1. SOF-T Wide Tourniquet – for the control massive, uncontrolled bleeding in an extremity
2. Primed Gauze – wound packing dressing
3. Latex Pressure Wrap – for use with gauze
4. Chest Seal – for use in penetrating injuries to the neck, chest, or abdomen
5. Nitrile gloves – for protection from blood-borne pathogens

A. Issuance and Use

The initial kits will be issued to officers at the training academy after they successfully complete PMK training. Officers must maintain their kits and have them available on duty. The kits are sealed and designed to fit an officer's cargo pocket. Officers should carry the kits on their person, so that they are readily available to be used on **anyone** who needs it. The kits provide officers with equipment proven to be effective in stabilizing injuries.

Officers will use the following guidelines in the use of the PMK:

1. Officers should have at a minimum completed a training academy sponsored training event in order to understand and be training in the proper use of the PMK.
2. **PMKs are for life threatening injuries only. They are not to be utilized for minor wounds and non-life threatening injuries**.
3. Tear open the kit and put on the gloves. Gloves should always be worn when utilizing the kit, but **DO NOT** open the kit solely for gloves
4. The SOF-T Wide Tourniquet (TK) is designed for use in the following conditions:
   a. Any injury to the extremities which results in massive hemorrhaging, including gunshot wounds, stabbings, vehicle crashes, impaled objects, severe lacerations or amputations resulting from any of these;
   b. Tactical situations that prevent the use of direct pressure (i.e. active shooter)
   c. The TK should be applied to the upper thigh for leg injuries and to the upper arm for arm injuries.
   d. Once applied, the TK should never be loosened, and the time of application should be recorded and relayed to dispatch.
   e. Direct pressure can still be used after a tourniquet has been applied.
   f. If bleeding does not stop after the application of one tourniquet, a second tourniquet may be applied directly below the first one.
   g. Pain is the number one complaint and is normal
5. Primed gauze should be used with direct pressure to control massive bleeding and is deployed by using gloved fingers to pack the wound with gauze, then applying direct pressure for 3-5 minutes. <u>This technique is very useful when treating wounds where a tourniquet cannot be applied, such as the groin or neck.</u> If gauze is unsuccessful in an arm or leg, a tourniquet can be utilized. **NEVER PACK GAUZE INTO A HEAD, CHEST, OR ABDOMINAL WOUND.**
6. The latex pressure wrap is used to secure gauze in place to create a pressure bandage.
7. The Beacon Chest Seal is to be used for any penetrating injury to the chest, neck or abdomen above the navel, to prevent air from entering the chest.
8. Officers should always check for exit wounds.

B. Replacement/ Used Kits

Unused, expired PMK's will be replaced every five (5) years. The kits should be returned to the training academy for replacement.

Once a kit has been opened and an item is used, that item will be disposed of, and the officer will be issued a new kit. Items not used in the open kit will be returned to the training academy.

Officers should follow the procedures below after using their PMK.

1. Officers should complete a memo documenting the circumstances of the usage.

2. Officers should complete an equipment replacement form and forward it to their work station supervisor.
3. Copies of both documents should be sent INTER-OFFICE MAIL to the training academy marked PMK USAGE REPORT Replacements will not be issued without proper documentation.
4. Each respective station will be responsible for replacement costs of PMKs used in accordance with policy.
5. **At no time will officers break the seal on a PMK for the gloves only**. If an officer opens a kit and only the gloves are used, the officer will be responsible for the replacement cost of the kit.

Officers will be responsible for the replacement cost of the PMK if:

1. The PMK is used for a minor injury;
2. The officer damages the kit due to negligence; or
3. The officer misplaces or loses the kit.

I. Intoxicated vs. Ill Person Call

Officers have encountered individuals who had every appearance of being intoxicated by either alcohol or drugs. Later it is learned that the individual was either diabetic or had some other medical difficulty, and was not intoxicated.

II. Response to Calls

A. Whenever an officer of this department encounters an unconscious or semi-conscious person who exhibits signs of being intoxicated, the officer should make every effort to determine whether or not the individual has some type of medical problem causing the present condition. **This action would include checking for an alert bracelet, necklace, or I.D. card.** Officers should ask the person if a medical problem exists, and if they are not responsive or there is reason to believe the person is ill, an ambulance should be called. In instances where the person is visibly unable to care for himself, he should be transported to the Med.

B. If it appears that a person's actions may be due to a medical problem or impairment, a supervisor must first be notified and approve the placement of any traffic or criminal charges.

C. If a person is transported to the Regional Medical Center, and has in their possession medication or medical alert items, officers assigned to the Med should be made aware of such articles. The Med Officers will then immediately forward these items and/or medication to the nurse on duty, or the doctor treating the person.

The following procedures will be followed when officers are required to make investigations at medical facilities:

1. Care will be exercised in selecting parking spaces. At facilities such as St. Francis, only one (1) police vehicle should be parked under the shelter at the Emergency Room as ambulances must have room to enter and maneuver.

2. Police personnel will not enter a treatment room to interview victims without approval of the hospital personnel.

3. Police personnel will not attempt to read the patient's hospital record without approval of hospital personnel. An individual's hospital record could contain confidential information not relevant to the investigation.

"Patient Condition" definitions:

1. Good Condition - Slight injury, such as minor cuts, abrasions or burns. Probably only require treatment in the Emergency Room.

2. Satisfactory - Any injury with no apparent complications; simple fractures, etc. Victim may be treated in the Emergency Room and released or may be admitted for further observation.

3. Serious - Condition is such that victim could revert to satisfactory or if complications should arise, the condition could become critical. Definitely will be admitted for further treatment and observation.

4. Critical - Injury is such that the victim could expire within a short time or could revert to serious after initial treatment.

5. Extremely Critical - Victim's vital signs are such that expiration of the victim appears imminent, but after initial treatment, victim could revert to critical condition.

6. Undetermined - Unable to give a condition report pending detailed examination and diagnosis, i.e., lab test, x-ray.

When making a D.O.A. call to a licensed nursing home or extended care medical facility where the patient's death was anticipated, the reporting officer must determine if the attending physician or nursing home medical director has agreed, in writing, to sign the death certificate prior to the patient's death.

This agreement from the attending physician or nursing home medical director must be signed and immediately accessible at the location of the death. The reporting officer should record the physician's name and information in the report and indicate that the written agreement was in the decedent's records. **Once the written agreement has been produced by the staff and deemed by the officer to be correct and complete, the officer will not be required to contact the attending physician and under no circumstances will the body be sent to the Regional Forensic Center. A detailed report will be submitted.**

If an officer makes a D.O.A. call to a licensed nursing home or extended care facility and there is no agreement signed in advance by the attending physician or nursing home medical director, the officer must contact the Dispatcher and request the ME's office contact them. The dispatcher will contact the on-call ME investigator @1-800-204-9105. The Dispatcher will provide contact information to the ME investigator for the officer on the scene. The ME investigator will contact the officer and obtain the information regarding the death, the patient's doctor and contact information for the doctor. The ME investigator will either advise the officer to release the body to the facility or will advise the officer that they will make the scene. The officer will remain on the scene, until released by the medicolegal investigator. The officer will complete a DOA Natural or DOA Unknown report depending on the circumstances The ME investigator as soon as possible and will attempt to contact the on-call physician within thirty minutes or make the scene. The ME's office is responsible for all body removal to the Regional Forensic Center.

This does not in any way change the policy for hospice patients.

Handling Deaths

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I. General

Memphis Police Officers will be responsible for the investigation of all deaths, which occur in Memphis, Tennessee, including traffic fatalities. The only exceptions are Hospice Patients (Chapter 10, Section 2, Page 1), In-patient hospital deaths (this does not include emergency room deaths), and deaths of suspects or detainees as a result of police action or while in police custody.

According to Tennessee State Law, only ME investigators, can take charge of a deceased body from the crime scene or emergency room. The Shelby County Medical Examiner's office will make all death scenes (including traffic fatalities) or contact physicians for police personnel prior to releasing a body to a funeral home involving natural deaths. The ME investigator will arrange the transportation of deceased individuals to the Regional Forensic Center.

Officers will be dispatched to the scene of all deaths and a supervisor will be notified.

II. Natural Deaths and DOA Unknown

Officers will be dispatched to the scene or emergency room to take an offense report. From the scene or emergency room, the officer will obtain all information about the victim, nature of illness, doctor's name, address and phone number and next of kin information. The officer will request the Dispatcher to contact the on-call ME Investigator, and arrange for contact between the officer and ME investigator. In the case of a natural death the ME investigator will attempt to contact the deceased's doctor to determine if the doctor will sign the death certificate. Within thirty minutes the ME investigator will contact the reporting officer and advise them to release the body to the funeral home or await their arrival on the scene to take charge of the body. **The body WILL NOT be touched, items removed from the body or disturbed in any way until given permission from the Medical Examiner's Office, which will generally be given by the ME investigator.** The uniform officer will complete a DOA natural or unknown report, listing the ME investigator they spoke with in the narrative of the report.

If the decedent is under Hospice care and the circumstances of death are not suspicious, there is no need to contact the medical examiner. The decedent can be released directly to a funeral home. DO NOT TAKE A REPORT. If a Hospice death is suspicious contact a supervisor.

III. Child Deaths

Officers will make the scene of all child deaths, secure the scene and contact a supervisor. If the child has died in the emergency room an officer will stand by at the emergency room. Another officer will secure the scene from which the child was transported. A supervisor will contact Homicide or Felony Response from the scene. Investigators who will make the scene will request the Dispatcher to contact the on-call ME investigator. The ME investigator will make the scene and once given permission to enter the scene by the Homicide supervisor or lead investigator will take charge of the body. The scene will remain intact until the ME investigator has completed their investigation. The ME investigator will take charge of the body and will be responsible for transportation to the Regional Forensic Center.

IV. Homicide/Suicide/Accidental Deaths/Unexplained Deaths

Patrol officers will make the scene of all homicides, suicides, accidental deaths or unexplained

deaths, secure the scene and contact a supervisor. If the victim has been transported to the hospital and died in the emergency room, an officer will stand by at the emergency room. An investigator will make the scene and will contact the on-call ME investigator.

Supervisors will contact Homicide or Felony Response from the scene. Investigators will make the scene will and request the Dispatcher to contact the on-call ME investigator. The ME investigator will make the scene if the body remains on the scene and once given permission to enter the scene by the Homicide supervisor or the lead investigator will take charge of the body. The scene will remain intact until the ME investigators has completed their investigation. Investigators and CSI personnel will conduct their scene investigation, careful not to disturb the body prior to the ME investigator conducting the body examination. No evidence should be removed or collected and the scene should remain undisturbed until the ME investigator has completed their scene work. The ME investigator will take charge of the body and will be responsible for transportation to the Regional Forensic Center.

V. TBI Scene Protocol

The following protocols are to be followed during Use of Force investigations of Memphis Police Department officers by Tennessee Bureau of Investigations agents. These investigations will be initiated whenever the death of a citizen occurs as the result of police action, or while a person is in the care or custody of any officer of the Memphis Police Department.

District Attorney General and the Tennessee Bureau of Investigations will be contacted any time an officer involved shooting (adversarial contact) results in the suspect being carried in critical condition. This courtesy call will take place to make certain all parties are aware of the event in case the situation deteriorates quickly, resulting in TBI involvement.

A. Handling of the Crime Scene

1. Public safety is the highest priority. If a suspect remains at large, efforts should continue to capture that suspect. The need to apprehend will be articulated to TBI.
2. MPD will be responsible for scene security; TBI will be responsible for the scene investigation.
3. During regular business hours (0800 hours to 1600 hours) Homicide, ISB, and CSI will be called to the scene until such time as they are not needed. After business hours Felony Response will be called instead of Homicide (1600 hours to 0800 hours).
4. MPD officers and supervisors will immediately secure the crime scene area by cordoning off the inner perimeter, intermediate perimeter, and outer perimeter. No one will be allowed in the inner perimeter without the permission of TBI. Access to the intermediate perimeter will be limited.
5. Special attention will be given to media placement, to keep them at a safe distance, and to allow for an easy transfer of information from the Public Affairs/PIO Offices of TBI to the media.
6. If a scene is held overnight, MPD will continue to provide scene security. This includes keeping the media and citizens at a safe, appropriate distance.

7. Once investigators from Homicide / Felony Response, ISB, or CSI arrive on the scene, the inner perimeter tape will be replaced with red tape to clearly mark the perimeter. ISB investigators will be stationed outside the inner perimeter to ensure security of the scene.
8. If a weapon is on the scene, MPD will secure that weapon and notate who was assigned to keep it secure. This will be accomplished by posting an officer to stand near the weapon. If the weapon is collected for safety reasons, this information will be notated and provided to TBI when they arrive. **(The MPD involved officer's weapon will remain holstered until instructed otherwise by TBI.)**
9. Exigent circumstances may arise (weather, safety issues, etc.) that could require involvement by the CSI Unit of MPD. These circumstances may also call for the body to be moved prior to TBI arrival. ***All such instances will be discussed by phone with TBI SAC/ASAC prior to actual involvement by MPD CSI.***
    - CSI may deploy a tent and side shields prior to the arrival of TBI, if needed. Deployment of these items will be documented and given to TBI (who deployed, when deployed, etc.).
    - If any evidence needs to be marked by MPD CSI prior to TBI arrival, the preferred method of marking evidence will be with small flags.
    - If a body MUST be moved prior to TBI arrival, the location of the head, hands, and feet will be marked on the ground or surface. All of these actions will be documented in detail and provided to TBI. The office of the Medical Examiner will be called for removal of the body.
    - If CSI officers take photos of a scene in exigent circumstances, TBI agents will download the camera SD cards on the scene via SD card readers.
    - All paper reports that might be generated (in exigent circumstances) by CSI will be provided as soon as possible to TBI.
10. All offense reports will be the responsibility of the agency with jurisdiction, in this case MPD. TBI will provide all the necessary information to complete LEOKA (Law Enforcement Officers Killed or Assaulted) reports as soon as is practicable.
11. In the event that any vehicle needs to be towed from a scene for evidentiary purposes, the preferred action is to tow vehicles from MPD scenes to the SCSO Facility on Dovecrest. If the same is true in a SCSO scene, vehicles will be towed to the MPD CSI Office on Klinke.
12. EMS personnel should be reminded to take medical trash with them when they clear the scene.
13. TBI will notify the Medical Examiner's Office regarding the need for body removal. MPD can notify the ME's Office of the incident, but TBI will make the decision as to when the ME will be called for the actual removal.
14. TBI agents will notify the next of kin at the appropriate time during the investigation.

B. Handling of Witnesses on Crime Scene

1. All witnesses will be located and separated as soon as possible, until the arrival of TBI agents. **All active canvassing for witnesses will be conducted by TBI agents.**
2. MPD will transport witnesses to the TBI Office only after being instructed to do so. Witnesses should remain on the scene (separated), until TBI agents advise otherwise. **Witnesses will not be taken to any MPD facility prior to being transported to TBI**, in order to maintain investigative integrity.
3. **TBI will interview witness officers prior to any administrative statements being obtained.** ISB will obtain approval from TBI to approach witnesses prior to interviews (in the event additional criminal investigative tasks are necessary).
4. Primary (involved) officers will be asked to give a statement by TBI agents at the time of the initial investigation. If the officer declines at that time, the officer can still give a statement later, or give TBI a copy of their Garrity statement, if they so choose. There will be no penalty for declining to give a statement at the time of the initial investigation.
5. TBI encourages MPD (and other agencies) to hold off on conducting administrative investigations until TBI has concluded their criminal investigation. However, TBI realizes that agencies may start their administrative investigations as a parallel investigation. Any "walk-throughs" associated with administrative investigations will be delayed until TBI is through with the scene investigation.
6. Supervisors should ask the primary officers the "Public Safety Questions" located on Mpdsupport/Departmental Forms/Administrative Forms. These questions are designed to obtain answers to safety-related questions (such as last known direction of travel of at-large suspects) instead of queries about specific details of the shooting ("why" or "why not" questions).

C. Additional Investigative Tasks

1. Primary (involved) officers will be taken to the precinct by members of ISB to stand by for additional investigative tasks, including drug testing.
   - TBI agents will be collecting gun belts, uniforms and boots, and any other necessary items for testing, analysis, etc. Photos may also be taken.
   - TBI agents will collect as evidence the weapons used by involved officers. ISB will, after TBI is finished, relieve the primary, involved officers of duty and conduct post-incident drug testing.

2. MPD ISB will conduct post-incident drug testing of involved officers per MPD policy.
   - TBI agents will make contact with all involved officers prior to them being transported to the precinct for follow-up tasks. This will allow TBI agents to determine if the involved officer(s) may be impaired in any way.
     - If the involved officer is suspected on the scene of being impaired, TBI will obtain a search warrant for appropriate testing ***before*** ISB conducts any administrative testing.

    - If no impairment is suspected, administrative testing will be conducted as it has in the past.
- ISB will conduct the testing as has been past practice.
    - If the results are negative, the results will remain administrative, protected by the ruling in ***Garrity vs. New Jersey***.
    - If the results are positive, the City of Memphis will consult with the SCDAG and TBI as to how to proceed.

D. ISB will be the agency point of contact for MPD with TBI. ISB will coordinate obtaining information for TBI relative to TBI's investigation (training records, personnel files, ISB files, etc.) as well as assisting in communication between MPD officers and TBI agents, MPD bureaus/units and TBI, etc.

VI. Traffic Fatalities

Traffic Fatalities will be handled in accordance with existing policy. However, STIS investigators must notify the on-call ME investigator via the Dispatcher to make the scene of all fatal crashes. The body of a deceased individual will not be disturbed or removed until the ME investigator gives permission. The STIS investigator will conduct their investigation and at the appropriate time give permission for the ME investigator to begin their investigation. If the victim was transported to the hospital and died in the emergency room the STIS investigator at the hospital will contact the ME investigator through the Dispatcher. The ME investigator will arrange for the body to be removed from the scene to the Regional Forensic Center.

The Memphis Police Department will protect and defend all persons consistent with current local, state, and federal law and afford all persons justice and the full protection of the law. A police report/investigation is not contingent upon a person's citizenship status or recognizable identification. Memphis Police Officers will take reports of crime that occurred within the City of Memphis from any individuals who need to file them, regardless of their citizenship status.

All individuals, regardless of citizenship, are entitled to basic rights and privileges which are set forth in common law, State and Federal law, and the United States Constitution. In addition, undocumented immigrants/foreign speaking persons may be entitled to rights and privileges set forth in the Vienna Convention and other international laws. It is the policy of this department to exercise its duties in conformance with all applicable laws, regardless of nationality or racial/ethnic background.

The policy and procedures for reporting crime incidents, arrests and the issuance of summons/citations in lieu of arrest are described in the CompStat/TIBRS Report Manual.

Officers will submit paperless incident reports through Watsons, except for occasions when the Watson Applications are down.

For officers who successfully complete basic police recruit training and enter the Field Training Officer (FTO) Program, the following guidelines will be followed:

1. During Part 1, Phase 1 thru 4, of the Field Training Officer Program, PIIPs will use their FTO's PDA in order to submit reports.
2. The PIIP's name will be in the 'Reporting Officer" block and the FTO name will be listed as "Additional Officer."
3. FTO's will review the reports prior to submission and make notations on the Daily Observation Report (DOR) regarding the PIIP's performance in both using the equipment and their written communication skill.

After successfully completing Part 1 of the Field training Program, PDAs will be issued to PIIPs. P2P's will be notified when their PDA's are available so they can schedule a time for pick-up.

When a vehicle which has been reported stolen is found to be on the lot of a wrecker company repair shop, or other related places of business, the owner or manager of the subject business will be asked to voluntarily release the vehicle to the true owner. Any deviation, such as towing in connection with an unrelated crime, etc., will be at the direction of a supervisor on the scene. All charges for towing, storage, etc., will be a matter to be settled between the garage keeper and the owner after the vehicle is returned to the owner.

In the event the garage keeper will not voluntarily relinquish the vehicle to the true owner, application for a search warrant is to be made while the premises is secured as to the stolen vehicle. After the search warrant is obtained, the vehicle will be towed to the City lot and subsequently returned to the owner. However, the Attorney General's Office should, in all cases, be notified via the Vehicle Theft Squad, if it appears there is a case to be made against the garage keeper for auto theft, receiving and concealing, aiding and abetting, etc. If the Attorney General's Office is willing to present the matter to the Grand Jury, the case should be written up for indictment by the Vehicle Theft Squad. If a vehicle is located on a private storage lot and it is established through NCIC that the vehicle is stolen, it is to be removed from NCIC by a member of the Memphis Police Department only after it has been placed in the custody of the owner or taken to the City Vehicle Storage facility.

*** The Vehicle Storage Lot is located at 465 Klinke Avenue, on the west side of the old International Harvester Plant. The phone number is 353-8200.**

The uniform procedures for making Offense Reports on Shoplifting are as follows:

1. In all misdemeanor Shoplifting cases handled by Uniform Patrol, where an Arrest Ticket, Juvenile Summons or Misdemeanor Citation is executed, it is necessary for the officer(s) to file an Offense Report.

   Arrest tickets must include all data pertinent to the physical arrest, i.e., complete names, addresses, victim, dates, times, places, phone numbers, statements, property, and its value etc.

2. In cases where a Shoplifting offense is a felony, a "Larceny/Shoplift" Offense Report will be filed.

   The proper charge will be "Theft of Property - Conduct Involving Merchandise Over $1000".

   In some cases shoplifting can be charged as burglary if there is substantial proof that the suspect has been barred from the retail business.

3. Property that is evidence in shoplifting cases is to be left with the store. If a felony charge is going to be placed by the arresting officer, then CSI should be called to take photographs of the evidence.

It is the policy of the Memphis Police Department to accept and report all missing person complaints (adult or juvenile) when received regardless of the length of absence of the missing person.

In any circumstance where it appears that foul play may be involved (murder/kidnapping), the responding/reporting officer will notify their supervisor immediately and that supervisor will immediately notify the appropriate bureau by phone so that an investigation can begin as quickly as possible.

Special caution should be taken in cases involving young children, which might require a City Watch or Amber Alert**. TBI mandates that missing juveniles MUST be entered into N.C.I.C. within two hours from the time the complainant notifies the department of the missing child.** By FBI standards for missing persons reports, a juvenile is anyone under the age of (21) twenty-one years. It will also be the reporting/responding officer's responsibility to insure that the necessary radio broadcasts are put out on the missing person. A supervisor must be notified if the child is under the age of 13.

When a reporting/responding officer arrives on the scene of a missing person call (adult or juvenile) that officer shall:

1. Obtain as much of the following initial information on the missing person as possible:
    a. Emergency contacts: phone numbers of family or friends that the victim would contact.
    b. Physical description (Age, race, sex, height, weight, hair and eye color, SMTs).
    c. Description of clothing worn when last seen.
    d. Time and place last seen.
    e. Vehicle information, if any.
    f. Direction of travel.
    g. With whom the victim may have been traveling.
    h. The general circumstances of the disappearance.
    i. Special medical needs.
2. Take an incident report.
3. If the missing individual is under twenty-one (21) years of age, **the scene officer should contact Station B whether a report is taken or not, in order to verify the temporary Station B entry or to remove it, if the person is located.**
4. Put out a City Wide broadcast over the Memphis Police Radio system.
5. Notify a supervisor to determine if additional steps are necessary, depending on the situation, to locate the individual that is missing.
6. The supervisor must notify the appropriate bureau. Depending on the <u>time of day, or the situation</u>, that would be either the Missing Persons Bureau, Felony Response "A" shift, Felony Response "C" shift, Homicide or Sex Crimes/Child Abuse.

For paper reports, continue with steps 7-10.

7. The officer will complete the report as soon as possible and, after approval of a supervisor; call CompStat at 636-3575 for a report number.
8. The officer will fax the report to CompStat at 636-3492 as quickly as possible for the report to be typed into the Visions System.
9. The officer will call back to CompStat to verify that they received the report and that it was legible.
10. A copy of the report will also be faxed to the Missing Persons Bureau at the same time.

In situations where an officer is using a P.D.A. device to electronically input the report directly in Visions, the officer must call CompStat and advise them of the victim's name and the report number so that the information can be retrieved from the Visions report and entered into the N.C.I.C and T.C.I.C.

If the individual is located after being entered into the N.C.I.C. and T.C.I.C., a memo must be submitted to the appropriate bureau so that the entry can be removed. It will be the responsibility of the Bureau that is handling the case to update the information in N.C.I.C. and T.C.I.C. and ensure that the entry is removed after the person is located.

Custodial Interference **(T.C.A. 39-13-306)** is the offense when a child younger than eighteen (18) years of age is taken by another member of the child's immediate family in defiance of a court custody ruling. This may include natural or adoptive parent, stepparent, grandparent, brother, sister, aunt, uncle, niece or nephew. (cousin is not included)

When an officer receives a call of this type the reporting officer should attempt to determine who has custody of the child by viewing the custody papers if possible. A Custodial Interference Report should then be taken which should include:

1) Relationship of the complainant to the child.

2) Relationship of the person believed responsible for taking the child.

3) Person who has custody of the child.

4) When child was taken and any details that may aid in the investigation.

5) Is the child believed to be in any danger with present caretaker.

6) Has this happened in the past and if so under what conditions was the child returned.

Upon a report being taken, advise the complainant to contact the Missing Persons Bureau and have the custody papers available. The complaint will be investigated by the Missing Persons Bureau and a warrant will be obtained when necessary. A physical arrest is not to be made on the scene except in cases where the subject may leave the jurisdiction or if the child is in danger, at which time the child may be placed in protective custody.

The Record of Arrest (Arrest Ticket) is the standard report to be used when an arrest is made, juvenile or adult. For processing requirements, see Chap. II, (Arrests, Charges & Investigations), of this manual. It is important that the Arrest Ticket be filled out in detail, including the vehicle used by the suspect/defendant. The vehicle should be listed in the following order: year/make/model/color/license number/state. This allows the Crime Analysis Unit to search for wanted persons in connection with other crimes. All Arrest Tickets must be approved by Central Intake.

Blocks #17 and #21 on the Arrest Ticket form require further explanation:

Block #17 - "Sheriff's R & I No." block.

NOTE: This block is for the identification number issued by the Sheriff's Department during processing. MPD officers may not have access to this number while filling out the Arrest Ticket. Therefore, this block will not be filled out by MPD officers.

Block #21 - Includes a "Transported by" block.

NOTE: When a security guard effects an arrest for which a police officer transports, the security guard's name will be placed in the "Arresting Officer" block. The police officer's name and IBM # will be placed in the "Transported by" block. The officer should also note in the narrative that he was the transporting officer.

NOTE: The officer writing the report will enter their name first in Block #21 of the Arrest Ticket; and only the officers participating in the actual arrest should be listed in Block #21. The names of the other officers involved in the
incident/arrest should be placed in the narrative detailing their participation.

NARCOTIC ARRESTS AND NARCOTIC ARRESTS PAPERWORK:

The following procedures will be followed when officers make narcotic arrests:

A. NARCOTIC ARRESTS

Arresting officer will straight charge (bond recommendation, affidavits) all suspects on Narcotic Arrests. Before a suspect can be placed on hold for the Organized Crime Unit, an Vice Narcotics Unit supervisor must be contacted.

B. NARCOTIC ARRESTS PAPERWORK
All paperwork pertaining to Narcotic Arrests is to be given to the supervisor in the C.D.O's office LL-116.

In order to ensure the accurate counting of Narcotic Arrests for statistical purposes, it will be

necessary for all members of the department to send copies of any arrest tickets, Misdemeanor Citations, Ordinance Summonses or Juvenile Summonses relating to drug charges or drug paraphernalia charges to the Vice Narcotics Unit, 225 Channel Three Drive.

C. PROPERTY SEIZURES

Due to changes in the Tennessee Drug Control Act, which take effect October 1, 1994, it will be necessary for all Uniform Patrol drug arrests to contain all pertinent information of the arrest in the narrative of the arrest ticket. This information should include, but is not limited to, the basic who, what, where, when and how.

This information is necessary to establish probable cause which will enable Vice Narcotics personnel to draft a hearsay affidavit of complaint and secure a State Seizure Warrant that must be signed by a judge before property can be seized through the Tennessee Department of Safety.

Investigative Services:

The Investigative Services Division requires detailed information in the narrative section of the Arrest Ticket. In Block 22, Narrative Section, it is requested that all officers participating in the arrest/incident be listed, using care to detail what action or role each officer played. (See NOTE below).

This will be extremely helpful when preparing State Reports. In juvenile arrests, the Arrest Ticket oftentimes is the instrument used to prosecute; therefore, specific information is of vital importance.

NOTE: Officers will communicate by case notes for the incident related to the arrest in sensitive cases, paying special attention to listing in detail what each officer did relative to action and/or evidence.

State law provides that certain arrest records be expunged. State and City Courts are required to issue an order specifically expunging a record of arrest. This order is then given to the various agencies involved, including the Memphis Police Department. When the Memphis Police Department receives an expungement order, it should be forwarded to the Records and Identification Section, which is run by the Shelby County Sheriff's Department. An expunged record may be given to the following personnel only:

1. MPD personnel
2. Attorney General's Office, City Prosecutor's Office
3. FBI
4. Secret Service
5. ATF
6. Pre-Trial Release and State/City Probation Officers
7. TBI
8. Tennessee Highway Patrol
9. Shelby County Sheriff's Department
10. Any court of record pursuant to subpoena

These agencies are to be told of the expunged status of such records so that they do not inadvertently make them available to any non-law enforcement agency.

There may be occasions when criminal investigators for other divisions of government have a justifiable need for expunged records. These personnel should be referred to the Legal Office for clearance in each case.

Record Retention

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I. General Information

A. Policy

1. It is the policy of the Memphis Police Department to comply fully with all relevant Tennessee laws regarding the retention, protection, public accessibility, and disposal of all departmental public records. Tennessee Code Annotated 10-7-301 defines records management as "the application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records in order to reduce costs and improve efficiency of record keeping." The term public records means "all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, regardless of physical form or characteristics, made or received pursuant to law or in accordance or in connection with the transaction of official business by any governmental agency."
2. Compliance to all laws related to public records is achieved through the adoption of efficient records management practices to ensure that all valuable public records are preserved as required either by law or good practice.
3. By virtue of their legal and administrative value, the case files of all investigations are primary examples of public records required for the effective operation of the Memphis Police Department.
4. This policy articulates the retention procedures for all documents and files created by the Memphis Police Department.
5. The authority for this policy derives from Tennessee Code Annotated, Chapter 10-7-401 and sections following.
6. All Memphis Police Department documents and files will be retained in accordance with the guidelines established by the Police Director as outlined in this section.

II. Record Retention Schedule

A. **Retention Schedule**

Record Type	Additional Info	Keeper of the Record	Retention Time	Routing
Administrative Internal Reports	Dealing with policy changes	Executive Admin	Indefinite	
Annual Evaluations		MPD Human Resources Station Copy	Indefinite 1 year + current	Original to Human Resources
Annual Reports		Res & Dev	Indefinite	
Applications		City of Memphis Personnel	2 years + current	Academy to City Personnel
Arrest Tickets/ Affidavits		SCSO-original Work Station	Indefinite 3 years + current	SCSO
Collected Evidence		Property/Evidence	Indefinite, By court order	
Crash Reports		Central Records	5 years + current	Original to Nashville

		Scanned copy	Indefinite	
Criminal Intelligence		Vice/Narcotics	3 years + current	
Internal Affairs Cases		Inspectional Services	Indefinite	
Letter of Commendation		Human Resources Work Station	Indefinitely 3 years + current	Human Resources
Military Orders		Human Resources Work Station	Indefinite 3 years + current	Military Liaison
Offense Reports		Central Records	Indefinite	
Office Memos		Work Station	3 years + current	
Payroll Records		Payroll Work Station	Indefinite 3 years + current	Payroll
Personnel Files		MPD Human Resources Work Station	Indefinite 3 years + current	Human Resources
Pursuit Forms		Training Academy	3 years + current	Training Academy Traffic
Roll Call/ Logsheets		Work Station	Indefinite	
Seizure Records		Vice/Narcotics	Indefinite	
Sick Notices		Work Station	3 years + current	
Sick Notices (LTA)		Health and Safety Work Station	Indefinite 3 years + current	Health and Safety
Statement of Charges		MPD Human Resources E.I.P./ Inspectional Services Work Station	Indefinite Indefinite Indefinite	Original to Human Resources Copy to E.I.P./ Inspectional Services
Station Complaints		IAB-original Work Station	Indefinite 3 years + current	IAB
Station Operational Forms	Add. Patrols, Vac. Watches, etc.	Work Station	3 years + current	
Supervisor Incident Reports		Work Station	5 years + current	
Traffic Citations		Work Station	3 years + current	
Training Records		Training Academy	Indefinite	
Use of Force forms		Inspectional Services	Indefinitely	IAB
Tow tickets		Work Station	3 years + current	

B. <u>Case Files</u>

Case files consist of all documents, reports, papers, letters, correspondence, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, regardless of physical form or characteristics, including any combination thereof, and including all copies thereof, either organized or received by the Memphis Police Department.

Investigators should maintain a file of all original documents, supplements, and notes pertaining to each assigned case. The case file documents will be stored in a locked drawer or file cabinet at the employee's workstation. These documents will be used later to complete the state arrest report on the case. The documents for closed or inactive cases should be forwarded to Central Records.

Access to the case files will be restricted to personnel of the responsible Bureau. At the discretion of the investigating detective, the information may be shared with other members of the Department. (42.1.3.d)

C. Officer's Duty Station Working File

All records and documents will be secured in locked filing cabinets.

1. Statement of Charges filed at the officer's duty station.
   a. Records of all disciplinary actions taken resulting from a Statement of Charges including oral and written reprimands, suspensions, demotions, and terminations will be filed for storage once all hearings and appeals are finalized. The original will be placed in the officer's personnel file located in Police Human Resources, 170 N. Main, 11th Floor, Room 11-16 a record will be secured in the Early Intervention Program office (E.I.P) / (P.E.P.), 170 N. Main., 11th Floor, Room #11-18 and a copy will be placed in the officer's duty station file.
   b. All records and documents will be secured in locked filing cabinets in said offices.
      1) For Inspection and Purging guidelines of personnel files see Personnel Manual (PM 70-02 and 70-03 located in the Police Human Resource Office.)
      2) E.I.P. (P.E.P.) Records are confidential and secured under the control of a Licensed Mental Health Professional. Counseling reports and records are maintained under conditions of security. Mental health counselors ensure that all persons in his or her employ, volunteers, and community aides maintain privacy and confidentiality. Code of Ethics AMHCA. Counselors must maintain appropriate confidentiality in creating, storing, accessing, transferring, and disposing of counseling records. Standard of Practice Fourteen (SP-14): ACA Standards of Practice.
2. Station Complaints
   Original forwarded to IAB with the Station copy retained at station for three years.
3. Evaluations
   a. Original yearly evaluation sent to MPD Human Resources annually.
   b. Copy of current and one year prior retained at station at all times.
4. Observational Behavioral Reports
   a. A copy must be given to the officer.
   b. Once all accolades are noted and explained on annual evaluation, they must be kept in working file for three years.
   c. This also includes any citizen letters, or correspondence on behavior of officer.
5. Sick Notices
   a. Long Term Absence Original Sick Notice to Office of Health and Safety with station copy maintained for three years.

b. Regular Sick Notice Station copy retained three years.

6. Official Letters of Commendation
   a. Original sent to MPD Human Resources.
   b. Station copy retained three years.
7. All other operational memos and correspondence regarding officer will be maintained for three years.

D. MPD Personnel File

All original documents will be filed with the MPD Human Resources Office and copies of said documents must be maintained within the employee's duty station file and given to the employee at the completion of each annual performance evaluation. The employee's personnel file located at the MPD Human Resources Office will be stored indefinitely.

E. Training Files

A copy of all training related records must be sent to the Training Academy and will be permanently maintained in the employee's training file. When the employee is no longer employed by the MPD, the files must be sent to the MPD Human Resources office for indefinite storage.

F. Medical Record Retention

All medical records will be secured in double locked filing cabinets under the control of the Memphis Police Department Health and Safety Coordinator in the Health and Safety Office, 2714 Union Extended, Suite 200.

G. Inspectional Services Files

1. Internal Affairs and Security Squad investigative case files
   Investigative case files are necessary to current and future police operations and to the fulfillment of the Department's legal obligations to local, state, and federal governments and outside interests.
2. Case File retention and classifications
   a. All case files generated by the Internal Affairs Bureau and the Security Squad will be retained permanently.
   b. Internal Affairs and Security Squad case files will be divided into two categories, active and inactive.
   c. Active investigative case files are defined as the case files pursuant to an ongoing investigation conducted by the Internal Affairs Bureau or Security Squad. An internal investigation is considered ongoing until a final determination of the liability of the employee or employees under investigation has been made and all appeals have been exhausted. Active case files will be retained in active file status until after final appeal.
   d. Inactive investigative case files are defined as the case files pursuant to a closed investigation conducted by the Internal Affairs Bureau or Security Squad. A case file is considered inactive only after an investigation has concluded, disciplinary

hearing has been held, final appeals have been exhausted, court decrees issued, or charges dismissed. Inactive case files will be retained in an inactive file status for ten years. The ten-year period will begin the day an active file becomes inactive.

e. The next business day following a status change from active to inactive, an active case file will be transferred from active file storage to inactive file storage.

f. A status log will be maintained of all case files, both active and inactive. The status log should include the following information:
   1) The assigned investigation number.
   2) The name of the officer or employee under investigation.
   3) The name of the officer conducting the investigation.
   4) A short summary of the investigation, not to exceed 25 words, including the most serious allegation.
   5) Date of the file's creation.
   6) Date the case file was forwarded to the Disciplinary Review Board (if applicable).
   7) Return date from the Disciplinary Review Board (if applicable).
   8) Final disposition of the case and date.
   9) Date of transfer to inactive status.
   10) Date of transfer to permanent storage location.

3. Records Officer

   The Commanding Officer or designate of Inspectional Services will supervise the functions of a Records Officer. The Records Officer will be responsible for coordinating the development and maintenance of the Internal Affairs and Security Squad case file management program.

4. Storage Guidelines

   a. The offices of the Internal Affairs Bureau will be considered the on-site storage location.
      1) All active and inactive case files will be stored in a locked storage room, with access controlled by the Records Officer in Section 6.
      2) Active case files will be stored in separately from inactive case files.
      3) A relatively constant temperature will be maintained in the case file storage area.

   b. Following expiration of the ten-year period, an inactive case file will be prepared for indefinite storage in a permanent storage facility. The Police Director may request in writing that an inactive case file be kept on-site for a period of 365 days after the prescribed date of transfer to an off-site storage facility. There is no limit to the number of extensions a Police Director may request.

   c. Absent a proper authorization from the Police Director pursuant to 4b1 requesting that an inactive case file be kept on site for a period of 365 days, the inactive case file will be prepared for permanent storage in a permanent storage location as described in Section 6 the next business day following completion of the extension period.

d. The Police Director will designate a permanent storage location for all inactive investigative case files, and insure that adequate security is provided for the protection of the case files.

5. Retention and storage of physical and forensic evidence
   a. All physical and forensic evidence referenced in a case file of the Internal Affairs Bureau or Security Squad will be retained for a period of ten years. The ten-year period will begin the day an investigation is opened.
   b. Within five days after receipt of the transmittal form indicating that an inactive case file has been transferred to the designated permanent storage facility, a written letter will be issued from the Records Officer to the appropriate department or departments requesting that all physical evidence supporting a specific case file will be destroyed within thirty days. The letter should include a request for a written response indicating the exact date of disposal for all such evidence.
   c. The Police Director may request in writing that all supporting physical and forensic evidence of a case file be retained for a period of 365 days after its prescribed date of destruction. There is no limit to the number of extensions a Police Director may request.
   d. Absent a proper authorization from the Police Director pursuant to 5c1 requesting that an inactive case file be kept on site for a period of 365 days, a written letter will be issued from the Records Officer to the appropriate department or departments requesting that all physical evidence supporting a specific case file will be destroyed within thirty days. The letter should include a request for a written response indicating the exact date of disposal for all such evidence.
   e. All physical and forensic evidence are to be properly stored according to the guidelines outlined in Chapter V, Section 3 of the Policies and Procedures Manual.
6. Preparation and transmittal of official records/documents for permanent storage
   a. When records/documents are ready for permanent storage, the following procedures will apply:
   b. All records/documents must be boxed in approved acid-free archival storage boxes.
   c. A transmittal form must be completed *each time* a case file's shipment is made. If the front of the first page is filled up, a continuation sheet(s) should be used for the remainder of the records to be transmitted. All records must have an item number included *per box*. The description used must match the item number. However, additional information may be included under the description to facilitate access to the records at a later date.

      EXAMPLES: BOX 1, ITEM #_____, Description
      Case Files
      Aaron-Arnold
      BOX 2, ITEM # _____, Description
      Case Files
      Astor-Bailey

      NOTE: Item # should correspond with the number on transmittal form.

d. A properly completed "Memphis Police Department Investigative Case Files" gummed label must be attached to each box transmitted to the off-site storage facility. The label must be placed in the center of one of the small ends of each box, under the handle hole.

e. After the boxes have been delivered, a storage assignment location will be made for each box and marked on the transmittal form. A copy of the form will be returned to the Records Officer for future reference when accessing a particular document All Internal Affairs and Security Squad case files are public records subject to public inspection pursuant to T.C.A. Code 10-7-503.

7. Access to Internal Affairs and Security Squad case files

a. Records stored by the Internal Affairs Bureau and Security Squad, either on site or in the permanent storage location, remain the property of the creating office.

b. The Commanding Officer of Inspectional Services will designate in writing members of his staff who are authorized, and identifying what authority they have to access the on-site and permanent storage case files of the Internal Affairs Bureau and Security Squad.

c. Other than those designated in section 7c, all persons requesting a review of a specific case file must make a separate written request to the Records Officer for each case file requested.

d. Written requests should be sent to the following address:

MPD Legal Liaison 170 N. Main, 11th fl, Rm. 11-10 Memphis, TN 38103	**(or)**	City Attorney's Office City Records/ Open Records Coordinator 125 N. Main Memphis, TN 38103

e. Any person accessing an on-site case file, including Internal Affairs and Security Squad employees, must sign an on-site user log, including the name of the person accessing the file, the case file number, the time of access, the purpose, and the time the file is returned.

f. Any person accessing a permanent storage case file, including Internal Affairs and Security Squad employees, must sign a permanent storage user log, including the name of the person accessing the file, the case file number, the time of access, the purpose, and the time the file is returned.

g. If, pursuant to a valid and approved request, access to a case file is granted to a person outside of the Internal Affairs Bureau, the person(s) mentioned by name in the case file will be notified of a public review of the case file.

8. Duplication of a case file

Duplication of a case file by means of photocopying, Photostatting, scanning or other means, for either internal or external purposes, is prohibited without the written consent of the Police Director or the designated records officer. The written consent will become part of the stored file.

7. Retention of Log Books

a. The status log described in Section 2d is generated for administrative purposes and should be retained indefinitely in the office of the Records Officer.

b. The on-site case file log as described in 7f is generated for administrative purposes and should be retained indefinitely in the office of the Records Officer.
c. The permanent storage case file log as described in 7g is generated for administrative purposes and should be retained indefinitely in the offices of the Police Director.
d. Requests for public inspection of a logbook should be made in the same manner as prescribed for case files, as stated in Section 7.

8. Electronic Storage

a. At the end of the ten-year on-site storage period, the Police Director may choose to convert the original case file to an electronic means of storage, including but not limited to microfilm, CD-ROM, or other forms of digital imaging, in lieu of transferring and archiving the original case file.
b. Prior to a conversion to electronic storage, the Police Director will insure that specific guidelines are issued relating to the procedures for electronic storage.
c. In compliance with Section B1a of this policy, the electronic copy of a case file that succeeds an original paper version of the same case file will be maintained indefinitely. As specified by Tennessee law, destruction of the original paper version would require the approval of the Public Records Commission, who by authority of a majority vote of the Commission may authorize the destruction of all inactive case files.
d. Unless otherwise specified in the new procedures for electronic storage, access to electronic files would conform to Section 7 of this policy.

1. All personnel assigned to Station Desks will answer the telephone in a prompt, professional, and courteous manner. Example: "Memphis Police Department, Union Station, Officer Smith, how may we help you?"

2. The following ***Property Crime Reports*** may be taken over the telephone:

   - Larceny/Theft Offenses
   - Thefts from Vehicles (where the vehicle is not stolen)
   - Vandalisms
   - Threatening or Obscene Phone Calls

   If the dollar amount is in excess of Five Thousand Dollars ($5,000), then a supervisor <u>must</u> approve the report to be taken over the telephone.

3. Any report that has a suspect, has evidence factors, could be deemed newsworthy, involves public or elected officials **<u>must</u>** be approved by a supervisor before it is taken via telephone.

4. The following type reports will **<u>not</u>** be taken over the telephone **without specific orders from a supervisor**:

   - Motor Vehicle Thefts
   - Burglaries

5. Units will be dispatched when the victim is unable or unwilling to furnish adequate information.

6. Units will be dispatched when the caller specifically requests to have a car make the scene.

7. Reports will **<u>not</u>** be taken over the telephone for the unexplained disappearance of property, including Inventory Adjustments, Lost Property, or Misplaced Property. (Example: "I can't find my cell phone.") However, a memo will be taken in these circumstances.

8. Reports will **<u>not</u>** be taken over the phone for any offense involving ***Crimes Against Persons***.

9. Any complaint (walk-in or call to a Station via phone) regarding allegations of police misconduct **<u>must</u>** be forwarded to a supervisor or Commanding Officer.

9. If a report situation is forwarded to the Station and it appears a unit should have been dispatched, a supervisor will be notified. **Officers should not explain to the public how a car should have been dispatched, etc.**

10. Any strange, unusual, and/or complex situations should be referred to a supervisor for further instructions.

NCIC Entries

The Memphis Police Department, when entering records into NCIC, is responsible for their accuracy, timeliness, and completeness. All NCIC entries must be supported by documentation, a written report, or a warrant. After an entry is made into NCIC, a second party check should be conducted by the officer requesting the entry. The person performing the second party check shall compare the written documentation to what is showing on the printout of the NCIC entry. NCIC records must be kept valid and up-to-date.

NCIC Validations

All records entered into NCIC must be supported by written documentation and subjected to the validation process within 60 - 90 days of entry to confirm that the record is complete, accurate, and still outstanding or active. Validation is accomplished by reviewing the entry and current supporting documents and by recent consultation with any appropriate complainant, victim, prosecutor, court, or other appropriate source or individual. If attempts to contact the victim, complainant, etc… are unsuccessful, the entering authority must make a determination based on the best information and knowledge available whether or not to retain the entry in the file. The Bureaus will receive a validation packet from Communications and must return the completed packet by the date requested on the cover sheet.

Step-by-step validation checklists for Person Files and Property Files can be located on the MPD Information Systems Support Portal under Bureau Forms.

Secondary Dissemination

The secondary dissemination of criminal history information obtained from the NCIC Interstate Identification Index (III) file and from the Criminal History Record Information (CHRI) file must comply with the following policy. This policy is mandated by CJIS (Criminal Justice Information System) security rules.

"Secondary Dissemination," as used here, is defined as criminal history information, which is given or is going to be given to an individual other than the original requestor who had statutory authority to make the query.

1. All criminal history inquires that are shared with any other agency must be noted in the case file. This should be done in the narrative at the Case Level in the Spillman or Vision Records Management System. The notation should include the agency name, the name of the individual who the information was shared with, phone number and the date and time.
2. All criminal history printouts and references to criminal histories must be removed from a case file before the case file is made available to the public or media.
3. All criminal history printouts and references to criminal histories, which are no longer needed in a case file, must be deleted from the Spillman or Vision Records Management System and all paper copies destroyed (burned or shredded).

It is necessary to establish policy to ensure the accountability and standardization of the forms utilized by the Memphis Police Department. This policy pertains to forms established for use by the Memphis Police Department and does not include forms controlled by another level of government, agency or authority.

I. The Accreditation Team will be responsible for the quality control of all forms used by the Memphis Police Department. The Accreditation Team will maintain a "Department Forms File" to ensure accountability and standardization of all forms used by the department. This file will pertain to forms used within the Memphis Police Department and does not include forms controlled by another level of government, agency or authority.

II. The following procedures will be used when revisions or new forms are necessary:

   A. The Precinct/Bureau developing a new form or the revision of an existing form will complete the following steps:

      1. Attach a memo to the form describing the need and purpose of the form.

      2. List the Precincts and/or Bureaus that are expected to use the form.

      3. List any anticipated changes in records keeping and retention.

      4. Document any impact the form or form revision may have on other Precincts or Bureaus.

      5. Complete an explanation of the fields of information required for completion of the form.

   B. Prior to forwarding the form to the Accreditation Team for recording, suggested forms or revisions will be forwarded through the operational chain of command for review and approval by the effected Precinct or Bureau's Deputy Chief. Forms that will have a substantial impact on other areas of the Department may need approval by the Command Staff prior to implementation.

   C. Once a form is approved, the Accreditation Team will assign the form a department form number, and coordinate arrangements for an initial printing of the form.

   D. Original forms and justification for revision or adding forms will be maintained by the Accreditation Manager in the Department Forms File.

   E. The Accreditation Team will maintain a "Department Forms" file folder on the Network. This file folder will contain electronic versions of all approved forms.

III. Precinct/Bureau Responsibilities

After a form has been created or revised, it shall become the responsibility of the Precinct/Bureau that utilizes the form to ensure that the outdated form is removed from use and that there is an adequate supply of the updated forms ordered and on hand.

IV. The Accreditation Team will annually complete an audit of all forms being used by the Department to ensure the following:

A. All electronic versions of the forms are updated on the network drive.

B. A form is still in use.

C. A form is current and appropriate.

D. A need exists for the form.

E. There is no duplication of forms.

F. No unauthorized forms are in use.

Communication recordings, unless being held for some reason, i.e. litigation, are retained for a period of eighteen (18) months.

Attorneys and other law enforcement agencies may request any recording needed for court by submitting a completed "Communications Bureau Information Request" form, a written request or presenting a subpoena through the Legal Advisor's office. Once approved, the Legal Advisor's office forwards all requests that they receive to communications to be completed.

MPD Supervisors and bureau investigators may request records for investigations by submitting a completed "Communications Bureau Information Request" form (located on Kiosk) to the Communications supervisor on duty.

All other MPD personnel may request records by completing the "Communications Bureau Information Request" form located on Kiosk and submitting the **completed** form through their chain of command to the Legal Advisor's Office. A Lieutenant Colonel or higher must approve the requests.

Public Requests for communications records for which the department is to be reimbursed, should be directed to the Central Records Office.

Copies of the events will be prepared by the on-duty Communications supervisor and supplied to satisfy these requests.

Radio Procedures

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I. GENERAL

All radio transmissions made on Police Department equipment are monitored by the Communications Bureau and are recorded. This should give the department a taped record of most of the activities in the field.

It is necessary that the police dispatcher be aware of the activities of ALL cars in the field. This includes regular ward cars, traffic units, CIB units, Special Operations units and those SIB units who are not involved in investigations that are so sensitive that radio transmissions would create hazards for the officers involved. It is also necessary that supervisory personnel be aware of the activities of the units assigned to them.

To satisfy these needs the following action is effective:

A. All radio communication must be courteous and civil. The use of coarse, profane, vulgar, racial, derogatory, or discourteous language is prohibited.

B. When any police officer receives a call from the police dispatcher, he/she will acknowledge the call, through the police radio, giving the officer(s) immediate location.

C. When the officer(s) arrive at the scene of the call, the officer(s) will notify the police dispatcher, through the radio by car number that they are on the scene.

D. No police officer(s) will leave their assigned territory or post without permission or instructions from a supervisor, a Commanding Officer, or the Police Dispatcher. The permission or instructions must originate or be relayed through the police dispatcher. This includes Signal-10 (gas), outside their assigned territory, and also Signal-C (change shift).

E. No officer(s) will transport anyone arrested for a felony without calling, over the police radio, for a supervisor or Commanding Officer to review the arrest and give them permission to transport.

F. No officer(s) will call for another police officer to meet them at any location without requesting and receiving permission from a supervisor or Commanding Officer through the police dispatcher. The only exception will be an emergency call for help from a police officer(s). If this occurs, the police dispatcher will send the closest available units immediately without permission from anyone; however, the dispatcher will also send a supervisor or Commanding Officer on a call of that nature.

G. No police officer(s) will place themselves on a call without permission from the police dispatcher or upon instruction of a supervisor.

H. No police officer(s) will disregard themselves on a call without notifying the police dispatcher of the reason they cannot complete the call and receiving permission from the dispatcher.

I. No police officer(s) will put themselves on a special assignment without receiving permission from the police dispatcher. The police officer(s) must request the special assignment; give the exact location and the specific nature of the special assignment.

J. Once a call or self-initiated activity has been completed, the officer(s) shall immediately

return to service. If the officer must change his or her location to complete paperwork associated with the call, the officer shall inform the dispatcher of the new location. If there are calls holding, officers shall return to service as quickly as possible once all of the time sensitive paperwork has been completed.

K. Officers must give a final disposition to the dispatcher, via the radio, on all calls and self-initiated activities when returning to service. This can be achieved with a minimum amount of communication. The following is a list of dispositions that will serve to explain the type of action taken. (81.2.4.j)

Alarm Citation	
Advised	(Advised complainant, subject, etc. No paperwork initiated)
Citation	(Misdemeanor Citations, Juvenile Summons, long and short tickets, and City Ordinance Summons)
Could Not Locate	(Unable to locate complainant, suspect, article, etc.)
Checked Ok	
False Alarm	(No Citation Issued)
Good Alarm	
Report	(Report or memo filed)
Signal 5	
Transport	

II. RECORDING INCIDENTS OR CONVERSATIONS:

On certain occasions in the past, a taped record of the conversations inside the police car would have been extremely beneficial in the prosecution of an arrested party. For example, the offering of money when an arrested suspect is attempting to bribe the officer. Another example would be when a well known personality is under arrest and the officer feels that a record of the arrested parties' conversation would deter later unfavorable publicity regarding the arrest or would further tend to corroborate the officer's probable cause.

If an officer desires to have a given conversation recorded, he is to switch their radio to their precinct car to car channel and depress the transmitter button. This will automatically activate the recording device on that channel and the conversation would be recorded until such time as the officer releases the transmitter button. The officer should then record their radio ID number and the time to facilitate the retrieval of this recording.

III. SIGNAL WARNING:

The primary frequency dispatchers and the information dispatchers, at times, need to advise an officer that a potential danger exists for the officer because of a radio message which would follow.

The dispatcher will announce to a receiving unit "Signal W" when it is of their opinion that a danger may exist for the officer. The officer will immediately respond with either "stand-by" or "radio secured". The dispatcher is telling the officer to prepare for an unpredictable reaction due to the forthcoming information concerning the subject. The officer is responding with "stand-by" with the information until the radio can be secured or for the dispatcher to go ahead

with the information as the "radio is secured". It is anticipated that by using this signal he will provide officers with the opportunity to prepare themselves for any type of situation. This may enable an officer to stand a better chance of performing his tasks with less of a risk of injury or loss of life.

IV. CIVILIAN PERSONS IN POLICE VEHICLES:

When an officer deems it necessary or advisable to place a person not under arrest or not relevant to an immediate investigation into a police vehicle, the dispatcher will be notified by transmitting his car number and "Signal 5".

"Signal 5" will indicate to the Dispatcher that a person falling into the category described is at that time in the police vehicle. The use of Signal 5 will be a notification procedure only and will not remove the car from service or remove the responsibility for responding to a call for service. Upon completion of the conversation with the person or persons involved, the officer will again notify the dispatcher by transmitting the car number and "Clear Signal 5".

This procedure is followed only in those cases when an arrest is not contemplated or where the interview is not relevant to the immediate investigation.

EX: It will not be necessary to transmit a "Signal 5" if during the investigation of a traffic accident, it is desirable to place the drivers or witnesses in the police vehicle. In this instance the officers are on a specific call at a specific location and their activities are a matter of record. Neither would it be necessary to notify the dispatcher if while on a "special assignment" it is desirable to interview persons at the scene. Again, the specific location and activity is a matter of record.

It will be necessary to advise a "Signal 5" if the officer is approached by an individual who indicates he has information to furnish but is reluctant to talk in his immediate surroundings. If the person is placed in the car and transported away from the area, the "Signal 5" will be given immediately. The "Clear Signal 5" notification will be given when the person leaves the vehicle.

V. CAR-TO-CAR COMMUNICATION:

The trunk radio system used by the Memphis Police Department consists of a several talk groups. Each precinct is assigned a *primary* talk group designated as “A” and a *secondary* talk group designated as “B”. The secondary talk group is to be used by the officers as a car-to-car talk group when necessary.

At no time should officers switch their radios to any other talk group for car-to-car communication other than their designated secondary talk group. The unassigned talk groups are to be used only with the approval of the Communications Supervisory personnel.

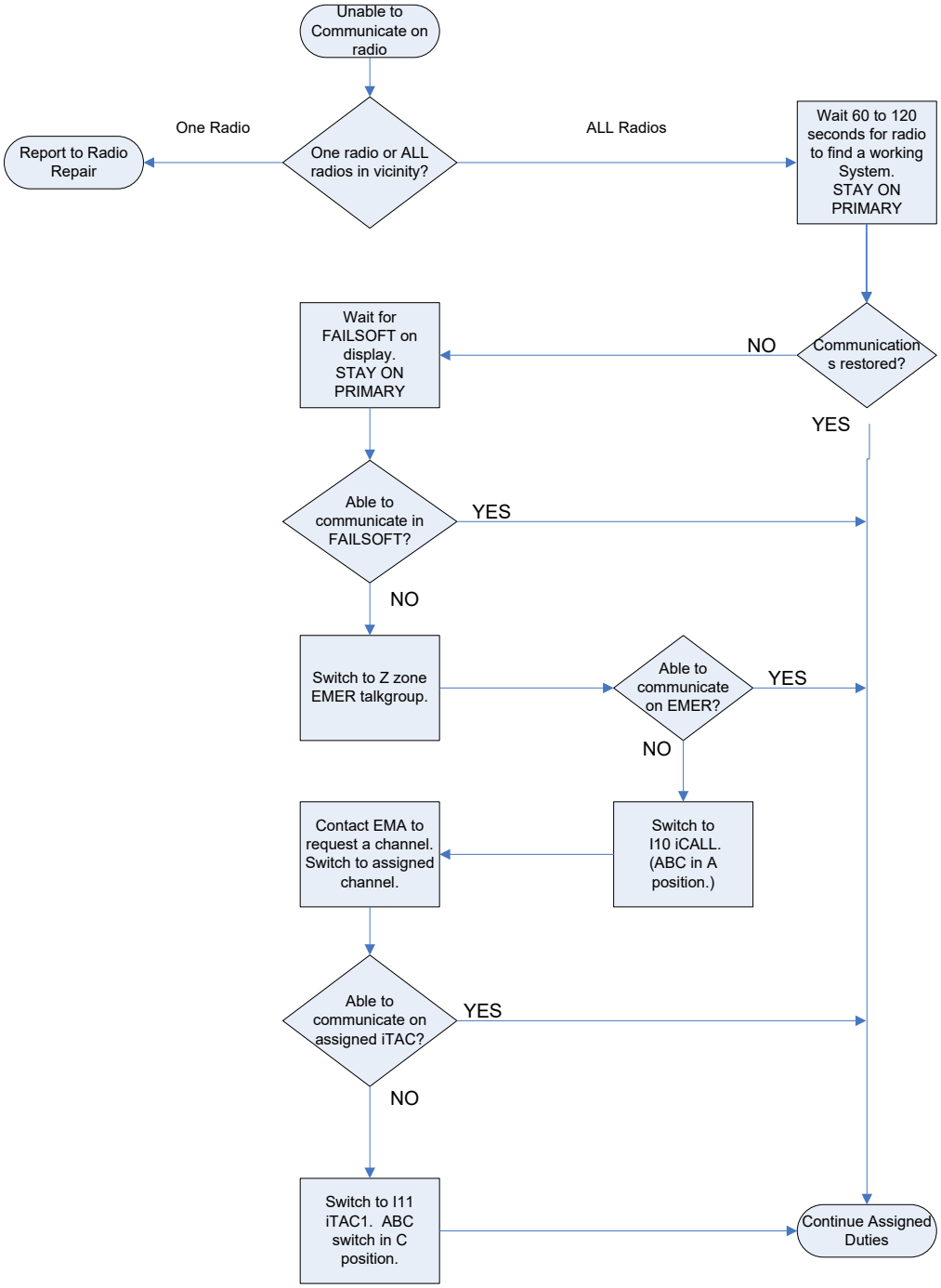
Any deviation from the above policy will result in disciplinary action.

VI. RADIO SYSTEM FAILURE:

The Memphis Police Department radio system is configured to recover from a system failure, but actions by the user may be necessary. The following steps should be performed during a radio system failure scenario:

1) Wait 60-120 seconds. The new radios use Smartzone technology and will search for a working system for your talkgroup to communicate on.
2) If your radio begins to flash FAILSOFT and emit a bonking tone, stay on your Primary talkgroup. * Adjacent precincts share FAILSOFT frequencies, ensure you use proper communication protocol. (Two or more precincts will be on the same frequency-use your entire call sign.)
3) If there is no radio traffic on your Primary talkgroup and you cannot transmit from your radio, the next step is to switch to your precinct's Z zone EMER talkgroup.
    a. Each precinct has an assigned EMER talkgroup just like their CTC talkgroup. ALLEN switches to Z1 EMER 1, RAINES switches to Z2 EMER 2, TRAFFIC switches to Z10 EMER 10, etc.
    b. The EMER talkgroups force the radio to the "B" backup transmitter system. However, if the "B" system is working, the radio should have automatically found it when it searched for a working system.
    c. Wait 1-2 minutes. If you cannot communicate on your EMER talkgroup, proceed to the next step.
4) Switch to I10 iCALL. Ensure the radio ABC switch is in the A position (On mobiles, pushing the DIR button will toggle between REPEAT and DIRECT/TALKAROUND push the DIR button in upper right of mobile until the word DIR disappears). Contact EMA on the iCALL and request a talkgroup. EMA will assign you to one of the 4 iTAC channels, I11 iTAC1, I12 iTAC2, I13 iTAC3 or I14 iTAC4.
5) If you cannot reach EMA on I10 iCALL, switch to I11 iTAC1 and ensure your ABC switch is in the C position. On mobiles, push the DIR button until the word DIR appears in screen.
    a. The radio will operate in a DIRECT/TALKAROUND mode. DIRECT/TALKAROUND is a single frequency, radio to radio mode (like a CB radio).
    b. Maximum range for a handheld portable is approximately one (1) mile. Maximum range for a vehicle mobile is approximately five (5) miles.
    c. Precinct commanders may need to position cars at strategic, high elevation locations (atop a parking garage) to relay communications between the various wards, the precinct, and Dispatch.

The following flow chart details the above process.


Unable to Communicate on radio
One Radio
ALL Radios
Report to Radio Repair
One radio or ALL radios in vicinity?
Wait 60 to 120 seconds for radio to find a working System. STAY ON PRIMARY
Wait for FAILSOFT on display. STAY ON PRIMARY
NO
Communications restored?
YES
Able to communicate in FAILSOFT?
YES
NO
Switch to Z zone EMER talkgroup.
Able to communicate on EMER?
YES
NO
Contact EMA to request a channel. Switch to assigned channel.
Switch to I10 iCALL. (ABC in A position.)
Able to communicate on assigned iTAC?
YES
NO
Switch to I11 iTAC1. ABC switch in C position.
Continue Assigned Duties

I. General Office Telephones

Personnel must remember that in many cases the first contact the public has with the police department is over the phone. It is therefore essential that all phone calls be handled professionally and with courtesy.

Phone equipment belongs to the city and is for business use. The city reserves the right to access, review, and monitor its use, as well as the data that is stored or transmitted.

A. Incoming phone calls will be answered as quickly as possible. Every attempt will be made to answer the phone immediately; but as a general rule, nonemergency phone answering locations should answer incoming calls within three rings (i.e. all office phones, reception desks, bureau phones, Central Records, etc.).

B. In answering the phone, greet the caller by identifying the Department, the section, and yourself. Ex. "**Memphis Police Department, Director's Office, Ms. Doe speaking –** How may I help you?"

C. If it is necessary to place the calling party on hold, please advise the caller politely that you are going to place them on hold and that you will return to them very shortly. Wait for a response from the caller.

D. Use the appropriate phone functions to place the call on hold. This will prevent the caller from hearing conversations going on around you.

E. If the caller has been on hold for longer than two minutes, return to the caller and thank them for waiting. A caller should not be left on hold without periodically checking back with them. If you determine that you will not be able to take the request from the caller within five minutes, ask someone else to handle the call. You can also, take a message or a number where the caller can be recontacted.

F. Observe telephone courtesy when speaking with the public:

1. Speak distinctly and enunciate.
2. Speak directly into the receiver.
3. Always speak in a calm, competent, and decisive tone of voice.
4. Avoid the use of police jargon, slang, codes, or other terms that they may not understand.

G. The use of department phones for personal calls is to be kept to a minimum.

II. Cellular Phones

Cellular telephones provided by the Memphis Police Department are for **BUSINESS USE ONLY**.

Employees of the Memphis Police Department making a request for a cellular telephone must submit the request in writing to their appropriate Deputy Chief for approval. The approved

request will be submitted to the Memphis Police Department Information Systems for implementation.

Requests for changes, additions, or moves should be submitted to Information Systems.

Employees using Memphis Police Department issued phones could be billed for personal calls when the allotted time is exceeded.

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I. General Information

Regularly commissioned officers and reserve officers are authorized by state law to carry their

firearms both on and off duty within the State of Tennessee. When firearms are carried off duty, they are to be concealed, so as not to alarm the public, and secured in a holster with a mechanical, pressure, or friction retention device. An appropriate length garment shall cover the firearm.

Only weapons and ammunition authorized by the department may be used by personnel during performance of law enforcement responsibilities. Only department personnel demonstrating proficiency in the use of department authorized weapons will be approved to carry such weapons. All personnel being trained to carry lethal and less lethal weapons will be instructed in and issued copies of MPD P&P Chapter II Section 8 Response to Resistance before being authorized to carry the weapon. At least annually, all personnel authorized to carry weapons are required to receive in-service training on the MPD Response to Resistance policy and demonstrate proficiency with all approved lethal weapons that the officer is authorized to use. In-Service Training for officers authorized to carry less lethal weapons and use weaponless control techniques shall occur biennially.

Before any weapon is used by any employee in the performance of their duty and prior to carrying it on or off-duty, the weapon must be reviewed, inspected, approved and recorded by the FTU Gunsmith department to ensure compliance with MPD Policy and Procedure, proper operating condition and safety. Officers will contact the FTU to have the weapon inspected and qualify with the weapon.

The description of weapons used under the auspices of the department, both on and off duty, shall be properly recorded by the FTU. Records shall include the type, description, model, serial number, owner or assignee's name, name(s) of approving officers and proficiency scores. Records shall be maintained at the FTU and all officers are required to conform to this procedure prior to use. All firearms involved in shootings will be subject to seizure and will not be replaced by the FTU.

Members of this department shall keep their firearms in good serviceable condition. It shall be kept clean, free from an excessive amount of oil or rust preventative and always ready for inspection. No abrasive materials, such as an ink eraser, crocus cloth, sandpaper, emery cloth or steel wool or any other material, which will scratch the metal, should be used in its maintenance, except during authorized repair by the FTU Gunsmith.

Officers will check their personal weapons prior to beginning duty. If at any time a weapon is found to be malfunctioning or otherwise unsafe, the officer has the responsibility to immediately remove the weapon from service and to notify their supervisor so that the weapon may be replaced until repairs can be made. Supervisors shall order any unsafe or malfunctioning weapon to be immediately removed from service. Any equipment that is found to be unsafe or malfunctioning will not be returned to service until inspected by a certified FTU weapons instructor or, in the case of a firearm, the FTU Gunsmith with the approval of the Firearms Training Unit Supervisor. MPD firearms and weapon repairs will only be made by the FTU Gunsmith department.

Personal off-duty firearms may be serviced by a current certified gunsmith, in which case the firearm must again be inspected by the FTU Gunsmith department prior to being put back in service.

Workstation equipment clerks are charged with routinely checking the shotguns and SL-6 for cleanliness and function ability. If any employee has any question regarding the reliability or safety

of a weapon, it is to be removed from service and transported to the FTU Gunsmith department to be inspected. If necessary, a replacement weapon will be issued.

When a firearm is found to be inoperable or unsafe, the gunsmith will tag the weapon for repair and will provide a replacement firearm. The gunsmith will attempt to repair the firearm. If attempts to repair the firearm are unsuccessful, the firearm will be sent to the manufacturer for repair. On rare occasions, the firearm is damaged beyond repair and will be stripped of all usable parts by the gunsmith, cut up into pieces, and destroyed. Prior to the destruction, the FTU supervisor must be notified in writing of the circumstances. The weapon will be noted in the FTU Inventory Control Database as to why, what and when the firearm is being destroyed. Firearm records are not to be removed from the FTU inventory database for any reason.

II. Service Handguns and Ammunition

The **only** authorized on and off-duty police service handguns are listed below. Any other Special Weapons must be approved by the Director of Police Services and a list of these approved weapons will be maintained by the FTU. Commissioned personnel are subject to required training and qualification in accordance with Tennessee Code Annotated 39-17-1315 Written Directive and Permit to Carry Handguns.

A. Duty Firearms – The SiGARMS .40 caliber model 229R, 229R-DAK double action only, stainless steel with non-reflecting Blue/Black finish are the only approved handguns for all police commissioned personnel. Both handguns are authorized for on and off-duty carry and for all uniform and plain clothes (Investigative Services) assignments.

B. Alternate Duty Firearms – The SiGARMS .40 caliber model P239, double action only, stainless steel with non-reflecting Blue/Black finish, Smith & Wesson 9mm Model 3953, and the Smith & Wesson .40 caliber model 4053 stainless/alloy are the only approved alternate handguns for all police commissioned personnel. These firearms are authorized for on and off-duty carry for all officers NOT working in a uniform capacity, and for all; Majors and above regardless of their duty assignment.

C. Off-Duty Firearms - The only off-duty handguns authorized by this department will be the Duty Firearms, SiGARMS .40 caliber model P229/229R, 229R-DAK (double action only), the .40 caliber Smith & Wesson model 4043, 4043 TSW, the Smith & Wesson 9MM model 3953, the Smith & Wesson 9MM model 5946, and authorized secondary duty firearms.

Officers must have the off-duty firearm inspected by the FTU Gunsmith department and qualify with the off-duty firearm annually.

D. Secondary Duty Firearms

1. The following handguns are authorized for Secondary Duty Firearms:
   a) Smith and Wesson five (5) shot Model handguns:
      - 36LS
      - 442
      - 637
      - 638

- 642
- 642LS
- 36
- 37
- 38
- 40
- 42
- 49
- 50
- 60
- 60LS
- 342
- 640

b) Ruger, Model LC9 in 9mm caliber, DAO (no external safeties), Law Enforcement Model #03222 with a laser and Model #03216 without the laser. Ruger LC9s (striker fired) Model #3248 without laser.

c) Sig Sauer, Model P365 in 9mm caliber, Sig Sauer, Model P290 in 9mm caliber, DAO.

2. Secondary Duty Firearm Specifications:
   - Caliber - Must be .38 Special +P or 9mm (no. 357 magnum)
   - Barrel Length - Must not exceed 2 inches in length (revolvers only).
   - Sights- Must be fixed.
   - Ammunition - Only approved by the Firearms Training Unit.
   - Revolver - Must be double action only (not capable of single action), with a bobbed, shrouded or fully enclosed hammer; must be rated for +P ammunition.
   - Authorized Speed loaders/Speed Strips - Only Safariland or HKS speed loaders and Bianchi or Tuff Products speed strips are authorized for secondary duty firearm use and when carried must be kept loaded with 5 rounds of approved service ammunition.
3. The only authorized on-duty carry locations are as follows:
   - Ankle Holster with mechanical, friction, or pressure retention device
   - Vest Holster with mechanical, friction, or pressure retention device
   - Pocket Holster
4. Training and qualification:
   - Officers must attend an eight (8) hour training session and pass the Secondary Firearms qualification course as determined by the Firearms Training Unit
   - The minimum passing Secondary Firearms qualification score is 80%.

E. Special Weapons - The department may issue or make available "special weapons" (e.g., submachine guns, counter sniper rifles, gas guns, less-lethal impact munitions and other weapons, etc.) to authorized employees who have successful completed specialized training and qualification in the operation and use of these weapons. (e.g. Tact, OCU, etc.)

All special weapons must be approved by the Director of Police Services. A list of these approved weapons, munitions and ammunitions will be maintained by the FTU, and updated as deemed necessary.

F. Ammunition - The only ammunition that will be authorized for the Duty Firearms, Alternate Duty Firearms, Secondary Duty Firearms or the Off-Duty Firearms will be FTU issued ammunition. The FTU will maintain a list of authorized ammunition. Ammunition for qualification will be furnished by the FTU for an officer's Duty Firearms, Alternate Duty Firearms, Off-Duty Firearms, Secondary Firearms and Less Lethal Weapons.

Uniform Patrol officers carrying the SiGARMS .40 caliber model 229R-DAO shall carry the FTU approved ammunition and magazines at a minimum of 37 rounds. These rounds are to be carried on their uniform belt and within the weapon. Each magazine will be loaded with 12 rounds (36 rounds) and one round chambered in their SiGARMS weapon for a minimum of 37 rounds. Officers are authorized to carry additional Sig manufactured 12 round magazines with the approved FTU ammunition at their own expense.

Officers carrying other approved weapons will carry the weapon fully loaded at maximum capacity and will carry all magazines at maximum capacity.

No member shall, while in the performance of police duties or acting under the auspices of the department, use or possess any cartridge, which differs from the approved departmental issued ammunition, nor shall he/she alter, polish, tamper or otherwise change the ballistic properties of such ammunition. Ammunition will be replaced periodically by the FTU and a supply shall be available for purchase from FTU personnel. All ammunition purchased from the FTU will be shot on site, unless approved by the FTU Supervisor. Ammunition purchased from the FTU will not be resold.

The mechanical functions of any authorized weapon will not be altered, nor any emblems displayed except those normally placed on the weapon by the manufacturer. Any accessories, prior to being placed on any weapon, must be approved by the FTU Gunsmith (only). (Optional grips are acceptable after inspection and/or modification and approval by the FTU Gunsmith (only).

All members of the department who are commissioned shall be required to attain a minimum score yearly with any primary duty handgun carried. All members, as determined by the Command Staff, shall be required to qualify yearly with the shotgun, if this weapon is required to accomplish their duty assignment. The minimum score for weapons will be 80%. All proficiency training must be monitored by a FTU certified firearms instructor.

When an accidental discharge of a weapon occurs, the weapon shall be forwarded to the FTU Gunsmith for inspection. The gunsmith shall inspect the weapon for malfunctions and make a report by memorandum to the Commander of Training who shall notify the Director of Police Services. Officers shall be issued a replacement weapon during the inspection period if circumstances warrant.

III. Shotguns

A. The regulation shotgun for the Memphis Police Department is the Remington Model 870, .12 gauge, pump action, riot shotgun. This weapon is owned and issued by the department. No other shotgun may be used, except those designated for Special Units by the Director of Police Services and the FTU Supervisor.

B. Every authorized officer is required to be proficient with the shotgun in regards to its use, care, loading and unloading, visual and operational inspection as taught by the FTU. Daily visual and operational checks will be made by officers who use these weapons prior to going on duty. Weekly inspections will be made by supervisors to ensure proper cleaning and functioning. Periodically, guns will be called in to the FTU for inspection and detailed cleaning. Any deficiencies must be reported to the FTU. All officers when entering the FTU facility with the duty shotgun or any other shoulder firearm is to have the action open, safety on, weapon unloaded and safety flag inserted. Also, the firearm is to be carried with the muzzle in a safe upward position or if the shotgun has a sling it is to be slung with the muzzle down. Officers are to be responsible for the security of any firearms brought into the FTU facility. At the completion of training, sidearms are to be reloaded on the firing line or in the clearing barrels. Duty shotguns should be reloaded after exiting the FTU facility.

IV. 12 Gauge Rifled Slug:

A. Definitions:

1. **Soft Body Armor –** small, light weight, concealable vest made of ballistic panels, trauma plate and designed to protect police officers from death or serious injury during handgun, shotgun pellet, club, and other blunt trauma assaults.
2. **Hard Cover –** any material that provides protection from small arms ammunition.
3. **Extended Range** – Distances from 25 to 50 yards.
4. **Rifled Slug** – A single lead pellet of approximately .72 caliber.
5. **Maximum Effective Range 12 Gauge Rifled Slug** – the maximum effective range is 75 yards.
6. **Maximum Effective Range 12 Gauge .00 buck Shot** – the maximum effective range of the 12 gauge .00 buck shot is 40 yards.
7. **Qualified Officers –** Those Memphis Police Officers who have **successfully** completed slug training and have fired a minimum passing score of **80%** on the slug qualification course.

B. Only qualified officers are authorized to use 12 gauge-rifled slugs in the following circumstances where Deadly Force is authorized:

1. On lawful order by a supervisor or commanding officer, or
2. The officer faces immediate danger, and determines that the duty weapon and 12 gauge .00 buck shot is insufficient to neutralize the threat, or
3. The officer determines the suspect is wearing protective body armor or protected by hard cover, or
4. The officer determines that a slug will provide a more accurate shot out to a maximum distance of 75 yards.

C. Carrying of Slugs - Officers will carry slugs on the shotgun stock or duty gun belt in a shotgun shell carrier approved by the FTU**. Slugs will never be carried in the shotgun until the use of the slug is authorized.**

D. Weapon and Qualification - Rifled slugs will only be fired in a Remington 12-gauge 870 pump action shotgun with ramp bead front sight or other authorized shot guns. Qualified officers will have priority in the issuance of these shotguns during the tour of duty. **Officers will qualify annually and score a minimum of 80%**

V. Carrying Firearms in Medical Facilities and Courts

In any psychiatric facility, the possession of a firearm presents a serious hazard. Officers will follow the guidelines for the carrying, displaying, or securing of their firearms, which are set by each institution involved. Federal government hospitals, installations, and courts each have their own guidelines on carrying weapons as well as some state and county installations, e.g. prisons. Officers will comply with these restrictions.

The judges in the Criminal Courts and Circuit Courts, 30th Judicial Circuit at Memphis, have issued orders allowing law enforcement officers who are required to appear in court as a witness, and are legally authorized to carry a firearm, to wear side arms in the courtroom while court is in session.

Officers who are merely spectators at a court proceeding in Criminal Court and Circuit Court should check in their service weapon in the Property and Evidence Room prior to entering the courtroom. Their weapon must be unloaded and the shells kept in their pocket prior to checking it in the Property Room. A logbook has been set up for the officer to check in his weapon by giving his name, time in, serial number of his service weapon and time out. The officer's weapon will be placed in an individual locker until the officer finishes court at which time he will return to the Property & Evidence Room to sign out and pick up his service weapon.

VI. Firearms Safety, Safekeeping, and Proficiency Qualifications Standards for all Commissioned Officers

A. Officer's Responsibility for Safety of Firearms, Ammunition, and Handcuffs:

1. Officers are responsible for keeping both on duty and off duty firearms, ammunition, and all issued equipment under safe and protected conditions, especially preventing their use, theft, tampering, or damage by others. This responsibility extends when the firearm is carried on the person, or stored in any place. This responsibility extends to officers when in both on duty and off duty status. Officers should take all necessary steps to prevent the loss or theft of firearms.

2. Guidelines for safe and proper storage of firearms:

   - Vehicles - Placing or locking a weapon in a glove compartment or trunk should not be considered safe in itself. However, a secured device such as a gun safe, which is fixed and attached to the vehicle, would be a safe measure.
   - On duty: Loaded or unloaded firearms shall be kept in a locked case, safe, rack, or

other secure device when not worn by officers. **Portable** locked cases alone and desk drawers are not secure locations for firearm storage.

- Home: All Firearms and ammunition shall be maintained in a secure location in the home, and
  - Secured by a device or mechanism (such as a cable lock), other than the firearm safety mechanism, designed to render a firearm temporarily inoperable; or
  - Placed in a securely locked safe or container.

3. No lost or stolen firearm will be replaced without a written memo and an equipment replacement form from the officer to the Deputy Chief explaining the basis for the request. The FTU must also be given a copy of the police report, including the NCIC number, for the firearm.

B. In-Service Firearms and Additional Firearm Proficiency Standards:

All authorized officers (regular and reserve) shall be required to attain a minimum score of 80 % yearly with both the on duty, off duty handgun, and the department issued shotgun. Officers should practice as necessary to maintain their proficiency and familiarization with various weapons in their control.

Pursuant to the department's policy on proficiency with weapons and guidelines for the use of Deadly Force, all Regular and Reserve officers authorized by state law to carry firearms in the performance of their duties are required to complete a minimum of 8 hours of Firearms training, including a Deadly Force Lecture/Lab, during annual In-Service Training. All proficiency training must be monitored and documented by a certified instructor of the FTU.

The In-service qualification will be conducted annually. Training coordinators will schedule their personnel and furnish the Academy with a list of officers scheduled each week for In-Service training.

All issued firearms and equipment is subject to be inspected during annual Firearms training.

C. Successful completion of the Firearms Proficiency Qualifications Test includes a minimum score of 90% on the Deadly Force Use Decision Qualification Tests and a score of 80% or better on the following courses:

- Service Handgun
- Dim Light Firing
- Flashlight
- Shotgun

1. If an officer fails any component of the initial qualification courses, the officer will be placed on non-enforcement status until the failed components are successfully completed. Two more attempts to qualify on each failing component will be made that day of training.
2. If an officer fails to qualify on these additional attempts of the failed component, they will remain on non-enforcement status and be scheduled for the first available (8) hours Remedial Firearms Training Session. At the end of the eight hour session, the Officer will re-attempt qualification.

3. If an officer fails to qualify after the (8) hours Remedial Firearms Training Session, he/she will remain on non-enforcement status and be scheduled for the first available (40) hours/ (5) days of remedial firearms training.
   a. Prior to attending the (40) hour / (5) day session, the Officer must provide proof of an eye exam by a licensed Optometrist, within the last six (6) months of the scheduled remedial session. Officers with corrected vision must also report to remedial training with their prescription eyeglasses or contacts.
   b. The officer will attempt requalification at the end of the 40 hour remedial training session.
4. At the completion of the (40) hour remedial session, the officers will be allowed a third and final attempt at qualification. The final qualification will be comprised of (three attempts) to pass. If successful, the officer(s) will be returned to full duty upon official notice by a Deputy Chief. If the officer fails to qualify, then the Officer will be separated from employment with the Memphis Police Department.
5. Officers must qualify with a minimum score of (80%) with the off-duty weapon. If the officer fails to qualify with the off-duty weapon, they will make arrangements with the Firearms Training Unit to make another re-qualification attempt. The officer will not be permitted to carry the off-duty weapon until they successfully re-qualify.

D. Responsibility to Report and Monitor Firearms Deficiencies or Impairments of all Officers:

1. All Officers - Responsibility to Report Firearms Deficiencies:
   Any officer, who has reason to believe that such deficiency or impairment exists on his/her part, or the part of other officers, shall immediately report same to his/her respective supervisor or commanding officer.
2. Supervisor or Commanding Officer - Responsibility to Monitor:
   Any supervisor or commanding officer who has reason to believe that an officer under his command demonstrates or exhibits a physical, psychological, intellectual, or emotional impairment which is likely to result in such officer's unsafe handling or deficient use of firearms shall be required to refer said officer to the Academy for a re-qualification course following the current In-Service proficiency requirements.
3. Supervisor or Commanding Officer - Responsibility to Report:
   a. Supervisors and commanding officers shall also submit a report of such referrals to the Director and the Academy Commander. Additionally, the respective Commander shall place such officers in non-enforcement status until returned to full-duty status by the Director. Supervisors and Commanding Officers shall routinely monitor officers under their command to determine if the aforementioned deficiencies and/or impairments exist.
   b. All Commanding Officers who hold disciplinary hearings and award discipline of "Remedial Firearms Training" must notify the FTU of the Training Academy of the disciplinary action within three (3) working days in order to schedule the training. The hearing officer will also need to submit, to the FTU Supervisor, a copy of the charges as well as any pertinent facts that led up to the discharge of the

firearm.

This information is needed to address specific training of the officer as part of his/her remedial training.

E. Use of Departmental Firing Range Facilities:

1. Officers' use other than In-Service:
   All officers who wish to use Memphis Police Academy Range Facilities (other than for scheduled firearms qualification) shall do so only with the permission of the FTU Supervisor. Officers granted such permission shall do so only under the supervision of FTU personnel. This section applies to both indoor and outdoor facilities operated by the Memphis Police Academy.

   The Firearms Training Unit offers several open range dates each year for officers to attend off-duty and practice with their duty weapons. All officers are encouraged to attend. It will be the responsibility of each officer to call the Firearms Training Unit at 901-636-1680, to verify that no other training has been scheduled for the Saturday(s) they have chosen to attend.

2. Compliance with Safety Rules:
   All commissioned officers and trainees using the Firearms Training Unit facilities shall follow all safety rules and regulations of the Firearms Training Unit. All commissioned officers must bring their appropriate leather gear, safety equipment, and body armor in accordance with the policies and procedures of the Memphis Police Department.

3. Guests:
   Officers shall not bring guests to any Firearms Training facility without permission from the FTU Supervisor.

4. Use of Range by Other Persons:
   No other persons, except commissioned officers and trainees of this Department, shall be permitted to use Academy Range facilities without permission from the Director of Police Services. All persons receiving such permission must sign a “Hold Harmless form”. In addition, such use must be under the direction of FTU personnel, and only with approved ammunition and equipment. Individuals or entities desiring to use the Firearms Training facilities must also fill out a City of Memphis Facility Use Agreements and make arrangements for rental fee payments if applicable.

F. Safekeeping

1. Definition of safekeeping:
   The storing of city issued equipment and personal property of a commissioned law enforcement officer at the FTU.

2. The steps of safekeeping are:
   a. Issued MPD equipment and personal property will be brought to the FTU. The equipment will be inventoried by the delivering officer and a member of the FTU.

A receipt, will be given to the delivering officer, by the receiving Firearms Training Member.

b. The FTU staff member will check all MPD issued equipment against the data base to insure that the equipment being received is assigned to the individual officer. If there are any discrepancies, the commander of the FTU will be notified.
c. All safekeeping equipment will be stored in the gun vault, until such time the individual officer's situation is resolved.
d. The equipment data base will reflect the safekeeping status of all the equipment that is placed in safekeeping. A hard copy will be put with the equipment and a hard copy will be placed with MPD gunsmith.
e. Any equipment placed in safekeeping, due to the officer being relieved of duty, must have written approval from the Deputy Chief, Deputy Director or Director before it is released back to the officer from the FTU.

G. There are three categories of safekeeping:

1. Military Leave: Officers that have been called up for military service. The individual officer will check their equipment in to the Firearms Training Unit with a copy of their orders. The officer may retrieve their equipment, when their military obligation has been fulfilled.
2. Sick or injured: Officers that are unable to take care of their equipment due to a long term illness or injury. Issued equipment may be put into safekeeping by any supervisor on behalf of the incapacitated officer. The officer may retrieve his equipment after the FTU Supervisor has received written confirmation from a Deputy Chief that the officer is cleared to return to duty.
3. Relieved of Duty: Any officer that is administratively suspended of law enforcement powers. Any supervisor may place relieved officer's equipment in to safekeeping. Written notification from a Deputy Chief, Deputy Director or Director will be needed when the equipment is brought for safekeeping to the FTU. It will take written notification from the Deputy Chief, Deputy Director or Director to release equipment back to the assigned officer.

VII. Police Batons

Officers will be issued a baton, purchased by the City of Memphis. The baton will become a part of the officers' duty equipment and will be carried during the officer's tour of duty. Each officer will be responsible for the care and condition of the baton and all uniform officers will be required to have it on his person on police service calls, or any time while on duty if instructed by a supervisor. Uniform officers will also be required to have the baton within their presence (e.g.., police vehicle) during routine patrol, as well as other routine police functions, if the baton is a part of their normal police equipment.

Investigators will not be required to obtain the baton. However, they may obtain one at their discretion.

When in uniform, the baton will be worn in an "O" ring, metal or plastic in construction, silver, brass, chrome, or black in color that attaches to the officer's belt. These "O" rings will not be

purchased by the City. However, they may be obtained from the officer's annual clothing allotment.

A. Specifications:

1. The wooden baton's dimensions will be 26 inches long and cylinder turned to a diameter of 1-1/4 inches, rounded on both ends, smooth sanded, and stained black. The police baton will be made from high-density, close and straight grain hickory, weighing not less than 14 or more than 18 ounces. The baton shall have a black neoprene rubber sleeve grommet slipped over the baton and positioned 6 to 8 inches from one end.
2. ASP Collapsible Baton: The ASP (Armament Systems & Procedures) collapsible baton will be issued on a regulated basis as of 11/18/03 under the following conditions:
   - The ASP will be used by only those officers who have been certified and received specific written permission from the Director of Police.
   - Before any officer can be certified to carry the ASP, they must first successfully complete an eight (8) hour ASP training course conducted by the Memphis Police Department Training Academy.
   - The only ASP approved for the Memphis Police Department is the ASP model # F2611 or F26B positive lock 26 inch, or model # F31B positive lock 31 inch (fully extended length) collapsible baton, black-chrome in color with a foam vinyl grip.
   - The ASP will be carried on the officers' belt, in the holder approved by the Memphis Police Firing Range.

B. Training Required:

All recruits will be trained with their police issued baton and ASP in recruit physical training classes. Officers currently in the field will receive techniques training periodically during in-service training classes. No unauthorized police baton is to be carried on duty by any officer, either on the person or in a vehicle. Any violation of this order will result in disciplinary action.

C. Prior Training:

Any previous baton training that any officer has received which may employ any type strike to the head area above the shoulder line should not be utilized. This will include any prior training received through the Memphis Police Academy, military training, or any training received by any other means.

Any prior training received in any type choke-hold, carotid type or otherwise should not be utilized. This will include any prior training received through the Memphis Police Department, military training, or by any other means.

Any prior training received in any type come-along technique which employs a baton, flashlight, or other weapon which applies any type hold to the head area above the shoulder line should not be utilized. This will include any prior training received through the Memphis Police Academy, military training or by any other means.

D. Exceptions:

The only exception for the use of any strike, choke-hold, or come-along applied to the head area above the shoulder line, would be if the officer was otherwise justified under the current Memphis Police Department deadly force policy.

Personal body weapons (hands, feet, fists, etc.) are excluded from these requirements WITH THE EXCEPTION OF ANY TYPE CHOKE-HOLD.

E. Personal Defensive Weapons:

No other type non-ballistic personal defensive weapons will be carried on an officer's person or in any police vehicle. These weapons will include but not be limited to: (slappers, black-jacks and sap-gloves)

Officers will be allowed but not required to carry a small folding blade knife which may be carried in the officer's pocket. If the officer chooses to carry a knife other than in his pocket it must be completely covered in a black scabbard and attached to the officer's uniform belt. Officers will not carry a knife with a blade that exceeds four inches. The Memphis Police Department views this type knife as a utility tool, e.g. to be used by officers to cut seat belts away from a victim in an accident, or to cut clothing if needed to render first-aid.

VIII. Flashlights

A. Handheld Flashlights

Officers will not carry "metal" flashlights on duty except those prescribed below. Flashlights carried by officers must be constructed entirely of a "non-metal" material (e.g., plastic). This is to include the lens and end caps, the body, etc. **Any violation of this order <u>will</u> result in disciplinary action.**

Metal flashlights may be carried if they met the following guidelines:

1. Must be powered by AA, 3v Lithium, or rechargeable batteries (no C' or D') cell batteries
2. Must be less than 10" in length, 5.25" in circumference at the widest point and must be 15 ounces or less in total weight (including batteries).

B. Weapon Mounted Lights

All authorized weapon mounted lights must meet the following requirements:
1. Have a minimum of (65) lumens output
2. Must be capable of being attached and detached with one-hand
3. Lasers are unauthorized (See subsection **VIII**, **C.** for exception)
4. Must have a momentary and constant 'On' switch, only

All officers must qualify yearly with the weapon mounted light. All weapon mounted lights must be approved by the FTU Supervisor or authorize designee.

Officers will be responsible for the purchase of their weapon mounted light and any accessories. A passing score on the Flashlight Qualification Course will be required with a

regular approved flashlight **AND** the weapon mounted light before the weapon mounted light may be carried in the field. If the officer decides to purchase a weapon mounted light, they must report to the FTU and qualify with the light mounted on the weapon before carrying the light on duty. Weapon mounted lights **WILL NOT** be provided by the FTU. Weapons must be carried in the issued holster for Uniform Patrol. An alternate duty holster which accommodates the weapon with the light attached must be approved for use by the FTU Supervisor and the FTU gunsmith before it may be used on duty. Off-duty or plainclothes type holsters may accommodate the weapon with the light attached, but must incorporate a retention device that secures the weapon in the holster.

C. Lasers

1. **The Tact Unit may use appropriate lasers for any of their duty weapons.**
2. The approved laser for the 5-Shot Revolvers (secondary duty weapons) are the Crimson Trace Model # LG-105, LG-305, and LG-405 black in color only.
3. The approved laser for the LC9and LC9s Semi-automatic pistol (secondary duty weapons) is the Crimson Trace Laserguard Model # LG-412 black in color only **(Laser Max lasers are not authorized)**.

IX. Chemical Irritant Agents

"CHEMICAL IRRITANT AGENTS" are concentrated liquid chemical sprays or gases which cause intense burning, profuse tearing and temporary loss of vision. The effects will generally wear off in approximately 20- 45 minutes with no harmful after effects.

A. Devices for dispensing chemical irritant agents:

Chemical irritant agents can be dispensed by hand held canisters, grenades, or mechanical devices used to disperse the chemical irritant agents over a large area.

The most commonly used device by the Memphis Police Department is the hand held canister which is used to spray the chemical irritant agent into the eyes and facial area of a subject. Memphis Police Department officers shall carry only those hand held canisters of chemical irritant agents issued through the Firearms Training Unit. Each canister is numbered and records are kept on file by the Ordinance Section.

Only T.A.C.T. Unit personnel shall carry other chemical irritant agent dispersing devices, and then only after the officers have received training and are certified on the equipment. Any other exception to this policy must be approved by a Duty Chief.

B. Carrying and maintenance of hand held canister and leather holder:

To ensure each officer's canister is in proper working order, the Firearms Training Unit will test and weigh each officer's canister during annual In-Service training each year. Officers shall carry the canister in the issued leather holder on the duty belt.

It is the responsibility of each officer to properly maintain his/her hand held canister and leather holder. Proper maintenance includes immediately drying off the canister and leather

holder when it gets wet. If the canister is dropped into a large amount of water, it is to be taken to the Firearms Training Unit to be inspected. An officer should never leave his/her canister where it is exposed to excessive heat or cold.

Example: Leaving the canister in a vehicle during the summer or winter causes a chemical break down, rendering the spray less effective. The leather holder should be kept clean and the snap checked daily to maintain proper working condition.

Officers shall visually inspect the condition of the canister and leather holder before and after their shift. Any debris in the leather holder shall be cleared to prevent obstruction of the nozzle. Any canister which shows visible signs of leakage shall be turned in to the equipment officer for replacement.

ALL OFFICERS WHO USE THE CHEMICAL IRRITANT AGENT ARE REQUIRED TO MAINTAIN AN EFFECTIVE LEVEL OF SPRAY BY HAVING THE CANISTER WEIGHED FOLLOWING EACH USE.

Officers shall have their chemical irritant spray canisters weighed at the Property Room of the Criminal Justice Complex following transport of subjects who have been exposed to the spray. Officers shall record the location, date, time, canister number, weight, and name of Property Room attendant that weighed the spray in the summary of the Response to Resistance Blue Team incident. The same procedure shall be followed when subject(s) are transported to the Regional Medical Center holding area. A digital scale is available for the police supervisor assigned to the Med. Only officers who use the spray and transport to the Med will have their canisters weighed at the Regional Medical Center. A digital scale is available at each precinct. All officers who use their spray during an incident, but did not transport, will report to the precinct equipment room where a supervisor will weigh the officers' canister and document in the BlueTeam Incident.

Before any canister is weighed, the digital scales at the precinct or the Regional Medical Center will be calibrated by using any denomination of U.S. currency. The weight of the currency should be one gram exactly. If the scales are not working properly, the supervisor will contact the nearest precinct to see if that precinct's scales are working properly. If the supervisor is advised the nearest precinct's are in proper working order then the supervisor will have the officer report to that precinct. If the nearest precinct's scales are not working properly, the supervisor will check the other precincts until he/she finds a precinct which has properly working scales.

All scales which are not in proper working order will be taken to the Criminal Justice Complex Property Room by the precinct equipment person for repair or replacement.
The above procedure of weighing and recording will assist officers when a false use of chemical irritant agent complaint has been filed.

When the weight of an officer's canister of chemical irritant agent weighs 40 grams or less it is the responsibility of the officer to notify his/her supervisor. The supervisor or the assigned shift equipment person shall meet the officer at the precinct equipment room where the officer shall be issued a new canister after a Response to Resistance Incident in BlueTeam has been

completed. It is the responsibility of the supervisor to ensure that the used canister and replacement form is given to the assigned precinct equipment person. It is the responsibility of the precinct equipment person to take the canister and a copy of the replacement form to the Firearms Training Unit for a new replacement. A copy of the replacement form shall be placed in the officer's precinct personnel file by their supervisor.

TRAINING: All officers authorized to carry a chemical irritant agent must complete an initial four (4) hours of training, and (2) hours of retraining every (2) years, both of which shall include training on contamination and decontamination techniques as well as testing on irritant agent scenarios (similar to that of the Deadly Force scenarios).

A minimum written score of 80 percent and a minimum scenario score of 90 percent is required for initial certification and annual re-certification.

All officers assigned to the Regional Medical Center and all officers designated as Crisis Intervention Team members will receive special training with 10% Pepper-foam. Regional Medical Center officers and C.I.T. officers will be issued 10 % Pepper-foam canisters and specially designed belt carriers upon completion of training. Both the 10 % Pepper-foam canisters and special belt carriers will be returned to the Firearms Training Unit upon transfer of duty from the Regional Medical Center or removal from C.I.T. status, respectively. The use of 10% Pepper-foam will be controlled by all provisions of the Chemical Irritant Agent Policy, and due to its special design characteristics, will be the only personal chemical irritant permitted to be used in medical facilities. When the weight of an officer's canister of 10% Pepper-foam weighs 70 grams or less it is the responsibility of the officer to notify his/her supervisor for replacement.

Training will be conducted by members of the Firearms Training Unit who have been certified in the use of chemical weapons. Initial exposure to the chemical will be conducted under close supervision by the commander of the Firearms Training Unit. No officer will be certified to carry the hand held chemical irritant agent who has not successfully completed the required training. Records will be kept at the Memphis Police Academy identifying certified officers.

C. Rules on chemical irritant agents - the response to resistance:

Chemical irritant agents will continue to be used in the force continuum between verbal commands and physical confrontation. Because the use of this tool is an escalation of the force continuum, officers must exhaust all verbal means to control a subject prior to chemical irritant agent application. Although the use of the chemical irritant agent is not an actual "hands on" contact with a subject, officers must still adhere to all provisions regarding response to resistance as listed in the Memphis Police Department Policy and Procedures Manual and as governed by statute. The officer must perceive a "credible" physical threat to his/her, the subject's, or another person's safety prior to the application of a chemical irritant agent.

A "credible" physical threat to the officer, subject, or another person must include some type of overt action by the subject. No officer shall use a chemical irritant agent on a subject unless that subject is to be arrested or transported for mental evaluation and has presented a clear physical threat to the officer, himself, or another person.

Use of chemical irritant agents in compliance with these guidelines is lawful non-deadly force and is authorized to affect a lawful arrest, to prevent escape from lawful custody, or to defend the officer or another from what the officer reasonably believes is the imminent use of physical force, or to restore institutional integrity in a detention facility. Example of an institutional detention facility would be the Shelby County Jail.

Definition: An overt act is an act that a reasonable law enforcement officer would believe indicates an intention to kill or do bodily harm to the officer or another person. An overt act also encompasses a subject who attempts to escape from custody.

WARNING: The chemical irritant agent has the potential to be flammable. For this reason officers shall use extreme caution when using the chemical agent around open flames, lit tobacco products, or any mechanical or electrical devices or EDW (Taser type weapon), which could ignite the agent.

Verbal persuasion (verbalizing) and a warning are required before use of chemical irritant agents if circumstances allow verbalizing and warning without risk to the safety of the officer or others.

A verbalized warning is not required when the defendant resists "soft hand" techniques, resists more substantial force, when there is a risk (demonstrated by an overt act) to the safety of the officer or others if the use of chemical irritant agents is delayed, or if the subject flees from lawful custody.

Definition: "Soft hand" techniques include any touching or attempted touching by an officer, such as applying moderate pressure to turn, guide, or escort the person being arrested. Wrestling a subject, pulling a subject, and bending arms for handcuffing are higher levels of force than "soft hand" techniques.

D. Chemical irritant agents may be used against a person who:

1. By an overt action, refuses to submit peacefully to lawful arrest, or attempts to escape from lawful custody, or refuses compliance with lawful orders during arrest, detention or custody is subject to be sprayed with a chemical irritant agent if:
   a. the subject has made an imminent physical threat by an overt action and the officer reasonably believes the use of soft hands techniques will jeopardize the safety of an officer, themselves or another person, or;
   b. the officer has attempted "soft hands" techniques and the arrestee resists that attempt, or;
   c. the circumstances reasonably indicate, by an overt act, that attempting "soft hands" control may lead to an escalation of force and accompanying risk of serious physical injury to the person being arrested or to any officer.
2. Is a prisoner lawfully confined in a detention or correctional facility, before or after conviction of a crime, is subject to the use of chemical irritant agents if the prisoner assaults or threatens imminent assault of any person, or by language or any conduct incites others to assault any person. This only applies when the Memphis Police Department is requested to assist the Shelby County Sheriff's Department, or another law enforcement agency, which has a detention or correctional facility within Shelby

County.
Example: The Criminal Justice Complex Jail, Shelby County Penal Farm and both state and federal correctional facilities located within Shelby County. No warning is needed if an imminent physical threat by an overt action exists to the safety of any person.

3. An officer can spray a dog if the animal poses a nuisance and jeopardizes an official police operation. Example: A barking dog which jeopardizes officer safety prior to serving a search warrant upon a dwelling is cause to utilize the chemical irritant agent against the animal.

E. Chemical irritant agents CANNOT be used against a person who:

1. Submits peacefully to arrest and complies with lawful commands during a lawful arrest, or
2. Complies with lawful commands during a valid investigative stop, traffic stop, in custody, or detention, or
3. Is expressing mere verbal disagreement that does not threaten or incite others to threaten an officer and is not significantly delaying or obstructing discharge of duty, or
4. Is a non-threatening subject who does not pose a significant risk to officer safety, or
5. Is an operator of any motorized vehicle, and who has control of the vehicle, such as a traffic violator behind the steering wheel, or
6. Has been taken into custody and who is handcuffed, unless the subject presents a clear and imminent physical threat by an overt action to the officer, himself/herself, or another person (Any incident where a chemical irritant agent is used after a subject has been taken into custody and handcuffed will be forwarded to Internal Affairs for review. Internal Affairs and the FTU will retain all reviewed Response to Resistance Reports on file), or
7. Has merely destroyed property. The mere destruction of property is not considered an overt act, or
8. Is inside the confines of a medical facility, or
9. Is being transported in the squad car. If a subject is violent on the scene prior to transport an additional officer, or officers, will follow the transporting officer to the Criminal Justice Complex Jail, or the Regional Medical Center, and assist the transporting officer during the transport if needed and assist him/her in getting the subject inside the facility. If the subject is calm on the scene and becomes violent while being transported then the transporting officer shall advise the dispatcher of the situation, location, and direction of travel. The officer shall continue transporting and the dispatcher will have additional officers to rendezvous with the transporting officer so the subject can be better secured.

F. After using chemical irritant agents:

1. If circumstances allow, do not attempt to forcibly handcuff a sprayed prisoner immediately after spraying. Give the prisoner a brief opportunity, about 30 to 60

seconds, to react to the spray and overcome gagging or coughing. This gives the prisoner an opportunity to overcome the temporary effects of the chemical irritant agent on the respiratory system unaffected by the physical stress of handcuffing.

2. It shall be the responsibility of the officer to take necessary steps in safeguarding the personal safety of the prisoner once they have been sprayed.

   Example: Some prisoners may panic and run blindly after being sprayed. Officers should anticipate the need to prevent injury during a panic reaction. Immediate restraint of a prisoner who panics may be necessary. Avoid placing pressure or weight on the suspects back if possible.

3. The best first aid for exposure to chemical irritant agents is fresh air and copious amounts of clean cool water to flush out the eyes. Face the subject into a breeze if possible. As stated earlier, the effects will wear off in 20-30 minutes and the prisoner should be made aware of this.

   Generally ointments and salves should never be applied on the affected areas, but if the occasion should arise where a certain chemical irritant agent is used and the manufacturers suggested treatment calls for ointments or salves, then an officer will call for an ambulance.

4. When an officer uses a chemical irritant agent on a subject, then he/she will immediately notify his/her supervisor. The supervisor will make the scene and upon arrival he/she will assess the situation. If further medical attention is necessary, appropriate action will be taken. When a chemical agent is used, the officer will complete the **Response to Resistance Incident in BlueTeam**. The supervisor is required to approve the **Response to Resistance Incident in BlueTeam** after the officer has checked it for accuracy. If the supervisor has reservations concerning the accuracy, the supervisor will not approve the BlueTeam incident and will write a memo to the shift commander explaining his/her reservations.

   The supervisor will attach the memo to the **Response to Resistance** incident in BlueTeam and forward the memo for the shift commander's review. If the shift commander is in agreement with the supervisor concerning the accuracy he/she will follow the chain of command and forward the BlueTeam report with attached memo to precinct/bureau commander via BlueTeam. The precinct/bureau commander will determine if the report and memo shall be forwarded to the Internal Affairs Bureau for further investigation.

   Any supervisor who has reservations and does not approve the **Response to Resistance BlueTeam Incident** shall not weigh the canister, but will have the officer report to the Criminal Justice Complex Property Room. The supervisor shall have the canister weighed by property room personnel. The supervisor will enter the weight information into the comments/instructions block of the BlueTeam incident before forwarding the incident up the chain of command.

   All **Response to Resistance BlueTeam Incidents** shall be forwarded to a supervisor with the officer's paperwork at the end of the shift.

5. No longer is "see arrest" ticket acceptable on the narrative of a Response to Resistance Incident in BlueTeam. The officer shall complete in detail the narrative in the summary section of the BlueTeam incident and articulate the following:
    a. The reason for the initial police presence;
    b. A specific description of the acts that led to the use of force;
    c. The level of resistance encountered;
    d. A description of every type of force used.
6. Guidelines for transporting prisoners as set forth in the Memphis Police Departments Policy and Procedures Manual shall be adhered to by all officers.
7. To assist in avoiding confusion on the radio when an officer has used a chemical irritant agent spray the officer shall simply advise a supervisor of its use.
8. The same guidelines as set forth in this chapter concerning the completion of the Response to Resistance incident shall apply to the spraying of dogs.

G. Guidelines for monitoring a prisoner's medical condition:

1. For all prisoners, officers must continually monitor the level of consciousness and breathing. When uninterrupted monitoring is not possible, an officer should observe and talk to the prisoner on a frequent basis during custody. Prisoners should not be left alone in a car or in a room for any period of time. Do not assume a silent prisoner is asleep or harmlessly intoxicated.
2. The following prisoners are in a "**special attention**" category for medical emergencies:
    a. Prisoners who run from officers, or violently resist restraint, or try to assault officers.
    b. Prisoners whom the officer believes to be impaired by alcohol or drugs.
    c. Prisoners who are breathing very rapidly, or sweating heavily, or exhibiting pallid skin color.
    d. Prisoners engaging in deranged and irrational conduct or speech.
    e. Very obese prisoners, or prisoners with a known medical condition (e.g., diabetes, a seizure disorder, asthma, or heart trouble) or prisoners who are of advanced age.

    For "**special attention**" prisoners, an officer should monitor a prisoner's breathing and consciousness on an uninterrupted basis, unless a law enforcement emergency prevents it. If feasible, try to monitor a "special attention" prisoner at all times during and after arrest until the prisoner is released from custody or turned over to another agency. If back-up officers are available, use two officers to transport "special attention" prisoners, whenever possible. Officers should check for a Medic Alert bracelet, necklace, prescription bottles, and medical cards or papers in subject's wallet or purse on "special attention" prisoners.
    "**Special attention**" prisoners should be asked if they are suffering from any serious medical condition. If a "special attention" prisoner advises he has a serious medical

condition then it shall be the responsibility of the officer to call for an ambulance. This will allow a paramedic to check the medical condition of the "special attention" prisoner. The paramedic will make a determination if the subject will need to be transported to The Med for additional medical attention or if the subject can be transported to the Criminal Justice Complex.

3. It shall be the responsibility of the arresting officer to call for an ambulance if he/she observes any prisoner, **"special attention"** or otherwise, who displays or indicates life threatening symptoms by:
   a. loss of consciousness, or
   b. stops breathing, or
   c. suddenly becomes incoherent, or
   d. begins to hyperventilate.

NOTE: If any prisoner starts to show any of the above medical conditions then the handcuffs should be placed in front of the prisoner, unless officer safety considerations make that too dangerous.

X. Conducted Electrical Weapon (CEW)

Consistent with the Department's policy of using the minimum amount of force necessary to control violent situations/events; selected personnel who are certified Crisis Intervention Team (CIT) Officers trained and certified by the Firearms Training Unit to deploy a Conducted Electrical Weapon (CEW) are authorized to carry and deploy a Conducted Electrical Weapon (CEW). **Officers must be aware that tasing a person multiple times may increase the likelihood of the risk of death or serious bodily injury to the person. Officers must be able to articulate the amount of force used when tasing a person multiple times and be aware that tased persons may not be able to respond immediately to officers commands.**

A. Definitions

1. Less Lethal Force - Force applied with the intention to subdue or render a subject non-threatening, with a lower probability of producing fatal results.
2. Conducted Electrical Weapon (CEW) - The electronic control device is a less lethal, hand held device that discharges an electronic current to override a subject's central nervous system causing temporary incapacitation (probe mode) or discomfort (stun mode).
3. Authorized Users - Only active CIT officers properly trained in the use of CEWs by the Firearms Training Unit are authorized to carry and use an approved and departmentally issued CEW device within the established departmental guidelines.
4. CEW Cartridge - Sealed unit that contains the CEW probes.

5. CEW Operational Modes:
    a. Drive Stun Mode - The CEW is placed in immediate contact with the subject's body or clothing. Stun mode creates discomfort in the immediate area around the probe contact points and due to the narrow spread of the CEW probes the stun application will likely not cause motor skill dysfunction.
    b. Probe Deployment Mode - Two darts on wires propelled from a cartridge to contact a subject's body. The CEW sends an electrical signal to the probes via the wires, which can disrupt the subject's body's ability to communicate messages from the brain to the muscles to disrupt motor skill functions. Disruption depends upon many factors to include distance between probes, probe placement, and subject's clothing thickness.
6. CEW Operational Methods:
    a. CEW Displayed - The CEW is withdrawn from the holster and is visible to the subject. The subject complies or the incident concludes without the actual use of the CEW.
    b. CEW Arc Displayed - The CEW is withdrawn from the holster and the electric arcing is displayed to the subject. In response to the subject's observation of the Taser arching, the subject complies or the incident concludes without the actual use of the CEW by either probe deployment or stun mode.
    c. CEW Laser Pointed - The CEW is withdrawn from the holster and the laser targeting mechanism is activated and pointed in the direction of the subject. In response to the subject's observation of the laser pointing, the subject complies or the incident concludes without the actual use of the CEW by either probe deployment or stun mode.
    d. CEW Deployed - The CEW is used in Drive Stun Mode or the Probe Deployment Mode is **utilized** in an attempt to gain compliance.
7. The CEW may be used only against persons who:
    a. Present a risk of harm to officers;
    b. Are physically resisting;
    c. Present a risk of harm to others; or
    d. Present a risk of harm to themselves.
8. **The CEW shall not be used:**
    a. In any punitive (relating to, involving, or intending to inflict punishment) or coercive manner;
    b. In Drive Stun mode for pain compliance to prod or escort persons;
    c. On a handcuffed or secured individual absent an overly combative behavior that may cause harm to the officer or others and that cannot be reasonably dealt with in any other less obtrusive manner;
    d. Solely as a compliance technique to overcome passive resistance or on any individual who does not demonstrate an overt intention to use violence or force against the officer or another person;

e. To rouse unconscious, impaired or intoxicated persons (*This does not mean that the CEW cannot be used on an intoxicated person if other factors apply);
f. On persons operating a moving vehicle or machinery;
g. On persons running or fleeing;
h. For any purpose of horseplay or curiosity exposure when use of the CEW is not allowed, which includes, but is not limited to, arc display or laser pointing. Only certified CEW instructors may demonstrate the CEW to the public or media.
i. **In any environment where the officer knows that a potentially flammable, volatile, or explosive material is present.**

B. CEW Equipment

1. The only CEW authorized by the Department for certified CIT Officers to carry is the yellow colored TASER X2, manufactured by TASER International, Inc.
2. Any CEW found to be malfunctioning is to be removed from service and taken to the Firearms Training Unit for replacement.
3. CEW's are to be stored in a moderate temperature, dry location. CEW's are not to be stored in vehicles or in direct sunlight. CEW's and cartridges are to be reasonably protected from water, rain, dust, dirt, mud and other contaminants. CEW's are not to be accessible to anyone other than department members.
4. Officers assigned a CEW are responsible for maintaining the CEW's operational readiness. No changes, alterations, modifications or substitutions shall be made to the CEW or the cartridges.
5. At the beginning of their work shift each officer is to check their CEW for operational readiness by removing and visually checking the cartridges for any damage~~s~~ or wear to include the examination of the cartridge expiration date. Officers are to check battery strength in a safe manner by sparking the CEW **while the cartridges are removed** for **five (5) seconds. This test spark will be noted on each officers log sheet at the beginning of their shifts.** Batteries with 20% or one bar strength should be removed from service and returned to the Firearms Training Unit. Inadequate cartridges or batteries are to be replaced immediately by the Station equipment officer or the Firearms Training Unit.

   Officers should follow the following steps to conduct the arc test:
   a. Make sure the CEW cartridges are removed before conducting the test
   b. Keep hands and fingers away from the front of the CEW during testing
   c. Point the CEW in a safe direction
   d. Put the safety switch in the “up” (ARMED) position
   e. Depress the “arc switch” and hold for five (5) seconds. DO NOT PULL THE TRIGGER TO CONDUCT THIS TEST.
   f. See and hear both bays arcing from arm’s length
   g. Listen for the typical spark pulse rate and if pulse rate is slow, replace the battery and retest. If it is still slow, take the CEW out of service.

h. Once the test is complete, place the safety switch in the "down" (SAFE) position and reinstall the removed CEW cartridges.

6. **Issued CEW holsters shall be worn on the support side of the officer's duty belt in either a cross draw or support side draw position**.
7. Under no circumstances are cartridges to be carried in any pocket to avoid the risk of static electricity causing a discharge of the cartridge.

C. CEW Training

1. Only Firearms Training Instructors certified as CEW Instructors are allowed to train officers to carry and deploy CEW's. The initial CEW training will consist of 8 hours of training and will follow the guidelines of TASER International, Inc. for CEW training.
2. CEW training will include instruction on all MPD policies pertaining to use of force/response to resistance.
3. All officers authorized to carry a CEW device must be re-certified annually by attending a re-certification training class at the Firearms Training Unit.

D. CEW Procedures

1. Memphis Police Crisis Intervention Team Officers certified to operate the TASER International, Inc. TASER X2 are the only authorized carriers/operators.
2. When practical, CEW Operators should notify their supervisor or commanding officer that an event may require use of the CEW.
3. The Conducted Electrical Weapon (CEW) may be used to control violent or potentially dangerous individual(s) when an officer reasonably believes the following conditions or facts exist:
   a. Attempts to control the conflict by using alternate methods have failed, and the officer's assessment of the facts and circumstances reasonably concludes that other means will be ineffective, useless, or hazardous to the officer(s) or some third party. The immediacy of action is an important element to be considered.
   b. The officer must communicate his/her identity and purpose, unless these facts are already known or cannot reasonably be made known to the individual under the circumstances.
   c. The officer must have a clear field of fire that would reasonably protect others.
   d. Officers shall use only the minimum amount of force which is consistent with the accomplishment of their duties and, if possible, should attempt any <u>reasonable</u> means of prevention, apprehension, or defense before using the Conducted Electrical Weapon (CEW).
   e. Upon firing the CEW the officer shall only expose the subject the minimum number of times and no longer than necessary to accomplish the legitimate compliance objective.
   f. Any officer who is not issued a CEW who encounters a situation where it is determined that a CEW may be required will, when feasible, request a CEW equipped CIT officer be dispatched to the scene. The intent is to not alert the non-

compliant individual or bystanders. If at some point the CEW is no longer required prior to the CEW CIT officer arriving on the scene then the CEW request should be cancelled.

g. For any situation where the use of a CEW is expected, a backup officer should be requested, and if at all possible, the use of the CEW postponed until backup arrives.

4. The CEW is to be utilized under controlled situations to maximize safety of everyone involved. Because of safety precautions, **the use of the CEW is not intended for events that cannot reasonably be considered as being controlled** (e.g. **foot pursuit is NOT a controlled event**). Controlled means the individual's movement has been contained and/or restricted (stand-off). Prior to deployment each event should be assessed and meet the requirements for use. Officers shall not intentionally target a subject's head, neck, or genitalia, except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of physical injury.
5. For all response to resistance situations certain individuals may be more susceptible to injury. **Unless there are exigent circumstances, the use of the CEW is discouraged for the following individuals: children or elderly, persons of small stature regardless of age, possibly pregnant or pregnant individuals, individuals with a pacemaker, and individuals obviously in poor health.**
6. **Great care and consideration will be given to any environment where the individual could fall or suffer severe injury or death.** This includes but is not limited to an individual standing in water or rain, on an elevated structure, or next to structures that could cause the individual harm should they fall (e.g. steps, stairs or other harmful objects).
7. The individual should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. **In determining the need for additional** exposed **cycles, the officer should be aware that an** exposed **individual may not be able to respond to verbal commands during or immediately after CEW exposure**.
8. In any event in which a CEW has been used either in Drive Stun mode, Probe mode with probes discharged, officers (operators) are required to notify their supervisor and complete the **Response to Resistance Incident in BlueTeam**. A supervisor will report to the scene to ensure departmental policies and procedures have been adhered to. This includes the accidental use of a CEW. Only the use of a CEW by Firearms Training Unit personnel for testing or training purposes is excluded from reporting.
9. If an individual(s) has been struck by probes or stunned and the event is under control, the CEW officer/operator and/or the supervisor should immediately request medical assistance from the Memphis Fire Department.
10. All individuals who have been stunned using drive stun mode or struck by CEW probes are to be transported to an appropriate medical facility (Regional One Hospital) by MFD paramedics. If probes are still embedded in the individual, an officer must ride in the

ambulance with the individual to ensure chain of custody of the CEW probes, cartridge and wires. A second officer will follow the ambulance.

11. With the exception of training scenarios, the following procedures will be used any time a CEW is discharged either in drive stun mode or probe mode on an individual.

    a. Removal and preservation of probes

    1) Probes that have penetrated an individual's skin shall be removed only by trained medical personnel at Regional One.
    2) CSI is to be called for photographs at the scene to include photos of the probe positions on the individual and any injuries to the individual. If the individual is transported prior to CSI arriving on the scene then the CSI officer will take scene photos and then change location to the hospital for follow up photos to include photos of the individual's injuries and probe positions if probes have already been removed. From either the scene or Regional One, CSI will take possession of the expended cartridges, probes, and wires and tag all in the property room after the probes have been removed from the individual by medical personnel. For probes that are located in sensitive areas of an individual, to include groin or female breasts, the modesty of the individual should be taken into consideration.
    3) Probes and expended cartridge packs are to be handled and stored as a biohazard.

    b. Care of exposed individuals

    1) ALL individuals exposed to a CEW are to be transported to an appropriate medical facility, preferably Regional One. This includes any individual who has had a CEW effectively used against them during an incident either by Drive Stun mode or Probe mode.
    2) Any individual showing signs of excited delirium, sudden death syndrome, or is extremely agitated is to be transported **immediately** to Regional One for examination.

12. When an individual has been struck by CEW probes or drive stunned, an Emergency Commitment report **MUST** be submitted if the individual meets mental consumer prerequisites.
13. **At the conclusion of all incidents where a CEW has been used either in Drive Stun mode or Probe mode, the officer will report to the Station and a supervisor will download the firing data from the deployed CEW unit**. The downloaded data is evidence and is to be treated and documented as such. Each Station will have a designated computer workstation with the download software available for use by a supervisor. The officer will also obtain replacement cartridges while at the Station. The data download and obtaining fresh cartridges must be done prior to the officer returning to service.
14. Once a month a supervisor will download data from each officer's CEW as a part of the monthly inspection.
15. **If an individual has been struck by CEW probes or stunned and is subsequently listed as <u>critical</u> or <u>fatal</u>, then the supervisor will notify the appropriate Investigative**

Services Bureau and perform all duties necessary to accommodate an orderly investigation. This includes removing officer(s) from line of duty assignment pending administrative review**.**

16. All reports, including the **Response to Resistance BlueTeam Incident**, should be routed, preferably by electronic means, to the appropriate Precinct Commander, Duty Chief, Deputy Chief, Crisis Intervention Commander, and Firearms Training Unit Supervisor, for review.

XI. Impact Delivery System (IDS)

Selected personnel who are certified Crisis Intervention Team (CIT) or TACT Officers will be trained on Less Lethal Impact Weapons, including Extended Range Impact Weapons.

A. DEFINITIONS

1. Less Lethal Impact Munitions - Ammunition designed and developed to be launched as Less Lethal Force.
2. Impact Delivery System - Sage SL-6 Multi-Role 37mm Launcher.

B. PROCEDURES:

1. Memphis Police Officers certified to operate the Sage SL-6 Multi-Role 37mm Launcher are the only authorized carriers/operators.
2. The Impact Delivery System (IDS) may be used to control violent and/or potentially dangerous individual(s) when an officer reasonably believes the following conditions or facts exist:
   a. Attempts to control the conflict by using alternate methods have failed and/or immediacy of action is an important element to be considered.
   b. The officer must communicate his/her identity and purpose, unless these facts are already known or concluded or cannot reasonably be made known to the individual under the circumstances.
   c. The officer must have a clear field of fire that would reasonably be expected to protect bystanders / others.
   d. Officers shall use only the minimum amount of force which is consistent with the accomplishment of their duties and, if possible, should attempt any reasonable means of prevention, apprehension, or defense before using the Impact Delivery System (IDS).
3. The IDS is to be utilized under controlled situations to maximize safety of everyone involved. Controlled in this definition means the individual's movement has been contained or restricted (i.e. stand-off).
   Example: When a person is violent and poses a direct threat to themselves or others, and is armed with an implement which may be used to inflict life threatening bodily harm.
4. Because of safety precautions, the use of the IDS is not intended for events that cannot

reasonably be considered as being contained (i.e. foot pursuit). If practical, prior to deployment each event should be assessed and meet the requirements for use.

5. If practical, IDS Operators should notify their supervisor or commanding officer that an event is volatile and may require use of the IDS.
6. If the operator has loaded, prepared to bear the weapon, but does not point the weapon at the subject and the subject gives up, no Blue Team Incident report is required.
7. If the operator points the IDS at the subject and the subject gives up, a Pointed Weapon report is required.
8. If the IDS have been discharged the operator is required to notify their supervisor and complete the Response to Resistance Incident in BlueTeam. A supervisor will report to the scene to ensure departmental policies and procedures have been adhered to.
9. If an individual(s) has been struck by IDS Ammunition and the event is under control, the IDS operator and/or the supervisor should call for Paramedics.
10. All individuals who have been struck by IDS Ammunition are to be transported to an appropriate medical facility. When the Paramedics make the scene, the decision as to which agency will transport will depend on their medical assessment.
11. If an individual(s) has been struck by IDS Ammunition, CSI will be called to take evidentiary photos of any suspect injuries and expended IDS ammunition and ammunition case will be tagged in the property room.
12. If an individual has been struck by IDS Ammunition and is subsequently listed critical or fatal, then the supervisor will notify the appropriate Investigative Services Bureau and perform all duties necessary to accommodate an orderly investigation.
13. All reports, including the **Response to Resistance Incident in BlueTeam**, should be routed to the appropriate Precinct Commander, Duty Chief, Deputy Chief and Firearms Training Unit Supervisor.

XII. Patrol Rifle Program

The Patrol Rifle Program is designed to train the Patrol Rifle Officer Candidate (PROC) and provide the Uniform Patrol Division/Special Operations Division with additional tools to enhance officer and public safety. The Patrol Rifle Program is **NOT** an organized unit. The Patrol Rifle Officer's (PRO) are assigned to enforcement divisions only and shall report to their supervisors for their normal tour of duty.

A. Definitions

1. Patrol Rifle (PR) - The Memphis Police Department's Patrol Rifle shall be an AR-15 A3/Bushmaster XM15 E2S A2 semi-automatic carbine 16.1 inch barrel length, equipped with department issued Back-Up Iron Sights (BUIS) and EOTech 512 Holographic weapon sight. NOTE: Specialized units such as OCU may issue alternate BUIS and

optics as approved by FTU Commander, Departmental Gunsmith, and the Patrol Rifle Instructors.

2. PRP: Patrol Rifle Program
3. PRO: Patrol Rifle Officer
4. PRI: Patrol Rifle Instructor
5. PROC: Patrol Rifle Officer Candidate
6. PRPC: Patrol Rifle Program Coordinator
   a. Is the FTU Commander or his designee
   b. Coordinates selection process for PRO
   c. Coordinates all PRO and PROC training

A PRO maybe assigned to any unit with approval by the Director of Police Services.

B. Modifications

Modifications to the patrol rifle are not authorized unless specifically approved in writing by the FTU Commander, Departmental Gunsmith, and the Patrol Rifle Instructors (PRI). The issued Iron Sights or EO Tech is not to be removed from the rifle by anyone except the Department's Gunsmith.

C. Qualifications

1. The PROC must have and maintain have a score of 94% or better on the Memphis Police Department's In-Service Training On-Duty course (P.O.S.T. course) using their department issued semi-automatic pistol. If the PRO fails to score 94% or better on the On-Duty course of fire during their scheduled In-Service training, then the officer will be allowed one (1) additional attempt for the purpose of maintaining rifle qualification. This attempt must be completed during the same calendar year in order to obtain a satisfactory score. The additional attempt will not be conducted during the PRO's regularly scheduled work shift.
2. The PROC must be assigned to a work station in which the Patrol Rifle is authorized by the Director of Police Services.
3. The PROC must be able to work independently and with minimal supervision and maintain a calm and professional demeanor during stressful situations.
4. The PROC must exhibit the ability to communicate with the public, remit effective testimony in court, and have proficient report writing skills.
5. The PROC must be assigned to the Uniform Patrol or Special Operations / OCU Division; any exceptions must be approved by the Director of Police Services.
6. The PROC must have three years of patrol duty experience and be certified to ride a one man car.

7. The PROC assigned to the Special Operations Unit must have three years of enforcement experience.
8. Each PROC that meets the above criteria shall successfully participate in the following process:
   a. Attend a (24) hour Patrol Rifle School.
   b. Maintain 94% or better on the AR-15 day and night firearms course, designated by the PRI.
   c. Score 80% or better on a written test.
   d. Be able to demonstrate field stripping and comprehend nomenclature of the AR-15.
   e. The PROC shall re-qualify annually with a 94% or better with the AR-15.
9. The PROC must have a recommendation letter from his/her Commanding Officer (Colonel).

D. Reporting

The PRO shall zero (sight) and record their Patrol Rifle zero, at least twice but not more than four, times a year. One of these will be scheduled during Annual Patrol Rifle Re-Certification training. It is recommended that the individual PRO report to the range on his/her own to perform/record the additional patrol rifle zeros. When equipped, the PRO will zero the Back-Up Iron Sights (BUIS) and the issued EOTech optic during each zero session. Failure to comply could result in decertification, see IX. Section C of this order.

E. Deployment

1. Only members certified as Patrol Rifle Officers shall be authorized to handle, deploy, or discharge Departmental Patrol Rifles.
2. Discharge of the Patrol Rifle shall only be affected in situations where an equal or greater force is necessary.
3. The following situations are some examples of authorized Patrol Rifle deployment: conditions described in Part VI, B of this order exist AND,
   a. The subject is known to possess or is suspected of possessing a deadly weapon or firearm, or
   b. The subject is beyond the effective range of Departmental pistols or shotguns (25 yards or greater), or
   c. The subject is known to wear or is suspected of wearing body armor.
4. When a PRO deploys the Patrol Rifle, he/she shall, as soon as practical, advise a supervisor or a commanding officer. Upon deployment, if applicable and practical, the PRO shall advise the Communications Division of the following:
   a. Safest route for responding officers to approach the scene.
   b. Location of the PRO and the location of the suspect.
   c. Crossfire considerations

5. PROs shall not deploy the Patrol Rifle in situations where an Entry Team should be used, except when immediate action is necessary to prevent imminent loss of life or to maintain officer safety. Any other exceptions must be approved by the Director of Police Services, or his designee.
6. The Patrol Rifle should not be used in lieu of TACT deployment
7. It is the responsibility of the PRO to advise any field supervisor or commanding officer contemplating inappropriate deployment of the Patrol Rifle.
8. Patrol Rifles shall not be used to shoot a wounded or dangerous animal without approval from a commanding officer, unless a dangerous animal situation develops after the proper deployment of the Patrol Rifle.
9. Except for actual duty deployment consistent with the provisions of this order, Patrol Rifles shall only be discharged at an authorized firearms range under the direction of a Memphis Police Department's PRI.
10. In all cases, discharge of the Patrol Rifle shall be in accordance with the Memphis Police Department's Deadly Force Policy.
11. Only in a life threatening situation or where there is eminent danger present will the deployment of the Patrol Rifle be acceptable without prior authorization from the PRO's Supervisor or Commanding Officer.
12. Duty Station / Bureau Commanding Officer will be responsible for notifying the Communication Division of which Units have PROs.

F. Responsibilities of the Firearms Training Unit (FTU)

1. The FTU is responsible for issuing the Patrol Rifle to activated PROs. The FTU will also be responsible for the recovery and storage of the Patrol Rifle from deactivated PROs. The FTU will work closely with the PRO's Commanding officer to accomplish this task.
2. Maintenance of the Patrol Rifle beyond operator level maintenance and cleaning shall be performed by the FTU or designee by PRI.
3. The FTU is responsible for supplying and maintaining replacement parts for the Patrol Rifle.

G. Patrol Rifle Officer Assignment

1. During the PRO's assigned shift, the Patrol Rifle will be secured in the rifle rack mounted inside the patrol car. If a rifle rack is not available, the rifle will placed inside the trunk in a hard or soft rifle case. The Patrol Rifle will also be in Cruiser Ready condition (Bolt forward on an empty chamber, loaded magazine in the Patrol Rifle, and mechanical safety on).
2. At the end of each shift, the PRO will properly clear the Patrol Rifle by removing the magazine from the Patrol Rifle, clear and inspect the chamber of any ammunition, insert

the safety flag into the cleared chamber with the bolt forward, and ensure that the mechanical safety is in the on position.

3. Once the weapon is cleared the PRO will properly secure the Patrol Rifle in the Universal Weapons Rack of their assigned duty station.
4. If the PRO does not have access to the Equipment Room, then the Equipment Officer will properly secure the cleared Patrol Rifle in the Universal Weapons Rack.
5. The PRO is not authorized to store his/her Patrol Rifle at their residence, nor leave the Patrol Rifle secured in any vehicle during non-duty hours.
6. The Patrol Rifle officer shall not draw, receive, or acquire special consideration in the division based on his/her PRO status.

H. Decertification Of Patrol Rifle Officers

1. Decertification shall occur automatically when a member is promoted to a rank other than Patrolman Officer or when he/she is permanently assigned to a position other than a field position in the Uniform Patrol/ Special Operations Division/ OCU unless approved by the FTU Commander or the Director of Police Services.
2. A PRO may voluntarily resign from the program by submitting a memorandum through channels to their Duty Station / Special Operations Division Commander/ OCU. The Precinct/Special Operations Division Commander/OCU shall notify FTU personnel of any PRO resignation.
3. The PRPC, or designee, and Duty Station/ Special Operations Division / OCU Commander may decertify a PRO for any of the following reasons:
   a. Substandard performance
   b. Failure to successfully complete required training
   c. Failure to attend program training sessions
   d. Failure to maintain 94% or better on the In-service On-Duty qualification course.
   e. Any documented willful and deliberate mistreatment, neglect or improper use of the Patrol Rifle
   f. Failure to satisfactorily complete a shooting proficiency evaluation and subsequent remediation.
   g. Exhibiting a pattern of unsafe tactics during actual Patrol Rifle deployments.
   h. Failure to comply with the provisions of this order or as designated by the Director of Police Service.
4. Duty Station/ Special Operations Division Commanders/OCU shall submit a memorandum through channels to the shift supervisor documenting occurrence(s) of any circumstances outlined in IX. Part C of this order, as well as submit a memo to the PRPC. The PRPC and the Duty Station/ Special Operations Division / OCU Commander shall determine if remedial training would rectify the problem(s) or if the PRO should be removed from the program immediately.

5. If it is determined the PRO should be removed from the program immediately, the Duty Station/ Special Operations Division/ OCU Commander shall forward a memorandum to the Director and to the FTU Supervisor detailing the circumstances, and recommending the decertification and removal of the PRO from the program.

Inventory Control

Damaged, Surplus, Obsolete, or Unused Property 4
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The purpose of this directive is to establish a uniform procedure for inventory and

control, and to set forth guidelines for the issuing and reissuing of all agency-owned property utilized by the Memphis Police Department. Property/equipment will only be issued to and operated by personnel who have been properly trained in the care and use of the property. Maintaining stored agency property in a state of operational readiness is a responsibility of the person or unit to which the property is assigned. (17.5.1)

I. Property Inventory Control and Recording

A. In order to prevent loss and unauthorized use of Memphis Police Department property, and to ensure availability of needed equipment, inventories of all assets and equipment must be maintained. Upon purchase of any asset or equipment, the appropriate Inventory Control Unit, as listed below, will be responsible for the inventory and control of the asset.

Upon initial delivery of any asset or equipment to the appropriate Inventory Control Unit, the inventories will be recorded and the component shall issue an asset or control number. If the asset or equipment has not had serial number issued and marked by the manufacturer, the asset/control number will be placed on the equipment. The asset or equipment will be recorded by:

(1) Make
(2) Model
(3) Asset, serial, or control number
(4) Date Received
(5) Location of asset/equipment

B. The following Inventory Control Units will be responsible for inventory recording:

1. <u>Radio Maintenance</u>:

- Police Radios
- Radar Guns
- Light bars / Sirens
- Pagers
- Radio Chargers

2. <u>Firearms Training Unit</u>:

- SL-6
- Machine guns
- Shotguns
- Bolt action Rifles
- Impact Weapons
- 37mm/40mm Gas
- Handguns
- Undercover firearms
- Rifles
- OC Canisters
- Handcuffs
- Wooden Batons
- ASP Batons
- Body Armor
- Riot Equipment
- Night Vision
- Tear Gas
- Flash Bang/ grenades
- Leather Goods
- Rip Hobble
- Ammunition

3. <u>Fleet/Building Maintenance Supervisor:</u>

- Vehicles
- Motorcycles
- Scooters
- Boats
- ATVs
- Bicycles

4. Information Systems:

   All computer equipment, with the exception of the PDA's, will be recorded by the vendor contracted by the City of Memphis. Information Systems will keep records on this computer equipment inventory as submitted by the City Vendor. Information Systems will maintain records on all PDA's and cellular phones issued to employees.

5. Special Projects Office:

   A Capital Asset inventory list will be maintained by the Special Projects Office. The Special Projects Office will oversee all capital projects from planning stages through the project completion until the project is placed in service.

II. Issuance Of Assets/Equipment (17.5.2)

A. Personnel shall be held responsible for the operational readiness of any and all equipment assigned to them. It shall be the responsibility of Supervisors to whom equipment is issued to ensure the operational readiness of any stored equipment. Commanders, or their designees, shall conduct periodic inspections of such stored equipment. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

B. Upon issuance/assignment to an employee or unit, the asset or equipment will be entered into the database by the employee's name and IBM (or unit assigned), and a hardcopy receipt of issuance (signed by issuing and issued employee) will be completed. The record of issuance will be maintained.

C. It will be the responsibility of each individual unit to maintain the inventory of the fixed assets and equipment issued to that unit. It will be the responsibility of the Workstation Commander to maintain the inventory of the fixed assets and equipment issued to that precinct. All daily or temporary issuance of the units' or precinct's property will be documented by the name and IBM of the employee that received the equipment. Equipment issued to any specific unit will be cared for and maintained by that unit.

D. If equipment is returned and re-issued, the Inventory Control Unit responsible for re-issuing the equipment will ensure that the equipment is fit for service. Upon receiving any department-owned property or equipment, the employee receiving such property shall check it for good repair and proper working condition.

E. Employees shall immediately report to their supervisor any loss of or damage to department property assigned to or used by them. The immediate supervisor shall be notified of any defects or hazardous conditions existing in any department equipment or property.

III. Damaged, Surplus, Obsolete, Or Unused Property

When it is determined that any piece of equipment is to be replaced by new equipment, is no longer usable, or is damaged beyond repair, he/she shall complete the Surplus Tangible Property Form. Disposal of MPD property must be approved by the Director of Police Services.

Inventory records will be continuously adjusted to reflect items that have been purchased or traded, sold, destroyed or otherwise disposed of. Records should never be permanently deleted, only adjusted to show the property taken out of service.

IV. Separation from Department

Employees are required to surrender all department property in their possession upon separation from the department. Failure to return non-expendable items may obligate and cause the person to reimburse the department for the fair market or replacement value of the article(s). Exiting employees are to complete the Memphis Police Department Check-In List/Employee Exit Form. It will be the employee's responsibility to return equipment to all locations listed on the form. The final destination of the Exit form will be the MPD Human Resources Office, where a copy will be given to the officer and the original retained in the officer's Personnel File. A memo of explanation or receipt of reimbursement must accompany this form for any non-returned items.

V. Inventory Audits

Each Inventory Control Unit will quarterly submit inventories to the Special Projects Office. The Inventory Coordinator in the Special Projects Office will accept the quarterly inventory reports from each Inventory Control Unit in electronic format. The inventory reports will be submitted the 15th day of January, April, July, and October, and will reflect inventory status as of the last day of the previous quarter. These reports will be kept for any future audit purposes. It will be the responsibility of the City of Memphis Auditors to perform audits on inventoried property.

Uniforms

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I. Policy Statement:

Appearance, safety, discipline, uniformity, and public respect all play a key role in law enforcement service. As officers maintain constant contact with the public, our goal is to present a conservative, professional image that is appropriate to our service at all times. In order to provide effective and efficient service, officers should be readily recognized to members of the public, present an esprit de corps, and present an image of integrity. Moreover, officers should project an image that facilitates the effective functioning of the Memphis Police Department necessary to ensure the safety and security of our citizens.

The Uniform Committee's recommendations are in addition to current policy that has implemented the use of 75% polyester and 25% wool for basic uniform attire. The 100% Polyester uniform is also approved.

II. Uniform Items:

A. Optional Cargo Pants: Lieutenants/ Sergeants/Officers may wear dark navy 100% polyester 6-pocket trouser with mitered, center pleat, two-way cargo style patch pockets that open from the top with a zipper and from the front also. Pockets must be non-bellows type stitched to the pant leg on three sides and bar tacked at all stress points.

B. Class A Ceremony Uniform – This uniform will be worn for funerals and formal functions. Acceptable footwear will be a black, plain toe oxford or the black, Wellington boot. A full-duty uniform blouse coat will be worn by the rank of Colonel and above.

C. Class A Uniform * – Long sleeve uniform shirt, standard pocket pants (not cargo pants) with tie and uniform hat. (Shirt and Pants must be of same fabric: 100% polyester shirt with 100% polyester pants or polyester/wool shirt with polyester/wool pants).

*** It is mandatory that ALL commissioned personnel possess and maintain at least one complete Class A uniform in good condition at all times.**

D. Class B Uniform – Long sleeve duty uniform shirt without tie.

E. Class C Uniform – Short sleeve duty uniform shirt.

F. Turtlenecks or Dickeys – Must be black or navy blue and may be worn under long sleeve uniforms without tie (Class B Uniform). The only lettering permitted on the collar will be M.P.D. (If a conventional T-shirt is worn, it must be black or navy blue).

G. Golf Shirts – <u>The use of polo shirts are prohibited</u>. Commissioned Personnel are prohibited from wearing golf shirts as a duty uniform. Exceptions: approved golf shirts may be worn by the TACT Unit, Training Academy Personnel, Bike Patrol Officers, Property and Evidence Unit.

H. Nylon Web Gun Belt and Holster – Will be allowed with uniforms that are not Class A.

These belts are lightweight, comfortable, flexible and more adjustable than the leather equipment. The nylon web belts and holsters are also less expensive than leather equipment. Leather and nylon holsters, belts, and accessories will not be worn mismatched.

I. Headgear – Each officer will maintain the basic uniform hat (Class A).

- The approved uniform hat for Patrolmen is the Keystone **L-4** Navy Polyester 8 point cap with 2 rows of black soutache, double badge eyelets (1-11/16" separation), with leather or cloth sweatband. An optional summer hat **for Patrolmen only** is the Keystone **L-9** "Kool Mesh" 8 Point, double badge eyelets (1-11/16" separation), with nylon mesh frame and leather or cloth sweatband.
- Sergeants, Lieutenants, and Majors will wear the Keystone **L-4** Navy Polyester 8 point cap with 2 rows of black soutache, double badge eyelets (1-11/16" separation), leather or cloth sweatband with one gold metallic lace band across the front.
- The approved dress style for Lt. Colonel and above is the Keystone **L-4** Navy Polyester 8 point cap, double badge eyelets (1-11/16" separation), with gold embroidered visor , 2 rows of black soutache and one gold metallic lace band across the front.

Sworn and civilian personnel in uniform have the option of wearing approved uniform ball caps while outdoors on duty.

- The approved ball cap for uniform patrol is the Blauer Style 182 stretch fitted cap and the Style 182-1 stretch adjustable cap with the approved logo. Wearing of the ball cap is optional with Class B or C uniforms. The ball cap will be worn straight on the head with the visor down over the forehead. It shall not be worn tilted sideways, up, or backwards on the head. It shall be kept clean and replaced as needed.
- Ball caps will not be worn with the Class A Uniform or during any Ceremonial events, except when authorized by the Director of Police Services. Ball caps will not be worn for roll call or inspections, except by certain specialized units and where authorized by the Director of Police Services. Department ball caps will not be worn off duty, except when engaged in an authorized police function (i.e. approved secondary employment).

During inclement weather or extreme cold weather officers have the following options for headgear:

- The Class A uniform hat with a water-proof cover.
- Gorgonz Performance Work Gear ear warmers, model 99560-BK. These ear warmers are to be worn behind the head. The ear warmers can only be purchased at uniform stores.
- Blauer Warm Skull Cap, Style 160 B. This skull cap must be fleece lined with a blend of 58% polyester, 21% worsted wool, and 21% low pill acrylic. The letters

"MPD" must be embroidered on trim, off centered to left side, white lettering for patrolmen (Sergeants and above may have gold lettering) 3/4" high by 2 1/4" long, 3" centered from the side seam to center of the cap on the trim.

J. Safety Vest – The Blauer #343 safety vest is the recommended safety vest. Its daytime visibility, nighttime reflectivity, and comfort level are superior to other products.

K. Miscellaneous – Blauer type sweaters are approved **without** uniform patches or flag.

III. Duty Uniform:

A. Regulation navy blue shirt, short sleeve and long sleeved. Lieutenants may opt for long sleeved (class A) or short sleeved (year round). Majors and above must wear class A uniforms year round.

1. The M.P.D. patch, the American flag patch, the officer's nameplate, and MPD collar insignias will be properly displayed on the shirt.
2. Shirtsleeves will be fully extended, not rolled up. Only the collar button will be open.

B. Regulation uniform trousers.

C. Regulation uniform hat; required with the Class A Uniform or on Special Events detail where a hat is required.

D. Black plain toe shoes, Jodhpur Boots, or Full Boots

E. Black Socks

F. Black Regulation Basket Weave Design Belt.

G. Black Regulation Basket Weave Design Holster.

H. Black Regulation Basket Weave Design Handcuff Carrying Case.

I. Regulation Outerwear

1.

Outerwear Style	Model #
Original Blauer Gortex Jacket	9626NV
Fecheimer Gortex Jacket	79130
Blauer Gortex Jacket with Police Pull-down Tab	99052 NV
Fecheimer Gortex Jacket with Police Pull-down Tab	78140
Blauer Non-Gortex Jacket	6120NV
Fecheimer Non-Gortex Jacket	59130
Leather Jacket	4461
Blauer Soft-Shell Fleece Jacket	4660-04
Raincoat	447C-BK
Blauer Sweater	205C-NV
Fecheimer Sweater	730

2. All MPD outerwear (excluding the sweater) must have an MPD (standard) patch on the right sleeve and a United States flag on the left sleeve. Service stripes and merit ribbons are optional.
3. When the jacket is worn the badge and nameplate will be displayed on the jacket the same as on the uniform shirt.
4. When the Blauer sweater is worn the badge, nameplate, and MPD insignias only will be displayed.

J. Disposal of MPD patches

Personnel must remove and destroy all MPD patches and markings from uniforms prior to disposing of them.

IV. Class "A" Uniform:

Regulation long sleeved shirt and tie. The remaining uniform items are the same for both the duty uniform and the class "A" uniform. (See * page 2)

V. Optional Uniform Attire

Officers now have the option to wear a Class B or a Class C uniform regardless of the season (year round). All officers must adhere to the Appearance Requirements that are set forth in this chapter under section VIII D; Employees (excluding deep undercover officers) may not appear on duty or in uniform with any visible tattoos, branding or other forms of body art. Employees with body art on the arms visible below the cuff of the short sleeve shirt are required to wear black tattoo-cover sleeves on both arms and the long sleeve shirt during all seasons (year round). The full sleeve, the upper arm sleeve, and the lower arm sleeve are all approved for use. An employee's appearance must be uniform, and they may not wear different length sleeves on each arm. If one arm is covered with a sleeve, then the other arm must be covered with a sleeve of the same length.

Any deviation from these dates will be at the discretion of the Director or Deputy Director of Police Services.

VI. Leather Goods for the Sig P229R

A. Uniform Patrol Belt:

A two-belt over-under Velcro arrangement in which the outer belt is secured firmly to the inner belt by keepers, which insures the holster is being kept securely. The belt will be a wide 2-1/4" black, basket weave design.

B. Uniform Holster:

1. For uniformed officers, the holster will be one of the following security holsters:
   a. Safariland, Model 070, SSIII, black in color with basket weave design;

b. Safariland, Model 6360 with or without weapons light capability, black in color with basket weave design; or
c. Blackhawk, Serpa, Level -3 security holster, model # 44H106BW, black in color with basket weave design.

Any other holster must be approved by the Director of Police Services.

2. The following tactical holsters are authorized as an alternate duty holster **for specialized units ONLY**, such as TACT, Canine, and the Organized Crime Unit.
   a. Safariland, Model 6304 STX – tactical with or without weapons light capability, black in color with a drop flex adapter on a single leg shroud;
   b. Blackhawk Model 430606BL Serpa, Level – 3 security holster without weapons light capability, black in color; and
   c. Blackhawk, Model 430705BK Serpa, Level – 3 security holster with weapons light capability, black in color.

   All other request to utilize the tactical holsters MUST be approved by the Director of Police Services.

3. For plain-clothes officers, the holster must be open and equipped with a safety strap to contain the weapon. Shoulder, clamshell, or trick-operated holsters are not permitted, unless approved by the Director of Police. All investigators will wear their sidearm, attached to a belt holster and covered by a suit / sport coat, while on duty working in the field. The following holsters are recommended:

WEAPON	RIGHT-HANDED HOLSTER	LEFT-HANDED HOLSTER
Safariland Paddle		
SIG 229R	Model 518-74-61	Model 518-74-62
SIG P239	Model 518-75-61	Model 518-75-62
Gould & Goodrich Comfort Paddle		
SIG P229R	B817-26R	B817-26RLH
SIG P239	B817-239	B817-239LH
Don Hume Paddle		
SIG P229R	Model H720 (30-1R)	Right or Left
SIG P239	Model H720 (30-C)	Right or Left

In addition, there are any number of leather and kydex, as well as Safariland "Nylok" belt holsters, which have appropriate restraining devices, acceptable for both male and female officers. Prior to purchasing any of these types of holsters, contact a Firearms Training Unit Supervisor in regard to the suitability of a particular model.

Exceptions to these guidelines will be based on individual assessments, especially undercover assignments, or at the discretion of the Director or Deputy Director of Police

Services.

4. After the initial issue of holsters to officers in uniform or plain clothes, it is the responsibility of the individual officer to obtain the proper holster as dictated by any changes in his/her work assignment.

C. Magazine Pouch: Must be a single or double magazine holder, black with basket weave design.

D. Uniform Handcuff Cases: Handcuff cases are black in color and basket weave design. While in uniform, all handcuffs must be in a handcuff case. All handcuff cases must be securely attached to the officer's belt, and must be easily accessible.

VII. Issued Equipment:

Members shall only carry equipment and other items that have been issued by the department or approved by the Director of Police Services.

A. Handcuffs:

The department issues the Peerless Model 801 Hinged Handcuff in a nickel finish with a handcuff key. Officers shall carry their department issued Peerless Hinged Handcuffs while on duty. Officers may purchase and carry a second set of department-approved hinged or standard link chain handcuffs. The handcuffs shall be similar in color (silver-tone finish) to the current department-issued handcuffs. The department-issued key shall be capable of unlocking the secondary handcuffs. A maximum of two sets of cuffs shall be carried on the duty belt.

B. Traffic Safety Vests

All sworn officers are issued high visibility reflective traffic safety vests that shall be worn to increase officer safety when conducting traffic control duty or investigating a vehicle crash.

C. Bullet Resistant Vests

"Bullet Resistant" vests are issued to every officer. The bullet resistant vest is replaced according to the manufacturer's warranty policy (currently in 5-year intervals). The provided armor must be worn at all times by all officers from the rank of Lieutenant and below who are engaged in any of the following:

1. Wearing the department uniform (including during secondary employment activities).
2. Regular field duty including plain-clothes (See #3).
3. Officers engaged in covert operations may choose not to wear body armor if wearing it would compromise their mission **and** if they first obtain permission from their supervisor.
4. All investigators and administrative officers regardless of duty assignment shall have their body armor immediately available at all times when conducting law enforcement activities (i.e. attempt pick-ups, when the investigation may lead to a suspect).

* All officers regardless of uniform type involved in the execution of pre-planned, high-risk situations (i.e. OCU, Tactical Unit, CAT etc.) are required to wear bullet resistant vests whenever discharging those responsibilities. Examples of high-risk situations include but are not limited to barricades, drug raids, search warrants, etc.

VIII. Appearance Requirements:

In order to promote a professional image, all employees on duty or in uniform (including employees working secondary employment) shall adhere to the following professional appearance standards. No exceptions to these standards will be made without authorization from the Director of Police Services.

A. When wearing the duty uniform, no necklace or medallion will be worn in a manner that would allow it to be seen with an open collar. T-shirts must be black or navy blue in color. Police radio dispatchers may wear white t-shirts. Only crew neck T-shirts will be acceptable.

B. No fraternal or any other type pins will be worn on the uniform other than authorized specialized training pins (ie. FTO, CIT pins) or as when worn as a tie tack.

C. Watches and rings are to be worn at the discretion of the individual. Ear studs may be worn with the uniform, by female employees. Such items will be limited to no more than one ear stud per earlobe. Earrings will be plain, solid gold or silver in color, will not have loose or dangling parts, <u>will only be worn in the earlobe, and will not extend below the bottom of the earlobe</u>. Male employees, excluding deep undercover officers (Officers who have worked "deep undercover" either as a deep undercover operative or the "handler" of the deep undercover officer for more than six months as defined by the Organized Crime Unit's Standard Operating Procedure (SOP), where the officer maintains a false identity and severs many personal and departmental relationships/contacts during the life of the operation), are not authorized to wear any type of earrings or any ornamentation attached to the ear while on duty, whether in uniform or not.

While on duty or in uniform, no employee (excluding deep undercover officers), shall be authorized to display piercings or jewelry, other than those for earrings as described above, through the ear, nose, tongue, chin, eyebrow, or any other body part that would be visible while on duty or in uniform. This prohibition applies to male and female members alike and is specifically intended to limit the less than professional appearance associated with vacant holes in the face and other exposed areas of the body. Other piercings concealed by the uniform are discouraged due to the potential for infection and accompanying complications. Under no circumstance shall such concealed piercings and accompanying jewelry be visible through, or interfere with, the professional appearance of employees on duty or in uniform.

D. Employees (excluding deep undercover officers) may not appear on duty or in uniform with any visible tattoos, branding or other forms of body art. Body art is defined as any permanent decoration of the body including tattoos, piercings, brandings, intentional scarring, mutilation, etc. Employees must ensure that any such body art is covered by clothing consistent with the division's uniform requirements. Employees with body art on the arms visible below the cuff

of the short sleeve shirt are required to wear black tattoo-cover sleeves **on both arms** or the long sleeve shirt during all seasons (year round). The full sleeve, the upper arm sleeve, and the lower arm sleeve are all approved for use. An employee's appearance must be uniform, and they may not wear different length sleeves on each arm. **If one arm is covered with a sleeve, then the other arm must be covered with a sleeve of the same length.** Employees with body art on legs visible below any approved uniform bottom are required to wear long pants during all seasons (year round).

Body art may not be visible above the collar, including on the face and head. Body art located above the collar and on wrists and hands must be covered with flesh-toned cosmetics matching the skin tone or flesh-toned bandaging. Gloves are also permissible.

E. The use of gold, platinum, or other metallic veneers or caps for the purpose of ornamentation of teeth is PROHIBITED. Teeth, whether natural, capped or veneer, will not be ornamented with grills, designs, jewels, initials, etc.

F. Personal items will be worn at the individual's risk.

G. When an employee is removed from the deep undercover assignment, he or she must comply with the uniform policy.

H. Any accommodations or exceptions to this policy shall be at the discretion of the Director or Deputy Director of Police Services or his designee.

IX. Items Worn on Uniform Shirt and Jacket:

All items worn on the uniform shirt and jacket will be worn in the following manner and as indicated below:

A. Insignia: The insignia to be worn by PIIs will be the silver MPD (initials) collar brass. It should be worn vertically on the collar. PIIPs will not be allowed to wear any collar brass until they have completed their probationary period (1 year).

B. Rank Insignia: Sergeants will wear the gold rank insignia patch (stripes) on both sleeves and the gold MPD initials will be worn as collar brass.

C. MPD Shoulder Patch: The MPD patch will be worn on the right sleeve one inch (1") below the shoulder seam and centered on the crease of the sleeve.

D. American Flag Patch: The American flag patch will be worn on the left sleeve one inch (1") below the shoulder seam and centered on the crease of the sleeve.

E. Nameplate: The authorized nameplate for Patrol Officers will be chrome plated metal with black block lettering. The authorized nameplate for Sergeant and above will be brass or gold plated with black block letters. The nameplate will be worn on the right pocket flap centered so that the top border parallels the top seam of the pocket.

F. Unit Insignia and Specialized Uniforms: The Memphis Police Department will no longer utilize any special unit patches. The standard MPD patch is the only authorized patch. The

only exceptions are the TACT unit and METRO DUI. Squad Insignias will be worn 1" above the top of the right shirt pocket.

G. Badge: The badge will be worn over the left pocket of the uniform shirt and fastened in the eyelets provided.

H. Medals and Bars: See Chapter I, Section 69: Commendation Program.

I. Precinct Identification Numbers: All uniform officers assigned to an MPD Station (including traffic) will be required to wear a "Station Number" on his/her uniform shirt. The numbers are assigned as the following:

Old Allen Station……..	01	South Main Station…...	06
Raines Station……	02	Airways Station…….	07
Mt. Moriah Station…...	03	Appling Farms Station…	08
Union Station……	04	Ridgeway Station……	09
Tillman Station…….	05	Traffic Division……	10

The Precinct Identification Numbers shall be worn centered ½ inch above the officer's ribbons if being worn or ½ inch above the right pocket if the ribbons are not being worn. Precinct Identification Numbers will be silver in color for the rank of PII and gold in color for the ranks of Sergeant and above.

X. Approved Court Dress:

Officers appearing in Court, Grand Jury, or any designated function where the officers appear as a representative of the Memphis Police Department and are reimbursed for their time, in any way, by or through the City of Memphis, will wear the following:

A. Male officers will wear a neat, clean uniform or a suit/ sport coat and tie.

B. Female officers will wear a neat, clean uniform or a skirt and blouse, a pantsuit, or a dress.

XI. Work Attire for Investigative, Executive & Administrative Services:

A. All civilian and sworn employees who are assigned to Investigative Services, Inspectional Services, Executive Administration, Executive Staff, or any other non-uniform assignment will wear attire, in accordance with acceptable corporate clothing standards or courtroom attire as defined by policy. The dress code will be adhered to unless otherwise approved by the Director or his designee. The following are examples of proper attire:

1. Male employees will wear a business suit or sport coat/jacket, with coordinated slacks, dress shirt, tie and dress shoes.
2. Female employees will wear coordinated business suits, or businesslike pants or skirts, shirts/blouses, and jackets/sweaters, or appropriate dresses.
3. In inclement weather, or when environmental conditions require it, turnout coats, with the name of the investigator's bureau on the back, may be worn.

B. Attire/apparel will be neat in appearance. All suit/sport coats will be of sufficient length to cover police equipment (handgun, handcuffs, etc.). Any time an employee is out of the building and in view of the public, they will wear a suit/sport coat to cover police equipment.

C. Certain attire is considered inappropriate for the workplace and is strictly prohibited from being worn. Unacceptable attire includes, but is not limited to: blue jeans or denim apparel; tank, midriff, or halter tops; shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans; thin strap, bare or off-the-shoulder tops or dresses; sweatshirts or athletic clothing, clothing that is ill fit to the body or immodest; t-shirts/camisoles, unless worn under another blouse, shirt, or business jacket; and flip-flop/thong-style shoes.

D. The Optional Uniform for Investigative Services and GIBs can be worn in certain circumstances such as:

1. After hours call-out(s)
2. Weekend Duty
3. Recognized City Holidays
4. Field work that is not compatible with corporate/court attire

The Optional Uniform for Investigative services will consist of:

1. Navy Blue 5.11 polo styled shirt (long or short sleeve) w/MPD seal over left chest and rank/name over right chest
2. Khaki 5.11 BDU pants
3. Black Belt (preferably a ranger belt)
4. Black Boots/Shoes

The only exceptions will be officers assigned to a special detail requiring other attire, which meets with the approval of their supervisor and the Director or his designee.

XII. Work Attire for the rank of Lieutenant

When the long sleeve uniform shirt is worn, lieutenants are **NOT** required to wear the uniform neck tie. When the short sleeve uniform shirt is worn, no neck tie should be worn.

XIII. Work Attire for the rank of Major

The daily duty uniform for the rank of Major will be the Class A uniform.

XIV. Work Attire for the rank of Lt. Colonel and above:

The daily duty uniform for the rank of Colonel and above will be the Class A uniform. Full dress uniforms shall consist of a blue two-piece uniform suit on which the badge will be worn with the nameplate on the outer jacket. The shoulder epaulets will have the rank inscribed, with two (2) gold bands on each of the sleeves placed approximately four inches from the seam of the cuff. Departmental patches will also be worn on each sleeve. The shirt will display gold MPD collar brass, badge (optional), and Departmental patches (on both sleeves) with rank insignia on

epaulets.

XV. Work Attire for Police Recruits:

Items that are approved for placement on the uniform shirt after Basic Training are:

A. American Flag

B. Departmental Patch

C. Badge

D. Nameplate

E. Writing Instrument(s)

F. Tie and Tie Bar/Pin if applicable

XVI. Uniform Replacement Forms

To secure replacement of authorized required uniform items, officers should submit a Uniform Equipment Replacement Form to their commanding officer. If the request is approved, it will be forwarded to the appropriate Deputy Chief for consideration. If approved by the Deputy Chief, the form will be returned to the commanding officer, who will then have the officer report to the uniform company with the authorized replacement form.

NOTE: The Police Services Division will reimburse an employee up to a maximum of $25 to repair or replace a wristwatch or timepiece and up to a maximum of $75 to repair or replace prescription eyeglasses/contact lenses, damaged or destroyed in the performance of duty.

XVII. Officers working the Station Desk/Limited Duty/Non-Enforcement

Officers who are working the precinct desk will wear the department uniform or corporate attire. Officers working limited-duty or non-enforcement officers will wear corporate attire only. The dress code will be adhered to unless otherwise approved by the Director or his designee.

XVIII. Grooming Standards

These work rules for hair length are the maximum. Employees must remember that the hair or mustache must be cut to less than the standard to allow for normal growth.

A. Hair: All male employees shall keep their hair neat, clean, well groomed and properly trimmed at all times. The hair must be balanced cut and contoured to the shape of the head. The hair shall be cut so that the ear lobe will not be covered. The hair shall be cut in such a manner as not to extend below the top of the uniform shirt collar in the back when standing. Hair must not be visible on the forehead when the uniform cap is worn. Any hairstyle must not extend outward from the scalp more than one and a half inches (1 1/2") in length and must taper or block at the back of the neck to top of collar length. In addition, hairstyles shall not feature spikes, shaved patterns, lines, tails, dreadlocks, braids, cornrows, symbols, names cut into the hair, or any other styles that distract from the professional appearance of officers. Hair color for all employees will be of a color so as to appear natural.

All female employees shall keep their hair neat, clean and styled in such a manner as not to extend below the top of the uniform collar when standing and still allow for proper fit of the

uniform hat. Also, female employees shall not wear any hairstyle that extends outward from the scalp more than the prescribed one and a half inches (1 ½") in length. In addition, hairstyles shall not feature spikes, shaved patterns, lines, tails, dreadlocks, cornrows, symbols, names cut into the hair, or any other styles that distract from the professional appearance of officers. Braids shall be maintained or adorned in such a manner wherein the length does not extend below the top of the uniform shirt collar in the back when standing. Hair color for all employees will be of a color so as to appear natural. Objects such as combs, curlers, rollers, barrettes, etc., will not be worn, unless authorized.

B. Sideburns: Sideburns shall be well groomed and neatly trimmed and shall not extend below a horizontal line level with the bottom point of the ear. Sideburns will not be wider at the end of the sideburn than at mid-ear.

C. Mustaches: A short and neatly trimmed mustache of natural color may be worn. Mustaches shall not extend below the border of the upper lip or beyond a vertical line drawn from the corner of the mouth. Mustaches may not be of the length to impair the air passages of the nose.

D. Beards: Full and partial beards, goatees, and other facial hair not falling within the above criteria for mustaches and sideburns shall not be permitted, except under the following circumstances:

1. Officers in special assignments such as undercover operatives in OCU will be permitted to wear beards for the duration of such assignments. However, upon transfer or upon successfully bidding for other positions with the Division, such officers shall conform to Division grooming standards.
2. Officers who have medically documented skin problems (Pseudofolliculitis Barbae or others) shall be permitted to have a neatly trimmed beard. **If appropriate medical authority prescribes beard growth, the length required for medical treatment must be specified.** No facial/neck hair shall be shaved, manicured, styled or outlined, nor exceed one quarter (1/4) inch in length. **Goatees and other eccentricities are not permitted.** Supervisors of individuals with shaving waivers shall actively monitor and ensure treatment regimen is followed.
3. Medical documentation on the continued skin problem and inability to shave must be provided to the officer's supervisor quarterly if the condition lasts longer than three months.
4. If the personal doctor documents that the officer will never be able to shave, the officer should be sent (by appointment) to see the panel doctor. If the panel doctor agrees that the officer will never be able to shave, the officer will not be required to bring in quarterly documentation from his personal doctor. The officer should then visit the panel doctor once a year for continued documentation.

E. Cosmetics: Lipstick, make-up, and other cosmetics, etc., may be worn but only in a manner that mildly accentuates the natural appearance. Excessive or extremely bright-colored

cosmetics are not permitted.

F. Any accommodations or exceptions to this policy shall be at the discretion of the Director or his designee.

NOTE: Officers in special assignments with beards, earrings, etc. will not wear the MPD uniform.

XIX. Uniform Clothing Disposition and Return of Equipment at Retirement, Termination or Resignation

The below procedures shall be followed in returning departmental equipment/property upon separation from the department:

A. Upon separation from the payroll, the employee will report to their workstation, where they will be given a property check-in list. This list is divided into six (6) areas and the employee must report to each applicable area to return listed property.

B. The employee will keep the check-in list in his/her possession and it will be his/her responsibility to take it to all areas. The final stop will be the Memphis Police Department Personnel Section, Room 12-36, in the Criminal Justice Complex. In the Personnel Section, the list will be signed and a copy will be given to the employee as a receipt. The original will be retained in the employee's personnel file.

C. The property to be returned to each area will be checked in by the person in charge or their designee, who will in turn initial the proper block showing the property returned, not returned, or not issued. The receiver of the property will then affix their signature and employee number in the designated area.

D. A letter or memo must accompany the check-in list on any non-returned items, and restitution must be made before the final paycheck will be released.

XX. USE OF CELLULAR TELEPHONES

Officers are **strictly prohibited** from utilizing personal cellular telephones while actively performing any uniform patrol duties, such as but not limited to, operating a police vehicle, handling calls for service, conducting traffic stops, directing traffic and participating in a special events detail.

At no time will a personal cell phone be attached to the uniform while on-duty or during roll call. All uniform personnel are prohibited from using hands-free accessories such as earpieces and Bluetooths. Personal usage should be limited to emergency contacts.

If circumstances dictate the use of a cellular telephone for official business, officers must consider the safety of themselves and others involved in each situation prior to the use of the cellular telephone.

Violations of this policy may result in disciplinary actions.

Uniforms and Equipment Inspections

Field Inspection 2
Field Inspection Integrity 4
Individual Inspection 2
Roll Call Inspection 2

In order to ensure that all members of the M.P.D. are in compliance with all policies, rules,

regulations, orders and directives, a series of formal and informal inspections will be maintained. These inspections are in keeping with the commitment of the Police Department to provide a safe and functional working environment for all officers. These inspections will be conducted in three phases: Roll Call Inspection, Individual Inspection and Field Inspection.

I. ROLL CALL INSPECTION (53.1.1.a)

All units of the Memphis Police Department will have daily roll call at the beginning of their tour of duty. During the daily roll call all supervising officers will visually inspect all officers for the following: appearance, physical fitness and equipment serviceability. This is to ensure that prescribed standards of this department are observed. Roll Call Inspections do not require a written report. (53.1.1d)

II. INDIVIDUAL INSPECTION (53.1.1.a)

A. Each officer is to be individually inspected a minimum of one time per month. This inspection will be conducted in the work station during or after roll call. (53.1.1.b)

B. Items to be inspected (Required and Optional)

1. Grooming Standards
2. Uniform/Civilian Clothes
3. Service Equipment
4. Leather Goods
5. Other authorized uniform equipment used in the performance of duty

C. It is the responsibility of the supervisor to conduct the inspection in a fair and impartial manner, keeping in mind that the goal of an inspection is to further the goals of the department and enhance its performance. (53.1.1.c)

D. The discretion of the supervisor will be used to address any corrective or disciplinary action if deficiencies are found. The supervisor will also be responsible for follow-up inspection, if needed. Supervisors will fill out a Uniform/Equipment Inspection Form for each officer. (53.1.1.e,d)

III. FIELD INSPECTION (53.1.1.a)

A. Each officer is to be inspected in the field, "working environment", a minimum of, but not limited to, one time per month. This inspection will not be conducted in a location that is unsafe or otherwise inappropriate. (53.1.1.b)

B. Items to be inspected - issued and/or authorized uniform equipment (required or optional), which include:

1. The shotgun, which is required and will be properly loaded and placed in the shotgun rack of all marked patrol cars.

2. Issued equipment. Safety Reflector Vests and "Bullet Resistant" Vests are issued to every officer. The bullet resistant vest is replaced according to the manufacturer's warranty policy (currently in 5-year intervals). The provided armor must be worn at all times by all officers from the rank of Lieutenant and below who are engaged in any of the following:
   - Wearing the department uniform (including during secondary employment activities).
   - Regular field duty including plain-clothes.
   - Officers engaged in covert operations may choose not to wear body armor if wearing it would compromise their mission and if they first obtain permission from their supervisor.
   - All investigators and administrative officers regardless of duty assignment, shall have their body armor immediately available at all times when conducting law enforcement activities (i.e. attempt pick-ups, when the investigation may lead to a suspect).
   - **All officers regardless of uniform type involved in the execution of pre-planned, high-risk situations (i.e. OCU, Tactical Unit, CAT etc.) are required to wear agency provided protective vests whenever discharging those responsibilities. Examples of high-risk situations include but are not limited to barricades, drug raids, search warrants, etc.**
3. Uniforms, service equipment, and leather goods (for serviceability).
4. Other authorized equipment used in the performance of duty (desk, locker, etc).
5. Policy and Procedures Manual (current and updated).
6. M.P.D. Vehicles: The vehicle in its entirety, and any contents therein. This includes all equipment and paperwork necessary for the safe and effective performance of duty.

NOTE: *The intent of listing items to be inspected is not to restrict inspections, but rather to provide guidance for supervising officers. The scope of each inspection will be determined by the supervising officer and current departmental needs.*

C. It is the responsibility of the supervisor to conduct the inspection in a fair and impartial manner, keeping in mind that the goal of an inspection is to further the goals of the department and enhance its performance. (53.1.1.c)

D. The discretion of the supervisor will be used to address any corrective or disciplinary action if deficiencies are found. The supervisor will also be responsible for follow- up inspection, if needed. Supervisors will fill out a Uniform/ Equipment Inspection Form for each officer. (53.1.1.e,d)

IV. FIELD INSPECTION INTEGRITY (53.1.1.a)

A random field inspection may be conducted by an officer's supervisor in the presence of at least two members of the Inspectional Services Bureau. The Supervisor will perform the inspection

while the members of Inspectional Services observe and record information regarding the officer's equipment on the field inspection form. (53.1.1.b, c, d)

The completed field inspection form will be signed by the officer, the officer's Supervisor, and any Inspectional Services personnel observing the inspection. This procedure is solely intended to preserve the integrity of the field inspection process and is in no way considered to be a formal investigation.

If any incriminating evidence is located during a field inspection or there is a lack of cooperation or refusal to submit to a field inspection, the Inspectional Services Bureau commander will be notified immediately and will make the scene. Once on the scene, the I.S.B. commander will notify the Duty Chief of the situation.

VEHICLE SAFETY INSPECTION POLICY

The Memphis Police Department's policy on **Vehicle Inspections** was designed to ensure safety and equipment serviceability for all Police Officers and civilian employees.

A. All employees will thoroughly inspect their assigned vehicles before assuming responsibility of said vehicles. Procedures will require proper documentation after inspecting the vehicle for the following:

1. **Vehicle Property Damage** - Damage to the vehicle or any attached equipment (i.e. License Plate Readers (LPR) and speed monitoring equipment) should be noted on the Officer's Daily Log Sheet. **Apparent new damage should be reported to the employee's supervisor or commanding officer immediately.** Employees will be held accountable for any vehicle/ property damage that occurs while in possession of the vehicle. When damage to a vehicle is not reported by an employee prior to assuming responsibility for the vehicle, the last employee driving the vehicle will be held accountable.
2. **Vehicle Maintenance** - Check the vehicle for **any** repairs that may be needed. This will include attached equipment, such as the blue lights/siren, shotgun rack, P.M. schedule, LPR, etc. If repairs are needed, a Vehicle Work Request Form will be filled out and turned in to ensure the repairs are made.
3. **Vehicle Interior Content** - Employees will thoroughly examine the interior of their assigned vehicle for any contraband, evidence and/or weapons that may have been previously overlooked. An employee will notify a supervisor or Commanding Officer immediately when any contraband, evidence and/or weapons are located during this inspection.

Vehicle Inspections will **also** be conducted at the end of an employee's tour of duty; or at such time the employee relinquishes that particular assigned vehicle during their tour of duty.

B. The Vehicle Safety Inspection policy includes properly checking the interior of the officer's vehicle:

1. **BEFORE and AFTER** placing person(s) in the officer's vehicle.
2. **After all** transporting of person(s).

This Policy enhances officer safety and provides charges against person(s) for the discovery of contraband, evidence and/or weapons.

Police Vehicle Operation/Pursuit Policy

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I. Police Vehicle Operation

T.C.A. 55-8-108, allows the driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, to proceed past a red or stop signal or sign and to exceed the speed limit so long as the driver does not endanger life or property. This law applies only when an emergency vehicle is making use of audible (siren) **and** visual (blue light) signals. THE PROVISIONS OF THIS LAW NEITHER RELIEVE THE DRIVER OF AN AUTHORIZED EMERGENCY VEHICLE FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS NOR PROTECT THE DRIVER FROM THE CONSEQUENCES OF HIS RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.

Whenever an officer responds to an emergency call and such response requires exceeding the speed limit or going through stop lights or signs, the officer must use both his blue light and siren prior to entering the intersection. Failure to use this emergency equipment could result in the officer and the City being held civilly liable for any damages caused by a traffic crash.

Although State Law authorizes the driver of an authorized emergency vehicle to violate traffic laws, signs, and signals when responding to an emergency, this action must be taken with extreme caution. If an officer violates the traffic laws in such a way as to be negligent, causing a crash, then the officer could be considered at fault, equally with or greater than the citizen who failed to yield to an emergency vehicle. If the evidence indicates that the officer did not drive with due regard for the safety of all persons or had the greater ability to avoid the accident in light of the conditions at that time, the officer will suffer the consequences of the penalty for the City or State law violated.

The use of roadblocks by Memphis Police Department personnel is prohibited. (61.3.4)

II. Definitions

A. VEHICLE - any motorized instrument capable of transporting people.

B. PURSUIT - an event that is initiated when a law enforcement officer, operating an authorized emergency vehicle, gives notice to stop (either through the use of visual or audible emergency signals or a combination of emergency devices) to a motorist who the officer is attempting to stop, and the motorist fails to comply with the signal by either maintaining his or her speed, increasing speed, or taking other evasive action to elude the officer's continued attempts to stop the motorist. When the driver who, when required to stop in the approved manner and having had the opportunity to do so, indicates by their actions or continuance of their manner of driving that they have no intention of stopping for police and the police driver believes that the driver of the subject vehicle is aware of the requirement to stop and decides to continue behind the subject vehicle with a mindset to either report its progress or stop it, the police driver will be deemed to be in a pursuit.

C. TRAILING/FOLLOWING -- The simple act of following along behind the violator while giving

both visual and audible indication that the violator should stop, and advising dispatch and other units of the violator's location and actions. The terms "trailing" or "following" should no longer be used in the context of police pursuits. Research has shown that there is no difference in the behavior of the officers involved in either a pursuit or the act of following or trailing.

D. FLEEING - Resisting apprehension through maintained or increased vehicle speed, the disobeying of traffic laws, or the disobeying of emergency signals and/or verbal commands of a law enforcement officer.

E. PROBABLE CAUSE - Facts and circumstances which would lead a reasonable and prudent officer to believe that a crime has occurred and that a person(s) occupying a particular vehicle committed the crime.

F. VIOLENT FELONY - An offense that involves serious bodily injury, death to a victim or bystander, threats reasonably calculated to produce such results, or sexual contact or sexual penetration.

G. EMERGENCY RESPONSE - Operation of a police vehicle using audible (siren) and visual signals (blue lights) in response to an emergency where violation of traffic laws by the responding officer is authorized under state law.

H. EMERGENCY SITUATION - Circumstances which would lead a prudent officer to believe that immediate response to the scene is critical to prevent possible loss of life or serious injury to a citizen or another officer.

I. EMERGENCY VEHICLE – Any Memphis Police Department vehicle that is equipped with blue lights and a siren.

1. MARKED PATROL VEHICLE – Vehicles conspicuously marked with "MEMPHIS POLICE" and equipped with a fixed exterior mounted light bar and audible siren.
2. UNMARKED VEHICLE – Any Vehicle that is not conspicuously marked with "MEMPHIS POLICE". Despite lacking the visual markings of law enforcement, there may be the operational need to outfit a number of unmarked vehicles with emergency response equipment (blue lights and audible siren).

J. SPECIAL PURPOSE VEHICLE – A vehicle used because of considerations of weather, terrain, the need for inconspicuous appearance, quietness, storage requirements, special operational needs, etc. Includes:

- Tactical Vans
- Bomb Disposal Vehicles
- Mobile Command Posts
- All Terrain Vehicles
- Boats
- Mopeds / Scooters
- Aircraft
- Prisoner Transport Vehicles
- Motorcycles
- Bicycles
- Animals

K. UNACCEPTABLE LEVEL OF DANGER - the degree of danger created when the need for immediate apprehension is insufficient to warrant the initiation or continuation of a pursuit

due to conditions exceeding the performance capabilities of driver and vehicle; if the pursuit involves excessive speed, reckless driving, and other factors. In determining whether an unacceptable level of danger potentially exists, an officer must be aware, and continuously consider and evaluate conditions such as :(41.2.2.a)

1. Time of day/night and expected density of traffic ordinarily present.
2. Weather conditions and its effect on traction, maneuverability and visibility.
3. Special conditions that may exist in the area of the pursuit, i.e. school zones, public gatherings, crowds, road construction etc.
4. Whether the identity of the occupant(s) is known and immediate apprehension is not necessary to protect the public or police officers and apprehension later is feasible;
5. The seriousness of the offense; and
6. The presence of other persons in the police vehicle.

** NOTE ** Any alteration, either addition or deletion, to City of Memphis Police Department vehicles must be approved by the Director of Police Services.

III. Routine Operation of Police Vehicles

A. Each officer during daily operation of a police vehicle, whether in an emergency response mode or on routine patrol should be aware of prevailing road and driving conditions and should exercise safe, defensive driving techniques.

B. Officers intending to make stops shall endeavor to be in close proximity to the violator's vehicle before activating emergency equipment, thus eliminating the violator's temptation to attempt evasion.

C. When conducting a traffic stop, officers will position their vehicle as far out of the roadway as safety permits. If necessary, use the public address system to direct the violator to a position where safety is maximized and the interruption of traffic flow is minimized.

IV. Response to Calls:

The following procedures shall be adhered to by officers for the operation of police vehicles:

A. When an officer receives a call, he or she will be given the nature of the call by the dispatcher. The nature of the call will dictate the type of response required by the officer (routine or emergency). The following call natures will be classified as emergency calls, and officers will respond in emergency mode with both emergency lights and siren being used.

- Armed Robbery in progress(business and residential)
- Carjacking in progress

- Cobra Alarms
- Criminal Assault (in progress)
- Officer calling for help
- Active Shooting or stabbing with victim injured
- Vehicle pursuits.

An officer may respond to other types of calls in emergency mode. However this decision will be made based on a belief that an immediate response to the scene is critical to prevent possible loss of life or serious injury to a citizen or another officer. Once the decision is made to respond to the call in an emergency mode, all of the heretofore mentioned provisions of the law should be foremost in the officer's mind to insure the emergency response will be as safe as possible. (41.2.1)

B. If the call does not require an emergency response as defined above, then the officer should proceed immediately to the scene, as safely as possible, observing all the traffic rules and regulations.

C. When in the course of his or her response to an emergency call, an officer approaches a red light or stop sign (controlled intersection), such officer shall come to a complete stop, proceeding through the controlled intersection only after exercising due care for the safety of others.

D. In response to any emergency call where several cars are responding, an officer should be cognizant of his or her distance from the scene and whether it is reasonable or necessary for emergency response on his or her part, in view of the fact other cars are closer and may be able to reach the scene quicker and safer than he or she will. In this situation, the officer should proceed immediately to the scene or area, as safely as possible, observing all traffic rules and regulations. Each officer, when given a call, will give his or her location at the time of acknowledging the call. A police unit responding to the scene of an emergency call shall not overtake and pass other police units responding to the same scene.

V. Authorized Vehicle Pursuits

A. Vehicle pursuits are authorized only when an officer has probable cause to believe that one or more occupants of a fleeing vehicle have committed a Violent Felony. In those cases, the officer initiating the pursuit must activate lights and siren, then immediately provide the dispatcher with the following information: (41.2.2.b)

1. Unit number of officer requesting authorization to initiate pursuit
2. Location and direction of travel
3. Speed of vehicles involved
4. Description of suspect(s) and suspect vehicle
5. Applicable criminal charge(s) involving the suspect(s)

6. Any other pertinent information, i.e., weapons, hostages, identity of person, etc.

B. Authorization to pursue must be obtained from a supervisor at the rank of Lieutenant or above within one minute of pursuit origination or the pursuit must be terminated by the officer.

VI. Vehicle Pursuits Prohibited:

Vehicle pursuits will be strictly prohibited under the following circumstances:

1. When the officer knows that the suspect is wanted only for a traffic violation, a misdemeanor, or a non-violent felony.
2. When the officer has failed to obtain supervisory approval within one minute of pursuit origination.
3. When the pursuit has reached an unacceptable level, as defined in Section II of this policy. (41.2.2.a)
4. When the officer fails to activate audible (siren) and visual (blue lights) signals upon initiation of a pursuit.
5. When the pursuing police vehicle(s) is occupied by anyone other than a commissioned police officer.
6. When the officer has reason to believe that his/her police vehicle is mechanically defective or otherwise unsafe for pursuit or emergency response.

VII. Inter-jurisdictional Pursuits (41.2.2.i)

A. Pursuits Leaving the City of Memphis. Pursuits will not continue outside of the boundaries of Memphis, Tennessee unless there is probable cause to believe that the individual being pursued poses a threat of death or serious bodily injury to others if not immediately apprehended. When it is likely that a pursuit will continue into a neighboring jurisdiction, the primary unit will notify dispatch of the jurisdiction being entered, request assistance from that jurisdiction and update critical information to the dispatcher. As soon as practical, after a pursuit has left the Memphis City limits, dispatch and officers will relinquish primary responsibility for the pursuit to the agency having jurisdiction. When at least two vehicles from the other jurisdiction have joined the pursuit, MPD primary and secondary units will discontinue their pursuit, unless authorized by a Supervisor to continue the pursuit. MPD units will stand by at a designated location until notified by the dispatcher to proceed to the termination point (if the suspect has been apprehended).

B. Pursuits entering the boundaries of Memphis, Tennessee from another jurisdiction. Officers shall not become involved in another agency's pursuit unless there is probable cause to believe that the individual being pursued poses a threat of death or serious bodily injury to others if not immediately apprehended. A supervisor must specifically authorize engaging in the pursuit. In these instances, all Departmental pursuit policies are in effect.

When a pursuit enters our jurisdiction, the supervisor shall request the critical information regarding the pursuit from the dispatcher. The supervisor shall determine if the pursuit is in conformance with MPD policy and shall provide appropriate direction to the units. If the outside agency's pursuit does not meet the minimum pursuit guidelines in this policy, MPD officers are prohibited from engaging in the pursuit.

Officers shall not leave the boundaries of Memphis, Tennessee to assist in a pursuit not originating within the boundaries of Memphis.

VIII. Pursuit Procedures

A. Only emergency response vehicles will participate in vehicle pursuits. The emergency equipment (blue lights and siren) must be activated, not only to warn the pursued, but also to protect the officers and others on or near the roadways. Emergency response vehicles will notify the supervisor monitoring the pursuit that they are in pursuit in an unmarked vehicle. Upon availability of a marked vehicle, the unmarked vehicle will become the secondary unit. If a second marked vehicle becomes available the unmarked vehicle will abandon the pursuit and proceed to the termination point of the pursuit if the suspect is apprehended. (41.2.2.d)

B. Number of Police Units Participating: The pursuit shall be limited to the primary unit and a secondary unit. The primary unit is the police vehicle initiating the pursuit. The secondary unit is the second police vehicle joining the pursuit behind the primary unit. All other units shall stay clear of the pursuit. (41.2.2.d)

EXCEPTION: # 1 If an officer in a special purpose vehicle initiates the pursuit, he or she shall abandon the pursuit when a marked patrol unit joins the pursuit. The officer in the special purpose vehicle shall proceed to the termination point of the pursuit if the suspect is apprehended.

EXCEPTION: # 2 See VIII, F. Helicopter Assistance.

C. Primary Unit: The first responsibility of the unit initiating the pursuit (primary unit) is the apprehension of the suspects without unnecessary danger to themselves or other persons. Unless relieved by a supervisor, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit, controlling the pursuit tactics, and deciding if the pursuit should be abandoned. If the primary unit is unable to continue the pursuit, the secondary unit shall become the primary unit. (41.2.2.b, .c)

D. Secondary Unit: Officers in the secondary unit shall make the necessary notifications, assuring the dispatcher that no additional units join the pursuit. (41.2.2.c)

E. Pursuit Driving Tactics:

1. There shall be no paralleling of the pursuit route, unless the pursuit passes through a unit's assigned area. The paralleling unit shall not be operated under emergency conditions (blue lights and siren).
2. The primary and secondary units shall be the only units operating under emergency

conditions (blue lights and siren), unless other units are assigned to the pursuit by the Supervisor monitoring the pursuit.

3. There shall be no caravanning of units paralleling the pursuit or attempting to join the pursuit.
4. Officers involved in a pursuit shall not attempt to pass other units, unless requested to do so by the primary unit.
5. In vehicle pursuits, the use of any of the following actions by an officer is prohibited:
   a. Using the police vehicle as a battering ram to force the vehicle being pursued to stop.
   b. Pulling alongside the vehicle in an effort to force the vehicle over, or pulling alongside the vehicle for any other reason.
   c. Using a police vehicle to block the path of a vehicle being pursued.
   d. Driving at unsafe speeds and violating traffic laws in order to join a pursuit when the officer's location is such a distance from the pursuit to make such an attempt impractical and unsafe. (41.2.2.g)

IX. Helicopter Assistance

When feasible, the helicopter shall join the pursuit. (41.2.2.d)

A. The helicopter shall advise the pursuing unit that the helicopter has joined the pursuit.
B. The ground unit shall relay all necessary information to assist the helicopter unit.
C. The helicopter, when practicable, shall advise the ground unit of upcoming traffic congestion, road hazards, and other factors which might endanger the safety of the pursuing unit or others.
D. When the pursued vehicle is lost or the pursuit terminates and the suspect flees on foot, the helicopter unit shall broadcast information which may assist the ground unit.
E. The helicopter will become the primary vehicle when circumstances do not warrant continuation of a pursuit due to the pursuit reaching unacceptable levels.

X. Stop Stick Tire Deflation Devices

Only officers that have been trained in the deployment of Stop Sticks according to the manufacturer's recommended use and have been authorized by a supervisor may deploy Stop Stick Tire Deflation devices. (41.2.2.g)

A. Notification

Once the equipped officer has determined Stop Sticks can be used without jeopardizing the safety of other officers and civilians they must advise their immediate supervisor and receive permission for deployment.

Once an officer receives authorization, they will advise the dispatcher of the exact location where the device will be deployed and the dispatcher will notify all units involved in the pursuit.

Officers must make every effort to deploy Stop Sticks in an area that minimizes the possibility of unacceptable collateral damage to surrounding property once the suspect's tires are deflated.

B. Deployment of Stop Sticks

Stop Sticks should not be deployed:

- Within 300 feet of a major intersection;
- On motorcycles or vehicles with two or three wheels, including all terrain vehicles;
- On streets with heavy traffic flow, congestion, or construction (discretion advised);
- On curves or slopes where an immediate crash could occur;
- In areas with large groups of pedestrians or crowds attending an event.

If roadway conditions allow, the deploying officer should position themselves on the side of the roadway opposite of the suspect's direction of travel and deploy the device as trained. Example: If the suspect vehicle is westbound on Park Ave., the deploying officer's vehicle should be in the eastbound lane with headlights and emergency lights activated. The officer should attempt to conceal themselves from the suspect's view while maintaining a position of safety behind natural or man-made barriers.

Officers should maintain a safe distance from their vehicles when deploying the deflation device in the event that it is struck by the oncoming suspect vehicle. The deployment vehicle must be unoccupied.

Once the primary and secondary pursuit vehicles reach the location of the deployment, officers should slow down to allow ample distance to compensate for the slowing of the suspect vehicle once tires begin to deflate, thus avoiding collision with suspect vehicle and possible contact with the deflation device. The device should be removed from the path of pursuing officers immediately after contact with suspect vehicle. **If the deploying officer fails to pull device from the path of the primary vehicle, the primary driver should run over the device and NOT make an abrupt evasive maneuver. Radical evasive maneuvers put the pursuing officer at risk of a dynamic rollover, loss of control, or a chain reaction collision with other pursuing officers.**

After contact with the suspect vehicle, the deploying officer must retrieve the spent deflation device. They may assist pursuing officers if conditions allow, but under no circumstances will the deflation device be abandoned on the scene of the deployment.

Supervisors should proceed to the point of termination of the pursuit and complete a Supervisor' Vehicle Pursuit Report.

The serial numbers of the spent Stop Stick cartridges must be recorded in a legible manner on the form. This form will be submitted to Stop Tech Ltd. so replacement cartridges can be issued.

Replacement cartridges will be installed in the canvas carriers from the replacement inventory.

XI. Communications

After a broadcast has been given as to the location and other information indicating the vehicle has been lost or the vehicular pursuit terminated, the units which have been involved shall take the steps necessary to coordinate the search for the pursued vehicle or suspects fleeing on foot.

XII. Loss of Pursued Vehicle

When the pursued vehicle is lost, the primary unit shall broadcast necessary information to assist other units in locating suspects. The primary unit shall be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot pending the arrival of a supervisor.

XIII. Termination of the Pursuit

Officers of the primary unit are responsible for the arrest of the suspect when the suspect voluntarily terminates the pursuit or becomes involved in a traffic crash. The secondary unit shall be responsible for backing up the primary unit and making the necessary broadcast to terminate the vehicular pursuit. If the officers of the primary unit become involved in a foot pursuit, the officer of the secondary unit or the responding Supervisor shall be responsible for coordinating any further activity, to include the securing of the primary unit and the suspect vehicle. (41.2.2.b, .c)

XIV. Discontinuing the Pursuit

Officers involved in a pursuit must continually question whether the seriousness of the violation reasonably warrants continuation of the pursuit. (41.2.2.a)

A. The pursuing officers must consider present danger, seriousness of the crime, length of pursuit, and the possibility of identifying the suspect at a later time when determining whether or not to continue the pursuit. (41.2.2.b)

B. All officers involved in vehicular pursuits will be held accountable for the continuation of a

pursuit when circumstances indicate the pursuit should be discontinued.

C. A pursuit shall be discontinued when there is a clear danger to the pursuing officers or the public. (41.2.2.h)

EXAMPLE: When the speeds dangerously exceed normal traffic flow or when pedestrians or vehicular traffic necessitates unsafe maneuvering of the vehicle.

XV. Reporting of the Pursuit

An "MPD Vehicle Pursuit Report" will be completed when all of the following criteria have been met:

A. The officer has given the vehicle notice to stop through the use of visual (blue lights) and audible (siren) emergency signals; AND

B. The motorist fails to comply with the officers' emergency signals by means of increasing speed or continuing to take evasive actions that indicate they have no intention of stopping for police; AND

C. The officer believes that the driver of the subject vehicle is aware of the requirement to stop and thus notifies dispatch of the intention to continue behind the subject vehicle with a mindset to arrest a suspect in the fleeing vehicle.

The Primary Officer of the pursuit at the point of termination will be responsible for completing the "MPD Vehicle Pursuit Report" and submitting the report to the supervisor who monitored the pursuit.

XVI. Supervisory Responsibility (41.2.2.f)

A. To immediately identify himself/herself to the dispatcher as the supervisor monitoring the pursuit.

B. To determine the necessity of the pursuit within one (1) minute of origination.

C. To insure immediate broadcast of proper charges by the pursuing officer.

D. To alter any action taken by pursuing vehicles during the chase.

E. To order termination of a pursuit which he/she has determined to have reached an unacceptable level.

F. If a supervisor discontinues a pursuit due to the necessity of the pursuit or due to unacceptable levels for continuation of the pursuit, the supervisor will have the pursuing officer(s) give their location. The supervisor will direct the units to stand by at the location where the pursuit was discontinued. The supervisor will then proceed directly to the unit's location for verification that the pursuit was discontinued. (41.2.2.h)

G. To respond immediately to the pursuit termination point.

H. To assume responsibility for all police action at the termination scene.

I. The Supervisor monitoring the pursuit will ensure that the "MPD Vehicle Pursuit Report" is completed and submitted by the primary officer at the time of the pursuit termination. The Supervisor will review the submitted report for accuracy and assess the pursuit regarding adherence to policy. The Supervisor may add any necessary information to the report in the space provided for Supervisor comments. The Supervisor will identify any pursuit-related training, policy, equipment, or disciplinary concerns and relay these concerns to the appropriate Commander in memo form. The Supervisor will forward the completed pursuit report to his/her precinct/unit Commander, Training Academy Commander, and the Traffic Division Commander. (41.2.2.j)

XVII. Review of Vehicle Pursuits

Pursuit Reports will be forwarded to the Commander of the Training Academy. The Commander will see that the Pursuit Reports are properly stored and reviewed. The reports will be reviewed for the following:

- Was Department policy and procedure adhered to?
- Is the applicable policy clearly understandable and effective in covering the incident?
- Is current departmental vehicle pursuit and operations training adequate?
- Is the department's equipment adequate?
- Are there vehicle operation issues that should be addressed in training?

On January 31st the Training Academy Commander will submit an annual "Vehicle Pursuit Summary" to the Director of Police Services. The annual report will summarize the frequency and circumstances of vehicle pursuits for the previous year. Additionally, the report will outline any issues regarding departmental training, equipment, or Policy and Procedure. (41.2.2.j, 41.2.3)

XVIII. Escorts

A. Emergency escorts will not be allowed as there are no City ordinances or State laws granting us such privilege.

B. Directional escorts are allowed upon permission granted by a Supervisor, with the understanding that all traffic signals and posted speed limits will be adhered to by the concerned officer and there will be no use of emergency equipment. (Examples of directional escorts: out-of-state private vehicle or ambulance attempting to locate doctor or hospital services, etc.)

C. The Traffic Division will perform escorts in accordance with the Traffic Standard Operating Procedures as directed by the Director of Police Services or his designee.

Vehicles

Police Vehicles 2
Patrol Vehicles 2
Securing Vehicles 2
Out of State Travel 2
Fuel Conservation 2
Vehicle Maintenance 2
Towing of Police Vehicles 3
Special Purpose Vehicles 3
Take Home Vehicles 3
Unmarked Police Vehicles 3
Marked Vehicle Take Home Policy 4
Compensation 5

I. Police Vehicles

A. Patrol Vehicles - Each marked vehicle used in routine patrol service must be equipped with at least the following equipment in operational order:

- Blue emergency lights
- Siren and public address system.
- Police radio
- Alley lights and spotlight
- Shotgun lock

If an unmarked vehicle is used in the patrol function it will, at a minimum, be equipped with blue lights and a siren. (41.3.1)

PST vehicles will be equipped with an amber emergency light and police radio.

B. Securing Vehicles - Unattended police/PST vehicles shall be locked and secured to reduce the possibility of vandalism or theft of property from the vehicles. Operators of police/PST vehicles will comply with the following procedures:

1. Turn off all accessories, and then shut off the ignition when a vehicle is to be parked for more than three (3) minutes.
2. Remove ignition keys from unattended vehicles. At no time will the operator leave the ignition keys unattended in the vehicle
3. Lock the vehicle when it is to be left unoccupied and out of sight. All police/PST vehicles will be secured when not under physical control of the operator.

Disregard any of the foregoing when safety or tactical considerations warrant. That authority rests with the officer operating the vehicle, subject to the overriding judgment of a supervisor or commanding officer.

C. Out of State Travel
Any police vehicle which is authorized to leave the State of Tennessee shall be reported to Risk Management prior to departure. An "Out of State Vehicle Insurance Request Form" will be completed and sent to Risk Management via fax at 576-6454.

D. Fuel conservation
Fuel conservation will be achieved by reducing idling time on engines.

E. Vehicle Maintenance
Officers/PSTs are responsible for the care and routine maintenance of their assigned vehicle. Care includes checking oil and other fluids, checking air in the tires, etc. Supplies are available and officers/PSTs are expected to maintain these functions. Other types of maintenance (i.e. oil changes, alignments, etc.) are the responsibility of General Services, and require a shop work order to be completed.

Prior to the start of each shift, each officer/PST assigned to a vehicle will check the vehicle and its equipment to ensure it is operational.
If the vehicle is damaged the officer/PST shall notify their supervisor and the shift/precinct inventory/equipment personnel. If the vehicle damage or equipment malfunction is severe

and renders the vehicle non-functional, the officer/PST will immediately notify equipment personnel. The equipment personnel will determine if the vehicle should be taken out of service and, if necessary, will assign another vehicle to be used.

F. Towing of Police Vehicles

When any officer/PST has to have a police vehicle towed for any reason, they should contact the dispatcher for the city wrecker. If the city wrecker is not available or is unable to make the pull, the city lot will make arrangements through a contracted wrecker service to tow the police vehicle. Wreckers from the rotational list are not to be used.

II. Special Purpose Vehicles

Special-purpose vehicles shall be used according to their purpose or as authorized by proper authority. Any special qualifications or training records for operation shall be maintained at worksite along with maintenance log and log of inventoried inside equipment (if applicable) logs.

III. Take Home Vehicles

A. Unmarked Police Vehicles

The following job descriptions within the Police Services Division meet the requirements for assignment of city-owned "Take Home Vehicles". The Director of Police Services must approve all exceptions not listed below. Personnel approved to take their assigned vehicles home will be governed by the residency requirements at the time they were hired. No employee who is afforded Take Home Vehicle privileges shall travel outside of the boundaries of Shelby County, Tennessee, without the expressed written approval of the Director of Police Services or his designee.

- Executive Branch: Director of Police Services, Deputy Director of Police Services, Executive Assistants, Public Information Officer, Employee's Support/EIP Manager and the Mayor's Protection Unit.
- Administrative Services: Deputy Chief of Administrative Services, Communications Manager, Information Technologies Manager, and any Network/Support Staff "on call".
- Investigative Services: Deputy Chief, Investigative Services Commander and Assistant Commander, designated Task Force personnel, Homicide "when on call", Sex Crime/Juvenile Abuse Squad "when on call", and designated Task Force personnel.
- Special Operations: Deputy Chief, Colonel, Lt. Colonel or designated Assistant Commander, TACT Commander, and TACT Officers.
- Uniform Patrol: Deputy Chiefs, Colonel, Lt. Colonel or designated Assistant Commander.
- Inspectional Services: Commander and all personnel.
- OCU: All personnel assigned to this unit.

- Training Academy: Commander, designated Assistant Commander, Firing Range Commander and Personnel designated "on call".

The above-designated personnel will be required to submit a *"Vehicle Take Home Request"* form to their immediate supervisor for final approval by the Director of Police Services.

Personnel are also required to comply with Internal Revenue Service regulations concerning assigned "Take Home Vehicles", which shall be considered taxable income.

"Take Home Vehicles" may not be used for personal use other than commuting and *"de minimis personal use"*, which is defined by IRS rules and regulations as including only stops for a personal errand between business or business stops and the employee's home.

Failure to comply with this policy shall result in the revocation of all "Take Home Vehicle" privileges and may result in further disciplinary action.

B. Marked Vehicle Take Home Policy

The below designated personnel may drive a marked vehicle home due to their job descriptions. They must live in the City of Memphis, unless approved by the Director of Police Services:

- Communications Executive Commander and Manager of Police Communications Maintenance.
- Officers of the Month.
- Canine and Bomb Squad Officers will be allowed to take their assigned vehicles home as governed by the residency requirements at the time the officers were hired.

The "take home" vehicle may not be used for any personal use other than commuting and "de minimis personal use", and shall generally include stops for a personal errand between business or business stops and the employee's assignment. Unauthorized passengers are not allowed. No employee who is afforded Take Home Vehicle privileges shall travel outside of the boundaries of Shelby County, Tennessee, without the expressed written approval of the Director of Police Services or his designee. The following guidelines must also be adhered to:

1. Commission personnel must be armed and have all the equipment necessary to place themselves on duty while operating a marked vehicle. Acceptable attire will consist of a Class A Uniform or civilian clothing suitable for courtroom appearance.
2. Vehicles cannot be operated outside the city limits, unless approved by the Director or Deputy Director of Police Services.
3. No unauthorized animals or cargo that might damage or alter the appearance of the vehicle will be permitted.
4. Officers operating marked take home vehicles will:
   - **a)** Assume the responsibility of keeping the vehicles on a required preventative maintenance schedule.
   - **b)** Keep the vehicles clean and ready for inspection.
   - **c)** Monitor the radio channel of the precinct they are in while operating the vehicles.

d) Take proper action in response to emergency calls or requests for assistance.
e) Immediately notify the dispatcher using assignment and IBM numbers.
f) Take interim action as may be required until on-duty personnel arrive.

C. Compensation:
Officers will be compensated for "actual time worked". Officers will place themselves on a call to activate the beginning time and notify the dispatcher when the activity is completed. These times represent the "actual time worked" and will be computed towards satisfying prime time. Officers will utilize log sheets to record their activities, and will indicate "off duty" in the assignment block. These log sheets will be submitted to their workstations promptly and will serve as compensation vouchers for the purpose of accountability.

Buses Location:

1. Bus P#220 is located at the T.A.C.T. Office, 51 S. Flicker.
2. Bus S#428 is located at the Fire Academy, 79 S. Flicker.

(The Fire Department maintains this bus. It should be used for local trips only. Chief Warren ph #320-5371).

Reserving the Bus:

The Detail Commanding Officer (other than Special Events) will be responsible for reserving the bus from the T.A.C.T. Unit Office (327-5670). Only current listed, qualified operators may sign for and operate the vehicle.

Bus Operation:

The driver of the Memphis Police Bus should wear a uniform and have with him/her a handi-talkie.

No smoking, drinking, or eating will be permitted anytime on board the bus. All passengers must remain seated at all times while the bus is in operation.

It will be the responsibility of the assigned driver to report any accidents as outlined in the Memphis Police Department Policy and Procedures Chapter VIII, Accidents involving police vehicles, and Chapter XIII, Towing of police vehicles.

It will be the responsibility of the driver to make a pre-trip and post-trip inspection of the bus and report the findings. If there are any defects that could cause a breakdown, note it on the trip/check-out form.

The operator is responsible for completing a bus trip/check-out form (see attachment) upon returning the vehicle. Should the facility be closed, the form may be returned the next business day.

In case keys to buses are not available, all drivers should be familiar with keyless starting procedures.

If a trip requires continuous driving of six (6) hours or more, there should be a second driver on board

Break Downs:

In the event the bus breaks down while in the City and there are no passengers that would require the delivery of another bus to complete the trip, contact the Communications by radio or telephone.
If the bus is in the City and there are passengers to be transported, notify Communications who will call the Command Duty Officer to secure another bus and driver to assist you.

If a bus front tire or both rear dual tires become flat, advise Communications of the situation either by radio or telephone. An approved tire repair service will be contacted to fix the flat. The city lot does not have the equipment to jack up the bus.

Bus Operation Outside the City:

Before any Memphis Police Department Bus can be utilized outside the City limits, authorization must be obtained in writing, by a Deputy Chief.

The bus operator, when driving outside of the City should:
1. Go to Fiscal Affairs to secure credit cards for fuel or break downs.
2. Secure a portable phone at the Training Academy for P#221 or the T.A.C.T. Squad Office for P#220.

If the bus breaks down, call the Command Duty Officer at (901) 576-2665. The CDO will send a General Services wrecker to make the tow back to Memphis and send another bus to complete your trip. In the case of a flat, use the City's credit card to charge the repairs. Any repairs other than a flat must be approved by higher authority through the Command Duty Office prior to those repairs being made.

In the event of a breakdown, advise the CDO of the following:

1. The nature and the location of the breakdown
2. If there are passengers to be transported
3. Your destination

You are responsible for the passengers' safety. Keep them in a place of safety while the bus is being repaired. Passengers should never ride on the bus while it is being towed.

Bus Tire Repair Service:

The Steel Tire Company (365-2211) is the authorized tire repair service for the buses.

Assignment of Drivers:
Bus driving assignments will be coordinated by the Special Events Office in accordance with

established policy.

A roster of commercially licensed drivers will be maintained by the Special Events Office for use in making assignments. Events at the Liberty Bowl Memorial Stadium will be excluded from roster assignment rotation due to special requirements involved in those events.

After being contacted by Special Events, the assigned driver is responsible for procuring the bus and any other necessary equipment from one of the three locations where the buses are parked. It is also the driver's responsibility to return the bus immediately upon conclusion of the assignment. The bus is to be full of fuel at that time. Fuel is attainable at the City Lot, 671 St. Jude Pl., or any Memphis Fire Department station which has a diesel fuel pump.

It is the responsibility of officers holding a valid commercial license to provide their names and proof of commercial certification to Special Events for inclusion on the roster. Officers who fail to do so will not be called for driving assignments. It is also the responsibility of individual officers to notify Special Events when, for any reason, their names should be removed from the roster, i.e., loss of commercial certification, change in duty assignment, etc. The list will be kept current by Special Events based on said notifications and information provided via weekly Special Orders.

If a need arises where another bus driver is needed as a co-driver, or if the original driver is unable to make it to the trip's destination, contact the CDO who will notify an approved driver.

Physical Fitness &Wellness

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I. Physical Fitness

Physical fitness will be a professional goal of every member of the Memphis Police Department. Research and statistical evidence proves that physical fitness and a proper diet improve health and performance in our daily lives and particularly its importance in the law enforcement profession. The Command Staff encourages all officers to utilize the Training Academy's Physical Training Facility and any other department facility open to department employees i.e. Station exercise rooms, City Hall. (22.3.2)

II. Wellness Program

All employees are also encouraged to participate in the City of Memphis Wellness Program. The Wellness Program is a voluntary program open to all City employees. It is operated by certified trainers in physical fitness. The program is designed to help individuals make positive changes in their health behavior, resulting in increased productivity and reduced risk for health related illness and disease. Individual Health Screenings along with fitness assessments are available to all employees. Individual education, counseling sessions, goal setting, evaluation, and follow-up correspondence will be provided at no cost to the employee. The Program Coordinator, Lonnie Lewis, can be reached at 901-636-1375.

III. Academy Physical Training Facility

A. Rules and Regulations: All officers utilizing the facility are expected to familiarize themselves with the following rules of operations:

1. Everyone must sign in and out when using the facilities.
2. Only Memphis Police Department employees or other approved law enforcement personnel are permitted to use the gymnasium facilities. Approval for other than M.P.D. Personnel must be obtained by written request to the Chief of Training. With approval, a Hold Harmless Form must be signed and recorded.
3. Due to the potential danger of heavy, cumbersome objects lying around, no children will be permitted in the gymnasium. There are no accommodations for them to wait while an officer works out.
4. Visitors, including children, are welcome during scheduled, organized events. Nevertheless, the inviting officer will bear the responsibility of controlling his guests, so that they are not injured or allowed to be disruptive to the training environment.
5. There will be no eating, drinking or smoking allowed in the weight room or on the gymnasium floor. This is for your protection as well as the protection of the premises.
6. After using equipment, it should be returned to its respective storage location. This includes, but is not restricted to: balls, weights, belts, gloves, bars and stereo equipment. (This particularly applies to weights in the weight room).
7. If it becomes necessary for you to alter the operation of a piece of equipment, please advise the Academy Staff Personnel on duty before doing so.

8. Movement inside the Academy Staff Personnel's Office should be kept to a minimum. A telephone is provided for use by officers in the hallway adjacent to the soft drink machine.
9. Anyone that is not a member of the Academy Staff should park away from the curb, just as he or she would during In-Service Training. The Academy Staff parking slots are assigned and there are no exceptions.
10. The gymnasium hours will vary according to: time of the year, scheduled events, and other considerations. Notices will be posted on the bulletin board in the hall as soon as the Academy Staff has confirmed a change in the schedule. The Academy Staff advises you to call to verify the current operating times.
11. The current gymnasium operating hours will be posted on the bulletin board. This means that you should dress and workout within the posted times. You should not enter the facility prior to the posted opening time, and you should depart prior to the posted closing time.
12. Any injuries sustained in the gymnasium should be brought to the attention of the Academy Staff member on duty. Any potential hazards should be brought to the attention of the Academy Staff immediately.
13. All persons having suggestions for improvement in the operation of the facility are encouraged to express their opinions to the Academy Staff.

B. Reserving the Gymnasium Facility

Memphis Police Department employees wanting to reserve the gymnasium facility for an organized event **must** contact the gymnasium supervisor, allowing as much advance notice as possible.

The Chief of Training will make final approval of all requests.

Considerable and unnecessary down time and repair costs have been incurred by the Police Department as a result of rough or careless handling of radio equipment. The Handie-Talkie has been especially vulnerable to casing and housing damage as a result of careless or rough handling.

In addition, considerable damage to both police vehicles and radios has occurred as a result of the microphone being hung on the rear view mirror of the car.

Personnel will exercise due care to prevent damage to Handie-Talkie Radios and car radios. Deviation from the intended usage of these important pieces of equipment will result in disciplinary action.

Radios are assigned to and the responsibility of each individual officer.

Pagers are assigned to and the responsibility of each individual officer.

Computer Equipment

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Privacy 2
Computer Hardware Procedures 3
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Internet Access 4
Email 4
Personal Data Assistant (PDA) 5
Media Security 6
Storage and Access of Media 7
Repair of Media Devices 8
Media Sanitization and Disposal 8

I. Policy

Employees are encouraged to view the use of Personal Computers, the internet, and e-mail as legitimate and appropriate business and communication tools to support employee productivity. The access to and use of City of Memphis (hereafter referred to as "City") owned computer hardware or software will be conducted in an ethical, professional and lawful manner, exclusively for business purposes in support of City operations and not for personal use. “Hardware” includes all laptop and desktop computers, Personal Data Assistants (PDA), handheld devices and printers. Department members will not access or use these tools in any manner that breaches confidentiality of City business, legal or other proprietary information, causes the City to come into disrepute because of false, injurious, slanderous, abusive, racist, sexist, or other harmful communication.

Violations of this policy will result in departmental disciplinary actions, which may include revocation of all access to internet and e-mail. Department members may be liable for any costs arising from violations of this policy.

II. Privacy

Access to and use of City-owned personal computers is not to be construed as private, nor should the term “personal” in “personal computer” be interpreted as giving the right of private use to the user. No City employee may regard any electronic communication, file or other information, generated or received on a piece of City-owned equipment as private or confidential. The City reserves and intends to exercise the right to review, audit, intercept, access, and disclose all content and messages created, received or sent over the internet or via the electronic mail system for any purpose. The contents of electronic mail may be disclosed by the City without the permission of the employee.

1) **Logs -** Logs of internet access, internal email, external email, and individual email messages by any user may be initiated, maintained and retrieved by the City, with or without the user’s knowledge or permission. Any information gathered from such logs will be used to deal with violations of this policy.
2) **Inspection -** Authorized representatives of the City may, without the user's knowledge, access the user’s PC at any time to inspect or copy any files on the PC. Department members may be required to furnish passwords to assist with such inspection.
3) **Business use only -** PC’s, external e-mail, internal email, and internet access will only be used in a manner that supports or contributes to work on behalf of the City. Email will be used to generate and transmit only messages dealing with City business or the employee’s professional development as a City employee
4) **Employee use only.** Department members will not make PC, internet, or email access available for use by visitors or to other employees who may or may not be authorized to view sensitive or confidential information stored on the user’s PC.

III. Computer Hardware Procedures

PC hardware will be used in a reasonable and appropriate fashion, not subjecting the equipment to undue stress, either intentionally or with reckless disregard to the risk of damage to the equipment. All moving of desktop PC's from one location to another will be performed only by Technicians from Information Systems. Department members will not remove parts or components of any kind from PC hardware. All repairs or adjustments to equipment beyond the obvious capability of a user to perform will be performed only by authorized Technicians from Information Systems. Department members will not attempt to make their own repairs or disassemble PC equipment for any reason.

- **Audio and Visual Operation -** Department members will not operate the speakers on their PC equipment at a volume that disrupts or interferes with the work of other Department members. Department members will not use the video screen on their PC's to display objectionable or inappropriate graphics or text, especially graphics or text that would contribute to a sexist, racist or otherwise hostile work environment.
- **Shutdown** - Department members will shut down their PC's at the close of business each day, using established shutdown procedures incorporated into the PC's operating systems. Such established shutdown procedures are necessary to avoid harm to the PC or software.
- **File Storage** - Department members will not save non-work-related files to City servers. Entertainment media such as MP3 or other Audio files, video files or pictures are not to be saved to the City's file servers unless the file is work related. The My Documents folder and all of its sub folders and the "P" drive are actually on a City file server.

IV. Software

A. Authorized software - Department members will not seek to install any software or programs other than what may be installed by authorized Technicians from Information Systems. In particular, Department members will not download or install:

- Recreational games
- Programs such as America Online™, AOL Instant Messenger™, or ICQ™.
- Any internet e-mail software (e.g., Juno™ e-mail).
- Any executable files or compressed executable files

This is necessary to protect PC's from viruses, to ensure that nonstandard software is not loaded onto PC's, and to ensure that software copyrights are not violated.

Aside from using any built-in "user preference" features of software to choose such things as display colors, type fonts, icons, etc., Department members will not seek to alter or modify, in any way, any software installed on their PC's.

B. Copying of software - Department members will not copy software, which has been installed on any City of Memphis computer. Authorized Information Systems staff may copy software for business use if all copyright and licensing provisions are observed.

V. Internet Access

Internet access is access to text, graphics and programs on the worldwide web; in other words, on computer file servers outside the City's control. Such access is enabled through software associated with internet protocols; e.g., Microsoft Internet Explorer™ or similar software. Specific provisions of the internet, e-mail and PC policy applying to internet access are as follows:

- **Confidentiality -** Department members will not transmit or post messages online or via external e-mail disclosing sensitive or confidential information regarding the City's business, except in authorized communications with vendors or other parties with a legitimate interest in such information.
- **Games -** Department members will not access, or participate in, web sites offering recreational games or social chat rooms.
- **Objectionable Use -** Department members will on no account use their PC's to access web sites, download, post, obtain, transmit, or store graphics, multimedia, or text that promotes or advocates racism, sexism, pornography, violence, hatred of specific groups, use of illegal substances, civil disobedience, or other illegal behavior.

VI. Email

The City maintains an electronic mail system to assist City employees as they conduct business. All messages composed, sent, or received on the electronic mail system are the property of the City of Memphis. They are not the private property of any employee. The volume and content of these messages are of organizational concern and we are required to manage this tool diligently.

Internal e-mail consists of messages generated, transmitted, received and stored via software installed for this purpose on City computers, and transmitted only between City Department members.

External e-mail consists of messages generated, transmitted, received and stored via software installed for this purpose on City computers, and transmitted only between City Department members and Department members who are not on the City's internal e-mail network.

Specific provisions of e-mail use are as follows:

A. Department members will not generate or transmit harmful, objectionable, or inappropriate messages via internal e-mail. Such messages would include, but not be limited to, false, profane, abusive, defamatory, racist, sexist or threatening messages.

B. The electronic mail system may not be used to solicit for commercial ventures or political causes, outside organizations, or other non-job-related solicitations.

C. Department members should transmit messages stating official City positions only if authorized to do so. No message may be transmitted to the entire group of City Department members unless the sender has been specifically authorized to transmit such messages by the appropriate City authority, as described in the Policy on Electronic Communication in the City Personnel Manual.

D. All messages generated and transmitted via internal e-mail should be professional and courteous in tone. Department members should proofread all messages before sending, for grammar, spelling,

usage, clarity and coherence, to ensure that all messages reflect well on the user and his or her Division.

E. Department members should periodically review their e-mail in-boxes and out-boxes to delete older messages that are no longer needed. Department members must not use their e-mail account as an "electronic filing cabinet" because this taxes the resources of the City's e-mail server.

F. The electronic mail system shall not be used to violate copyrights or other proprietary rights by distributing unauthorized copies of materials owned by others.

G. Department members will generate and transmit messages only on their own internal e-mail accounts and will not transmit from another user's e-mail account or otherwise misrepresent themselves as being another user

VII. Personal Data Assistant (PDA)

A. Department members will not use the PDA while driving. Department members who are passengers in a vehicle may use the PDA.

B. Department members will not disclose any information accessed via PDA to any person other than a sworn law enforcement officer. An officer acting in his official capacity for an authorized law enforcement function may disclose information to another sworn law enforcement officer. The data stored in the TIES system must be protected to ensure correct, legal, and efficient dissemination and use. It is incumbent upon officers as operators of PDAs to follow the necessary procedures to make the PDA and data secure from any unauthorized access or use.

C. Any time the PDA is not in use it will be password protected. Officers will not change the lockscreen security. Officers will not alter the Gmail/Google username or change the Google password. User IDs, passwords, and access codes will not be shared among Department members, except as approved by the system administrator. No unauthorized persons shall have access to user IDs, passwords or access codes.

D. Software installed at the time the device is issued will not be uninstalled or altered in any way except to install updates. Unauthorized software or Applications will not be installed.

E. Users will not 'join' any unsecured wifi access points. Usage outside the continental United States is forbidden unless approved by a Deputy Chief and is strictly for City business.

F. Devices will not be 'rooted' or 'jailbroken'.

G. Department members must maintain their TIES Query Certification in order to utilize the PDA.

H. Department members assigned PDAs will be responsible for keeping them clean by using plain rubbing alcohol and a soft cloth only.

I. No lost or stolen PDA will be replaced without a written memo and an equipment replacement form from the officer to the Deputy Chief explaining the basis for the request. Once the scanned copy of the Equipment Replacement form is emailed to the PDA Team signed by the Officer's supervisor a replacement will be made ready as soon as possible.

J. Department members will immediately notify the MPD PDA Team when their assigned PDA is malfunctioning, lost, stolen or damaged. It is imperative that immediate notice is given to the PDA

Team if the device is lost so that access to CJIS information is disabled. A replacement PDA will be issued as soon as possible to the officer at no cost to the officer. The officer should contact a member of the PDA team to schedule a time to pick up the replacement.

K. Officers are responsible for their PDAs as well as all issued equipment. Equipment lost, stolen or damaged due to neglect will be documented in the Equipment Replacement form and a Statement of Charges will be issued.

L. Officers are prohibited from making or receiving calls on their PDA/Department Phones except to other Verizon customers.

VIII. Media Security

Employees of the Memphis Police Department will ensure that all media containing sensitive or classified information is stored, disseminated, and disposed of properly. Basic security awareness training will occur within six (6) months of initial assignment and biennially therafter for all personnel who have access to Criminal Justice Information Services (CJIS).

Media protection procedures shall be implemented and documented to ensure that access to electronic and physical media in all forms is restricted to authorized individuals. Procedures shall be defined for securely handling, transporting, disposing of, and storing media. For the purpose of this section, the following definitions will apply:

1) Access – the physical or logical (electronic) ability, right, or privilege to view, modify or make use of Criminal Justice Information (CJI). Access to NCIC/TIES and related systems is limited to those agencies that have statutory authority. The access must pertain to law enforcement information relating to crimes, criminals, and criminal activity being investigated by the agency or as specifically authorized by statute. Curiosity inquiries, general or personal messages, and redistribution of the information to unauthorized persons are all specific examples of access which is not allowed and subject to disciplinary actions. When discrepancies or incidents of misuse are discovered, they must be documented and reported to the agency administrator and the agency TAC. The TAC should promptly notify the Tennessee Bureau of Investigation (TBI) of any compliance issues or misuse, including any disciplinary action taken.
2) Criminal Justice Information (CJI) – an abstract term used to refer to all of the FBI CJIS provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property, and case/incident history data. In addition, CJI refers to the FBI CJIS – provided data used to make hiring decisions. **CJI is sensitive information and should be safeguarded accordingly to prevent unauthorized/improper use, or dissemination/release.**
3) Dissemination – the transmission/distribution of CJI to authorized recipients within an agency.
4) Electronic media – electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, optical disk, flash drives, external hard drives, or digital memory card.

5) Sanitization – removal of all information from disks and drives through degaussing, overwriting at least three times, or destruction. MPD uses the Wipemaster Hard Drive Data Eraser, which meets D.O.D. specifications for sanitization.
6) Secondary Dissemination – the re-dissemination of CJI from an authorized agency that has direct access to the data to another authorized agency. Secondary dissemination is the same as "chain of custody" – not only the agency it is given to but also whose hands it is put into must be documented.
7) Sensitive/Classified Media – any papers or records; any data diskettes, hard drives or other data storage device that contain information which is:
   - Personal in nature (Address, Social security Numbers, Driver's License Information, etc.) or is
   - TIES, NCIC or Criminal Justice Information Systems (CJIS) Related.

A. Storage and Access of Media

Electronic and physical media shall be stored within physically secure locations or controlled areas to protect CJI for unauthorized disclosure, alteration or misuse. All physical access points will be controlled and individual access must be verified from an individuals credentials. Visitors must be authenticated before receiving escorted access to the physically secure location. Visitors shall be escorted at all times and their activity monitored.

Support personnel, contractors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check, unless these individuals are escorted by authorized personnel at all times.

Only authorized individuals shall have access to electronic and physical media. An audit trail shall be maintained of all employees requiring access to restricted files.

eAgent (TIES) Users will comply with CJIS policy requirements for password security. All passwords for the eAgent Desktop and eAgent Force Web will:

1. Be a minimum length of eight (8) characters.
2. Not be a dictionary word or proper name.
   a. If you can find it in the dictionary, you can not use it.
   b. If it's a name of a person, place or thing, you can not use it.
3. Not be the same as the UserID.
4. Expire within a maximum of 90 calendar days.
5. Not be identical to previous ten (10) passwords.
   If you used it before, you can not use it again.

When electronic and physical media is transported outside of controlled areas, it shall only be done by an authorized officer or other authorized personnel, and it shall be done in such a manner as to protect and control the media from unauthorized persons. The authorized person transporting media will deliver the items directly to an authorized place or person to minimize the chance of items being lost or damaged during transport.

Access to and dissemination of CJI, III, CHRI, and Hot files is only for criminal justice purposes. Such data can only be used for authorized criminal justice purposes consistent with the purpose for

which it was requested. Criminal justice purposes (also known as administration of criminal justice) means performance of any of the following activities: detection, apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities, and the collection, storage, and dissemination of criminal history record information.

Sharing information or using information for anything other than job related criminal justice duties constitutes a violation and may result in administrative charges. Unauthorized requests, receipt, release, interception, dissemination, or discussion of CJIS data/CHRI could be considered a criminal offense and result in criminal prosecution. Secondary dissemination should only be to authorized agencies. (See also P&P Chapter XI Section 11)

B. Repair of Media Devices

Only authorized repair persons should attempt to repair any issues with media devices. Instructions may be provided for simple corrections to devices; but no unauthorized persons should attempt to make repairs to agency media devices. City of Memphis field technicians are authorized repair persons, who have been trained in CJIS procedures.

Authorized repair persons should make every attempt possible to repair an item on-site, before considering the option of transporting the item to a secure repair location. If an item has to be transported by an authorized repair person, an officer should accompany the item to the place of repair to ensure the security of the data. If this is not possible, the hard drive shall be removed by authorized personnel before releasing the item for transporting.

C. Media Sanitization and Disposal

No one, including City of Memphis Information Technology personnel, will be permitted to remove any MPD computer, laptop, scanner, file server or copy machine until the hard drives have been sanitized. If sanitization of a hard drive is necessary for the removal of equipment, the Supervisor of MPD Information Systems will be notified and will be responsible for ensuring sanitization is accomplished in a timely manner. Sanitization or destruction of media will be witnessed and carried out by authorized personnel. A written record of the steps taken to sanitize or destroy electronic media shall be maintained.

The controls and security measures in this policy also apply to CJI in physical (printed documents, printed imagery, etc.) form. Physical media shall be protected at the same level as the information would be protected in electronic form. Physical media shall be securely disposed of when no longer required. The disposal or destruction of physical media shall be carried out or witnessed by authorized personnel to minimize the risk of the compromise of sensitive information by unauthorized individuals.

Hard copies and printouts containing sensitive or classified information shall be destroyed in one of three manners:

1. Personal shredder
2. Delivered and shredded at Central Supply. A TIES certified officer must accompany the material until it has been properly disposed of.

3. Place the documents in the Shred-it bin. The bin is to remain secured, and a TIES certified officer must accompany the contents to the Shred-it truck and observe the disposal of the materials.

MPD Bicycle

Equipment 3
Limitations and Authorization of Use 2
Maintenance 3
Objective 2
Qualifications and Training 2

I. OBJECTIVE

The objective of bicycle operations by Memphis Police Officers is to provide a visible, effective, proactive force in crime detection and enforcement in smaller, restricted areas in which the standard marked patrol vehicle is ineffective. By being more readily assessable to the general public, bicycle units provide a valuable tool for law enforcement. (41.1.4a)

II. LIMITATIONS AND AUTHORIZATION OF USE

A. Due to the lack of proper emergency equipment, officers on bicycles shall not conduct major traffic accident investigations that require the blocking or partial blocking of a roadway. Officers on bicycles may work minor traffic accidents only if the vehicles involved can be moved out of the roadway.

B. Unless otherwise authorized by a supervisor, officers on bicycles shall ride as a team of no less than two (2) officers.

C. Officers assigned a police bicycle shall not ride in icy conditions or when lightning is present. The two (2) officer team or supervisor shall determine whether to ride in rain or in extreme temperature.

D. Officers assigned a bicycle shall not expose the bicycle to unreasonable hazards or abuse except as is required in training or in performance of official duties. (41.1.4b, c)

E. No one other than certified bicycle officers who have received and successfully completed appropriate bicycle training is permitted to ride a department-owned bicycle except when an officer is in certification training. (41.1.4g)

F. Police bicycles shall not be left unattended except after being secured with department-approved cable lock/ handcuffs except when in pursuit of a suspect or as may be required for officer safety.

III. QUALIFICATION AND TRAINING

Bike Officers shall meet the following criteria and training: (41.1.4d)

(1) Must be in good physical condition;
(2) Must not be medically exempt from normal patrol duties or from physical activity; and
(3) Must successfully complete the 40 hour Police Cyclist course at the Memphis Police Department Training Academy.

IV. EQUIPMENT

A. All officers assigned for patrol on bicycles shall have the necessary equipment to perform

patrol duties. Officers riding bicycles are not required to have a Memphis Police Department Policy and Procedures Manual on their person while on the bicycle, but will have the Manual accessible at the workstation if called upon for inspection.

B. Officers will ride department issued mountain bikes equipped with the following: (41.1.4f)

1. Rear bicycle cargo rack (attached to bike);
2. Cargo bag, mounted to the cargo rack, with "Police" in white lettering;
3. Bicycle headlight;
4. LED flashing light/ Blue strobe light;
5. Lock;
6. Water bottle and rack.

C. Uniform Required:

1. Approved MPD Bicycle Uniform (coordinating with MPD Uniform change dates):

   Shirt – yellow long or short sleeve bike shirt (comparable to the J. Marcel shirt) with velcro name tag, sewn-on MPD patch, flag, and badge, and three (3) inch silver reflective "POLICE" lettering on the back

   Pants – dark navy bicycle pants or bicycle cargo shorts, minimum 3/4 length of the thigh or nine (9) inches long
2. Approved helmet
3. Black shoes (approved)
4. White or black socks
5. Departmental issued utility belt and all required equipment
6. Traffic safety vest
7. Flashlight
8. Reflective navy/ yellow jacket/ windbreaker for cold/ inclimate weather with three (3) inch silver reflective "POLICE" lettering on the back.

V. MAINTENANCE

A. Each officer assigned a police mountain bike shall be responsible for its maintenance, care and cleanliness; and shall perform or cause to be performed routine and preventive maintenance as necessary and required. If the Bicycle is assigned to a workstation and is not assigned to one officer, the equipment person for the workstation shall see that the Bicycle is maintained and repaired as necessary. Any officer finding defects will notify the equipment officer immediately. All major repairs and periodic maintenance shall be performed by a certified bicycle mechanic authorized by the department. (41.1.4e)

B. A daily safety check for safe operation and use shall be completed by each member prior to the beginning of his/her tour of duty. Such check shall include the following:

1. Brakes (cable adjustments, wear);

2. Tires (wear and inflation);
3. Wheels and spokes;
4. Drive train;
5. Auxiliary equipment (lights, speedometer/odometers, cargo rack etc.); and
6. Front and rear derailleurs.

Each officer assigned to patrol on bicycle may also make minor repairs and adjustments. Such repairs/adjustments shall include the following: changing flat tires, adjusting brake and gear cables, basic chain repair, derailleur adjustments, maintaining proper tire inflation, tightening of nuts and bolts, seat adjustments, truing tire rims and other minor repairs and adjustments as required and approved by the immediate supervisor.

Rappelling Tower

Entry 2
Rappelling 2
Physical Training 3

I. ENTRY:

A. No one shall enter the Rappel Tower without WRITTEN consent from at least one of the following:

1. Deputy Chief of Special Operations
2. Colonel of Special Operations
3. Lieutenant Colonel of Special Operations
4. Commander of the Memphis Police Department's TACT unit

B. Only TACT Supervisors and the On-Duty Air Support Division Supervisor will have keys to the Rappel Tower. NO duplicate keys are to be made by any personnel. The key assigned to the Air Support Division is the key that is signed out once written permission has been obtained and the master usage log has been signed.

II. RAPPELLING:

A. All rappelling must be done under the direct supervision of a sight supervisor. The sight supervisor may be either an MPD TACT Unit officer or a MFD firefighter with a current Rappel Master Certification. The sight supervisor must sign in on the master usage log sheet located inside the Memphis Police Department Air Support Division office prior to using the Rappel Tower.

B. The sight supervisor can stop rappelling exercises at any time for any reason.

C. The sight supervisor must inspect and approve all equipment prior to its usage at the Rappel Tower. Log records must be kept current on **ALL** rappelling equipment; this includes the purchase date, dates of inspection and dates of usage. There will be a log sheet kept at the Memphis Police Department's TACT unit governing all equipment utilized and inspected by the Memphis Police Department. There will be a log kept at the Memphis Fire Department's Training Academy governing all equipment utilized and inspected by the Memphis Fire Department. These logs are subject to audit at any time by the Memphis Police Department.

D. No rappelling exercises will be conducted without a sight supervisor, a rappel master and a ground safety officer.

E. No one will rappel or belay without wearing an approved helmet, secured by a chinstrap, and safety goggles.

F. A belay man must support all rappels.

G. Appropriate attire will be worn during all Rappel Tower training exercises; helmet, safety goggles, turnout clothing, rappelling gloves, rappelling harness and boots.

Tennis shoes and shorts are unacceptable for Rappel Tower Training exercises.

H. Any injuries must be reported immediately to the sight supervisor.

NOTE: Safety is the first priority. Conduct that is not conducive to a safe environment for

rappelling WILL NOT BE TOLERATED. Disciplinary action will be taken immediately for any violation of this Policy and Procedure.

III. PHYSICAL TRAINING:

A. The Memphis Police Department's Training Academy, the Memphis Fire Department's Training Academy and other outside agencies may conduct physical training of recruits and other officers on the rappel tower after obtaining written permission from one of the following:

1. Deputy Chief of Special Operations
2. Colonel of Special Operations
3. Lieutenant Colonel of Special Operations
4. Commander of the Memphis Police Department's TACT unit

NOTE: The supervisor responsible for the training must read and familiarize him/herself with the Rappel Tower rules prior to its usage for group or class physical training on the rappel tower.

B. Each individual assigned to a class or group utilizing the rappel tower for physical conditioning/training must read and familiarize him/herself with the Rappel Tower Rules and Policy and Procedures and must sign a waiver prior to entering the tower. These waivers are available at the TACT Unit office and the Air Support Division. Waivers shall be submitted as a class or group and shall be turned in by the supervisor responsible for the group prior to entering the Rappel Tower.

C. Copies of all waivers for physical training will be kept on file at the TACT Unit office and the Air Support Division.

D. A signed waiver on file at these locations will serve as on-going permission to utilize the rappel tower for physical training by the class or group. Once the member of a group has completed or been dismissed from the training course, he/she no longer has permission implied or written for usage of the Rappel Tower.

E. A supervisor must physically accompany the trainees onto the rappel tower and a second supervisor must be present on the ground. At no time will trainees be allowed onto the rappel tower without a supervisor present on the tower and a supervisor present on the ground.

F. All group physical training must occur under the direct supervision of the individual who received written permission for usage of the Rappel Tower. Tennis shoes and shorts may be utilized for physical training.

All physical training on the rappel tower will be restricted to cardiovascular exercise and calisthenics. No trainee shall be put into a position that places him/her in danger of falling from the rappel tower

All agency animals are to be used and dispatched for designated purpose. Verification of training and other qualification requirements for handling will be maintained at the appropriate workstation. Maintenance, care and necessary equipment shall be monitored and logged.

In-Car Video/Body Worn Cameras

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I. PURPOSE

It is the goal of the Memphis Police Department to strengthen its services to the community by authorizing the use of Body Worn Cameras (BWC) and In Car Video (ICV) technology. The BWC/ICV program will add further clarity and transparency to the examination of police related events. This examination aids in improvement of prosecution by adding reinforcement and authentication to police casework, methods and evidence. The BWC/ICV program has the potential to improve community relations by providing an objective record that can be used to confirm valid allegations, while providing an unbiased record that may assist in disproving false allegations. Furthermore, the ICV/BWC program improves accountability by providing objective data for review. Supervisors **must** review ICV/BWC prior to finalizing any official documents involving response to resistance/use of force. Finally, the Memphis Police Department will gain valuable training tools which supply the means to examine the effectiveness of training. (41.3.8A)

Prior to using a BWC, affected personnel shall receive Department-approved training on its proper operation, care and the department's policy with respect to the use of the BWC/ICV. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment and to incorporate changes, updates or other revisions in policies or equipment. (41.3.8F)

II. DEFINITIONS

Body-Worn Camera System (BWC): Wearable (on-officer) camera system with secured internal memory for storage of recorded video and audio.

Computer Aided Dispatch (CAD): Automated dispatching software used by police dispatchers to dispatch calls. This software generates an event number referred to in this policy as a CAD event number.

Digital Evidence: BWC/ ICV files, including photographs, audio recordings and video footage, captured by a BWC/ICV and stored digitally.

Evidence Transfer Manager (ETM): The docking unit used to recharge the BWC. The ETM also encrypts the video data and transfers it to Evidence.com using a secure connection.

Evidentiary value means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

Mobile Data Terminal (MDT): The computer and associated hardware that is installed in police vehicles, which controls the ICV system.

In-Car Video System (ICV): A mobile video recording device permanently installed in a police vehicle.

Mobile Video System (MVS): Refers to both BWS and ICV systems.

III. PROCEDURES – BODY WORN CAMERA

A. Beginning of Shift Procedures

1. At the beginning of each shift, an officer will be issued a BWC and will be responsible for confirming the BWC is fully charged and has no physical signs of damage. An officer must confirm that there is no data retained on the device from a previous shift. An officer shall start a shift with his/her device free of digital evidence.
2. The officer should determine that the BWC is functional by producing and labeling a test video. The officer shall verify that the audio and video are recorded appropriately when reviewing the test video. This test shall be performed prior to a shift supervisor placing the shift in service and available for calls. Officers will make ready the device prior to leaving the precinct in accordance with the manufacturer product manual and per Memphis Police Department provided training.
3. An officer will immediately notify a supervisor if any damaged or malfunctioning equipment is discovered. The supervisor should then contact the MVS team, located at the Real Time Crime Center, in order to remedy, replace, or report the said equipment.
4. Each BWC is assigned to a specific officer and shall not be shared with or assigned to any other officer. Officers shall maintain issued components (e.g. cord, belt clip, mounting devices) and verify that those components are in good working order. (41.3.8E)

B. Use of BWC During the Shift

1. An officer shall at all times during his/her shift have BWC equipment ready to record police interactions with those they may encounter. This state of readiness includes having the BWC on and in standby mode. Officers shall attempt to maintain a clear, level, and unobstructed forward-facing view. Officers shall attempt to keep the microphone portion of the device unobstructed in order to accurately record audio.
2. **Officers shall activate their BWC when responding to all calls for service prior to making the scene of a dispatched call.** In the event that recording was not started prior to making the scene of a dispatched call, an officer will activate the device as soon as reasonably possible.
3. Officers shall record all law-enforcement encounters and activities. Calls for service, self-initiated events (specials), and citizen contacts while not engaged in police activity are to be documented via BWC. It is not necessary for an officer to record in a constant state, but is required when his/her duties are being performed and allowed when otherwise prudent. It should be understood that under no circumstance shall an officer's safety be compromised in an effort to record an event.
4. Unless unsafe, impractical, or impossible, officers shall inform subjects that they are being recorded at the beginning of the contact (e.g. “Ma’am/Sir, I am advising you that our interaction is being recorded”).
5. It should be understood that even when individuals are in various stages of undress, medically incapacitated, or in a location where video would otherwise be prohibited, BWC recording should continue. Videos will be redacted in a manner to reasonably protect privacy.

6. **Once a recording event begins, the BWC shall remain activated until the event has concluded in order to conserve the integrity of the recording.** Once an event has concluded, an officer will mark the conclusion of the recording verbally after clearing the call/special. In cases of arrest, an officer shall continue recording until custody is transferred.

   Exceptions: *Should an officer have an activated BWC and respond to a call inside of a location that is out of view of the ICV system, the officer may discontinue the ICV recording (e.g. indoor report calls, crime scenes, and other police related events). Should the call progress back towards the car and contact with another individual is made, the event should be recorded by the ICV system.*

7. Officers will document the fact that a BWC video was or was not captured on all incident reports, arrest tickets, misdemeanor citations, summons, and traffic citations. This documentation will be referenced by the Computer Aided Dispatch number written on/in the document. In the event that the BWC was not activated, terminated early, or otherwise interrupted, a supervisor will be immediately notified.

8. Officers will be permitted to review their own BWC video when preparing official documents. Officers may only view content on their assigned device and not those devices of other department members when preparing an official document. The supervisor **must** also review the BWC video prior to completing or approving official reports involving response to resistance/use of force. The viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. The availability of this review does not supersede policy directives governing the circumstances in which an event must be recorded. An officer may not simply stop recording in order to complete a report unless policy permits (e.g. cleared the scene, supervisor approval, etc.).

   The following situations are exceptions to the above policy statement:

   a. If the officer is involved in (or witness to) a use of force incident that per policy requires the response of an Inspectional Services Bureau investigator, **only after** the ISB investigator has been consulted and approved may an officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from the ISB investigator acting under the direction of the commander of ISB.

   b. If the officer is involved in (or witness to) a critical incident, such as a police shooting or an in-custody injury resulting in death, **only after** the commander of ISB and commander of Homicide have been consulted and approved may the officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from both commanders and/or their designees.

9. Officers are responsible for the labeling and the categorization of videos they produce. The videos will be categorized in accordance with the available choices in the system. Officers will obtain the Computer Aided Dispatch number either through an automated feature, from the dispatcher, or through a manual lookup and entered in the ID field. (41.3.8G) Officers who categorize videos incorrectly may be subject to discipline.

10. Activation of the BWC is not required during periods of unassigned time, breaks or lunch periods.
11. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

C. End of Shift Procedures

At the end of each shift, each officer is responsible for turning in their issued BWC device to a department-approved area (e.g. equipment room) where an ETM is located. Designated personnel (e.g. equipment room officer) will be the only authorized additional handler of BWC equipment other than the assigned officer. The designated department member will verify that the BWC is properly docked to the ETM to facilitate digital transfer of evidence.

D. OCU Procedures

Members of the Criminal Apprehension Team (CAT) and Gang Response Team (GRT) will utilize the Body Worn Camera (BWC) when performing daily enforcement.

1. The BWC will not be activated for the following:

- The BWC/ICV **will not** be used to knowingly record confidential informants or undercover officers.
- Officers **will not** record any type of tactical briefings, IE Search Warrants, Rips, Reversals, Prostitution Stings, etc.
- Officers **will not** record any aspects of training, unless specifically requested to do so by the OCU Commander.
- The BWC **will not** be used during undercover operations.

2. OCU Personnel Working Non-OCU related details:

Any OCU officer working overtime in a Uniform Patrol Station, Special Event Detail, Blue Crush Detail, or a THSO Detail will be acting as a Uniform Officer and will be governed under the Memphis Police Department's Uniform Patrol Body Worn Camera policy.

OCU officers will store their BWC cameras inside the MPD approved BWC cabinet that is located within their assigned workstation. Whenever OCU officer(s) choose to work a Non-OCU related detail, it is the officers' responsibility to notify his/her immediate supervisor, **in advance**, in order to pick up his/her assigned BWC. When an officer takes control of his /her BWC for a detail, he/she should ensure the camera is taken to a work station to be docked until the camera is ready to be utilized.

Officers working in an undercover capacity will not utilize the BWC.

IV. PROCEDURE: IN-CAR VIDEO

A. Beginning of Shift Procedures

1. At the beginning of each shift, an officer that is issued an ICV equipped vehicle will be responsible for ensuring that the system is void of physical damage. An officer must visually inspect the front and rear camera, MDT, mount, and microphone along with its charging base for damage.
2. The officer should determine that the ICV is functional by producing and labeling a test video. The officer shall confirm that the audio and video are recorded appropriately when reviewing the test video. The test video will include the availability of ICV triggers (e.g. weapons release, emergency lights, brake, mic, and mic mute). This test shall be performed prior to a shift supervisor placing the shift in service and available for calls. Officers will make the ICV equipment ready prior to leaving the precinct in accordance to Memphis Police Department provided training.
3. An officer will immediately notify a supervisor of any damaged or malfunctioning ICV equipment. That supervisor should then contact the MVS team, located at the Real Time Crime Center, in order to remedy, replace, or report the damaged or malfunctioning equipment. (41.3.8E)
4. The officer assigned the ICV vehicle shall remain logged in until the conclusion of the shift. In the event that there are two officers assigned to the vehicle, the driver will be the primary officer logged in and the passenger officer will login as the secondary.

B. Use of ICV During the Shift

1. An officer shall at all times during his/her shift have their ICV system ready to record police interactions with those they may encounter. This state of readiness includes having the MDT logged on and in standby mode with a clearly focused, level, and unobstructed forward-facing view. The microphone portion of the system must remain affixed to the officer and should remain unobstructed in order to accurately record audio during an event.

2. Officers shall activate their ICV system when responding to all calls for service prior to making the scene of a dispatched call. In the event that recording was not started prior to making the scene of a dispatched call, an officer will activate the device as soon as reasonably possible. Additionally, officers will begin recording specials prior to initiating any citizen contact or as soon as reasonably possible.

3. Officers shall record all law-enforcement encounters and activities. Calls for service, self-initiated events (specials), and confrontations while not engaged in police activity are to be documented via ICV where available. It is not necessary for an officer to record in a constant state, but is required when his/her duties are being performed and allowed when otherwise prudent. It should be understood that under no circumstance shall an officer's safety be compromised in an effort to record an event.

Exception: *Should an officer have an activated BWC and respond to a call inside of a location that is out of view of the ICV system, the officer may discontinue the ICV*

recording. Should the call progress back towards the car and contact with another is made there, the event should be recorded by the ICV system.

4. When an officer makes contact with an individual(s) and the circumstances reasonably dictate, officers shall advise that the interaction is being recorded (e.g. "Ma'am/Sir, I am advising you that our interaction is being recorded").
5. It should be understood that even when individuals are in various stages of undress, medically incapacitated, or in a location where video would otherwise be prohibited, ICV recording should continue. Videos will be redacted in a manner to reasonably protect privacy.
6. **Once a recording event begins, the ICV shall remain activated until the event has concluded in order to conserve the integrity of the recording.** Once an event has concluded, an officer will mark the conclusion of the recording verbally after clearing the call/special. In cases of arrest, an officer shall continue recording until custody is transferred.

   Exceptions: *An officer shall stop recording an event counter to the above policy when directed to by the officer's supervisor and/or a bureau supervisor. It must be understood that the officer is wearing a device that has captured evidence and that the evidence must be collected as part of an investigation.* (41.3.8B)
7. Officers will document the fact that an ICV record was or was not captured on all incident reports, arrest tickets, misdemeanor citations, summons, and traffic citations. This documentation will be referenced by the Computer Aided Dispatch number written on/in the document. In the event that the ICV was not activated, terminated early, or otherwise interrupted, a supervisor will be immediately notified.
8. Officers will be permitted to review their own ICV video when preparing official documents. Officers may only view content on their assigned device and not those devices of other department members when preparing an official document. The supervisor **must** also review the ICV video prior to completing or approving official reports involving response to resistance/use of force. The viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. The availability of this review does not supersede policy directives governing the circumstances in which an event must be recorded. An officer may not simply stop recording in order to complete a report unless policy permits *(e.g. cleared the scene, supervisor approval, etc.).*

   The following situations are exceptions to the above policy statement:

   a. If the officer is involved in (or witness to) a use of force incident that per policy requires the response of an Inspectional Services Bureau investigator, only after the ISB investigator has been consulted and approved may an officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from the ISB investigator acting under the direction of the commander of ISB.
   b. If the officer is involved in (or witness to) a critical incident, such as a police shooting or an in-custody injury resulting in death, only after the commander of ISB

and commander of Homicide have been consulted and approved may the officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from both commanders and/or their designees.

9. Officers are responsible for the labeling and the categorization of videos they produce. The videos will be categorized in accordance with the available choices in the system. Officers will obtain the Computer Aided Dispatch number either through an automated feature, from the dispatcher, or through a manual lookup and added in the incident field. Officers who categorize videos incorrectly may be subject to discipline.

10. An officer shall turn the AM/FM radio off prior to recording an incident and it will remain off for the duration of the recorded event. If the AM/FM radio was not turned off prior to the start of the recording, it will be turned off as soon as conditions reasonably permit.

11. Officers who are issued an ICV vehicle shall utilize ICV equipment during any pursuit involvement. Pursuits should be recorded in their entirety even in the event of termination. In the event a pursuit is terminated, either by a supervisor or by the officer, the officer will record until met by a supervisor in conjunction with policy objectives set forth in Chapter 13: Section 6 at the location of termination.

12. Officers issued an ICV vehicle shall record all responses that require the use of emergency equipment *(e.g. call for assistance, hold-ups, etc.)*.

13. Officers transporting prisoners, mental health consumers, and 'Signal-5' passengers shall record until custody has been transferred or the 'Signal 5' is complete and contact has ended.

14. ICV vehicles must remain locked any time an officer is not occupying the vehicle. The MDT must remain secured from unauthorized access at all times.

15. The MDT shall remain locked in the mount at all times. Only authorized personnel may remove the unit.

C. End of Shift Procedures

1. At the end of each shift, an officer assigned to an ICV equipped vehicle shall park in a precinct designated ICV parking area. This designated area is preferable to wireless access in order to extract data from the ICV system.

2. An officer shall only log off of the ICV system. Officers shall not turn the MDT off or close the device.

3. Officers will ensure that the microphone is secured in the charging base.

4. Officers shall lock the ICV equipped vehicle after their tour of duty is completed.

V. PROHIBITED VIDEO RECORDINGS AND RESTRICTIONS (41.3.8B)

A. Conversations between department employees will not be recorded without all parties to the

conversation being aware of the fact that it is being recorded except those instances involving criminal investigations of department personnel.

B. Conversations that are not required to be captured as evidence for the furtherance of completing a police report and/or subsequent police investigation will not be recorded.

C. The BWC/ICV will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless the activation is for the purpose of official law enforcement activity such as a call for service. When possible, every precaution shall be taken to respect the dignity of the victim by avoiding recording videos of persons who are nude or when sensitive areas are exposed. If this is unavoidable, the video may later be redacted.

D. The BWC/ICV will not be used to knowingly record confidential informants or undercover officers.

E. Officers shall not remove, dismantle, or tamper with any hardware or software component or part associated with the BWC/ICV.

F. Officers shall not destroy, erase, disseminate, edit, alter, tamper, or otherwise use BWC/ICV recordings without the written permission of the Director of Police Services.

G. Recordings may not be copied, recorded or shared except for official law enforcement purposes.

H. Recordings shall not be downloaded or converted for personal use or posted to any social media sites.

I. BWC/ICVs shall not be used while working secondary employment. Recordings will not be made of non-work related personal activities.

J. Officers shall not display BWC/ICV videos for members of the public unless approved by a supervisor.

K. Officers shall not use any other electronic device or other means in order to intentionally interfere with the functions of the BWC/ICV.

L. Officers shall not use BWC/ICV equipment in instances where there would be an immediate need for the officer's personal privacy. In the event that this circumstance arises, the break in recordings should be noted verbally and the recording restarted upon return to duty.

M. Activation of the BWC is not required during periods of unassigned time, breaks or lunch periods.

N. Recording devices will not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.

O. Officers shall not record a particular person based solely on the person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, homelessness status, physical disability status or political affiliation.

P. Officers are encouraged to inform their supervisor or any recordings that may be of value for

training purposes.

VI. SUPERVISOR RESPONSIBILITIES

All supervisory level personnel shall take prudent steps to ensure that the sworn members under their command understand that improper use of the BWC/ICV systems will not be tolerated and evidence of such practices will not be condoned or ignored.

Supervisory personnel shall ensure that officers who are equipped with BWC devices utilize them in accordance with policy and procedures defined herein. Supervisory personnel shall ensure that officers log into the MDT and conduct the required test video at the beginning of the shift. This will be done through the *Veretos* site once officers have been placed in service. Supervisors will also ensure that videos have been given a classification and assigned a CAD number.

When an incident arises that requires the immediate retrieval of BWC recordings for chain of custody purposes (including, but not limited to: serious crime scenes, officer involved shootings or other situations as determined by policy/supervision), a supervisor will respond to the scene and ensure the BWC remains affixed to the officer in the manner it was found and that the BWC recording remains uncompromised. The supervisor is responsible for the care and custody of the BWC until it has been removed and secured by the lead investigator or ISB.

BWC/ICV videos will not be randomly reviewed to assess an officer's performance, but may be viewed as follows:

1. The supervisor is investigating a specific act of officer misconduct.
2. The officer has been placed on a performance improvement plan within the Performance Enhancement Program in order to address identified behavioral or performance deficiencies.
3. The supervisor is directed by the rank of Colonel or above via written directive. The aforementioned is not meant to limit or restrict the Department's review as part of an official investigation.
4. On a monthly basis or at the request of the Director of Police Services or his designee, supervisors may randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. This review should be documented.

VII. GENERAL PROCEDURES FOR HANDLING RECORDINGS

A. Copies may only be made for court, approved training, or other approved purposes authorized by the Director of Police Services or his designee.

B. Recordings may be reviewed in any of the following situations:

1. By an officer viewing their own recordings,
2. By a supervisor investigating a specific act of officer conduct,
3. By an Internal Affairs investigator who is conducting an official investigation,
4. By an investigator conducting a criminal investigation,

5. By attorneys or media personnel through a specific approved open records request,
6. In a courtroom during an official judicial proceeding,
7. For approved training purposes. If the officer involved in the recording objects to the showing of the recording, the objection will be reviewed by the Director or his designee to determine if the training value outweighs the officer's reason for not showing the recording.
8. Employees desiring to watch a recording made by another officer shall submit a request in writing to their Deputy Chief.

VIII. CRITICAL INCIDENTS

In circumstances where an officer may be involved in or witness to an event that requires the collection of digital evidence in the field as part of an investigation:

a. Officers shall not stop recording until directed to by the officer's supervisor.
b. Supervisors, after consulting with the bureau charged with investigating and/or supporting the investigation, may be directed to secure the officer's BWC/ICV equipment. When instructed to do so, the supervisor will verbally state the date, time, and the bureau supervisor issuing the order prior to assuming control of the device. This equipment will be held for the investigating bureau supervisor.

NOTE: In the event an officer is rendered incapacitated and the scene conditions permit, the first responding officer shall secure the officer's MVS equipment and handover the equipment to the first available scene supervisor. If an officer is injured and ambulatory, the scene supervisor shall remove the MVS equipment and secure the device(s) from the injured officer being transported when practical. For the purpose of this note, MVS equipment pertains to ICV Microphone and BWC along with the attached controller.

IX. Retention Requirements

As a general rule, recordings classified as non-evidentiary will be retained for ninety days before deletion. Recordings classified as evidentiary will be retained for one year after any final legal disposition. Further, evidentiary data shall be retained for the period specified by any applicable state or local statute. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable retention period. (41.3.8G)

X. Violations

Members of the Memphis Police Department who violate the policies and procedures set forth in this chapter shall be subject to corrective disciplinary action pursuant to applicable Department Rules.

LPR (License Plate Reader) Vehicles

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I. Overview

The License Plate Reader (LPR) system consists of a license plate reader camera, display camera,

Forward Looking Infrared (if installed), DVR, monitor, keyboard and miscellaneous electronic equipment to complete the system.

The use of the LPR equipment is intended to provide access to stolen and wanted files, and for the furtherance of investigations. Use is restricted to these purposes only. No officer may use or authorize the use of the equipment or database records for any other reason. The LPR is designed to read vehicle license plates and run the results through multiple databases in order to provide both officer safety and reasonable suspicion in order to make a vehicle stop. The system is designed to alert the officer to any hits identified within the database systems.

II. Training

To operate a vehicle equipped with a LPR system, officers must successfully complete a certification course hosted by the Real Time Crime Center or MPD Training Academy. Officers are not allowed to operate LPR cars based on training received through other departments. Only commissioned officers may operate the LPR system and use the data that it collects.

III. Operation

A. LPR cars should only be assigned to officers who have been trained by the RTCC to operate the LPR system.
B. The LPR system and information that it gathers is to only be used for official law enforcement purposes. All LPR Systems will be password protected. Access will only be authorized to officers who have received the proper training.
C. At the beginning of each shift, officers assigned to LPR cars must complete an operational check to ensure that the system is operational. Once the operational check has been completed, the officer shall make the appropriate notations on the back of the log sheet. If the system is not operating, the officer will notify the shift's equipment officer, who will schedule a repair time for the car. The car can remain in service until repairs are made.
D. If an officer locates any damage to a LPR system, the officer shall immediately notify a supervisor and complete a memo describing the damage. The damage should be photographed and the photos included with the memo.
E. When an officer receives a hit on a license plate, prior to taking any action, the officer shall confirm that the license plate number that was read matches the image of the license plate. Hits on warrants, stolen vehicles, suspended driver licenses, and expired license plates should be verified through Station B prior to taking any enforcement action (arrest or issuance of citation).

IV. Prohibitions

A. Operators are prohibited from attempting to load any unauthorized software onto the system. This includes, but is not limited to, games, music, and video files.
B. Officers are prohibited from attempting to modify or delete any part of the LPR system.
C. The LPR equipment shall not be used as a drink holder or eating tray.

D. LPR cars shall not be assigned to officers who have not been trained by the RTCC in their operation.
E. Officers shall not take any enforcement action without verifying the accuracy of the information provided by the LPR system

V. Data

A. All data and images gathered by the LPR system are for the official use of the department. LPR data may contain confidential information, it is not open to public review.
B. LPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.
C. LPR data not of evidentiary value is to be retained for a period of no more than 90 days. LPR records will be stored on servers at the RTCC in accordance with Tennessee State Law.
D. If it has been determined that specific LPR data will be needed as evidence for a case, officers will notify Real Time Crime Center supervisors in order that the evidence may be preserved to C/D or DVD and tagged in the Property and Evidence room.

The City, particularly during summer months, is flooded with individuals selling merchandise on the public streets, particularly around places where large groups are gathered, such as the Elvis Presley mansion. These persons are all required to have the following City and State permits, and there are restrictions imposed as to the locations from which these persons can sell.

1. Definition:

Peddlers - hucksters - vendors: This definition refers to all persons who engage in the giving away, the selling or offering for sale, goods, wares, or merchandise or who solicit patronage for any person, business, or service by word of mouth, or gesture, or by distributing handbills or other printed matter, or by use of electrical, mechanical, or sound-making device to entice or persuade anyone to buy, sell, or accept goods, wares, or merchandise upon the public streets, highways, or rights of way, within the City limits and where said person engages in the above-mentioned activities from a temporary or transient location.

2. Required Licenses:

A. State of Tennessee Business License

This license must be obtained from the County Licensing and Privilege Office, which is located in the Shelby County Court Clerk's Office, 150 Washington. The vendor should be advised to obtain this permit. If an officer receives repeated complaints regarding an individual who does not have this license, then a memo should be submitted to the County Licensing and Privilege Office. No arrests are to be made for this violation. Enforcement will be done by County officials in General Sessions Court.

B. Health Permit

This is required whenever the vendor sells any type food products. It can be obtained from the Shelby County Health Department. The primary responsibility for enforcing health laws regarding the sale of food rests with the Memphis & Shelby County Health Department. If a peddler is found to be in violation of the Health permit law, the officer should notify the Health Department by written memo. This memo should include the peddler's name, location of occurrence, vehicle license number, etc. The peddler should then be told to cease operation. If the peddler refuses to cease operations, he should be arrested and charged with Failure to Have a Health Permit, City Code Section 16-256. If the peddler agrees to cease operation, he should be allowed to leave and told to go to the Health Department to get the necessary license. If the peddler is later observed to be again operating without a license, he should be arrested and charged. Any time an individual is arrested by an officer for violation of the health permit law, the arresting officer is responsible for notifying the Health Department in writing so that a Health Department official can be sent to court to testify that no license existed. All such reports should be made to the Health Department at 528-3957.

3. Business Operations:

Once an individual has obtained the appropriate licenses, he may do business. However, he must exhibit these licenses upon demand by a law enforcement officer. If the individual peddler is only an employee of a business, he will not have a separate license. However, he must carry a formal letter from the company or company identification card containing his name, age, address, etc., and including the official name of the business with all up-to-date permit numbers, so that the officer can check with the Licenses and Privileges Office to verify the existence of the City license. Once the licenses have been obtained, the individual may conduct his business on public property with the following restrictions:

A. No individual or group (including religious groups) can operate in any manner that interferes with or obstructs traffic, (vehicular traffic in the streets or pedestrian traffic on sidewalks) as this violates City Code.

B. No individual or group can solicit from the median strip of a public street if, in the officer's opinion, it interferes with or obstructs traffic, or constitutes a danger to the vendor or others. A violation occurs if the vendor steps into the roadway. If the transaction occurs after the vehicle is legally parked or stopped on private property such as a parking lot, no violation has occurred.

C. No individual or group may erect any stand or booth on a public street, sidewalk, or other public place except for any public place which has been designated as an open air market or farmer's market.

D. No individual or group may conduct their business within 200 feet of the following locations:

(1) Mid-America Mall (except with the approval of the Center City Commission)

(2) Downtown Loop bounded by the Mississippi River on the west, Third Street on the east, Calhoun on the south, and Mill Avenue on the north.

(3) Places of historical or public attraction to include the Pink Palace Museum, Overton Park Zoo, the Elvis Presley Estate, the Brooks Art Gallery, the Mud Island Entertainment Complex, the Pyramid Complex, the Pinch District (as defined by the Landmark Commission), the Beale Street Historic District (except where the Beale Street Management Association does so designate), and all other areas that may hereafter be designated by the City Council by means of resolution.

(4) The Mid-South Fairgrounds, except those activities regulated and under the

control of the Memphis Park Commission and activities or events managed by the Mid-South Coliseum.

This 200 feet requirement means that the person cannot conduct his business within 200 feet of the farthest boundary of the above locations.

E. No individual or group may use any parked vehicle on the public streets, highways, or rights-of-way as a business stand to sell his merchandise to other occupants of moving or standing vehicles.

F. No individual or group may sell his merchandise from any private property without the permission of the owner of said private property.

G. Street vendors and solicitors are allowed to solicit from the street corner while standing on the sidewalk.

H. If a violation is observed by the officer, a warning should be given the vendor. If the violation continues, then a City Ordinance Summons should be issued or a physical arrest made, when appropriate.

4. Yard Sales:

The Police Department will no longer enforce the city ordinance relating to yard sales.

Complaints regarding yard sales should be referred to the, Memphis and Shelby County Office of Construction and Code Enforcement, 6465 Mullins Station Road, 385-5197, since the Building Department is responsible for enforcing violations of the ordinance.

5. Exceptions:

No permits are required for persons who are passing out religious pamphlets or other literature which is entitled to constitutional protection of freedom of speech, religion or press, or to persons who are soliciting funds for a religious institution.

State Law **requires** persons engaged in the business of selling orders for magazines **or** making contracts for the future delivery of magazines to register with the Sheriff of the county before engaging in business. In addition, they are **also required** to furnish the Sheriff with an adequate description of vehicles used in the business. Contracts sold in violation of these sections are void and unenforceable.

Where complaints are received regarding the selling of subscription orders, Officers investigating the complaint should determine if the salesman has registered in compliance with the above section.

The Shelby County Sheriff's Department, Records and Identification Bureau, (bp) 576-5695, can verify the registration of such persons. The Sheriff's Department issues a permit to persons selling magazine orders, but State Law does not require them to carry it on their person.

If he has not registered with the Sheriff as required, he may be charged with a state misdemeanor.

When an officer receives a complaint concerning a door to door vendor, the officer is to:

A. Ascertain whether that person has a Business License allowing them to solicit sales door to door. A photo copy of the Business License will suffice.

B. If the vendor does not have the required license or photocopy of same, an attempt should be made to contact the vendor's employer to determine whether the appropriate license is in effect. **(See D. and E.)**

C. If the appropriate license is in effect, the officer should take no further action as to the license, however, appropriate action may be taken in the event some other offense, such as Disorderly Conduct, etc. is observed by the officer.

D. The Shelby County Clerk's Office, (bp) 576-4252 or 576-4249, open Monday-Friday from 0800-1600 hours; and the Shelby County Sheriff's Department's Records and Identification Bureau, (bp) 576-5695, are responsible for the registration and licensing of vendors operating in the Memphis/Shelby County area.

E. After hours, the Shelby County Sheriff's Department Communication Bureau, (bp) 576-5555, keeps information on vendors operating with licenses in Memphis/Shelby County Tennessee.

F. If it cannot be ascertained that the required license is in effect, an arrest should be made. If the vendor cannot produce adequate identification, a physical arrest may be made, otherwise, an Ordinance Summons should be issued. A memo to the County Clerk's Office should also be submitted.

The Shelby County Sheriff's Department issues handgun permitsto eligible citizens of Memphis/Shelby County Tennessee. These are valid only in the County of issuance.

The citizen will receive a **"Handgun Permit Identification Card"** authorizing that person to carry a handgun. This pocket identification card must be carried by the person if they are in possession of the handgun.

Officers will charge armed persons who do not have a "Handgun Permit Identification Card" with "Unlawful Possessionof a Weapon - T.C.A. 39-17-1307". Such permits do not provide the holder with the authority to possess a handgun or other weapon on school property unless the holder is employed by an institution of higher education as a private police officer during the discharge of his/her duties. Otherwise, the person is in violation of TCA 39-17-1309, Carrying Weapons on School Property.

Action Please complaints will be forwarded to the Deputy Chief of Uniform Patrol. He/ She will then distribute the complaint to the appropriate unit involved. After the involved unit answers the complaint, it will be sent back to the Deputy Chief of Uniform Patrol for appropriate action.

The Tuberculosis Control Act provides a means whereby a Health Department official may secure an arrest warrant for an individual who is suspected of being infected with tuberculosis. Warrants are served when a person fails to come to the Health Department for examination as required by the act.

The duty of the Memphis Police Department is to aid the Health Department in the service of these warrants by being present when the Health Department official serves the citizen with the warrant and to transport the suspect and the official to the Health Department.

Our duty ceases when we have transported the parties to the Health Department. If the patient is cooperative and appears willing to remain at the Health Department for examination, our officers should return to their work location. If the patient appears unwilling to remain voluntarily for the examination, then we should remain until the examination is completed and then return to the work location. Under no circumstances are we required to return the patient to their home.

Health Department officials have given assurance that there is no health danger to the officer in transporting these individuals.

Travel/Finance

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I. TRAVEL

A. Purpose

For the purposes of this policy, "Travel" includes any travel for city business outside of Shelby County, REGARDLESS of the duration (to include a same-day trip). Authorization of travel by the Director of Police Services is required a minimum of three weeks before the travel, seminar, training or conference occurs. The Division's policy is to be used in addition to the City of Memphis Travel Policy (Exhibit A) and is not intended to replace or substitute City policy. A City of Memphis Travel Authorization Form is required as documentation of the authority to travel. A Travel Expense Report must be completed to close out the travel, regardless of whether expenses were incurred.

B. Travel Authorization Form

The "Travel Authorization Form" can be located on the web in http://mpdsupport/ under the section labeled Departmental Forms. The Travel Authorization Form (TAF) should be completed entirely by any employee traveling on City business. The following information should be included on or with the Travel Authorization Form.

- D.O.B., Mobile Number, and full Legal Name *(As It Appears on DL)* for flights.
- Copy of work ID for first time check request/travel advance.
- The Travel Service Center is (140101), Fund Center (111). These numbers should be used, unless the division regularly travels under special Service Center Numbers. The use of other Service/Fund Center Numbers MUST be provided on TAF and explained in an attached Memo. Examples include: Training Academy, Communications, OCU, D.A.RE./G.R.E.A.T.
- Support documents including: Hotel Confirmations *(Including Taxes and Total),* preferred flight information *(DO NOT BOOK),* Conference/Course information or schedule MUST accompany the TAF. This documentation should outline registration fees with information on any meal provided by the conference, transportation (airline, taxi, or gas) and lodging.
- Travel with an expected cost of over $1500 or more than 3 days in length requires a brief letter of justification, and must be submitted to the Chief Administrative Officer of the City of Memphis for approval.

The travel must be submitted to the appropriate Deputy Chief/Deputy Director for approval, then forwarded to the office of the Deputy Chief of Administrative Services or the Grants Office (for grant funded travel only) **at least four (4) weeks prior to the travel date (five to six (5-6) weeks prior if flights are necessary).** If circumstances prevent an employee from adhering to these time constraints, a memo **MUST** accompany the Travel forms providing an explanation for the short notice. Changes will be communicated to the Commanding Officers over the traveling employee by the office of the Deputy Chief of Administrative Services. Commanding Officers whose units report directly to the Director of Police Services will forward all travel documents to the Deputy Chief of Administrative Services

office for review prior to submission to the Director. If travel is grant funded, the Travel Authorization Form must be reviewed and approved by the Grants office, which will forward the travel to the Director for approval after its review. The Travel Authorization will then be forwarded to City Hall for approval and processing (CAO approval if necessary) within three (3) weeks of the travel date.

Employees may request an advance travel check (not to exceed $1,500 dollars) on the Travel Authorization Form to cover the estimated trip costs. Travel Advances will not be issued for less than $100 dollars. Advances will not be issued to the employee to cover hotel expenses in excess of $300 dollars. The check will be made payable directly to the hotel and forwarded by Police Finance to City AP. The traveling employee must reserve the hotel on a personal credit card and submit hotel confirmation of the booked room with the Travel Authorization Form when submitting for approval.

C. Travel Expense Report

The employee is responsible for submitting the "Travel Expense Report" to MPD Finance **within 10 days after returning from the trip**. Grant funded travel should be submitted to the Grants Office to check for errors prior to submission to Finance. Itemized receipts for the hotel and all meals must be included with the expense report (items purchased must be visible). Only those expenses outlined and approved on the Travel Authorization Form will be eligible for reimbursement. Only the per diem allowed per meal per day will be reimbursed. The employee's signature on the Travel Authorization Form gives the City of Memphis authorization to withhold from the employee's payroll the amount equal to the travel advance and any pre-paid expenses if the Travel Expense Report is not submitted to the Director of Police Services within the 10 days of return. A Travel Expense Report must be submitted for all travel approved. If travel was cancelled, the employee must still submit the expense report indicating that the travel was cancelled as this report is reconcile to the Travel Authorization Form at closeout of the travel.

The Travel Expense Report is to include details of requested reimbursable expenses occurred. Reimbursement will be given only for those expenses shown with the original, itemized receipts showing each individual expense. Receipts musts be taped (NOT STAPLED) to letter size (8 1/2 x 11) paper with transparent tape and attached to the Travel Expense Report. Unused advances or funds owed to the City should be submitted with the Travel Expense Report in the form of personal check, money order, or cashier's check made out to the City of Memphis.

D. Transportation

A City vehicle MUST be used for City related travel when available. Vehicles used for out-of-state travel must be insured. The employee should complete and fax the "Vehicle Insurance – Out of State" form located under "Bureau Forms" on http://mpdsupport to Risk Management at 901-636-6454 before taking the vehicle out of state. City vehicles MUST be filled with City Fuel prior to departure. Fuel allowance is based on distance *travelled (Average 300 Miles Per Tank)* minus 1 full tank prior to departure.

An employee MAY use his/her personal vehicle upon their Chief's approval. If this option is selected, **the employee will only be reimbursed for fuel upon the submission of receipts *(NOT MILEAGE)*** as the employee is afforded the use of a Department vehicle for travel.

Car rentals are permitted only when the amount of business travel required is such that the car rental expenses would be less than the costs of taxis and other available forms of transportation.

E. Overnight Meals and Lodging

Meal Per Diem is calculated based on travel destination. Maximum lodging and meal reimbursements for all travel can be found in the City of Memphis Finance Division's Travel Policy, which is located on the city intranet and on the http://mpdsupport "Departmental Forms" webpage. If meals are provided, there is no Per Diem allowance for that particular meal. Exceptions may be made for those with special dietary needs. This must be specified in writing and submitted with the Travel Authorization Form. **Employees must read and be familiar with this policy and address any exceptions PRIOR TO SUBMITTING THE TRAVEL AUTHORIZATION FORM.** The employee will be asked to sign and initial the Travel Authorization Form to confirm that the policy has been read.

II. PETTY CASH

A. Purpose

The Police Petty cash fund is established under the approval and authority of the City of Memphis Comptrollers Office. The purpose of the Petty Cash fund is for reimbursed payment to department employees for **small** out-of-pocket expenses, and other necessary incidental departmental operating expenses (outlined below) where it is not practical to process a check request. This Police Services policy is meant to support and enhance the City Petty Cash policy and is not to be used as a replacement or substitute of the City's policy.

Petty cash will not be utilized as a substitute for the normal City of Memphis purchasing policies. Expenses which do not fall under those outlined as acceptable in this policy must be acquired through invoicing or check requests (Police Finance Office). Before any funds will be reimbursed, the completed Petty Cash form must be approved (signed) by the Workstation Lt. Colonel, Colonel, a Deputy Chief, the Deputy Director or the Director of Police Services. It is the responsibility of the Colonels and Deputy Chiefs to advise those under their responsibility the petty cash restrictions and regulations prior to approving the individual to purchase any item.

Procedures for petty cash reimbursement:

1. The "Police Petty Cash" form can be located on the web at http://mpdsupport/ under Departmental Forms.
2. Receipts musts be taped (NOT STAPLED) to letter size (81/2 x 11) paper with transparent tape and attached to the "Police Petty Cash" form

3. A description of the business/purpose/use of the purchase must be indicated on the Petty Cash form. When cash is received in advance, quotes and memo supporting the function covered must be attached to the management approved form. The employee will sign the form at the point when cash is issued.
4. The original receipt must include the date of purchase, vendor name, a description of the item or service purchased, total amount paid including sales tax. If the vendor name is not printed on the receipt, then the vendor must provide their name, phone number and signature on the receipt. **No copies, altered receipts, adding machine tapes, or canceled checks will be accepted as a valid receipt**. No splitting of purchases to circumvent dollar limitations, i.e., having the vendor ring the items on two receipts.
5. Petty cash reimbursements are to be submitted to the Police Finance Office within 10 business days of the purchase or event where petty cash was required.
6. Upon dispersal of the funds, the employee requesting the funds is required to sign for receipt of the funds.

While the Police Finance Office works regular business hours, duties frequently call for employees to be out of the office. Therefore, prior arrangement should be made with the Police Finance Administrator to ensure he/she will be in the office to assist with the petty cash reimbursement. The Finance Administrator is the only person who holds the combination to the safe and is the custodian of the petty cash fund.

B. Approved petty cash reimbursements for small out-of-pocket expenses and other small necessary operating expenses include:

- Emergency office supplies - There are limited instances where emergency purchases of office supplies will arise. Responsible planning should eliminate the need for any emergency purchases of office supplies. Office Supplies should always be ordered through Central Supply with the appropriate approvals. Most orders will arrive within two (2) business days. Employees should contact Central Supply to inquire on availability of supplies. Small batteries and package delivery services are examples of items/services that can be obtained through Central Supply and are outside of the traditional “Office Supplies”.
- Equipment Replacement- replacement costs as outlined in the MOU between the City of Memphis and the Memphis Police Association (Watches, Eyeglasses, etc.).
- The purchase of any food and drink utilizing petty is strictly limited to the following:
    - Recruit/Citizen/Clergy/CIT Police Academy Graduations.
    - Award/Retirement/Promotional Ceremonies.

The funds reimbursed for these events will not exceed $500 dollars. Functions requiring funds over 500 dollars must be handled using the appropriate city purchasing procedures.

- Emergency equipment repairs (non-computer or vehicle related).

C. Examples of expenses **NOT** qualified for Petty Cash disbursement:

- Fuel receipts from travel. Travel Authorization is required on all travel outside the surrounding counties of Memphis.
- Fees related to registration/attendance of training, conferences, or seminars.
- Uniforms or equipment other than those items agreed upon MOU between the City of Memphis and the Memphis Police Association (Watches, Eyeglasses, etc.), and will only be paid when accompanied with the appropriately approved "Equipment Replacement" Form.
- The purchase of any type of food or drink, other than listed in specific instances listed above.
- Dues to professional organizations, memberships or subscriptions.
- Purchases of hospitality items (e.g. flowers, name tags, decorations, etc.).
- Purchases for office décor (pictures, plants, furniture, etc.).
- Gifts, prizes or awards.

Deviation from these Petty Cash Guidelines will not be permitted without approval from the Director of Police Services PRIOR to the purchases being made. If there is any doubt as to the proper use of Petty Cash funds in making purchases please contact the Police Finance Administration at (901) 636-3798 for verification.

III. CHECK REQUESTS

A. Purpose

To make time payments on invoices received in Police Services; to process Police related travel authorizations and expense reports within a timely manner; and to issue petty cash to MPD employee in accordance with City AP petty cash policy.

B. Check Requests

1. Invoices should be mailed from the vendor to the unit requesting the products or services. Invoices sent directly to MPD Finance must be forwarded to the unit for full approval routing of the invoice.
2. For all check requests, invoices must be first approved by the Unit's Manager to indicate the following:
   a) Services or products were received in the order and amount requested.

b) Budget is available to pay for the products or service.

3. Approved invoices are forwarded from the unit's managers to Chief who oversees the unit submitting the invoices for payment. The Chief must also approve the invoice to signify he or she is aware of the purchase being made by the unit overseen.
4. Invoices approved by the unit and Deputy Chief should be sent to Police Finance, 201 Poplar Avenue, Room 12-28, Memphis, TN 38103.
5. Check requests received in Finance are date stamped and processed within 48-72 hours of receipts if received with two signatures as required.

Alarm Calls

When an officer arrives on the scene of an alarm, assesses the property, and sees no signs of attempted forced entry, damage, or an intruder, the officer should provide the disposition of "FALSE" to the dispatcher and notate this on the log sheet.

If the officer determines the alarm was due to a natural disaster, extreme weather and/or vast power outages (caused by weather), the officer should provide the disposition of "WEATHER" to the dispatcher and notate this on the log sheet.

If the officer determines the call was valid, the officer should provide the disposition of "GOOD" to the dispatcher and notate this on the log sheet.

Anytime that a disposition of FALSE is received by the police dispatcher, a record of this call will be forwarded to the Metro Alarm Office by MPD Communications.

All **FALSE** calls will result in a notice or fine from the Metro Alarm office, according to the following chart:

Number of False Alarm Dispatches for Police	Action Taken by Metro Alarm Office	Fine
1-2	Written Notice	No fine
3-4	Written notice and cost of service fee	$50.00
5	Written notice, cost of service fee, and false alarm prevention class	$50.00
6	Written notice, cost of service fee, ordinance summons, mandatory civil penalty, revocation of permit, and future alarms may be considered false in nature and may require additional confirmation prior to response.	$50.00

This ordinance also regulates businesses, which are engaged in the sale, installation and maintenance of alarms; and each such business is required to be registered with the Metro Alarm Office. Any problems or complaints which arise from the alarm users, relative to false alarms, fines, or fees should be referred to the Metro Alarm Office.

Any questions should be directed to the Metro Alarm Office, tel. no. 576-6380 or metroalarms@memphistn.gov.

Animals

Handling of Loose Animals 2
Aid to Animal Services Officers 2
Handling Animal Bite Calls 3
Animal Cruelty 4

Animal Services is one part of the overall concept of public safety in a community. The

Memphis Police Department will act as a support and lead department when handling animal situations throughout the community. The MPD patrol officer will often be the first on the scene in situations involving animals.

Officers should notify Animal Services if:

* a bite has occurred
* animals are at large
* animals are in need of transport

Officers may to be involved in one way or another if a situation involves animals.

I. HANDLING OF LOOSE ANIMALS

The Memphis Police Department will be called to deal with animals running loose which may or may not pose an immediate threat to public safety.

Officers should locate the animal and:

* Keep the public out of harms way
* Keep themselves out of harms way
* Contain the situation, rather than the animal

Officers will contact Memphis Animal Services through the dispatcher to handle loose animals.

II. ASSISTANCE TO ANIMAL SERVICES OFFICERS

By statute, Memphis Animal Services officers have limited authority that allows them to issue city ordinance citations only to persons whom they witness violating animal laws. Memphis Police officers may often be called upon to assist Animal Services officers.

Some situations where MAS requires police assistance are:

* To maintain the peace
* To maintain safety for the officer
* If the situation, particularly animal cruelty, exceeds the authority of the Animal Services Officer

Example:

Persons to whom a citation is to be issued refuse to identify themselves to the Animal Services officer or refuse to sign the citation as required by law, the Animal Services officer will contact his dispatcher and request the aid of the Memphis Police Department.

The ward car that responds to the call shall accompany the Animal Services officer to the location where the offender resides or is to be found. The Animal Services officer, who has witnessed the misdemeanor City Ordinance offense, will then place the violator under citizen's arrest. The police officer will then have the responsibility of transporting the violator to jail.

Whenever an Animal Services dispatcher calls and requests the assistance of the Memphis Police Department in enforcing laws of the City of Memphis, or whenever an Animal Services officer needs help, the officers of the Memphis Police Department will respond promptly.

III. HANDLING ANIMAL BITE CALLS

[6]
When a police officer is on a call regarding a person that has been bitten by an animal that is to be held for observation or quarantined*, the following information should be furnished to police dispatch upon our call for assistance:

A. Name and address of bitten party. In the event the bitten party leaves the scene for medical attention, Animal Services needs to know where the victim will receive treatment. It is necessary for the Animal Services officer to make contact with the bitten party before picking up the animal.

B. Description and location of the animal. Information should also be furnished as to whether the animal is contained or loose.

C. Obtain rabies vaccination license. Attempt to obtain the hard copy of the rabies vaccination license from the owner and put the information in the narrative of the Offense Report.

D. The name and address of the owner of the animal. This information should be furnished if available.

Police dispatch will then contact Animal Services and relay this information to the Animal Shelter Services dispatcher.

Uniform officers responding to the call should take an "Animal Injury" Offense Report regarding the incident, with a copy forwarded to the Memphis Animal Services.

In most instances, it is not necessary for police officers to remain at the scene for the arrival of the Animal Services officers. In the event a dangerous situation exists, police officers should stand by and take proper action should the animal pose a direct threat to the safety of the officers or other persons.

All dogs, cats and ferrets that bite*, regardless of the situation, are required to be quarantined for ten (10) days. For quarantine purposes the severity of the injury is not considered. Animals are usually quarantined at either the animal shelter or a private veterinarian, depending on the situation. If animals are current on vaccinations and bit a family member living in the home, the animal may be quarantined at home.

* A bite is considered any instance, bite, scratch or otherwise, where the potential for saliva to enter the blood stream exists.

Animal Services personnel can be contacted by phone at **901-636-1416 or MAS Dispatch office 901-636-1409 (not for public use -** police hotline number on a 24-hour basis). **Animal Service Officer's Stand – by phone for off hours for MPD dispatch is 901-237-4076.** Normal working hours for the Shelter are: Sun/Mon – closed, Tues/Thurs - 1100 hours to 1900 hours,

and Wed/Fri/Sat – 1100 hours to 1700 hours**. Field Operations hours are 24 hours with stand-by from Saturday at 3:00 p.m. to Monday at 7:00 a.m.**

IV. ANIMAL CRUELTY

The Memphis Police Department is the lead agency in reporting and investigating animal abuse and neglect within the city of Memphis. Memphis Animal Services will respond and assist, but will act as a support agency to MPD, capturing and holding all animals for impoundment, care or evidentiary reasons. Officers should use MAS for their expertise on all scenes requiring enforcement actions, however, MAS Officers DO NOT have arrest authority.

Officers arriving on the scene of an animal complaint should make every effort to locate the animal in question, as well as the owner, if possible. Officers should investigate and look for recognition factors that may indicate abuse or neglect. Officers should notify a supervisor and initiate some sort of action when one or more of the following conditions (recognition factors) exist:

(1) Injury – any injury that appears to need veterinary care, intentional or accidental.
- Accidental or purposeful, an animal must be referred for veterinary care
- Accidental may go to a private vet.
- Was it neglect (failing to take care)?
- Purposeful actions fall under abuse (intent to harm) and should be investigated for possible criminal violations; animal goes to Memphis Animal Services (MAS)

(2) Abuse – intentionally harming an animal. Examples are fighting, not feeding, or intentional injuries
- Criminal acts against the animals
- Intent must be established.
- TCA 39-14-202, 39-14-205, and 39-14-212
- City Ordinance Section 8-8-1: General Care and Maintenance Requirements for Animals and fowl

(3) Fighting – look for signs
- Scars, fresh cuts, scabbing on and around face, neck and forepaws
- Bite/ break sticks, treadmills, tow ropes, fighting areas, medicines, neighbor complaints
- TCA 39-14-203, 39-14-212
- May be able to go Federal if:

    i. 21-USC 2156- Buying, selling, delivering, possessing, training, or transporting animals for participation in animal fighting venture
    ii. It shall be unlawful for any person to knowingly <u>sell, buy, possess, train, transport, deliver, or receive</u> any animal for purposes of having the animal participate in an animal fighting venture. (emphasis added)

iii. 18-USC 1955-Conducting an Illegal Gambling Business
iv. The defendant conducted, financed, managed, supervised, directed or owned all or part of a gambling business; and
v. That such gambling business:
vi. Violated the laws of the state(s) in which it was conducted; and
vii. Involved five or more persons who conducted, financed, managed, supervised, directed or owned all or part of said illegal gambling business; and
viii. Has been or remained in substantially continuous operation for more than 30 days or had in excess of $2000 in income in a single day (emphasis added).

**FOR ANY CASE THAT EXHIBIT THESE ELEMENTS, THE STATION GENERAL INVESTIGATIVE BUREAU (GIB) OR FELONY RESPONSE WILL NOTIFY THE PROPER AUTHORITIES, NOT UNIFORM PATROL

(4) Malnutrition
- Refer to the Purina Body Conditioning Score sheets,
  i. Dogs in conditions 1-3 (see Attachment 2) require action
  ii. Cats in conditions 1-4 (see Attachment 3) require action
- City Code and TCA require adequate food and water
- Water bowls and food must be sanitary, cannot be green and full of insects
- Depending on the severity, may be TCA 39-14-202 or 39-14-212

(5) Shelter
- City Code and TCA 39-14-202 require adequate shelter
- Failing to provide a dog with adequate shelter is unlawful
- The weather plays big role in substantiating your case

(6) Tethering – attaching an animal to the end of a rope or chain
- City Code requires 6 feet
  i. Tethers can get caught up in fences, poles, etc
- Collars that are not maintained will grow into the animals neck
- Excessive chain size is not allowed
- **City Code requires that pets are sterilized if tethered**

(7) Hoarding – Excessive animals on the scene
- Good intentions, but the person may be mentally ill (consider CIT)
- Can be a public health issue
- Always call MAS

(8) Biting – any break in the skin caused by an animal's teeth

- All biting incidents (scratching included) must be reported.
- The animal must be quarantined for ten (10) days
- Includes all animals

Because all conditions and situations cannot be covered in writing, officers should air on the side of caution and always report incidents, *even if it is questionable.*

Wild animals generally ARE NOT handled by MAS, however, if a bite has occurred, they should be contacted. Officers coming into contact with wildlife should act within policy and advise property owners to call a private removal service if needed.

Supervisors are required to report the incident (misdemeanor or felony) to a GIB/ Felony Response for possible scene response. GIB/Felony Response will either advise scene officers of the appropriate response/action, or will respond to the scene and conduct further investigations.

Crime Scene should always be contacted for photographic evidence and any items that need tagged into evidence. Officers are responsible for maintaining the integrity of the crime scene as best as possible until such time CSI arrives and takes over.

Any case resulting in a Memo or where an R&I is reserved, is required to have the ANIMAL INVESTIGATIONS form completed by the reporting officer. This form should be submitted with the report and forwarded to GIB/FELONY RESPONSE.

V. **ATTACHMENT #1**

City of Memphis

Animal Investigations

Report # _____

How many animals are involved? _____

What type of animals are involved?

_____

Cruelty Investigations Supplemental Documentation (cruelty to animals)

Is there adequate shelter? [ ] Yes [ ] No [ ] N/A

Is the animal underweight? [ ] Yes [ ] No [ ] N/A

If 'Yes' – Purina Body Condition Score 1 2 3 4 5 6 7 8 9

Is water available for the animal? [ ] Yes [ ] No [ ] N/A

If 'Yes' – is the water clean and potable? [ ] Yes [ ] No

Are the conditions safe/sanitary? [ ] Yes [ ] No [ ] N/A

Does the animal appear outwardly healthy/active? [ ] Yes [ ] No [ ] Deceased

If 'No' – describe

_____

If tethered, is tether adequate and appropriate? [ ] Yes [ ] No [ ] N/A

Is there a previous history of similar complaints? [ ] Yes [ ] No

---

Assessment of Severity (aggravated animal cruelty)

Are the conditions likely to cause the immediate death or do the conditions immediately and seriously threaten the well being of an animal?

[ ] Yes [ ] No

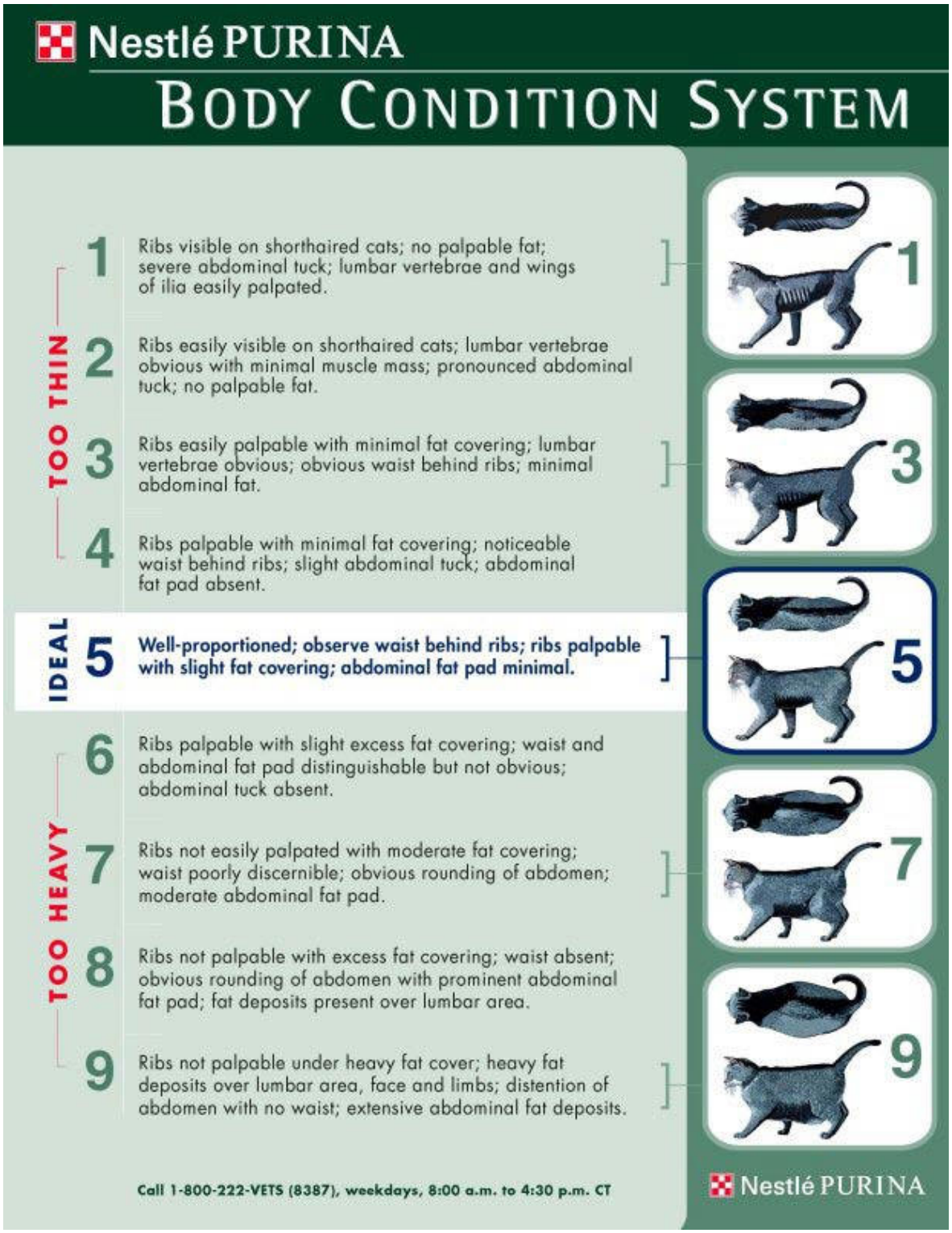
Have the conditions been allowed to exist beyond what a reasonable person would allow?

[ ] Yes [ ] No

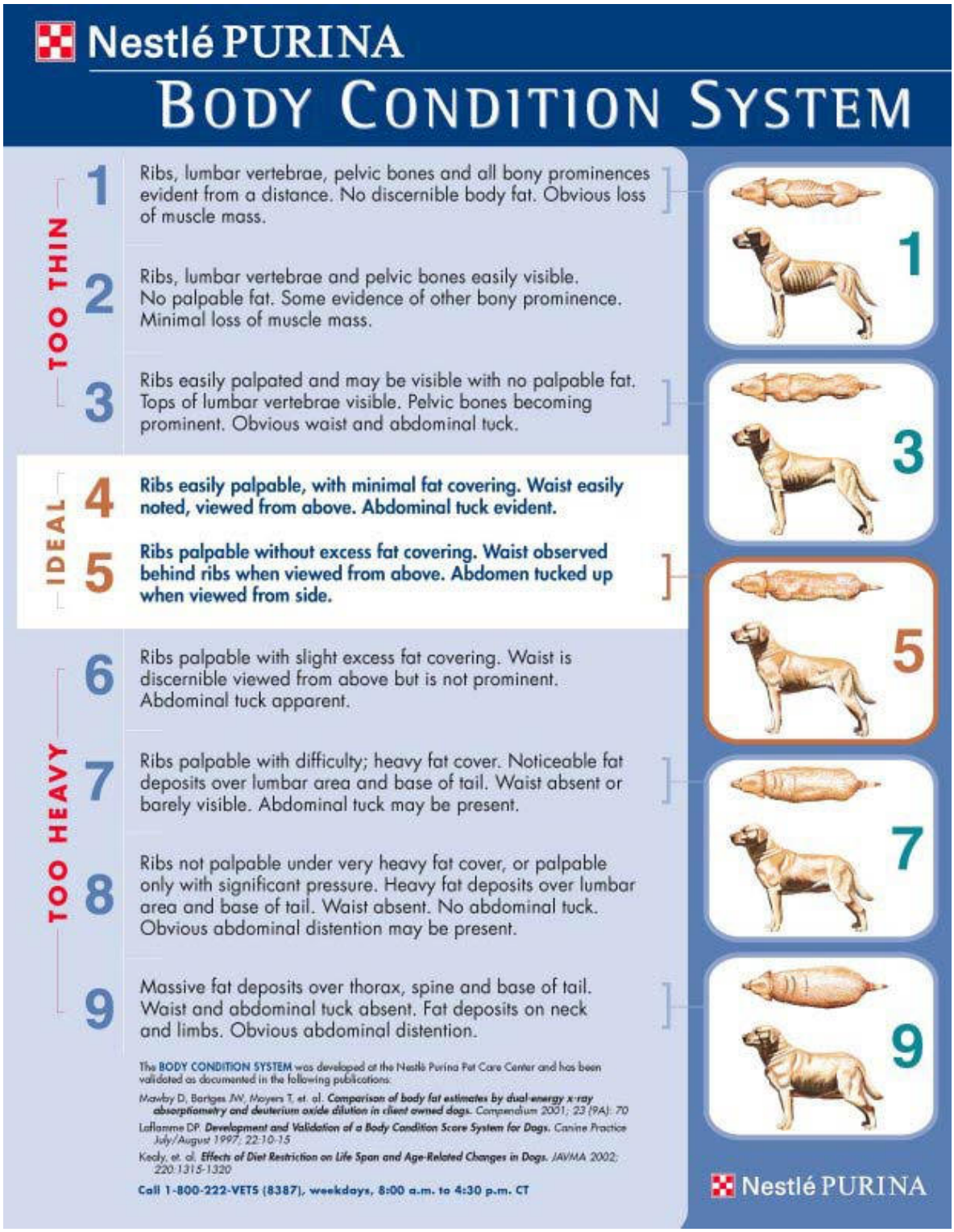
Has the owner's action, or inaction, been aggravated and with no justifiable purpose resulting in serious injury or death of the animal?

[ ] Yes [ ] No

VI. ATTACHMENT #2



VII. ATTACHMENT #3



VIII. Interview Questions

The following questions will assist the officer in gathering information needed to complete a memo to the GIB/ Felony Response on animal cruelty.

INTERVIEW QUESTIONS

GENERAL

1. **Where does the owner live?**
    a. ***If the exact address is not known, obtain as specific information as possible. It is also acceptable to have the officer respond to the complainant's home if they are willing to point out the home***
2. **What is the owner's name?**
    a. ***This can help us perform a background check for previous activities, possibly at a different address. It is also important if the suspect is not cooperative with the investigating officer***
3. **Is this a consistent problem?**
    a. ***This can help the officer determine what action to take***
4. **What are the animals involved?**
    a. ***Try to obtain information on numbers, breeds, colors, etc.***
5. **What is the problem?**
    a. ***Obtaining a complete description of the problem will help you determine if there is a violation. Unfortunately, the law differs greatly from the public's perception of how an animal should be cared for***
6. **Does the animal appear to be in immediate life threatening danger?**

"No shelter" Complaints

1. **Is the dog outside often? If so, how often and for how long?**
    a. ***It is not illegal to have your dog outside without shelter for short periods of time***
2. **Are there any structures that could be used as shelter?**
    a. ***Have the complainant describe the structures to you***

"No food or water" Complaints

1. **Do you see any food or water outside?**
2. **Are there any bowls for food or water visible?**
3. **Does the animal appear thin?**
    a. ***Obtain a description of the dog, what specifically makes it look thin***

"Lack of veterinary attention" Complaints

1. **What specifically is wrong with the dog?**
    a. ***Obtain as specific and factual information as possible***
2. **How long has this issue been going on?**

"Unsanitary conditions" Complaints

1. **Why do the conditions appear unsanitary?**
2. **Are there any specific odors present?**
    a. **Obtain as specific information as possible, often the odor can help the officer have an idea of the problem**
3. **Is there anything else out of the ordinary about the conditions under which the animal is kept?**

Animal Cruelty

1. **What did the individual do to the animal?**
2. **Is the animal alive?**
    a. **If so, does the animal appear to have sustained any injuries?**
    b. **If so, what injuries were sustained?**
3. **Were there any witnesses to the event other than you?**

Any individual acting as security guard/officer, whether armed or unarmed must exhibit, upon the request of any full-time law enforcement officer, the receipt, application or registration card from the Tennessee Department of Commerce and Insurance, T.C.A. 62-35-120

There are currently (3) three different types of Registration Cards that Security Guards/Officers could have in their possession.

1. Armed Security Guards/Officers- A registration card issued by the Tennessee Department of Commerce and Insurance, which clearly reads **"Armed Security Guard/Officer".** The armed security guard registration cards **will have:** a photo of the security guard/officer, the Official Seal of the State of Tennessee, and an expiration date.

2. Conditional Armed Security Guards/Officers- A registration card issued by the Tennessee Department of Commerce and Insurance, which clearly reads "**Armed Security Guard/Officer - Conditional".** The card **will have** a photo of the security guard, the Official Seal of the State of Tennessee, and an expiration date. Conditional cards are issued on a temporary basis and pending the State's approval or denial of the application.

3. Unarmed Security Guards/Officers- A registration card issued by the Tennessee Department of Commerce and Insurance, which clearly reads "**Unarmed Security Guard/Officer".** The card will have an expiration date and the Official Seal of the State of Tennessee but it will not have a photo of the security guard/officer on it.

Pursuant to a rule of the Tennessee Department of Commerce and Insurance an **UNARMED SECURITY GUARD/OFFICER** who has obtained a **HANDGUN CARRY PERMIT** from the Tennessee Department of Safety **CAN NOT** carry a handgun while performing his or her security guard duties. T. C. A. 62-35-136 states that a violation of any of the rules or regulations in this chapter of the code is a Class A Misdemeanor.

EXEMPTION: An individual who is employed exclusively as an undercover agent is not required to register as a Security Guard/Officer with the Department of Commerce and Insurance. However, the individual must be working under the supervision of a contract security company.

The City of Memphis may be held liable for claims made as a result of an accident or incident arising out of a potentially dangerous condition wherein no corrective action is taken by the City. This may include such conditions as a missing stop sign or other traffic sign, traffic signals not working properly, a loose wire hanging from a traffic signal, etc.

When an officer investigates an accident, takes an incident report, or is informed or otherwise made aware of a situation wherein a potentially dangerous condition (e.g., traffic hazard) exists, the officer should immediately notify the dispatcher advising of said condition. The dispatcher will then notify the proper City department (i.e., Public Works) so that the situation may be corrected as soon as possible.

Injured on Duty Guidelines

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I. General Statement of Policy

A. Purpose

To advise and to coordinate the reporting of On the Job Injuries to the MPD Health and Safety Office and Sedgwick Claims Management System (SCMS), the third party administrator (TPA).

B. This policy will:

1. Identify the responsibilities of the City of Memphis Police Department as well as the responsibilities of the employee.
2. Identify what constitutes an On the Job Injury.
3. Establish procedures for reporting On the Job Injuries.
4. Outline the manner in which an employee should receive medical treatment for an On the Job Injury.
5. Establish procedures for the handling of claims regarding On the Job Injuries.

C. Definitions:

1. Confidential: Medical records of individuals receiving medical treatment, in whole or in part, at the expense of the City of Memphis shall not be made available for inspection by members of the public. Records will be made available to management, in response to subpoena, and to individuals when the employee signs a medical release. The On-The-Job Injury Form will be available to be viewed by Management. (See PM-72-02, A, 10)
2. Employee: Any person who occupies a permanent, full time position with the Memphis Police Department. This includes employees during their probationary period.
3. On-The-Job-Injury Report: Record of report of On the Job Injury filled out by the employee and signed by their immediate supervisor at the time of the injury.
4. Medical Records: Any record kept by a licensed physician, licensed Nurse, and emergency medical facility, or any medical facility, or any place records are kept that documents an employee's medical treatment.
5. Injury on Duty (IOD) Attending Physician Form: Form that must be completed by the attending physician at the time of the injury in order for the physician to document the employee's treatment and their immediate return to duty or the need to for the employee to be off work or return to duty in a limited capacity.
6. Signed Release: Form signed by employee to release medical records.
7. Subrogation Agreement: Form signed by employee that allows the City of Memphis to recoup expenses paid by the City for medical expenses and lost time wages in the event an employee receives a settlement from a third party. This excludes the proceeds from any insurance policy solely maintained by the employee.

8. Universal Precautions: an approach to infection control to treat all human blood and

certain human body fluids as if they were known to be infectious for HIV, HBV, and other blood borne pathogens (Blood borne Pathogens Standard 29 CFR 1910.1030(b) definitions). This is also sometimes called standard precautions.

D. Acronyms

1. COMPF- Choice of Medical Provider Form
2. DOE- Date of Exposure
3. DOI- Date of Injury
4. EE- Employee
5. FMLA- Family Medical Leave Act
6. HHL- Heart, Hypertension, or Lung
7. HIV- Health Illness Verification
8. IOD Form- Injury on Duty (Attending Physician Form)
9. LD- Light/Limited Duty Voucher
10. LDV- Light/Limited Duty Voucher
11. LTA- Long Term Absence
12. MMI- Maximum Medical Improvement
13. NOETF- Notification of Emergency Treatment Form
14. OJI- On the Job Injury
15. RTW- Return to Work
16. SCMS- Sedgwick Claims Management System
17. TPA- Third Party Administrator
18. TXMT- Treatment
19. UTW- Unable to Work

II. Responsibilities

A. Responsibilities of the Memphis Police Department:

1. Develop guidelines to educate employees on safe work practices, provide a safe work environment for the employees and insure the employees follow safety procedures and practices.
2. Annually review the guidelines and update these guidelines as reflected by the changing needs of the department and its employees.

B. Responsibilities of the City of Memphis Police Department employees:

1. Comply with all work practice guidelines to insure safety On the Job.

2. Report immediately to the supervisor any unsafe practices or situations.
3. Report immediately to the supervisor any incident where the employee has sustained an On the Job Injury and to fill out an OJI Report regarding the injury during the shift the injury occurred.
4. **Immediately forward all documentation of the incident and subsequent medical treatment to MPD Health and Safety Office, the Third Party Administrator, and immediate supervisors.**

III. Procedures for Protecting Employees On the Job

It is the intention of the City of Memphis Police Department to provide a safe work environment for its employees and to eliminate On the Job Injuries. Adhering to this principle, the following procedures are to be observed by employees at all times.

A. When operating a City of Memphis Police Department vehicle, all occupants of the vehicle will wear the seat belts provided by the vehicle's manufacturer **correctly**. **Not properly wearing a seatbelt carries the same penalty as failing to wear a seatbelt, and can cause more injury in some cases than if the seat belt was not used.**

Employees will adhere to all policies and procedures involving the operation of City of Memphis Police Department motor vehicles.

B. All employees will use all protective devices and equipment when operating, servicing or repairing mechanical devices called for by the manufacturer of said mechanical device.

C. The employee shall take all necessary care and shall use common sense to avoid On the Job Injuries.

1. When handling any type of firearm, the employee shall use their training provided by the Memphis Police Department Ordinance Section.
2. The employee shall use all due caution when handling instruments that are sharp or that have jagged edges that may cause harm to the employee. The employee should use only a professional attitude when handling these instruments and the employee should handle these instruments no more than necessary in order to complete the employee's investigation.

D. The employee will adhere to and follow all policies and procedures regarding blood borne pathogens and universal precautions as outlined in policy regarding Handling Persons with Communicable Diseases. (See Chapter XV, Section 9: Exposure Control Plan).

IV. On the Job Injury

A. What Constitutes an On the Job Injury

During the employee's assigned work hours, any incident that causes injury or occupational illness (arising out of and in the course and scope of) the employee performing their job

duties, regardless of the severity of the injury or occupational injury, or exposes the employee to blood or other potentially infectious materials is considered an On the Job Injury incident.

An On the Job injury incident may not reflect any immediate physical injury or illness to the employee. The incident may involve exposure to blood or other potentially infectious materials or to an occupational illness where no evident immediate injury occurs.

The OJI must be reported during the shift in which the incident occurred in order for the employee to be considered for the future approval of lost time and medical care.

If the employee aggravates a pre-existing OJI while performing their duties, this incident is classified as an On the Job Injury (see Section VIII, aggravation of old injury). Any condition related to heart disease or hypertension is presumed to be an On the Job Injury for commissioned officers, unless competent medical evidence proves otherwise (see section ~~VI~~ IX, Heart and Hypertension). This does not cover qualified commissioned officers for the Heart/Hypertension program who have signed waivers of the Hypertension Program.

B. What is not considered to be an On the Job Injury:

1. Injury or illness resulting from the adverse affects of medications taken not related to an On the Job Injury, any injury or illness resulting from the use of alcohol or from use of unlawful drugs.
2. Misconduct, including horseplay.
3. Intentional, self-inflicted injury.
4. Failure or refusal to use safety devices and/or personal protective equipment.
5. Failure to perform a duty required by law.
6. Aggravation of an On the Job Injury while off duty.
7. Injuries suffered while in route to work, except when such travel was in the performance of the employee's assigned job duties.
8. Voluntary participation in physical fitness or recreational activities, during work hours or off duty hours, unless the activity is part of an organized program approved by the Division Director and the employee's participation is made mandatory by the employee's Division Director. Annual In-Service Physical Training would be covered as an On the Job Injury.
9. Fraud, which includes, but is not limited to, falsification of documents or giving false statements.

V. Procedures for Filing an OJI

When an employee is injured, ~~or~~ exposed to blood or other potentially infectious materials or to occupational illness when no evident injury occurs, the employee will immediately notify their supervisor of the injury. **This notification must be made during the employee's scheduled**

work shift.

A. Upon notification of the supervisor by the employee, the supervisor will provide the employee with an On the Job Injury Report, a Choice of Medical Facility Form, and an IOD Attending Physician's Form along with a Pharmacy First Fill Card if treatment is to be sought All applicable forms may be obtained from the "Administrative Forms" page of the MPDSupport portal.

1. The employee will fill out the OJI report providing all pertinent information regarding the incident and submit it to the supervisor to review for accuracy.
2. The supervisor will contact the Third Party Administrator (TPA) by phone (Sedgwick Claims: 1-877-576-1911) and answer a series of questions concerning the claim from the completed OJI report. The TPA will provide the supervisor with a confirmation number, which will be written in the designated location at the top of the OJI report.
3. The supervisor will fill out the Choice of Medical Provider Form or Notification of Emergency Treatment Form. After the information is completely filled in, the supervisor will sign the form and give it to the employee to take to the emergency facility or clinic they have chosen from the City of Memphis' approved list.
4. If the employee is unable to fill out either form, the supervisor will fill out the form using the employee as a resource person, or in the case of life threatening injuries, the supervisor will use the employee's file to complete the form.
5. The Supervisor will report the OJI claim during the same shift of the occurrence by faxing the report and the treating facility form to the MPD Health and Safety Office at 636-3733 **AND** the third party administrator at 901-566-3415. The original OJI report and IOD Forms will be maintained at the work station in a medical file for the employee. Medical file documentation should be maintained separately from the employee's personnel file.
6. If an employee is ordered to remain off work, the employee must fax the IOD Attending Physician Form to Health and Safety and the TPA within one (1) hour of the end of the doctor's visit. The employee should provide the original copy to a supervisor no later than twenty-four (24) hours after the incident.
7. The supervisor should send all original forms, except for the OJI report, to the MPD Health and Safety Office, 2714 Union Extended, Suite 200, within 48 hours of the incident.
8. The supervisor will notate the injury in Blue Team.

B. The supervisor should make no medical determination of the employee's injury.

1. If the employee's injury is such that immediate medical treatment is needed, a Memphis Fire Department Ambulance should be requested. The supervisor should make sure the ambulance personnel denote that this is an OJI on their paperwork.
2. If no ambulance is needed for immediate treatment, but the employee is unable to go to a medical facility without assistance, the employee's supervisor will designate another

employee, or the supervisor will accompany the employee to the medical facility the employee chooses from the Choice of Medical Facility Form or Notification of Medical Emergency Form (Emergency or Minor Emergency Treatment).

3. If, in the employee's assessment of the situation, there is no need for immediate medical attention, and after the On the Job Injury Report is completed, the employee will return to their regular duty assignment at time of the injury/incident. The On the Job Injury Report should be marked "Notice Only" if no medical treatment is immediately sought, and the employee should sign the Declination of Treatment From. The employee should be given their claim number in case they later decide to seek treatment.

VI. Receiving Medical treatment for an On the Job Injury.

A. For an injury that requires immediate treatment, the employee should report to an approved emergency facility or clinic listed on the Choice of Medical Provider Form or Notification of Medical Emergency Treatment Form to seek treatment.

1. The employee will be examined by the approved emergency facility physician or approved clinic physician who will attend to the employee's injury.
2. After diagnosis and treatment of the injury, the physician will make a determination of the employee's ability to return to work. If the physician determines the employee should remain off work, the physician will document the period of time for the employee to be off work and the date the employee is to resume work on the Injury on Duty Attending Physician Form. This form must be completed by the attending physician. A copy of the emergency facility medical record is not sufficient.

   Note: If the employee does not require follow up treatment for the injury, the employee will return to work on the date specified by the treating physician.
3. If, after diagnosis and treatment of the employee's injury, the treating physician determines the employee can return to work without lost work time, the employee will return to their regular duty assignment.
4. If lost time from work occurs, that time will be carried as "S" (Sick) until the injury is deemed "compensable" by the third party administrator, then those days deemed compensable will be converted to "I" (Injured). Employees will not immediately be carried "I" on roll call unless authorized by the MPD Health and Safety Officer.
5. If an officer is "P" for part of the shift and is injured and receives treatment and is carried as "S", the officer will be carried as "S" from the time of the reported injury, and
6. **If there is a loss of work time, the attending physician, whether an emergency room physician or a clinic physician, must fill out an IOD Attending Physician Form.** The employee will fax this form to the MPD Health and Safety Office (901-636-3733) and the TPA at (901-566-3415) within one (1) hour of leaving the doctor. They will also present the original form to their immediate supervisor. The supervisor will forward the original form to the MPD Health and Safety Officer.

B. If the employee elects to seek treatment for the injury using his primary care provider,

the employee will not be compensated by the City of Memphis for the injury. Only the TPA can authorize treatment with a physician that is outside the City's panel of approved medical facilities.

C. The employee will have the attending physician document treatment regarding the employee's injury with an IOD Attending Physician Form for **each** follow-up visit, which should be immediately faxed to the MPD Health and Safety Office and the TPA. MPD Health and Safety Office will email the Col. and Lt. Colonel concerning the employee's authorization to return to work. The employee will present the original form(s) to their immediate supervisor who will verify the employee's work status, and forward the original forms to MPD Health and Safety.

1. If an employee scheduled to report to work (from an OJI) does not report to work, the supervisor will notify the Health and Safety Office by email.
2. If an employee reports for work, and the supervisor does not have an email from Health and Safety, the supervisor should check with their chain of command and contact Health and Safety before sending an employee home.

D. When the employee has been seen by either the minor med care provider or by an approved emergency facility physician, and the employee is referred to a medical specialist, the specialist will be chosen from the TPA approved City of Memphis' Specialty Physician list.

1. When the employee is referred to a medical specialist for treatment of the employee's injury, this physician shall become the attending physician of record.
2. If an employee is ordered by the initial physician to remain off work until seen by a medical specialist, medical specialist must complete an IOD Attending Physician Form notating when the employee is to return to work.
3. If-an employee needs continued treatments for an injury, the employee may return to work in a Limited Duty capacity until the attending physician provides documentation that the employee is able to return to work full duty.

E. When an employee desires to change attending Physicians, the employee must submit a written referral from the attending physician, or submit a written request documenting the reason for change to Health and Safety. The employee will then submit the approved attending physician and receive a written approval from TPA.
If the employee changes the attending physician **without** following these guidelines, payment of benefits to the new attending physician are subject to denial and benefits may be withheld.

F. During the course of treatment for an employee's On the Job Injury, the City may decide at any time to require the employee to be examined by a physician of the City's choice. Such examination will be at the City's expense.

G. If, after review of all medical documentation, there is to be a change in the employee's status, from "I" (Injured) to "S" (Sick); the employee will be notified in writing. If the employee wishes to contest this change the employee must present further medical documentation to substantiate the employee's claim to continue to be carried as "I" (Injured).

H. An employee who is receiving OJI benefits is required to report their condition and convalescence location to their immediate supervisor in accordance with the employee's Division Rules and Regulations. Required reporting will continue unless alternate instructions are given to the employee's supervisor. The convalescence location will be considered as the employee's residence or other location approved by the employee's supervisor in accordance with the Division's Rules and Regulations.

I. While an employee is being compensated for OJI lost time, no other paid leave (vacation, sick, bonus, etc.) may be taken until the employee has been released to full duty. The employee may NOT directly or indirectly, engage in any other gainful employment activities of any kind while being compensated for OJI lost time by the City of Memphis.

J. Once an employee is determined by the attending physician to be medically capable of returning to work, whether in a limited capacity or to full duty, and has been cleared by the MPD Health and Safety Office, the employee should report to their assigned duty station.

Failure to submit the IOD Attending Physician Form documenting the return to duty status and date of return from the treating physician that results in the employee remaining off work beyond those days approved by the physician is considered an unauthorized leave of absence and may result in disciplinary action up to and including termination.

VII. Injury to an employee by a third party.

When it appears the employee has been injured by the actions of a third party, the employee must sign a subrogation agreement. This agreement allows the City to recoup expenses paid by the City for medical expenses and for lost time in the case where an employee receives a settlement from the third party.

If the employee fails to or refuses to sign the subrogation agreement, no payments for lost time or medical benefits will be made. The OJI will be carried as denied by the City of Memphis OJI Office until the agreement is signed.

The employee may sign the subrogation agreement at any time, but the file will be reviewed on a case-by-case basis for payment of medical benefits and for approval of lost time.

VIII. Aggravation of Old Injuries:

When an employee aggravates an old injury, the incident should be reported and documented as if it were a new injury. [the employee must show that the pre-existing injury was aggravated as a result of the performance of their job]. The OJI Report must be filled out completely and accurately. It must describe the nature of the aggravation and not a description of the initial incident. The original date of injury must also be listed in the appropriate space on the On the Job Injury Form.

For aggravation of pre-existing injuries, Medical documentation regarding the aggravation of

the pre-existing injury must be called in by the employee's supervisor to the TPA (SCMS), who will determine causation. The OJI documentation will be forwarded to the TPA when completed.

IX. Heart and Hypertension:

A. Police officers diagnosed with diseases of the heart and hypertension are presumed to have contracted these diseases or conditions in the course of their employment and these diseases and conditions will be covered as an On the Job Injury unless competent medical documentation proves otherwise.

B. The incident should be reported as if it were a regular On the Job Injury. The Incident Report must be filled out completely and accurately. SCMS will contact the employee with any additional paperwork to be completed.

The employee's attending physician should follow up with a letter sent to the third party administrator documenting the employee's problem and indicate a diagnosis, prognosis and any medications the employee will be placed on. This letter will help facilitate the employee's acceptance in to the Heart and Hypertension program. The employee is expected and required to follow the physician's orders. Failure to do so may cause benefits to be denied.

C. When an employee has a recurrence of the injury, an OJI Report and IOD Attending Physician Form will be filled out in order to document the employee's lost time.

D. Once an employee is accepted in the program, the employee is always carried on the program whether the employee receives treatment or not.

E. All lost time related to the Heart and Hypertension Program will be carried as "S" (sick) until <u>the attending physician sends SCMS documentation</u> indicating the lost time was due to a condition of the heart or hypertension.

X. Return to work at Limited Duty:

A. Limited Duty Request
When an employee has been diagnosed and treated for an On the Job Injury by an approved attending physician, and the employee is to return to work limited duty paperwork must be submitted documenting a request for limited duty. The attending physician will outline the employee's medical status as it pertains to work and include the limitations for the employee, documenting when the employee will be re-evaluated to return to full duty status. This paperwork will be forwarded to the Health and Safety Office for accommodation approval. A date for return to work full duty will be included on the paperwork. If this date changes, the physician must submit documentation to support the change.

The employee will contact their immediate supervisor to confirm the clearance to return to work limited duty. If the workstation receives notice of the employee's return to work limited duty from the Health and Safety Office, contact must be made with the employee to confirm the duty status.

The Request for Limited Duty, with assignment, will be routed by the Health and Safety Office to the appropriate Deputy Chief of the Memphis Police Department for final approval.

B. Non-Work Related Limited Duty

The City of Memphis accommodates non-work related illness/injury limitations with light or transitional duty via City of Memphis Labor Relations. The employee will contact Kimberly Taylor at 901-636-6874.

C. Limited Duty Assignments

1. Limited duty assignments will be identified by evaluation of the division's operational needs.
2. The employee requesting limited duty may be assigned to a shift other than their regular assigned shift in order to meet operational needs.
3. All limited duty assignments will be restricted to 180 (one-hundred eighty) calendar days.

D. Limited Duty Restrictions

1. Both the employee and supervisor need to understand and adhere to work limitations established by the employee's attending physician.
2. While on limited duty the employee shall report to their assignment in plain clothes, courtroom attire, or in uniform as dictated by their duty assignment and their limitation.
3. Regardless of the duty assignment, officers must have in their possession their badge and identification card. Unless specified by the employee's attending physician, the employee will carry their authorized weapon.

E. Return to Regular Duty from Limited Duty

When the employee is examined and is able to return to work at full duty, the OJI- IOD Attending Physician Form must be completed by the attending physician. The employee will immediately fax the form to the Health and Safety Office for notification and review. After review, the Health and Safety Office will clear the employee to return to full duty without limitations by contacting the employee's workstation via e-mail or phone. The employee will contact their immediate supervisor to confirm the clearance to return to full duty. If the workstation receives notice of the employee's return to full duty status from the Health and Safety Office, but has NOT been contacted by the employee, the supervisor will contact the employee to confirm the duty status.

F. Denial of On the Job Injury

If the employee's claim is not deemed compensable by the third party administrator, the employee will continue to be carried as "S" (sick) until the employee returns to work or until the employee's "S" (sick) time is depleted, at which time the employee will have the option to use other accrued time. The employee will also be responsible for all medical expenses incurred.

G. The Memphis Police Department understands the need for compliance with the Americans with Disabilities Act and will make every effort to comply fully with the Americans with Disabilities Act when determining placement for limited duty.

1. It is the employee's responsibility to keep the medical documentation up to date regarding the injury. The 180 (one-hundred eighty) day calendar period is not automatically waived with respect to the Americans with Disabilities Act.
2. The employee must be re-evaluated by their physician prior to the end of the 180 (one-hundred eighty) day calendar period. The physician will be provided with a copy of the employee's job description and the physician must make a determination of the employee's ability to return to work based on the employee's job description.
3. If a commissioned employee is unable to return to work at full duty following the 180 (one-hundred eighty) day calendar period, the employee must begin to use accrued benefit time.

XI. Long Term Disability due to an On the Job Injury:

A. Commissioned officers are covered under the agreement between the Memphis Police Association and the City of Memphis.

1. No commissioned officer may be off a City job longer than 18 (eighteen) months from the date the employee is unable to work due to disability from the On the Job Injury incident. This includes any combination of paid and/or unpaid lost time.
2. A commissioned officer may remain off work due to an On the Job Injury for 6 (six) calendar months.
3. Upon medical documentation ~~as~~ submitted by the employee's attending physician and/or by a physician selected by the city, commissioned officers may remain off work due to an On the Job Injury for an additional 6 (six) calendar months at the Division Director's authorization.
4. If the commissioned officer is still unable to return to work after 12 (twelve) calendar months, he/she may request to use accrued benefit time and/or a leave of absence without pay. The total period of accrued leave taken will not exceed 6 (six) calendar months.
5. If the commissioned officer is unable to return to work after 18 (eighteen) calendar months of lost time, he/she may apply for Long Term Disability Income Plan Benefits,

or apply for a line of duty disability retirement.

6. Disability benefits will be paid out in accordance with the Memphis Police Association agreement and the City Pension Ordinance.

B. Non-commissioned police employees and employees not covered under the bargaining agreement:

1. No employee under this classification may be off from a City job longer than 12 (twelve) consecutive months from the date of the injury. This includes any combination of paid and/or unpaid leave.
2. The employee may remain off work due to an On the Job Injury for 6 (six) calendar months.
3. If after these 6 (six) calendar months have expired and the employee is still unable to return to work, the employee may request use of accrued benefits and/or a leave of absence without pay. The total period of accrued leave taken will not exceed 6 (six) calendar months.
4. If the employee is unable to return to work after 12 (twelve) calendar months of lost time, the employee may apply for Long Term Disability Income Plan Benefits, or the employee may apply for a line of duty disability retirement.

XII. Reimbursement for Medications for On the Job Injuries:

The employee will complete the form provided by the City's OJI Office, Job Related Prescription Drugs Reimbursement form.

The form must be completed in its entirety and submitted to the third party administrator. Phone: 1-877-576-1911, Fax: 901-566-3415.

Attach all pharmacy receipts to the form when requesting reimbursement.

XIII. Pharmacy Vendor

The vender is open 24 hours/7 days a week should anyone need assistance with prescriptions at the pharmacy. The phone number is 1-800-964-2531. The OJI - First Fill Pharmacy Card should be printed from the Administrative Forms page on MPDSupport/Departmental Forms.

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I. General Statement of Policy

The Memphis Police Department is committed to providing a safe and healthful work environment for the entire department. The exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with Occupational Safety and Health Administration (OSHA) standard 29 *CFR* 1910.1030, "Occupational Exposure to Bloodborne Pathogens." The ECP is a key document to assist our organization in implementing and ensuring compliance with the standard, thereby protecting our employees.

This ECP includes:

- Determination of employee exposure
- Implementation of various methods of exposure control, including:
  a) Universal precautions
  b) Engineering and work practice controls
  c) Personal protective equipment
  d) Housekeeping
- Hepatitis B vaccination
- Post-exposure evaluation and follow-up
- Communication of hazards to employees and training
- Recordkeeping
- Procedures for evaluating circumstances surrounding exposure incidents

II. PROGRAM ADMINISTRATION

The Health and Safety Office is responsible for implementation of the ECP. The Health and Safety Office will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures.

Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.

Each workstation will provide and maintain all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bags as required by the standard. Each workstation will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes.

The Health and Safety Office will be responsible for ensuring that all medical actions required by the standard are performed and that appropriate employee health and OSHA records are maintained.

The Health and Safety Office will be responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and National Institute for Occupational Safety Health (NIOSH) representatives.

Contact LaQuita Rallings at the Health and Safety Office at (901) 636-3728 for any concerns.

III. COMMUNICABLE DISEASES

A. Acquired Immunodeficiency Syndrome (AIDS)/HIV Infection

AIDS is a severe, life-threatening, clinical condition. This syndrome represents the late clinical stage of infection with human immunodeficiency virus (HIV) that most often results in progressive damage to the immune and other organ systems, including the central nervous system.

1. **Symptoms**:

Persistent fever	Night sweats
Chronic fatigue	Significant weight loss
Diarrhea	Thrush (fungal infections of the mouth and throat)
Swollen lymph nodes	

2. **Mode of transmission**. Routes of transmission of HIV are through sexual exposure, sharing of HIV-contaminated needles and syringes, and transfusion of infected blood or its components. The virus has on occasion been found in saliva, tears, urine and bronchial secretions. Transmission after contact with these secretions **has not** been reported.

3. **Incubation period**. The time from infection to the development of detectable antibodies is generally one to three months. The time from HIV infection to diagnosis of AIDS has been observed from periods of less than one year to ten years or longer.

4. **Preventive measures**. Care should be taken in handling, using, and disposing of needles and syringes. Utilize standard precautions to avoid contact with blood or fluids that are visibly bloody. Any suspect's blood on workers' skin should be cleaned with soap and water or germicidal solution without delay. Disinfect contaminated equipment using a bleach solution (1:10 dilution).

5. **Relative risk to providers**.
   Low: Risk among health care workers in general is very low.

B. Hepatitis A (HAV)

Hepatitis is an inflammation of the liver, with accompanying liver cell damage or death. Hepatitis is most often caused by a viral infection, but alcohol consumption, drugs, chemicals, or poisons may also be a cause of chemical hepatitis. Hepatitis A was formerly known as "infectious hepatitis" and is a specific form of hepatitis.

1. **Symptoms**:

Mild fever	Diarrhea (light colored)
Headache	Dark urine
Fatigue	Jaundice
Loss of appetite	Muscle and joint aches
Nausea	Abdominal discomfort
Vomiting	

Symptoms are the same for all types of hepatitis.

2. **Mode of transmission**. Person-to-person by the fecal-oral route. The infectious agent is found in feces, contaminated water; food contaminated by infected food handlers, and contaminated uncooked food products. Contact with contaminated water may also cause infection, e.g. water rescue efforts.
3. **Incubation period**. Fifteen (15) to fifty (50) days, depending on dose. Average incubation period is twenty-eight (28) days.
4. **Preventive measures**. Utilize standard precautions. Any suspect's blood or body fluids on worker's skin should be cleaned without delay using soap and water or germicidal solution. Disinfect contaminated equipment using a bleach solution.

   A vaccination is available for Hepatitis A (two-step vaccination). Contact LaQuita Rallings at the Health and Safety Office at (901) 636-3728.
5. **Relative risk to providers**:
   None: If immune

C. Hepatitis B (HBV)

Hepatitis B is also referred to as "serum hepatitis." It is caused by the hepatitis B virus which attacks and replicates in liver cells. HBV is a bloodborne and body fluid-borne disease that is highly concentrated in the blood and serous fluids.

1. **Symptoms**:

Mild fever	Diarrhea
Headache	Dark urine
Fatigue	Jaundice
Loss of appetite	Muscle and joint aches
Nausea	Abdominal discomfort
Vomiting	

   Symptoms are the same for all types of hepatitis.
2. **Mode of transmission**. HBV transmissions occur through skin or mucous membranes, infected blood or body fluids, sexual contact, or through contaminated needles.
3. **Incubation period**. Forty-five (45) to one hundred sixty (160) days. Average incubation period = 120 days.
4. **Preventive measures**. Utilize standard precautions. Use caution while handling contaminated needles. Any suspect's blood or body fluids on worker's skin should be cleaned without delay using soap and water or germicidal solution. Disinfect contaminated equipment using a bleach solution.
   * Receive Recombinant Hepatitis B vaccine (3-step vaccination). Receive booster if antibody falls below protective level. This vaccination series (**and booster when required**) is offered by MPD at no cost to personnel.
5. **Relative risk to providers**. None: If immunity provided with Hepatitis B Vaccine.

D. Hepatitis C (HCV)

Hepatitis C was formerly known as "parenterally transmitted non-A/non-B hepatitis." Intravenous drug users and individuals receiving blood transfusions or hemodialysis have an increased risk of acquiring hepatitis C. Individuals who get tattoos and/or body piercing(s) also have an increased risk of acquiring hepatitis C.

1. **Symptoms**:

Mild fever	Diarrhea
Headache	Dark urine
Fatigue	Jaundice
Loss of appetite	Muscle and joint aches
Nausea	Abdominal discomfort
Vomiting	

Symptoms are the same for all types of hepatitis.

2. **Mode of transmission**. Contact with the blood or body fluids of an infected individual.
3. **Incubation period**. Fifteen (15) to sixty-four (64) days.
4. **Preventive measures**. Utilize standard precautions. Use caution while handling contaminated needles. Any suspect's blood or body fluids on worker's skin should be cleaned without delay using soap and water or germicidal solution. Disinfect contaminated equipment using a bleach solution.
5. **Relative risk to providers**. None: Provided there is no contact with infected blood (i.e. percutaneous exposure incident).

E. Lice

Lice are small, wingless insects that feed on blood. There are three species: (1) head, (2) body, and (3) crab or pubic louse. All lice have flattened bodies and measure up to one-eighth inch (1/8") across.

1. **Symptoms**:

Scratching
Dermatitis
Impetigo

2. **Mode of transmission**: Close contact. Head-to-head or body.
3. **Incubation period**: Twenty-four (24) to forty-eight (48) hours.
4. **Preventive measures**. Employee's hands should be washed thoroughly with an antimicrobial liquid soap. Hair should be shampooed using Kwell Shampoo or as directed by your Primary Care Physician, or the Department's Medical Director. Avoid contact. The Infection Control Officer (ICO) may provide further guidance/direction.

F. Meningitis (Meningococcal)

Meningitis is an inflammation of the membranes lining the central nervous system. This inflammation can be from either infectious or noninfectious causes. Infectious agents include bacteria, viruses, and fungi. Noninfectious agents include chemicals or a "sympathetic" reaction to other diseases. Meningitis occurs most often in children, but may also be present in adults.

1. **Symptoms**:

Fever	Irritability
Headache (children over 2 years)	Tachycardia
Lethargy	Tachypenia
Nausea	Hypotension
Vomiting	Stiff neck (children over 2 years)

2. **Mode of transmission**. Meningitis is transmitted through direct contact with infected respiratory secretions. Other transmission can occur from contact with cerebrospinal fluid as a result of trauma, sputum from suctioning, unprotected mouth-to-mouth resuscitation, or coughing.
3. **Incubation period**. Two (2) to four (4) days.
4. **Preventive measures**. Utilize standard precautions, including:
   - Minimize the number of personnel in close proximity to the infected individual.
   - Have all personnel within close proximity immediately don department-issued N-95 mask.
   - Place non-rebreather mask on the individual.
   - Any suspect's body fluids on personnel's skin should be cleaned without delay using soap and water or germicidal solution. Disinfect contaminated equipment using a bleach solution.
   - Receive post-exposure prophylaxis dose of Ciprofloxacin if *Neisseria meningitis* form of meningitis is documented. Contact the departments Infection Control Officer on all known or suspected exposures.
5. **Relative risk to providers**. Low: (One in several thousand) for *Neisseria meningitis*, but prophylaxis is warranted due to the nature of infection if transmission occurs.

G. Scabies

Scabies is a highly contagious skin disease caused by mites that burrow underneath the skin, especially in skin folds.

1. **Symptoms**: Scratching, resulting in the formation of scabs and sores.
2. **Mode of transmission**. Scabies are transmitted through sexual contact and indirect contact by shared towels, bedding, and clothing.
3. **Incubation period**. Twenty-four (24) to forty-eight (48) hours.
4. **Preventive measures**. Utilize standard precautions. Personnel's skin should be cleaned without delay using soap and water or germicidal solution. Change clothing if necessary. The Infection Control Officer may require additional preventive measures as appropriate.
5. **Relative risk to providers**: Likely, if direct contact with infected person.

H. Tuberculosis (TB)

Tuberculosis (TB) is an airborne disease that commonly attacks the respiratory system (Refer TB Exposure Control Plan).

1. **Symptoms**:

Fever with night sweats	Swollen lymph nodes
Unexplained weight loss	Coughing blood
Weakness	A cough that might be productive or non-productive

2. **Mode of transmission**. Tuberculosis is transmitted by inhaling aerosolized droplets from an infected person who is coughing or sneezing. The TB organism is sensitive to light and air and therefore dies quickly when exposed to either. Thus, this disease is rarely spread by indirect contact.
3. **Incubation period**. Two (2) to twelve (12) weeks. The organism can be reactivated after a period of several years.
4. **Preventive measures**. Utilize standard precautions, including respiratory protection. (NIOSH approved fit-tested N-95 respirator) Place non-rebreather mask on yourself first, then on the infectious person. Worker's skin should be cleaned with soap and water or waterless antimicrobial solution without delay. Decontaminate any equipment if necessary.
   - PPD tuberculosis skin testing (TST)/ or T-spot blood test following contact with suspects or employees who have confirmed active/communicable TB. Personnel participation is strongly recommended. Refer to TB Exposure Control Plan regarding "Follow-up for Exposure to Tuberculosis (TB)" for MPD personnel.
5. **Relative risk to providers**:
   - Likely, depending on level of direct contact with infected person, length of exposure and ventilation present.

IV. INFECTION CONTROL OFFICER DUTIES

The designated Infection Control Officer shall:

- Be available 24/7 to respond to personnel exposures.
- Is responsible for collection of facts regarding the circumstances of the potential exposure incident.
- Evaluate the situation to determine whether or not an exposure incident occurred.
- Determine Immunization status of exposed personnel.
- Advise of risk associated with said exposure when it is determined an exposure incident has occurred.
- Collect source suspect demographics; communicate with receiving hospital to make source suspect testing request; advise hospital on testing needed; receive results of rapid test and communicate back with exposed personnel the source suspect disease status.

- Advise exposed personnel of follow-up process and counsel on blood donations, sexual activity, pregnancy, breastfeeding, and professional activities specific to each disease exposure type.
- Advise and offer assistance with finding further medical and mental counseling.
- The Infection Control Officer shall contact the receiving facility's charge nurse, source suspect attending nurse, on-duty house supervisor, or attending physician to ensure request for rapid testing has occurred and to receive rapid test results. If the situation dictates a problem communicating with source suspect staff, contact the facility's infection control practitioner if during normal business hours to request rapid and standard test results.
- The Infection Control Officer shall immediately notify the exposed personnel of all test results as they are received by the Police Division's designated Infection Control Officer.
- Exposure follow-up shall include, blood testing, results notification, counseling, immunization updates, signs & symptoms review, documentation as required by current CDC guidelines, and OSHA standards related to occupational exposure follow-up.

V. EMPLOYEE EXPOSURE DETERMINATION

The following is a list of all job classifications at our establishment in which all employees have occupational exposure:

- *All commissioned police officers at the precincts, bureaus, and specialized facilities*
- *All commissioned police officers at the Crime Scene Office*
- *All assigned equipment officers*

VI. METHODS OF IMPLEMENTATION AND CONTROL

A. Universal Precautions

All employees will utilize universal precautions, which is justified on the premise that every suspect, mental consumer, victim, or person carries the potential for disease transmission. For this reason, Memphis Division of Police Services personnel should maintain a mindset in which disease hazards are always present and disease prevention is an on-going challenge.

B. Exposure Control Plan

Employees covered by the bloodborne pathogens standard receive an explanation of this ECP during their initial training session. It will also be reviewed in their annual refresher training. All employees can review this plan at any time during their work shifts in the Policy and Procedure Manual.

The Health and Safety Office is responsible for reviewing and updating the ECP annually or more frequently if necessary to reflect any new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

C. Engineering Controls and Work Practices

The need for changes in work practices will be identified through review of OSHA records,

employee evaluations, and the safety committee. New procedures and new products will be evaluated regularly by discussing new products and success or failure of the employees using the products at the safety committee meetings. Both front-line workers and management officials are on the safety committee. The Health and Safety Office is responsible for ensuring that these recommendations are implemented.

Engineering controls and work practice controls will be used to prevent or minimize exposure to bloodborne pathogens. The specific engineering controls and work practice controls used are listed below:

- non-glass capillary tubes (Syringe Keeper 7/8x8 (05000))
- Sharps disposal containers are inspected and maintained or replaced by the equipment officer at each workstation every week or whenever necessary to prevent overfilling.

The following procedures are to be used at all times by all employees who may have contact with the blood and other potentially infectious materials of other individuals in the course of their employment:

1. Open wounds must be covered at all times while at work. If the wound is too large to cover, then the employee must remain at home. Employees must also cover areas where skin is "chapped" or where there is a rash. Bandages must be changed if they become wet or soiled. Employees must pay special attention to the hands and make sure small openings such as paper cuts, torn cuticles, and hangnails are adequately protected.
2. All body fluids and contaminated instruments will be handled as if they are infectious. The "Universal Blood and Body Fluid Precautions" (hereafter known as universal precautions), as identified by the Centers for Disease Control (CDC), will be used in all situations where it is possible that an employee may come in contact with the blood or other potentially infectious materials of another individual. The universal precautions are as follows:
    a) Take care to prevent injuries when handling needles, knives, and other sharp instruments or devices, when cleaning used instruments, and when disposing of used needles. Do not recap used needles by hand and do not bend, break, or otherwise manipulate used needles by hand. Place used disposable syringes and needles, knives, and other sharp items in puncture-resistant containers for disposal.
    b) Use protective barriers to prevent exposure to blood, body fluids containing visible blood, and other potentially infectious materials to which universal precautions apply. The type of protective barrier(s) should be appropriate for the procedure being performed and the type of exposure anticipated.
        1) In the following situations, gloves will be worn at all times:
            - When handling specimens of blood or body fluids.
            - When coming into contact with blood or body fluids of another individual.
            - When there are open wounds or where skin is severely chapped.
            - When wiping blood or body fluid spills from work areas.
            - When handling clothing, instruments, or other items which may have been contaminated by blood or other potentially infectious materials.
        2) Gloves will be discarded after contact with each person, and hands must be washed thoroughly with soap and water before putting on the next pair of gloves.

3) Gowns, eye wear, and masks will be worn when performing any procedure where blood or other potentially infectious materials are likely to soil clothing, skin, or splash in the face.

c) If skin does come in contact with blood or other potentially infectious materials, the area must be washed thoroughly with soap and water as soon as possible.
d) Avoid touching eyes or mouth with hands or gloves that have been contaminated by blood or other potentially infectious materials.
e) Soiled work clothing should be changed and laundered.
f) Take special care to avoid being bitten by an uncooperative person. If a bite occurs, the area must be washed thoroughly with soap and water as soon as possible for 30 seconds. Fill out an OJI report and seek medical treatment as soon as possible according to OJI.
g) Work areas which have been contaminated with blood or other potentially infectious materials must be cleaned with a 1:10 solution of household bleach and water (1 part bleach and 10 parts water).
h) All Personal Protective Equipment used by the officer (gloves, gown, and mask) for a bloodborne pathogen exposure must be bagged in a hazardous material bag when the officer removes this equipment from his/her person. Once used, the equipment must be bagged whether or not the equipment has visible signs of contamination. The eyewear must be removed and cleaned by the officer using a 10% bleach solution. Once the Personal Protective Equipment has been bagged in a hazardous material bag, the bag will be taken to the precinct and placed in a Hazardous Material container. This Hazardous Material container will be maintained by a duly licensed company.
i) The 10% bleach solution should be mixed when the officer needs to clean personal items such as: badge, nameplate, nightstick, handcuffs, and leather gear. Once mixed, the bleach solution must be dated, timed, and discarded within 24 hours of mixing. The equipment officer will be responsible for keeping this mixture up to date.
   * A pre-mixed bactericidal and sporicidal solution may be made available to the employee, and in such an event, the pre-mixed solution should be used instead of a 10% bleach solution.

D. Personal Protective Equipment (PPE)

Officers receive training and initial Personal Protective Equipment (PPE) items from the training academy in a HazMat kit. Items used during an officer's tour of duty will be replaced at no cost. Any items lost or used for personal reasons will be replaced at a cost.

The officer will be responsible for maintaining the full complement of Personal Protective Equipment initially assigned to them from the Training Academy. Once the officer has bagged and disposed of his/her used Personal Protective Equipment, the Inventory Control Clerk will replace the used items following the Replacement Procedure below.

- When the contents are used during a duty related incident, with the exception of rubber gloves, an "Equipment Replacement Form" will be completed and submitted to the officer's Shift Supervisor.
- If the request is approved through the work station chain of command, it will be

forwarded to the appropriate Deputy Chief for consideration.

- If approved by the Deputy Chief, the form will be returned to the work station commanding officer, who will have the Inventory Control Clerk obtain the replacement items from Central Supply.
- A copy of the approved Equipment Replacement Form will be left at Central Supply.
- The original Equipment Replacement Form will be filed in the officer's precinct file.

The exception to this policy is the syringe keeper. When the officer tags the syringe keeper in the Property and Evidence Room, a new syringe keeper will be issued to the officer at no cost by the Property Room Attendant.

If the Equipment Replacement Form is denied, the procedure for lost equipment outlined below will be followed with the exception of the memo submission.

- In the event the entire HazMat Kit or any part of the kit is lost, the officer will submit a memo to his supervisor detailing the items lost and manner in which the items were lost.
- The supervisor will forward the memo to the work station commander for review and signature.
- A copy of the signed memo will be returned to the officer who will pay for the items lost at Police Finance in CJC, Room 12-28.
- The officer will take the signed memo and receipt to Central Supply to have the items replaced. The original signed memo will be placed in the officer's precinct file.
- The denied Equipment Replacement Form will be taken to Finance and Central Supply to document the items needing replacement.

The Duty Stations will at all times maintain an adequate stock of protective gloves and masks for replacement purposes. The replacement costs of the Personal Protective Equipment in the HazMat Kit are as follows:

• 1 Utility Dry Box	$10.99
• 1 Cordova Defender Coverall	$2.97
• 1 Crews Goggle Indirect Vent AF	$2.80
• 1 pr. Shoe Covers	$0.32
• 1 Hair Net	$0.03
• (3) 3M Dust Particulate/Mask (8210)	$0.63
• 1 Micro CPR Shield	$4.75
• 6 packs Paws Antimicrobial Wipes	$0.54
• 1 Pr. Cordova Nitrile Gloves	$0.14
• 1 4oz bottle of Antiseptic Hand Gel	$2.90
• 1 Bio Hazard Bag (large)	$0.33
• I Syringe Keeper 7/8 x8	$1.17
TOTAL	$27.57

Costs may vary, but be comparable to the above listing.

All employees using PPE must observe the following precautions:

- Wash hands immediately or as soon as feasible after removing gloves or other PPE.
- Remove PPE after it becomes contaminated and before leaving the work area.

- Used PPE may be disposed of in the red hazard bags.
- Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured or contaminated, or if their ability to function as a barrier is compromised.
- Utility gloves may be decontaminated for reuse if their integrity is not compromised; discard utility gloves if they show signs of cracking, peeling, tearing, puncturing, or deterioration.
- Never wash or decontaminate disposable gloves for reuse.
- Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
- Remove immediately or as soon as feasible any garment contaminated by blood or OPIM, in such a way as to avoid contact with the outer surface.

The procedure for handling used PPE is as follows:

All Personal Protective Equipment used by the officer (gloves, gown, mask), must be bagged in a hazardous material bag when the officer removes this equipment from his/her person. Once used, the equipment must be bagged whether or not the equipment has visible signs of contamination. The eyewear must be removed and cleaned by the officer using a 10% bleach solution. Once the Personal Protective Equipment has been bagged in a hazardous material bag, the bag will be taken to the precinct and placed in a Hazardous Material container. This Hazardous Material container will be maintained by a duly licensed company.

E. Housekeeping

Regulated waste is placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded (see the following section "Labels"), and closed prior to removal to prevent spillage or protrusion of contents during handling.

The equipment officer or other designated officer will handle and dispose of the sharps disposal containers.

Contaminated sharps are discarded immediately or as soon as possible in containers that are closable, puncture-resistant, leak proof on sides and bottoms, and appropriately labeled or color-coded. Sharps disposal containers are available at the equipment office at the workstation. Bins and pails (e.g., wash or emesis basins) are cleaned and decontaminated as soon as feasible after visible contamination. Broken glassware that may be contaminated is only picked up using mechanical means, such as a brush and dustpan.

F. Cleaning Work Attire Contaminated with Blood or Body Fluids

The Memphis Police Department accepts the responsibility to its officers to fulfill the requirements set forth by the Department of Labor, Federal Register 29 CFR Part 1910.1030, requiring the cleaning of the officer's work clothes when contaminated with blood or body fluids. With this in mind, when the officers work clothes become contaminated with blood or

body fluids from an individual encountered in the officer's daily activities, the officer will have the work clothes cleaned by the Memphis Police Department.

Procedure for Cleaning Contaminated Work Clothes

1. When an officer's work clothes are contaminated with blood or body fluids during the course of their daily activities, the officer will immediately notify their supervisor. An Incident Report and an appropriate memo will be submitted to their shift Commander, with a copy of the memo sent to the Health and Safety Officer.
2. The officer will then report to their work station and will immediately remove the contaminated garments, and the contaminated garments will be bagged in a Hazardous Material Bag. Personal items such as badge, nameplate, and nightstick will be cleaned by using a 10% bleach solution as outlined in the P&P for HIV/HBV.
3. The Hazardous Material Bag will be properly identified by affixing a tag to the outside of the bag indicating the officer's name, work station and IBM number.
4. The officer will put on a fresh set of garments, to be kept at the officer's work station and maintained by the officer.
5. The officer's supervisor will have the contaminated garments taken to Kraus Model Cleaners located at 1023 Linden. The contaminated garments will be cleaned by Kraus Model Cleaners. All contaminated garments will be taken to and retrieved from Kraus Model Cleaners between the hours of 0800-1600. All contaminated garments from the A, C, and D shifts will be held in the supervisor's office for the B shift.
6. Once the contaminated garments have been cleaned, the garments will be picked up by the precinct equipment officer and returned to the officer's work station. It will be the officer's responsibility to inspect the garments to insure the proper garments were returned.

G. Cleaning Police Vehicle when Contaminated with Blood or Body Fluids

With the increase of communicable disease infected patients comes an increase in their respective contact with the Memphis Police Department, and their subsequent transportation in official police vehicles.

Whenever a Police Vehicle is contaminated by blood or body fluids, the following procedures will be followed:

1. The officer or employee will contact their immediate supervisor and an appropriate memo will be submitted to the equipment officer at the respective precinct or bureau.
2. The police vehicle will be immediately removed from service.
3. The police vehicle will be taken to the precinct hazardous material area designated by the precinct Colonel, or for vehicles housed at the CJC, to the City Lot at 391 St. Jude Place.
4. Personnel designated at each work site will clean the affected area of the police vehicle with a freshly mixed solution of bleach mixed with water that gives a 10% solution. The police vehicle will be allowed to air dry and the police vehicle will then be returned to service.
   a. Cleaning personnel will wear Personal Protective Equipment to clean the police vehicle.
   b. The car will be cleaned with the 10% bleach solution and will then be rinsed with fresh

water.

c. The car will be allowed to air dry before returning to service.

5. If there are no personnel to clean the police vehicle at the time of the incident, the police vehicle will be removed from service until that time when the police vehicle can be cleaned. The vehicle will be marked with a Hazardous Material sticker with the location of the infectious material to be cleaned noted on the sticker.

H. Labels

The following labeling methods are used in this department:
Globally Harmonized System (GHS) of Classification and Labeling of Chemicals

Work station commanders/supervisors are responsible for ensuring that warning labels are affixed or red bags are used as required if regulated waste or contaminated equipment is brought into the facility. Employees are to notify the Health and Safety Office if they discover regulated waste containers, refrigerators containing blood or OPIM, contaminated equipment, etc., without proper labels.

VII. HEPATITIS B VACCINATION PROCEDURE

A. Hepatitis B Vaccination

The Health and Safety Office will provide training to employees on hepatitis B vaccinations, addressing safety, benefits, efficacy, methods of administration, and availability. The hepatitis B vaccination series is available at no cost after initial employee training of graduation from the training academy and within 10 days of receiving their initial assignment to all employees identified in the exposure determination section of this plan. Vaccination is encouraged unless: 1) documentation exists that the employee has previously received the series; 2) antibody testing reveals that the employee is immune; or 3) medical evaluation shows that vaccination is contraindicated. However, if an employee declines the vaccination, the employee must sign a declination form. Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of refusal of the vaccination is kept at Health and Safety Office. Vaccination will be provided by Shelby County Health Department, LifeSigns, Concentra, and OccuMed.

Following the medical evaluation, the employee will provide Health and Safety Office with medical documentation.

B. Hepatitis B Declination (Mandatory) Form

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to

have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.
Signed: (Employee Name)_____ Date:_____
Print Name:_____ IBM#_____ Phone#_____

Please review the attached list of employees who have not turned in their Hepatitis B Acceptance/Declination Form. Supervisors should address those under your area of responsibility and request that anyone on the list complete the form. If the employee accepts the department's offer to provide the vaccination, he/she should go to one of the medical facilities listed to obtain it. If they refuse this offer, they should sign the declination form. Supervisors should collect all signed acceptance/declination forms and forward them to Health & Safety.

VIII. POST-EXPOSURE EVALUATION AND FOLLOW-UP

An ***occupational exposure*** incident is a specific eye, mouth, other mucous membrane, non-intact skin, or injected contact with blood or other potentially infectious material that results from the performance of one's occupational duties.

Examples include:

- Contaminated *needle stick* injury
- A puncture or penetrating injury from objects covered with or containing blood or OPIM's sustained while performing duties.
- Blood splash to eyes, nose, mouth
- Blood in fresh, open cuts

A. Post Exposure Reporting Procedures

- The primary contact following an ***occupation exposure incident*** is the Department's Infection Control Officer. The Infection Control Officer shall be immediately notified on all ***exposure incidents.*** Ultimately, it is the responsibility of the exposed personnel to report exposure occurrences.
- All occupational exposure incidents shall be ***immediately*** reported to the exposed personnel's immediate supervisor. The exposed employee should complete the *Employee Exposure Report* located under the Administrative Forms link. If the person is not able to complete the form, the supervisor may complete the form and note this on the form. The form should be faxed to the Infection Control Officer at the Health and Safety Office, fax 901-636-3733.
- Personnel sustaining an exposure incident from a suspect who subsequently declines transportation to a medical facility shall advise their respective lieutenant before returning to service.
- If transported, the hospital receiving the source suspect shall be notified of the exposure at transfer of care.
- Following notification of the exposure incident to source suspect's nurse, and notification to Infection Control Officer, personnel are strongly encouraged to submit to a confidential medical evaluation. Between the hours of 8 a.m. and 6 p.m., Monday thru Friday personnel can receive post exposure medical evaluation and treatment through Concentra and Occumed. Personnel sustaining occupational exposure incidents on the weekend or

after 6 p.m. and before 8 a.m. may use any hospital emergency room. The MED is the preferred hospital for exposed employees to use after hours.

B. Confidentiality

- Confidentiality of the exposed personnel and the source suspect shall be maintained.
- ***Source suspect's disease status is to be communicated between the hospital, the infection control officer, and the exposed personnel*** – **ONLY**!
- The immediate supervisor of the exposed personnel shall not solicit any specific information regarding the exposure other than information necessary to communicate to the infection control officer.
- Exposed personnel shall not share information about the exposure with coworkers who were not involved in the incident.

C. Data Required

The following information shall be communicated to the infection control officer at the time of exposure:

- Source suspect name, age, DOB, and receiving hospital
- Any known disease history obtained from suspect History & Physical
- Type and nature of the exposure
- Actions taken following the exposure
- Name of source suspect nurse or attending physician

The following documentation is required on all occupational exposure incidents:

- Completed *Employee Exposure Report*
- *On-The-Job Injury Report*
- *Injury on Duty Attending Physician Report (IOD Report)*
- *Choice of Medical Provider Form* or *Notification of Emergency Treatment Form* (only if receiving medical treatment in area (approved) hospital emergency room)

It is the exposed personnel's responsibility to ensure all forms are completed.

IX. POST INCIDENT TESTING OF SUSPECTS AND EMPLOYEE WOUND CARE

A. HBV:

If the source suspect is positive for HBV, they will have a HBV titer test

1) If titer is positive no further testing will be necessary
2) If titer is negative, further medical evaluation/treatment is necessary to receive HBIG and HBV vaccine.

B. HCV:

If the source suspect is positive for HCV:

1) An HCV screen and liver function (ALT) will be done on exposed personnel.
2) Four to six weeks post exposure an HCV-RNA will be done.
3) Personnel may be referred to Concentra Health Services or an Infectious Disease physician for follow-up, continued treatment, toxicity testing, and blood testing.

C. Tuberculosis:

The Infection Control Officer must confirm source suspect has active tuberculosis and is contagious at the time of exposure. Confirmation shall be obtained through the TB management at:

1) branch of the Memphis Shelby County Health Department or
2) receiving hospital's Infection Control Nurse.
3) Once TB is confirmed a follow-up that includes skin testing/ reading and education will be conducted by the Police Division's Infection Control Officer.
    - Positive or questionable results will be referred to the Health Department.
    - Further testing, treatment and follow-up will be conducted through the Health Department.

D. *The Ryan White HIV/AIDS Treatment Extension Act of 2009, Part G* requires that a receiving facility notify the Department's Designated Officer of Infection Control where emergency response employees have been exposed to an infectious disease or an emerging disease threat; respond as soon as practical, but no later than 48 hours when request have been submitted by Designated Officer to the receiving hospital.

Should an exposure incident occur, please contact LaQuita Rallings at the Health and Safety Office at (901) 636-3728. An immediately available confidential medical evaluation and follow-up will be conducted by the designated medical doctors or nurse practitioners and LaQuita Rallings at the Health and Safety Office at (901) 636-3728.

E. Following an exposed employee's initial first aid (clean the wound, flush eyes or other mucous membrane, etc.), the following activities will be performed:

- Document the routes of exposure and how the exposure occurred.
- Identify and document the source individual (unless the employer can establish that identification is infeasible or prohibited by state or local law).
- Obtain consent and make arrangements to have the source individual tested as soon as possible to determine HIV, HCV, TB Activity, and HBV infectivity; document that the source individual's test results were conveyed to the employee's health care provider.
- If the source individual is already documented to have HIV, HCV, TB Active, and/or HBV positive by SCHD, then new testing need not be performed.
- Assure that the exposed employee is provided with the source individual's test results and with information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g., laws protecting confidentiality).
- Upon employee giving consent for testing, collect exposed employee's blood as soon as feasible after exposure incident, and test blood for HBV, TB, and HIV serological status
- If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days; if the exposed employee elects to have the baseline sample tested during this waiting period, perform testing as soon as feasible.

X. ADMINISTRATION OF POST-EXPOSURE EVALUATION AND FOLLOW-UP

The Health and Safety Office ensures that health care professional(s) responsible for employee's hepatitis B vaccination and post-exposure evaluation and follow-up are given a copy of OSHA's bloodborne pathogens standard. They will also ensure that the health care professional evaluating

the employee receives the following:

- a description of the employee's job duties relevant to the exposure incident
- route(s) of exposure
- circumstances of exposure
- if possible, results of the source individual's blood test
- relevant employee medical records, including vaccination status

XI. PROCEDURES FOR EVALUATING AN EXPOSURE INCIDENT

A. The Health and Safety Office will review the circumstances of all exposure incidents to determine:

- engineering controls in use at the time
- work practices followed
- a description of the device being used (including type and brand)
- protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.)
- location of the incident (O.R., E.R., suspect room, etc.)
- procedure being performed when the incident occurred
- employee's training

The Health and Safety Office will record all percutaneous injuries from contaminated sharps in a Sharps Injury Log. If revisions to this ECP are necessary Health and Safety Office will ensure that appropriate changes are made.

B. Follow-Up for Exposure to Tuberculosis

PROCEDURE	ACTION/NOTES
If an unprotected exposure occurs to a patient with confirmed active/communicable TB, a Mantoux skin test (PPD) should be administered as soon as possible.	Persons who have tested positive in the past should not be tested again. TST are performed at 2 weeks and 12 weeks from exposure date.
If this skin test is negative, the employee should be retested in 12 weeks.	
If the employee tests positive (>5mm reaction) or shows symptoms of TB, a chest x-ray should be taken.	Personnel with previous positive tests who are exposed to an infectious patient DO NOT require a skin test or an x-ray unless they show signs or symptoms of TB; however, a symptom screen should be performed.
Personnel testing positive following an exposure should be evaluated for preventive therapy in accordance with the current published guidelines.	Medical Director is notified; employee is referred to OSHA for follow-up. One chest x-ray should be performed with annual screening for symptoms.
Healthy personnel who are receiving preventive treatment for TB should be allowed to continue normal work activities.	Personnel, who are LTBI positive, do not have active TB and are not contagious to others. These personnel shall be allowed to work.
Personnel who have been diagnosed with active TB	

who have received treatment and who have three negative serial sputum cultures are no longer considered contagious. The decision to return to work will be in accordance with the department's contagious disease policy and when medically cleared by a physician.	

XII. EMPLOYEE TRAINING

All employees who have occupational exposure to blood borne pathogens receive initial and annual training conducted by the Training Academy. All employees who have occupational exposure to blood borne pathogens receive training on the epidemiology, symptoms, and transmission of blood borne pathogen diseases. In addition, the training program covers, at a minimum, the following elements:

- a copy and explanation of the OSHA blood borne pathogen standard
- an explanation of our ECP and how to obtain a copy
- an explanation of methods to recognize tasks and other activities that may involve exposure to blood and OPIM, including what constitutes an exposure incident
- an explanation of the use and limitations of engineering controls, work practices, and PPE
- an explanation of the types, uses, location, removal, handling, decontamination, and disposal of PPE
- an explanation of the basis for PPE selection
- information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge
- information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM
- an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available
- information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident
- an explanation of the signs and labels and/or color coding required by the standard and used at this facility
- an opportunity for interactive questions and answers with the person conducting the training session.

Training materials and some alert videos are available at Health and Safety Office.

XIII. RECORDKEEPING

A. Training Records

Training records are completed for each employee upon completion of training. Training records for commissioned officers will be maintained at the Training Academy. Training records for civilians will be maintained at their work stations. The training records include:

- the dates of the training sessions
- the contents or a summary of the training sessions

- the names and qualifications of persons conducting the training
- the names and job titles of all persons attending the training sessions

Employee training records are provided upon request to the employee or the employee's authorized representative within 15 working days. Such requests should be addressed to the Training Academy.

B. Medical Records

Medical records are maintained for each employee with occupational exposure in accordance with 29 *CFR* 1910.1020, "Access to Employee Exposure and Medical Records."
The Health and Safety Office is responsible for maintenance of the required medical records. These confidential records are kept in the Health and Safety Office for at least the duration of employment plus 30 years. Employee medical records are provided upon request of the employee or to anyone having written consent of the employee within 15 working days. Such requests should be sent to Health and Safety Office.

C. OSHA Recordkeeping

An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 CFR 1904). This determination and the recording activities are done by Health and Safety Office.

D. Sharps Injury Log

In addition to the 1904 Recordkeeping Requirements, all percutaneous injuries from contaminated sharps are also recorded in a Sharps Injury Log. All incidences must include at least:

- date of the injury
- type and brand of the device involved (syringe, suture needle)
- department or work area where the incident occurred
- explanation of how the incident occurred.

This log is reviewed as part of the annual program evaluation and maintained for at least five years following the end of the calendar year covered. If a copy is requested by anyone, it must have any personal identifiers removed from the report.

XIV. HAZMAT CHEMICAL EXPOSURE POLICY

A. Department Policy

To ensure that information about the dangers of all hazardous chemicals used by The Memphis Police Department is known by all affected employees, the following hazardous information program has been established. Under this program, you will be informed of the contents of the OSHA Hazard Communications standard, the hazardous properties of chemicals with which you work, safe handling procedures and measures to take to protect yourself from these chemicals.

This program applies to all work operations in the department where you may be exposed to hazardous chemicals under normal working conditions or during an emergency situation. All work units of this department will participate in the Hazard Communication Program. Copies of

the Hazard Communication Program are available in the Policy Procedure Manual for review by any interested employee.

LaQuita Rallings at the Health and Safety Office at (901) 636-3728 is the program coordinator, with overall responsibility for the program, including reviewing and updating this plan as necessary.

B. Container Labeling

The designated employee at each workstation will verify that all containers received for use will be clearly labeled as to the contents, note the appropriate hazard warning, and list the manufacturer's name and address.

The designated employee at each workstation in each section will ensure that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with labels marked with the identity and the appropriate hazard warning. For help with labeling, contact the Health and Safety Office at (901) 636-3728.

The department uses the Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

The Health and Safety Office will review the department labeling procedures annually and will update labels as required.

C. Safety Data Sheets (SDS's)

The Health and Safety Office is responsible for teaching all command staff for the SDS program. They will ensure that procedures are developed to obtain the necessary SDS's. Each commander or supervisor is responsible for review of incoming SDS for new or significant health and safety information. The procedure below will be followed when an SDS is not received at the time of initial shipment:

The designated person at each workstation will retrieve the SDS from the products website. Copies of SDS's for all hazardous chemicals to which employees are exposed or are potentially exposed will be kept in the SDS binder at each workstation and made available to all employees. SDS's will be readily available to all employees during each work shift. If an SDS is not available, contact LaQuita Rallings at the Health and Safety Office at (901) 636-3728.

SDS's will be readily available to employees in each work area. When revised SDS's are received, the designated workstation employee will replace the old SDS's.

D. Employee Training and Information

The Health and Safety Office is responsible for the Hazard Communication Program and will ensure that all program elements are carried out. Everyone who works with or is potentially exposed to hazardous chemicals will receive initial training on the hazard communication standard and this plan before starting work. Each new employee will attend a health and safety orientation that includes the following information and training:

- An overview of the OSHA hazard communication standard
- The hazardous chemicals present at his/her work area
- The physical and health risks of the hazardous chemicals
- Symptoms of overexposure
- How to determine the presence or release of hazardous chemicals in the work area

- How to reduce or prevent exposure to hazardous chemicals through use of control procedures, work practices and personal protective equipment
- Steps the company has taken to reduce or prevent exposure to hazardous chemicals
- Procedures to follow if employees are overexposed to hazardous chemicals
- How to read labels and SDS's to obtain hazard information
- Location of the SDS file and written Hazard Communication program

Prior to introducing a new chemical hazard into any section of the department, each employee affected will be given information and training as outlined above for the new chemical hazard. The person ordering the new chemical will print out a safety data sheet for the chemical and place it in the SDS Manual in alphabetical order. Effected personnel will be advised of the new chemical hazard.

E. Hazardous Non-routine Tasks

Periodically, employees are required to perform non-routine tasks that are hazardous.
Prior to starting work on such projects, each affected employee will be given information by the designated workstation employee about the hazardous chemicals he or she may encounter during such activity. This information will include specific chemical hazards, protective and safety measures the employee should use, and steps the company is taking to reduce the hazards, including ventilation, respirators, the presence of another employee (buddy systems), and emergency procedures.

F. Informing Other Employers/Contractors

It is the responsibility of the designated workstation employee to provide other employers and contractors with information about hazardous chemicals that their employees may be exposed to on a job site and suggested precautions for employees. It is the responsibility of the designated workstation employee to obtain information about hazardous chemicals used by other employers to which employees of this company may be exposed (i.e. Contracted cleaning service that may use materials purchased by the department).

Other employers and contractors will be provided with SDS's for hazardous chemicals generated by the department's operations by viewing the SDS binder. The other employers will be informed of necessary precautionary measures to protect employees exposed to operations performed by the department.

Also, other employers will be informed of the hazard labels used by the company. If symbolic or numerical labeling systems are used, the other employees will be provided with information to understand the labels used for hazardous chemicals for which their employees may have exposure.

G. List of Hazardous Chemicals

A list of all known hazardous chemicals used by our employees is attached to each of the employee workstations and bureaus. This list includes the name of the chemical, the manufacturer, the work area in which the chemical is used, dates of use, and quantity used. Further information on each chemical may be obtained from the SDS's, located in the workstation SDS binder.

When new chemicals are received, this list is updated (including date the chemicals were

introduced) within 30 days. To ensure any new chemical is added in a timely manner, the following procedures shall be followed:

1. The designated workstation officer will routinely check for updated SDS's on products at the workstation.
2. The hazardous chemical inventory is compiled and maintained by the designated workstation employee.

H. Program Availability

A copy of this program will be made available, upon request, to employees and their representatives.

XV. Acronyms

AIDS - Acquired Immunodeficiency Syndrome

CDC - Center for Disease Control

ECP - Exposure Control Plan

HAV - Hepatitis A Virus

HBV - Hepatitis B Virus

HCV- Hepatitis C Virus

Hep A - Hepatitis A

Hep B - Hepatitis B

Hep C - Hepatitis C

HIV - Human Immunodeficiency Virus

IOD Form - Injury on Duty Attending Physician Form

NIOSH - National Institute for Occupational Safety and Health

OPIM - Other Potentially Infectious Materials

OSHA - Occupational Safety and Health Administration

PPE - Personal Protective Equipment

SDS - Safety Data Sheets

TB - Tuberculosis; Two Types; Active TB (contagious) and Latent TB (non-contagious)

Universal Precautions - Universal Blood and Body Fluid Precautions-all body fluids and contaminated instruments will be handled as if they are infectious.

Law Enforcement Officers Support Division

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I. Memphis Police Department Law Enforcement Officers Support Division (LEOSD)

A. The Law Enforcement Officers Support Division (LEOSD) shall serve under the authority of the Deputy Chief of Special Operations.

B. The Deputy Chief of Special Operations shall select the LEOSD Commander and Executive Commander.

C. LEOSD members as designated are responsible for rendering military style honors in funeral services and internment of line of duty, active and honorably retired sworn personnel. The Unit will also designate members to participate in parades and other community activities, assist families of officers injured in the line of duty, stand a post at a hospital as needed and any other events as ordered by the Deputy Chief of Special Operations.

D. The LEOSD Commander or his designee will coordinate all activities relating to the operation and deployment of this detail.

E. All members will serve utilizing a team concept under the authority of the LEOSD Commander and Executive Commander.

Each member will be asked to serve as the Event Coordinator on a rotational basis. If there is a particular event that a member feels compelled not to coordinate, a written request to pass must be submitted. The rotation will begin with the most senior member and continue until each member has served as an Event Coordinator. At such time as the rotation has progressed through the membership, it will begin again with the most senior member.

II. Structure:

A. The Law Enforcement Officers Support Division (LEOSD) Commander and Executive Commander shall be a sworn supervisor of this department who is appointed by the Deputy Chief of Special Operations to act as the commander over the branches of the Law Enforcement Officers Support Division, which include the Memorial Guard and the Memorial Coalition.

B. The Memorial Guard will consist of up to thirty members. All members will be sworn personnel and may not be above the rank of lieutenant.

C. The Memorial Coalition will consist of up to fifteen members (civilian and any other law enforcement personnel).

D. Event Coordinator - a member of the Memorial Guard whom serves as the coordinator for Memorial Guard requests and mobilizes sufficient members to staff the specified activity. The Honor Guard and the Color Guard will each have an Event Coordinator.

III. APPLICATION AND SELECTION PROCESS:

A. A sworn officer of this department who has successfully completed the first eighty days of probation, but is under the rank of lieutenant, is eligible to be a member of the Memorial Guard. Any law enforcement officer and any civilian may serve as a member of the Memorial Coalition.

B. Individuals desiring membership with the LEOSD should submit an application to the Deputy Chief of Special Operations office.

C. The LEOSD Commander and Executive Commander shall maintain a list of approved individuals to serve within the Law Enforcement Officers Support Division. Should that list become depleted, new applications will be requested.

IV. DEPLOYMENT AND USE OF THE MEMORIAL GUARD:

A. The Memorial Guard may be used for the following activities:

1. Police Officer Funerals
2. Memorial Services relating to law enforcement
3. Parades and community events as approved by the LEOSD Commander, Executive Commander or the Special Events Office.
4. Other ceremonial events as directed by the Director and/or Deputy Director of Police Services.

B. All Law Enforcement Officers Support Division requests will be forwarded to the Special Events office during business hours. In the event of an after hours emergency, the LEOSD Commander and Executive Commander should be contacted.

C. The LEOSD Commander or his designee will contact the appropriate Event Coordinators and brief them regarding the event.

1. The Event Coordinators will notify the members of each team according to the rotational charts.
2. In the event of a funeral detail, the Honor Guard Event Coordinator will take a funeral contact sheet with him to meet with the family to determine the cause of action to pursue.
3. If the request is for a community event, the Color Guard Event Coordinator will complete an event contact sheet with contact information for the individual coordinating the community event.
4. The Event Coordinators will issue a LEOSD assignment order detailing the assignment number, date, time, location, event, contact person and members assigned to the detail.
5. A copy of the assignment order and contact sheet will be submitted to the LEOSD

Commander, Executive Commander and the Administrative Assistant.

If sufficient personnel are not available to fulfill the event assignment, the Event Coordinator will notify the LEOSD Commander and Executive Commander immediately.

V. DEPLOYMENT AND USE OF THE MEMORIAL COALITION:

The Memorial Coalition will serve as a partner with the Memorial Guard and may be used for the following activities:

a. Police Officer Funerals- to assist the family as needed.

b. Memorial Services relating to law enforcement- to assist with Police Memorial Day activities and any other survivor related activity as approved by the LEOSD Commander and Executive Commander.

c. Planning and providing an annual fellowship.

d. Parades and community events in a non-uniform capacity as approved by the LEOSD Commander, Executive Commander or the Special Events Office.

e. Other ceremonial events as directed by the Director and/or Deputy Director of Police Services.

VI. COMPENSATION:

Whenever feasible, members of the LEOSD Honor Guard will be carried as "Y" the day of a funeral with notification sent to Commanding Officers as soon as possible. Members of the LEOSD will be given compensation in accordance with the Memphis Police Association and the City of Memphis agreement. All compensation must be approved through the LEOSD Commander, Executive Commander or the Special Events Office and must be channeled through the Special Events office. There must be proper documentation of each event. There is no compensation for civilian volunteers.

VII. NOTIFICATION PROCEDURES FOR OFFICERS CRITICALLY INJURED OR KILLED IN THE LINE OF DUTY

A. DEPARTMENTAL NOTIFICATION:

Communications will contact the following personnel:

1. Duty Chief
2. Officer's Duty Colonel
3. Health and Safety Officer
4. Special Events Office
5. LEOSD Commander/Executive Commander
6. Public Information Officer
7. Department Chaplain

B. SURVIVOR NOTIFICATION:

The notification team must travel in 2 separate vehicles so as to provide transportation for children and additional relatives at the time of the notification. The Department Chaplain must be afforded the information that is available regarding the circumstances of death. Communications and the officer's workstation should be able to supply the emergency contact information for the deceased officer.

In all incidents where an officer is critically injured, officers who have been trained to make notifications and provide immediate assistance to the officer's family should make the official departmental notification. The recommended notification team would consist of:

1. The officer's immediate supervisor
2. The Department Chaplain
3. Support personnel to immediately assist with transportation, additional notifications and immediate assistance in the area of childcare.
4. At least one female officer
5. Initial notification is to the significant other. Secondary notification is to the deceased's parents.

If notification must be done outside our jurisdiction, the governing agency will be contacted by Communications and a request to dispatch a notification team from their agency will be made.

As outlined in the Concerns of Police Survivors document "Recommended Procedures for Death Notification", the Principles of Notification are as follows:

1. In Person

2. In Time
3. In Pairs
4. In plain language, and with compassion.

C. MEDIA NOTIFICATION:

The officer's identification shall not be released until both the initial and secondary survivor notifications have been made. The Director, Deputy Director or the Public Information Officer will make the media notification.

VIII. POLICE DEPARTMENT ASSISTED FUNERALS:

The Department will assist with the following categories of employee funerals:

1. Officers killed in the Line of Duty
2. Active Duty Officers non-line of duty
3. Reserve Officers
4. Retired Officers

A. LINE OF DUTY DEATH PROCEDURES:

1. An on-duty LEOSD member will be sent to the deceased officer's home to assist the officer's survivors. This officer will be relieved at the end of his tour of duty by another on-duty LEOSD member. In the event an on-duty LEOSD member is not available, an on-duty uniform patrol officer assigned to the nearest precinct will be substituted. However, the workstation may prefer to assign workstation officers to the family. The Precinct Commander, from the deceased officer's workstation, will make this decision.
2. A schedule will be created to provide an on-duty officer to be sent to the funeral home to stay with the officer's remains until the funeral service. The cooperation of all uniform patrol workstations will be requested. This officer's location will adjust according to the travel of the officer's remains.
3. At the request of the survivors, the funeral service for a line of duty death may consist of the following:

a.	Escort	all motors will be utilized for this detail
b.	Pallbearers	six from the Memphis Police Department
c.	Honorary Pallbearers	additional co-workers of the deceased
d.	Memorial Guard	
e.	One officer to play taps	
f.	T.A.C.T.	seven officers for 21-gun salute

g. Mounted patrol — riderless horse at the request of the family

h. Air Support Division — flyover

i. Bagpipes

j. Presentation of the flag

k. Chaplain

l. The slain officer's workstation will provide a black cloth drape at the workstation until the day after the funeral and will send flowers to the service.

m. All flags will be flown at half-staff from the time of death until the morning after the funeral.

n. Officers will wear black mourning bands on their badges from the time of death until the morning after the funeral.

o. The Memorial Guard will start one hour prior to the viewing, and one hour prior to the service.

p. The Honor Guard Event Coordinator will communicate all requests from the family for police participation to the funeral home coordinator.

q. The Honor Guard Event Coordinator will ensure that a memorandum is distributed advising of the death and all funeral arrangements.

r. A procession of marked squad cars will form at a designated location one-hour prior to the service and proceed to the service as a group with emergency lights activated. The deceased's commanding officer or his designee will coordinate this.

s. The Fire Department will be contacted to render any assistance that may be needed.

B. ACTIVE OFFICER (NON-LINE OF DUTY), RESERVE OR RETIRED OFFICER

At the request of the survivors, the funeral service for a line of duty death may consist of the following:

1. Escort — available motors will be utilized for this
2. Pallbearers — six from the Memphis Police Department
3. Honorary Pallbearer — additional co-workers of the deceased
4. Memorial Guard
5. Taps
6. Bagpipes
7. Chaplain
8. Presentation of the flag

9. A procession of marked squad cars will form at a designated location one hour prior to the service and proceed to the service as a group with emergency lights activated.
10. The Memorial Guard will start one hour prior to the viewing, and one hour prior to the service.
11. The Honor Guard Event Coordinator will communicate all requests from the family for police participation to the funeral home coordinator.
12. The Honor Guard Event Coordinator will ensure that a memorandum is distributed advising of the death and all funeral arrangements.
13. Officers will not wear black mourning bands for non-line of duty deaths.

NOTE: Police Officers (Line of Duty, Non-Line of Duty, Retired or Reserve) who die as the result of criminal conduct will not receive any of the aforementioned services.

IX. TRAINING:

There will be one training day scheduled the second week of February, two days the second week of April, one day the second week of July and one day the second week of November. Additional days may be added at the discretion of the Deputy Chief of Special Operations. The November training day will also serve as an annual Election Day for the board members. The purpose of these training days will be to practice parade formations and military funeral roles, to do an equipment inventory, to prepare for the activities surrounding Police Memorial Week and to address all concerns of the members of the Law Enforcement Officer's Support Division. Officers will be carried as "O". No overtime is approved for these training days.

X. EQUIPMENT:

Each officer is required to provide one "Class A" uniform. The Memphis Police Department will provide the following:

1. MPD patch
2. Gold "P" buttons
3. Gold Stripe
4. Command Staff cap (Navy w/gold strap)
5. Labor for alterations
6. Clarino belt
7. White web belt to hold the flag
8. Clarino holster
9. Clarino belt keepers
10. Clarino patent leather shoes "Bates Lites"

11. Winter coat
12. Gold ascot
13. Gold braid

There may be other additional items pending the needs of the unit.

XI. Motorcycle Escorts

The Special Events Office will coordinate and schedule a minimum of 6 Motors/officers for a funeral (as directed by the Commander of the Traffic Bureau) or for a Memphis Police Officer's immediate family members. Immediate family members will be limited to husband, wife, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, grandmother, grandfather, brother-in-law or sister-in-law, grandparents-in-law, son-in-law or daughter-in-law.

Private motorcycle escort services can be used to escort funeral processions, because State Law and City Ordinance provide this special exception.

However, the Memphis Police Department will NOT use or ride with any private escort service in conjunction for an escort.

The Special Events Office, Motorcycle Squad and LEOSD (Law enforcement Officer Support Division) will designate a mutual radio channel to coordinate communication during the escort. All Funeral escorts will be in conjunction with LEOSD standards and regulations.

The Memphis Police Department Motorcycle Squad may work an escort with officers from another Law Enforcement Agency. These agencies will coordinate with their respective unit and the Memphis Police Department on information requiring agencies to cross state lines.

Illegal Dumping:

Illegal dumping on any property, highway, street, public park, recreational, or any area not designated for such use is a violation of City Code.

Where the depositing of the litter was done from a motor vehicle except a bus, it shall be prima facie evidence that the littering was done by the driver of the vehicle.

The prosecution for a violation may be initiated by an officer who witnessed the offense or who discovered an article bearing a person's name on the property or by any citizen who witnessed the offense or discovered incriminating evidence who is willing to make the initial charge and testify for the state.

Therefore, where officers are called to the scene of an alleged violation where a citizen has observed a violation, the officers may issue a City Ordinance Summons. The officer must list in detail all of the citizen's contact information in the narrative of the Summons.

> Example: Sanitation supervisors observe a truck depositing litter in an unauthorized area. They call the police, and officers arrive on the scene where the supervisor gives a description of the vehicle including its license number. The officers may issue a City Ordinance Summons even though the offense did not occur in their presence if they are able to find the perpetrator.

In any event, where a private citizen initiates the complaint, he must be prepared to come to court and testify as to the violation which he saw occurring.

It has previously been determined by court decree that a City employee may seek an elective office while continuing employment with City of Memphis Government.

Employees who seek elective office, with the exception of elected officials and appointed employees of City of Memphis Government, shall comply in a timely manner with the following guidelines:

1. The employee shall give written notice to the employees Division Director stating the intention to seek elective office and the title of the elective office the employee will seek.
2. The employees Division Director shall immediately give written notice of the employee's intent to the Chief Administrative Officer, including a copy of the letter of intent from the employee to the Division Director.
3. The employee shall be placed on a leave of absence two weeks prior to the primary and/or general election dates. However, the employees Division Director, Chief Administrative Officer and/or Mayor hold the right to place the employee on leave of absence prior those dates if it is determined that the employees candidacy would interfere with the employees assigned job duties and responsibilities, would be a conflict of interest, or if the employee is found to be engaging in political activity of any kind during the performance of their job.
4. If the employee wishes to continue receiving compensation when placed on leave of absence, the employee shall use their unused accrued leave with the exception of sick leave. When all accrued leave, with the exception of sick leave, is finally depleted, the employee shall be placed on leave of absence without pay.
5. Should the employee be successful in acquiring the elective office sought, other than a City of Memphis elective office, the employee shall be allowed to continue City employment as long as the employees elected responsibilities do not conflict with the employees assigned job duties and responsibilities. If a difference of opinion as to conflict occurs between the employee and the employees Division Director, the matter shall be presented to the Chief Administrative Officer for resolution, and the decision of the Chief Administrative Officer shall be binding on both the employee and the employees Division Director.
6. Should problems arise in the matter of City employees seeking elective office that are not defined in this policy, the matter shall be presented to the Chief Administrative Officer for resolution, and the decision of the Chief Administrative Officer shall be final.

Pursuant to City of Memphis Charter (Ordinance Number 1852, Section 6, page HRA-27), any City employee who willfully violates or brings about the violation of any provision of this section directly or indirectly shall be guilty of a misdemeanor and punished by a fine not in excess of Fifty Dollars ($50.00), and any employee or official of the City shall, upon finding of guilty, immediately cease to be such employee or official of the City and be ineligible to hold any position with or employment with the City for a period of five years thereafter.

The Memphis Police Department has established a standardized system of processing requests for transfer based on personal or hardship reasons, and has established a review system for granted requests. The Hardship Transfer Board will review only those requests from officers whose job assignments are subject to regulation by the Agreement Between the City of Memphis and Memphis Police Association.

In the past, requests for transfer based on personal or hardship reasons have been submitted through an officer's chain of command, with approval or disapproval made within the work unit. To ensure the evaluation of each request with the same criteria applied, it is necessary to process all requests in the same manner.

Effective immediately, a Hardship Transfer Board will be established to process and rule on all requests for transfer and to periodically review granted requests.

A. Board Composition

The Hardship Transfer Board will consist of the following five (5) members:

(1) Two (2) management level members appointed by the Director.
(2) Two (2) members appointed by the Memphis Police Association President.
(3) The Chief Administrative Officer, or in his/her absence, the Manager of Administrative Services, will serve as the Board Chairman.

B. Board Authority

(1) The Board will have the authority to grant or deny all requests for a hardship transfer.
(2) The Board will have the authority, upon review, to terminate or extend previously granted transfers.

C. Board Tenure

(1) Board members appointed by the Director will rotate on a semi-annual basis.
(2) Board members appointed by the Memphis Police Association President will serve as designated by the Memphis Police Association.

D. Responsibility of Requesting Individuals

(1) All requests for transfer based on personal or hardship reasons will be forwarded, through the officer's chain of command, to the Chief Administrative Officer of the department.
(2) The request must include:
- *The circumstances causing the request*
- *The expected duration of those circumstances*
- *The duty hours or work location that would resolve the hardship*
- *Any documentation supporting the request*

(3) The requesting officer will be required to appear before the Hardship Board when convened by the Chairman. The appearance will **not** qualify the requesting officer or any additional pay or compensatory time if the appearance is off-duty.
(4) The officer may, at any time during a hardship assignment, submit a memo requesting to return to his/her permanent assignment if the need for the hardship transfer no longer exists.
(5) During the period of time an officer is assigned by reason of hardship to a particular shift, or to a particular location, the officer will be **required** to bid on any job opening whose hours or location would approximate those of the hardship transfer assignment. **Failure to bid on such job openings will result in the termination of the hardship transfer, and the officer shall be returned to his/her permanent assignment.** A successful bid for any job shall be considered as a resolution of the hardship.
(6) Shift differential pay, hazardous duty pay, FTO pay, out-of-rank pay, or any other supplemental pay will be temporarily discontinued during a hardship transfer, **if** the hardship assignment does not require the pay. The supplemental pay will commence immediately upon the officer's return to his/her permanent assignment

E. Responsibility of the Hardship Transfer Board

(1) The Hardship Transfer Board will interview applicants for a hardship transfer during
regularly scheduled meetings as convened every three (3) months by the Chairman.
(2) The Board will determine by majority vote whether the request will be approved or
denied. The Chairman of the Board will vote only in the event of a tie as cast by the four voting members.
(3) Prior to approving a request, the Board will ***verify*** the circumstances and need for the
hardship transfer.

(4) The Board Chairman will be responsible for ensuring the review of each granted request at
three (3) month intervals.

F. Duration of Hardship Transfer

(1) The duration of a hardship transfer is ninety (90) days.
(2) To extend a hardship transfer, the officer will submit a request to the Board Chairman prior to the next quarterly Board meeting outlining the need to continue with the hardship transfer. The Board will review the request at the next scheduled meeting. The requesting officer will be required to appear each time a request is made.
(3) **IN NO EVENT SHALL A HARDSHIP TRANSFER BE CONSIDERED AS A PERMANENT ASSIGNMENT.**

G. Emergency Requests

(1) In the event an emergency request is made prior to the Board's quarterly meeting, then the
Precinct/unit commander may request approval from the Deputy Chief to grant a temporary assignment or temporary loan for the officer.
(2) If the situation cannot be temporarily resolved at the work station, then the Deputy Chief
may request the Chairman to convene an emergency Board meeting.

The Police Services Division will provide, based on availability, maternity alternative duty assignments for officers within the department when requests for such assignments are submitted on a ***Request for Maternity Alternative Duty*** form.

An officer requesting such assignment must provide documentation from the attending physician who supports a maternity alternative duty assignment and must submit to an examination by a City appointed physician if such an examination is requested. When a maternity alternative duty assignment is considered, the officer will be responsible for obtaining the physician's approval for the performance of the duties to be assigned on the ***Request for Maternity Alternative Duty*** form.

The ***Request for Maternity Alternative Duty*** form will be forwarded through the chain of command to the Health & Safety Office for review and then to the appropriate Deputy Chief for final approval and assignment.

A maternity alternative duty assignment shall be terminated immediately upon childbirth, at the end of the pregnancy, or if the attending physician advises the Police Services Division that the officer is physically unable to continue working in the assignment.

Nothing herein affects the officer's maternity leave rights set forth in the City of Memphis' Personnel Manual Policies and Procedures, Maternity Leave Policy PM 66-02, or the Family and Medical Leave Act.

When unable to report to work due to illness or injury, personnel assigned to Investigative Services will notify their immediate supervisor if calling in sick during regular business hours (0800-1600). Investigative Services personnel calling in sick after regular business hours (1600-0800) must notify a Felony Response supervisor at 545-4450.

Any personnel assigned to work a Special Events detail that calls in sick must notify the ADE office at 545-2565.

Military Personnel

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I. Military Personnel

When an employee has been activated for military service, the employee will notify their supervisor and submit a copy of their active duty military orders for the time period that they will be away. The employee will advise the supervisor of any benefit days that they want to use to cover the time away from work. Full-time military employees are given twenty (20) military days at the beginning of the calendar year to cover days spent away from work on military orders. Employees may also use vacation time, accumulated time, and bonus time to cover days spent away from work on military orders. Supervisors may also change scheduled shift assignments or regular days off to avoid conflict with regularly occurring non-emergency drills or training for service members.

When an employee has been activated for military service, and the deployment is more than twenty-one (21) days, the employee will notify and submit a copy of their active duty military orders to their immediate supervisor and the Police Division Military Liaison's Office. Employees will be required to complete the "Accrual Benefit Form", Personnel Information Forms, and the "Check-In List/ Employee Exit Forms, which must be hand-delivered to the Police Division Military Liaison. The Military Liaison will have an exit interview with the employee, go through the Military Activation Checklist, and verify that all of the required paperwork has been completed correctly. The Military Liaison will forward the information to MPD Human Resources.

II. BENEFITS EXPLANATION - ACTIVE DUTY MILITARY STATUS MOBILIZATION

The following will apply to permanent, full-time City employees (hereinafter "City employee" or "employee"), including those in their initial probationary period, who are called to active military service with one of the regular components of the armed forces of the United States:

A. SUPPLEMENTAL PAY:

The City of Memphis will pay a flat amount of $800.00 per month to the employee. This amount would be reduced by legal deductions such as Federal Income Tax Withholding, Medicare (where applicable), Child Support, Garnishments and Wage-Earner.

To be eligible for the City's "Supplemental Pay," the employee must submit "Competent Military Orders" directly to his/her Supervisor and a copy to the Police Division Military Liaison. These orders must indicate that the activation is directly related to (i.e., "Operation Noble Eagle", "Operation Enduring Freedom", "Operation Iraqi Freedom", "Operation New Dawn", and "Operation Freedom's Sentinel") or in support of military operations resulting from the terrorist attacks of September 11, 2001. Memos and other documents are not acceptable as verification of deployment in support of the above Peace Operations.

The Police Division Military Liaison will take a copy of the employee's orders and a copy of the Personal Information Form to MPD Human Resources. Human Resources will complete a Change Authorization Form showing the employee on active military leave and will forward it to the City of Memphis Deputy Director of Human Resources for final processing.

If a City employee is called to active military service after the 15th day of the month, the

employee's first supplemental check will be one-half of the monthly supplement, or $400.00. If the employee's activation date is on the 1st day through the 15th day of the month, the employee will be paid the full monthly supplement. Thereafter, until the employee is released from active military service, the employee will receive the full monthly supplement. Supplemental checks will be processed monthly and mailed to the individual designated by the employee. In the absence of this information, the supplemental checks will be mailed to the address currently on file with the City's Payroll Department. NOTE: Supplemental paychecks will not be direct deposited.

B. SENIORITY

During the period of active military leave, seniority and all rights based on seniority will continue without loss or interruption. Probationary employees whose probations are scheduled to end while on active military leave will be subjected to an extended probation.

C. LEAVE BENEFITS

The employee has the option of having unused vacation and bonus day leave frozen to be activated on the first day of their reinstatement to City employment, or the employee may elect to use any unused leave at the time the employee leaves for active military duty. In all cases, the employee's sick leave is frozen on the last day they are on the City payroll before military leave, as well as time accrued toward the 3-month period for earning a bonus day.

The employee will begin all leave accrual based on their seniority date on the first day the employee returns to City employment. The employee is not required to use their vacation and bonus day leave when called for active military service.

NOTE: Any and/or all of the paid twenty (20) military leave days during the calendar year of military activation can be used by the employee before going on leave of absence without pay. Employees activated longer than a year will not accrue vacation or bonus time while on military service during the second year. However, officer's time will be prorated based on the date of return for the second year.

D. HEALTH, DENTAL, & LIFE INSURANCE

All voluntary benefit deductions and coverage (single plan or family plan) will be canceled during the period of time the employee is on active military service. Deductions will be canceled if the Benefits Office is given notice on or before the first day of active military service. If the employee wishes to continue his/her coverage while on active military duty, the employee must contact the Benefits Office, Division of Human Resources, at 576-6761, to make arrangements for the benefit deductions before the employee leaves on active military duty.

E. LIFE INSURANCE (Contributory Life Insurance, Non-Contributory Life Insurance, & Dependent Life)

All life insurance ceases while the employee is on active military duty.

***IMPORTANT* -** As soon as the employee is released from active military service, the employee must go to the Benefits Office located in City Hall (Room 428) to re-enroll in the benefits the employee was receiving on their last workday immediately prior to active military duty. The employee will not have City coverage until the employee re-enrolls, and the employee must re-enroll for City health benefits within sixty (60) calendar days of the date the employee is released from military duty. The employee will be responsible for the portion of their premiums from the last date of primary military health coverage. **Failure to timely re-enroll after release from active military service may result in denial of benefit coverage.**

F. PENSION

The employee's pension service date is unaffected while the employee is on active military duty. The period of military service will not be deducted from the period of time used to calculate credible pension service. Employee contributions into the pension plan will cease during the period in which the employee is on active military duty and is not using accrued leave. Only the actual employee contributions will be used to calculate pension payout prior to retirement.

G. SOCIAL SECURITY

Social Security and benefit accruals will be determined by applicable federal laws.

III. EQUIPMENT

Employees will complete the "Check-in List/ Employee Exit Form" and turn in appropriate work equipment. This task **must** be completed and the form **must be turned in to the MPD Military Liaison before their period of activation**. **Failure to do this will result in disciplinary actions.** The form directs Commissioned employees to go to the work station, PDA Team, and Training Academy Firing Range for the storage of their duty weapons, ammunition, and any sensitive equipment during their period of activation. Prior to returning to work, the commissioned employee must acquire his/her equipment from the Academy Firing Range and make arrangements with the Training Academy to pick up a packet of any documents that were distributed during that employee's time of leave and to schedule In-service Training as required.

IV. COMMUNICATION WITH DEPLOYED EMPLOYEES

Deployed employees shall continue to receive department email in order to be notified of agency news, significant events and promotions or promotional opportunities.

The Military Liaison serves as the contact person between the department and military employees and their families, while the employee is deployed. Deployed employees may contact the military liaison for assistance with any departmental issue.

Memphis Police Department
Police Division Military Liaison Office
170 N. Main 11th floor Rm# 1115
Memphis, TN 38103
Office: 901-636-3682
Fax: 901-636-3695

V. RETURN/REINSTATEMENT OF EMPLOYEES

Returning employees will be reinstated in accordance with the current applicable Federal and City policy and procedures

Twenty-one (21) Calendar days or Less
Employees shall advise their supervisor as soon as possible of their date of return. Supervisors should schedule the employee to report to work no later than the first work day on their next regularly scheduled shift, after completion of the employee's service as indicated on the Military Orders and after allowance for safe travel home from the military duty location and an eight (8) hour rest period per USERRA 38 U.S.C. § 4312 (e); unless on other approved leave.

Twenty-one (21) Calendar days or more
Employees shall advise the Military Liaison as soon as possible of their date of return to schedule a Military Return Interview. The employee must submit a copy of their DD-214 or written documentation of their release from active duty. The Military Liaison will contact the training academy to schedule training on Policy and Procedure and Law updates for officers gone more than 180 days, when necessary. Arrangements will be made for officers to pick up any stored equipment from the academy, PDA team, and the work station.

If any certifications have expired during the employee's deployment, the employee shall attend a recertification course prior to being assigned those duties.

Prior to returning to their duty station for work, the employee must contact their immediate supervisor for current assignment information. Supervisors should schedule the employee to report to work no later than the first work day on their next regularly scheduled shift, after completion of their Military Return Interview, and clearance by other involved parties (i.e. Military Liaison, Training Academy, Department Psychologist, etc.) when necessary, unless the employee is on other approved leave.

Arrangements will be made for deployed employees to make up a promotional process that they were eligible for (at the time of that process). City Hall Human Resources receives a list of all employees deployed and their tentative return dates. If an employee was eligible for a promotion process while they were deployed, the employee will be contacted by City Hall HR after their return concerning a make-up promotion process.

NOTE: All returning employees who are disabled (temporarily or permanently) due to military service will be referred to the Police Human Resources Office for further referral to the City Attorney's Office for disposition and guidance.

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