


To: Sheriff Parnell McNamara, Bruceville-Eddy City County and Police Chief.

Justin Richardson who is a police officer for the City of Bruceville-Eddy and who I would assume you would all expect to represent your city well, in fact isn't. Facts are, he runs a Facebook page called "McLennan County Citizens for BAD Government". He has taken up with a lady by the name of Bernadette Feazell who not only trashes all county and city government but who also partakes in criminal activity. We will at a later date, provide you with hard data supporting the facts that he is running this facebook page which simply appears to be created for one sole purpose, bashing Sheriff Parnell McNamara and his staff. We can only assume this is being done by Justin Richardson because he was terminated by the Sheriff's Office which we received data through Open Records requests. We will also be provided those documents in a letter to follow in the next few weeks. Not only has Justin Richardson trashed McLennan County Sheriff Parnell McNamara, he has trashed the City of Bruceville-Eddy and its current police chief on his own body camera that he so interjects himself with the McLennan County Sheriff's Office needing. I will provide you that documentation now for you to read the trash your employee is sharing on social media, particularly a site he has created and use the same email address as Bernadette Feazell "I'm mad too herry". We have documentation we will provide in coming packets that prove Justin Richardson has not only used her email information for his new facebook page but also his communications with her directly. It can only be assumed that Justin partakes in this behavior while on duty serving the citizens of your great city. As a community member and concerned citizen, I am ashamed that your police chief, who know this man has trashed the city (on city body camera's) that he is still employed with your city. It is my hopes that Justin Richardson will start serving the citizens with pride and dignity instead of malice, nastiness and cowardness as he hides behind his facebook page and trashes our great elected officials in McLennan County

Sincerely,

Jan G.

<  McLennan County Citizens for
BAD Government ...

1d · 🌐

YOU'RE LOOKING FOR

8h Like Reply



Justin Richardson
Jan Grice

Also. Can you tell us why one of
the greatest lawmen who ever
lived doesn't want his people to
have body cams?

Or not even defending "one of the
greatest lawmen who ever lived",
can you as the "simple observer"
that you are, and user of those oh
so big words, tell us why any
lawman would NOT want to have
body cams?

I mean. If you're doing right, then
what do you have to fear from
being recorded as you do right?

3h Like Reply



Jan Grice
McLennan County Citizens for
BAD Government, calling me a
fan is quite a stretch, and you are

Write a comment...





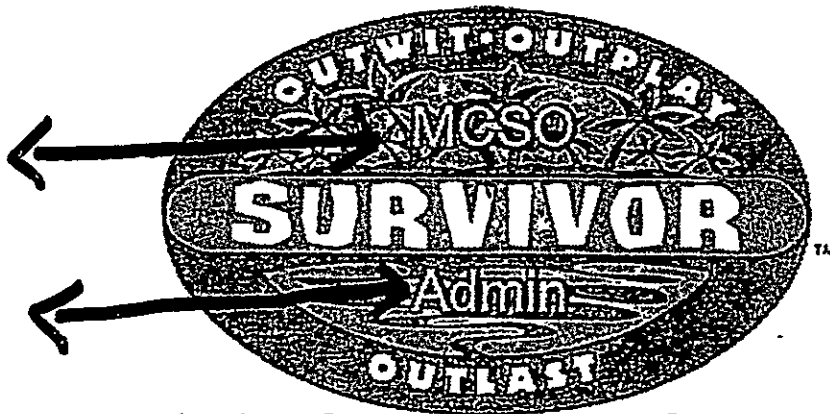
McLennan County Citizens for
BAD Government

1d - 6

Our humble opinion: Team Blossman for the win

We just don't think Team Eubank has it in em. We
just think their chances are slim. Which is likely one
of the few times that word and that name are ever
used together ♡

From the people behind Survivor: Hwy 6



Blossman and Eubank who are circled on this piece of paper are both Lieutenants in the Administration for Parnell McNamara. We have circled their names so you can see they are being slandered by your employee and we are hoping they will file slander and libel suits on your employee, we are encouraging them to do so.

In the "Survivor Banner" MCSO = McLennan County Sheriff Office

ADMIN= McLennan County Sheriff's Office Administration

7:26

Jan Grice



Jan Grice

Facebook

You're not friends on Facebook
Studied at Texas Tech University

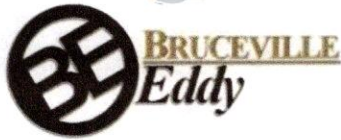
WED 11:41 AM

Hello this is Michael Dorsey I am reaching out to you because I have received a letter from you regarding a matter that I would like to receive more information about. I do not have anyway to contact you outside of messaging you here. If you could please provide me with your phone number, or email address so we can discuss this matter further. I would like to address this matter promptly and appropriately but I am unable to do so with the limited information I have received.
Thanks



Aa





Internal Investigation Summary

143 Wilcox Dr.
Eddy, TX 76524

<http://www.bruceville-eddy.us>

Phone: 254-859-5072
Fax: 254-859-5258

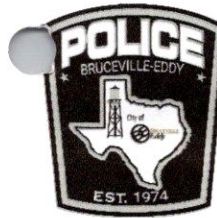
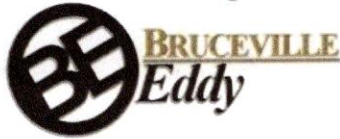
On Monday January 30th, 2023, I Chief Michael Dorsey of the Bruceville-Eddy Police Department received a letter (3 pages), via US Mail, which states the following:

To: Sheriff Parnell McNamara, Bruceville-Eddy City Council, and Police Chief.

(Page 1) Justin Richardson who is a police officer for the City of Bruceville-Eddy and who I would assume you would all expect to represent your city well, in fact isn't. Facts are, he runs a Facebook page called "McLennan County Citizens for BAD Government." He has taken up with a lady by the name of Bernadette Feazell who not only trashes all county and city government but who also partakes in criminal activity. We will at a later date, provide you with hard data supporting the facts that he is running this Facebook page which simply appears to be created for one sole purpose, bashing Sheriff Parnell McNamara and his staff. We can only assume this is being done by Justin Richardson because he was terminated by the Sheriff's Office which we received data through Open Records requests. We will also be provided those documents in a letter to follow in the next few weeks. Not only has Justin Richardson trashed McLennan County Sheriff Parnell McNamara, he has trashed the City of Bruceville-Eddy and its current Police Chief on his own body camera that he so interjects himself with the McLennan County Sheriff's Office needing. I will provide you that documentation now for you to read the trash your employee is sharing on social media, particularly a site he has created and use the same email address as Bernadette Feazell "I'm mad too harry." We have documentation we will provide in coming packets that prove Justin Richardson has not only used her email information for his new Facebook page but also communicates with her directly. It can only be assumed that Justin partakes in this behavior while on duty serving the citizens of your great city. As a community member and concerned citizen, I am ashamed that your Police Chief, who knows this man has trashed the city (on city body camera's) that he is still employed with your city. It is my hopes that Justin Richardson will start serving the citizens with pride and dignity instead of malice, nastiness and cowardness as he hides behind his Facebook page and trashes our great elected officials in McLennan County.

Sincerely,

Jan G.



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(Page 2) Contained a page that has a comment made by Justin Richardson, which states the following: "Jan Grice Also. Can you tell us why one of the greatest lawmen who ever lives doesn't want his people to have body cams? Or not even defending "one of the greatest lawmen who ever lived." Can you as the "simple observer" that you are, and user of those oh so big words, tell us why any lawman would NOT want to have body cams? I mean, if you're doing right, then what do you have to fear from being recorded as you do right?"

When reviewing the post on the McLennan County Citizens for BAD Government page, I reviewed the comment thread, and observed that the comment initially posted by Justin Richardson had been deleted, and replaced with a comment made by (Author) McLennan County Citizens for BAD Government, which states the following:

"Jan Grice First of all. Welcome to our humble piece of the internet. It's fans like you that make this page worthwhile. Now if we were our sister site (thoughts and prayers for their return) we would just delete your comments. We couldn't do that to a fan though. We do invite you to come back to your comment in six months time and see if it's still relevant. However. With the amount of leadership and experience that's suddenly departed in the last year (chief deputy, major, captains, Lts, Sgts) we still feel like "one of the best lawman that ever lived" is hosting a survivor spinoff."

After reviewing, and comparing the comments made by Justin Richardson, and the Author of McLennan County Citizens for BAD Government, I concluded that it was possible that Justin Richardson was the Author of the Facebook page McLennan County Citizens for BAD Government.



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I was later notified that the (Bruceville-Eddy) City Administrator, Mayor, and all City Council Members also received the same letter from Jan G. Upon receiving this letter, I began an internal investigation into this matter, which is outlined in the letter from Jan G. I later located a Facebook page named "McLennan County Citizens for BAD Government." Upon reviewing this page, I observed that this Facebook page was created on September 11, 2022. I observed that the Email address associated with this Facebook page was listed as "immadtooharry@proton.me." I also observed that the Website associated with this Facebook page was listed as "<https://immadtooharry.com/>." Listed under Bio for this Facebook page it is stated "It's satire." Upon reviewing the content contained on this Facebook page, I observed that all of the Facebook page posts were directed towards the McLennan County Sheriff's Office, Sheriff Parnell McNamara, and Sheriff's Office Employees. It appears that all the content contained on this Facebook page is derogatory in nature, and is aimed to bring discredit, ridicule, and criticism to the McLennan County Sheriff's Office. Upon viewing the immadtooharry.com website, the description of the site on the homepage states "Exposing small town corruption and secrets in Waco, TX."

On 02/02/2023 at approximately 5:53 PM, I received a phone call from Captain Chris Eubank with the McLennan County Sheriff's Office. Captain Eubank stated that Sheriff McNamara had also received the same letter that I had received from Jan G. Captain Eubank stated that it is believed that Justin Richardson is running a Facebook page called McLennan County Citizens for BAD Government. Captain Eubank stated that due to the belief that Justin Richardson is running this Facebook page, the Sheriff's Office has lost trust in Justin Richardson. Captain Eubank stated that the Sheriff's Office has requested that when Justin Richardson is on duty for the City of Bruceville-Eddy, that he not respond to any non-emergency calls that the Sheriff's Office may receive outside the city limits of Bruceville-Eddy. Captain Eubank also stated that Sheriff McNamara may decide in the future to prohibit Justin Richardson from entering onto any McLennan County maintained property, which would include the Sheriff's Office, the McLennan County Courthouse, and the McLennan County Jail. Captain Eubank stated that the Sheriff's Office does not wish to prohibit Richardson from any County property, and wants to maintain a good working relationship with the Bruceville-Eddy Police Department.

On 02/06/2023 at approximately 2:00 PM, Officer Justin Richardson requested to meet with me at the Bruceville-Eddy Police Department. Upon meeting with Richardson in my office, Richardson stated that he was the Administrator for the Facebook page McLennan County Citizens for BAD Government. Richardson also stated that he was anxious about his job, and the page that he had created. During my conversation with Richardson, he said that he could not say with 100% certainty that he hasn't posted anything on the Facebook page while on duty. Richardson stated that he has deleted the Facebook app from his phone to make sure he will not post anything during work hours. In previous conversations with Richardson, he has made mention of the "Harry Files" referring to Bernadette Feazell's website "I'm Mad Too Harry".

RE: MCSO Request

Chris Eubank <Chris.Eubank@co.mclennan.tx.us>

Wed 2/8/2023 12:44 PM

To:

Michael Dorsey <mdorsey@bruceville-eddy.us>

CAUTION: This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Chief, Dorsey

The Sheriff's Office is committed to a great working relationship with the Bruceville Eddy Police Department. It is our request that Officer Justin Richardson not respond to non-priority calls that are dispatched to the McLennan County Sheriff's Office outside Bruceville-Eddy's jurisdiction. As always, we will respond to any officer assistance needed calls in your city and we would expect the same from your agency.

Thanks,

Chris Eubank

Captain, Patrol Division / Courthouse Security

McLennan County Sheriff's Office

901 Washington Ave,

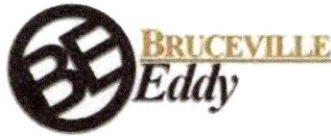
Waco, Texas 76701

PH 254-757-5099 Fax: 254-757-5071

Email: chris.eubank@co.mclennan.tx.us

"strive not to be a success but rather
to be of value" ~Albert Einstein~





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On January 30th, 2023, I Chief Michael Dorsey of the Bruceville-Eddy Police Department began an internal investigation regarding Officer Justin Richardson, that stemmed from an allegation of misconduct. The initial complaint submitted to the (Bruceville-Eddy) Chief of Police, City Administrator, Mayor, and City Council was deemed unfounded. This determination was held on the basis that speech by a public official is only protected if it is engaged in as a private citizen, not if it is expressed as part of the official's public duties.

(Ref. Case Law Garcetti V. Ceballos)

On 02/03/2022 I began reviewing Officer Richardson's GPS data from his Patrol Unit (#3), as part of my internal investigation. Upon reviewing GPS data from Unit # 3, I began to find trips made by Officer Richardson, while on duty, to the Starbucks located at 2452 W Loop 340 Waco, TX, 76711.

Utilizing Google Maps, the distance from the City Limits of Bruceville-Eddy from N IH-35 to Starbucks at the Central Texas Marketplace is approximately 15 miles one-way, and approximately 30 miles round-trip.

On February 11th, 2023, at approximately 5:40 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 02-11-2023 Officer Richardson was on duty and was working a 3PM – 3AM patrol shift.

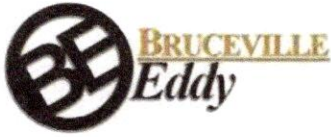
On February 7th, 2023, at approximately 7:03 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 02-07-2023 Officer Richardson was on duty and was working a 3PM – 2AM patrol shift.

On February 6th, 2023, at approximately 4:39 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 02-06-2023 Officer Richardson was on duty and was working a 3PM – 2AM patrol shift.

On February 2nd, 2023, at approximately 6:19 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 02-02-2023 Officer Richardson was on duty and was working a 3PM – 2AM patrol shift.

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On January 28th, 2023, at approximately 3:53 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-28-2023 Officer Richardson was on duty and was working a 3PM – 3AM patrol shift.

On January 27th, 2023, at approximately 4:21 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-27-2023 Officer Richardson was on duty and was working a 3PM – 3AM patrol shift.

On January 24th, 2023, at approximately 4:08 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-24-2023 Officer Richardson was on duty and was working a 3PM – 2AM patrol shift.

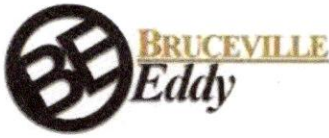
On January 19th, 2023, at approximately 4:15 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-19-2023 Officer Richardson was on duty and was working a 3PM – 2AM patrol shift.

On January 14th, 2023, at approximately 1:41 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-14-2023 Officer Richardson was on duty and was working a 1PM – 1AM patrol shift.

On January 10th, 2023, at approximately 11:11 AM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-10-2023 Officer Richardson was on duty and was working a 1PM – 12AM patrol shift.

On January 10th, 2023, at approximately 4:40 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-10-2023 Officer Richardson was on duty and was working a 1PM – 12AM patrol shift.

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On January 5th, 2023, at approximately 3:03 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-05-2023 Officer Richardson was on duty and was working a 1PM – 12AM patrol shift.

On January 4th, 2023, at approximately 7:52 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-04-2023 Officer Richardson was on duty and was working a 1PM – 12AM patrol shift.

On January 1st, 2023, at approximately 1:39 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 01-01-2023 Officer Richardson was on duty and was working a 1PM – 1AM patrol shift.

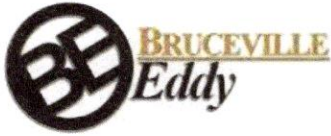
On December 27th, 2022, at approximately 2:43 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 12-27-2022 Officer Richardson was on duty and was working a 1PM – 12AM patrol shift.

On December 30st, 2022, at approximately 3:47 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 12-30-2022 Officer Richardson was on duty and was working a 1PM – 1AM patrol shift. I also observed the route Richardson drove to Starbucks began in Bruceville-Eddy to Old Lorena Rd. From Old Lorena Rd, Richardson traveled west to Hwy 84. From Hwy 84 Richardson traveled north to Hewitt Dr. From Hewitt Dr, Richardson traveled east to Sun Valley Blvd. From Sun Valley Blvd, Richardson traveled north on Bagby Ave to reach Starbucks, located at the Central Texas Marketplace. After Richardson left Starbucks, he returned to the city limits of Bruceville-Eddy. I observed from the GPS data that this trip was approximately 47.41 miles. Also, on December 30th, 2022, Richardson received general counseling for violating departmental policy.

On December 31st, 2022, at approximately 4:59 PM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at Starbucks, located at the Central Texas Marketplace (2452 W Loop 340 Waco, TX, 76711). On 12-31-2022 Officer Richardson was on duty and was working a 1PM – 1AM patrol shift.

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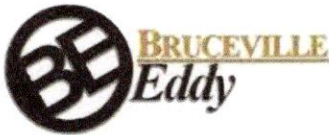
(Also Noted) January 10th, 2023, Officer Justin Richardson was working a 10AM – 10PM Patrol shift. At approximately 12:00 PM, I received a text message from Officer Richardson stating: "Sorry. Wife wanted some Starbucks. So I got her some".

On January 28th, 2023, at approximately 2:26 AM, GPS data obtained from Officer Richardson's patrol vehicle (#3) showed Richardson was at the Wells Fargo Bank, located at (8900 US-HWY 84 Waco, TX, 76712). On 01-28-2023 Officer Richardson was on duty and was working a 3PM – 3AM patrol shift.

Utilizing Google Maps, the distance from the City Limits of Bruceville-Eddy from N IH-35 to Wells Fargo in Woodway, TX is approximately 20.6 miles one-way, and approximately 41.20 miles round-trip.

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Initial _____



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Policy & Procedure Violations

18 Documented Violations (2.1 Section(s) I & L Page 7)

2.1 Page 6

VIII. Attention to Duty

A. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.

C. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all times use sound judgment. 2.1 Page 7

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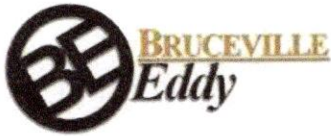
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2.1 Page 7

I. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP: 2.16, 2.22)

L. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business that would cause them to neglect their duty.

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M. Availability While On-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on duty.

2.5 Page 5

V. PROGRESSIVE DISCIPLINE

B. Probationary employees shall be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that a probationary employee has no right of appeal. In the case of a dismissed probationary employee, the official record shall merely indicate that the person was dismissed during probationary employment.

4.2 Page 2

V. PROBATION

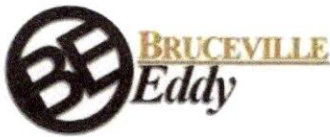
2. All newly hired police officers shall be considered on probation for one year from the date of completion and release from field training.

3. The same probationary period applies to officers hired through lateral entry.

B. An employee may be released from employment at any time during the probationary period for any reason. Supervisors who believe a probationary employee's job performance is unsatisfactory should provide evidence of the unsatisfactory performance to the Chief of Police for consideration at any time.

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Probationary Officer Administrative Action

143 Wilcox Dr.
Eddy, TX 76524

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Phone: 254-859-5072
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Regarding:

Officer Justin Richardson

Probationary Police Officer (Probationary Period 04/08/2022 – 04/08/2023)

Facts :

December 17th, 2022 – Policy Violation (2.1 Rules of Conduct)

General Counseling issued by Chief Dorsey.

Policy Violations Observed from Internal Investigation:

1. February 11th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
2. February 7th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
3. February 6th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
4. February 2nd, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
5. January 28th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
6. January 28th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
7. January 27th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
8. January 24th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
9. January 19th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
10. January 14th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)

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Probationary Officer Administrative Action

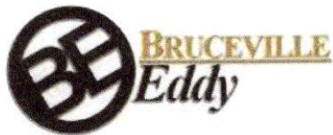
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11. January 10th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
12. January 10th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
13. January 5th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
14. January 4th, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
15. January 1st, 2023 – Policy Violation documented (2.1 Section(s) I & L Page 7)
16. December 27th, 2022 – Policy Violation documented (2.1 Section(s) I & L Page 7)
17. December 30th, 2022 – Policy Violation documented (2.1 Section(s) I & L Page 7)
18. December 31st, 2022 – Policy Violation documented (2.1 Section(s) I & L Page 7)

Initial JSR



Probationary Officer Administrative Action

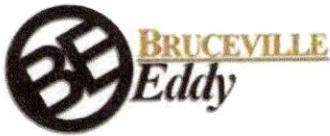
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I was unaware that going to Starbucks was not allowed. Had I known that I would not have done so. Knowing it now it will not happen again. It was never my intention to violate any policies.


Signature of Person Giving Statement



Probationary Officer Administrative Action

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Phone: 254-859-5072
Fax: 254-859-5258

On February 15, 2023, Officer Justin Richardson # 893 will be dismissed from probationary employment by the Bruceville-Eddy Police Department, effective immediately.

In accordance with the Texas Commission of Law Enforcement, the Separation of License (F-5), will reflect the following:

General Discharge

(A) was terminated by, retired or resigned from, or died while employed by a law enforcement agency and the separation was related to a disciplinary investigation of conduct that is not included in the definition of dishonorably discharged; or

(B) was terminated by or retired or resigned from a law enforcement agency and the separation was for a documented performance problem and was not because of a reduction in workforce or an at-will employment decision.

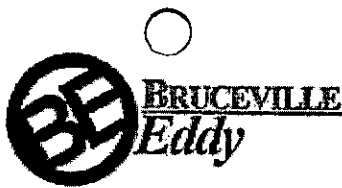
Officer J. Richardson (893)  Date 02/15/2023

Chief M. Dorsey (890)  Date 02/15/2023

Kent Manton, City Administrator  Date 02/15/2023

Linda Owens, Mayor  Date 02/15/2023

Initial _____



General Counseling

143 Wilcox Dr.
Eddy, TX 76524

<http://www.bruceville-eddy.us>

Phone: 254-859-5072
Fax: 254-859-5258

Date: January 10, 2023

This document will serve as notice on general counseling for Officer Justin Richardson # 893. The following policy violations were violated by Officer J. Richardson on or about December 17, 2022.

Policy 2.1 Rules of Conduct

VIII. Attention to Duty

C. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all times use sound judgment.

IX. Cooperation with Fellow Employees and Agencies

- A. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.

XIV. Expectation of Privacy

- A. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the agency chief executive or his or her designee.



General Counseling

Policy 4.2 Appointment and Probation

V. PROBATION

A. All new employees are on probation for a period of one year.

1. Non-sworn personnel are on probation for one year from the date of their employment.
2. All newly hired police officers shall be considered on probation for one year from the date of completion and release from field training.
3. The same probationary period applies to officers hired through lateral entry.

B. An employee may be released from employment at any time during the probationary period for any reason. Supervisors who believe a probationary employee's job performance is unsatisfactory should provide evidence of the unsatisfactory performance to the Chief of Police for consideration at any time.

Any future violations of these policies could result in further disciplinary actions.

Chief M. Dorsey (890)  Date 01/10/2023

Officer J. Richardson (893)  893 Date 01/10/2023



Written Reprimand

143 Wilcox Dr.
Eddy, TX 76524

<http://www.bruceville-eddy.us>

Phone: 254-859-5072
Fax: 254-859-5258

Date: December 30, 2022

This document will serve as a formal written reprimand for Officer Justin Richardson # 893. The following policy violations were violated by Officer J. Richardson on or about December 17, 2022.

Summary of events recorded from Officer J. Richardson's Patrol Unit's Dash-Camera. The events include recordings of two phone conversations between Officer J. Richardson, and two other parties that can be heard on the recordings. Both of the individuals Richardson was speaking to are believed to be Jayme Wolfe, and Danny Poston, both of whom are employed with the McLennan County Sheriff's Office.

During in-car recording labeled as unit #3 17-Dec-2022 16:51, Richardson was speaking with a third party over the phone. Third party asked how Dorsey was to work for. Richardson responded by he's not bad to work for, but this agency is so ass backward in everything. Third party stated that he didn't strike me as someone who knows how to run a department, and Richardson stated that's a very accurate description of what is going on here. Richardson also stated part of the issue is there is another dude named Martinez here that Dorsey thinks hung the fucking moon. Richardson then stated that, if you don't know law enforcement you would think that dude is competent, but if you knew anything, this dude is fucking stupid.

During the in-car recording labeled as unit 3 17-Dec-2022 16:51 Richardson stated there has been a couple of times that I have hammered Dorsey for violating the shit out of somebody's rights, were going to get a warrant based off of what one old lady has said.

During the in-car recording labeled as unit 3 17-Dec-2022 16:51, third party asked how's it going, Richardson responded by saying I'm here, backward ass agency. Third-party responded all you can do is turn them around, Richardson responded by saying, there is no turning this shit show around, so as long as Dorsey and Martinez are running the show, this agency is going to be a clusterfuck.

During the in-car recording labeled as unit 3 17-Dec-2022 16:51 When discussing with the third party about the changing of the locks of the PD and referring to the procedure of Dorsey, Richardson stated I am pretty sure that he is completely incapable of acting on something, and can only react to life as it comes at him. The third-party stated he seems like that type of person. Richardson continued to converse with the third party and criticized his judgement by stating he does not think far ahead at all.

During the in-car recording labeled as unit 3 17-Dec-2022 17:21, Richardson when criticizing Dorsey's judgement, stated he promoted one of the other dumbasses in the department to a Sergeant, and didn't tell anyone we found out by looking at the city council. Agenda.



Written Reprimand

Policy 2.5 Employee Disciplinary Process

E. Written reprimand. A written reprimand becomes a permanent part of the officer's file.

1. A written reprimand, issued by the Chief of Police: a. cautions an employee about poor behavior, b. sets forth the corrected or modified behavior mandated by the department, c. specifies the penalty in case of recurrent poor behavior.

Policy 2.1 Rules of Conduct

VIII. Attention to Duty

C. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all times use sound judgment.

IX. Cooperation with Fellow Employees and Agencies

- A. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.

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Written Reprimand

requirements, or for other reasons— at the direction of the agency chief executive or his or her designee.

Policy 4.2 Appointment and Probation

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A. All new employees are on probation for a period of one year.

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3. The same probationary period applies to officers hired through lateral entry.

B. An employee may be released from employment at any time during the probationary period for any reason. Supervisors who believe a probationary employee's job performance is unsatisfactory should provide evidence of the unsatisfactory performance to the Chief of Police for consideration at any time.

Any future violations of these policies could result in further disciplinary actions which could result in suspension, or termination.

Chief M. Dorsey (890)  Date 12/30/2022

Sergeant J. Martinez (894)  Date 12/30/2022

Officer J. Richardson (893)  Date 12/30/2022

I would only like to clarify that this was a private conversation in which I expressed my frustration due to multiple underlying issues continuing to go unaddressed. I don't dispute that I said any of those statements. -JSR

Policy 2.1 Rules of Conduct

III. CODE OF ETHICS (TBP: 2.02)

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency.

C. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all times use sound judgment.

L. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business that would cause them to neglect their duty.

IX. Cooperation with Fellow Employees and Agencies

A. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.

W. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, bigoted, or unlawful, or if it undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

Policy 2.8 Use of Social Media

V. PERSONAL USE OF SOCIAL MEDIA

6. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
7. As public employees, department personnel are cautioned that speech, whether on or off-duty, made pursuant to their official duties—that is, speech which owes its existence to the employee's professional duties and responsibilities—may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.
8. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
10. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Employees are required to be credible witnesses in criminal prosecutions and that credibility can be attacked using inappropriate posts on social media sites. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
 - c. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
 - d. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.

e. Department personnel should be aware that they may be subject to civil litigation for the following:

- i. publishing or posting false information that harms the reputation of another person, group, or organization. (defamation);
- ii. publishing or posting private facts and personal information about someone without that person's permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
- iii. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose;
- iv. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

11. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

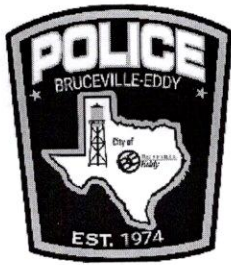
12. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and never assume that personal information posed on such sites is protected.

13. Department personnel are reminded that the department policies and Code of Conduct applies to on-line activities.

14. There should be no expectation of privacy for items or activities conducted on-line.

B. Monitoring of Social Media

- 2. Supervisors within the department may make random investigations into the postings of employees for purposes of protecting the integrity and reputation of the department, protecting the integrity of investigations, and ensuring privacy and security of departmental records and information.



BRUCEVILLE-EDDY POLICE DEPARTMENT

Policy 2.1 Rules of Conduct

Effective Date: 02/01/2022

Replaces: All Previous Policies

Approved By: Chief of Police

Reference: TBP 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, and 2.22

I. POLICY

The Bruceville-Eddy Police Department and the public expect all personnel to maintain high standards of appearance and conduct. The mission of the department is to work with all members of the community to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

II. PURPOSE

The purpose of this policy is to define departmental expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn. (TBP: 2.12)

III. CODE OF ETHICS (TBP: 2.02)

All officers shall display the integrity required by the Law Enforcement Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve the community; 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 to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will 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 law 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, political beliefs, aspirations, 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, 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 I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession -- law enforcement.

IV. DEFINITIONS

- A. **Affirmative Duty:** The personal responsibility and obligation of an employee to report wrongdoing rather than providing such information only when requested.
- B. **False Report:** A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another employee.
- C. **Good Faith:** A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.
- D. **Retaliation:** Retaliation of the following kinds is designed to serve as retribution against an employee who, in good faith, has filed a complaint against another employee. In the context of this policy, retaliation includes any deliberate, purposeful actions or failures to act, directed against employees that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another employee's terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of that employee, this department, or both. Such adverse actions may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolating; ostracizing; or acts that malign or disparage an individual's reputation.
- E. **Serious Acts of Misconduct:** Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action would be reasonably likely to adversely affect that employee's terms or conditions of employment up to and including termination of service.

- F. Intervene: Taking some action that is appropriate based on the circumstances that intercedes a possible excessive use of force concern. "Intervention" is subject to the skill set, training, and duties of the individual. For example, a non-sworn employee does not have the same level of responsibility to intervene in a physical confrontation as a sworn police officer.

V. GENERAL DUTIES

- A. All officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and all local ordinances, according to the rules, regulations, and general orders of the department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, and custom. Further, officers shall exhibit good moral character in the administration of their duties according to departmental orders.
- B. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the prerogative to discipline personnel for violations of the rules listed in this order as well as violations of all other departmental orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated, the consequences of the employee's actions, and the employee's prior history and experience.
- D. Duty to Report
 - 1. All employees of this department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
 - 2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
 - 3. All employees have an affirmative duty under this policy to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.
 - 4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to the next higher-ranking employee in the chain of command.

5. In uncommon situations involving highly egregious offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the chief executive officer. Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

VI. PERFORMANCE PROHIBITIONS

A. As appropriate, disciplinary action may be taken for any of the following reasons:

1. Incompetent or inefficient performance or dereliction of duty.
2. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature that discredits or injures the public. (Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.)
3. Mental or physical unfitness for the position that the employee holds.
4. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III), or a pattern of misconduct as displayed by a series of misdemeanor convictions.
5. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
6. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.

B. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders, or policies of the department, or in the laws or ordinances that the department has the responsibility to enforce.

C. No member of the department shall be a member of any organization that advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government.

D. No department member shall participate in any organization that has as its purpose, aim, objective, or has any practices that are contrary to the obligations of a law-enforcement officer under these rules and regulations.

VII. Obedience to Rules of Conduct, laws, and orders

All employees, regardless of rank or assignment, shall be governed by the following general rules of conduct. Violation of any of these rules by any officer of the department shall be considered sufficient cause for dismissal, demotion, suspension, or other disciplinary action.

- A. Obedience to Laws. Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances of the City of Bruceville-Eddy.
- B. Adherence to Departmental Rules. Employees shall abide by the rules of the Bruceville-Eddy Police Department, the City Personnel Rules, and the Policy and Procedures Manual and other properly issued internal directives of the Police Department.
- C. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Officers will be strictly accountable for justifying their actions.
- D. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing his or her orders shall likewise be deemed insubordination. (TBP: 1.08)
- E. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.
- F. Obedience to Unjust or Improper Orders. An employee who receives an order he/she believes is unjust or contrary to a departmental General Order or rule must first obey the order and then may appeal the order to the Chief of Police via the proper chain-of-command.
- G. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the ordinances of the City of Bruceville-Eddy. An employee who receives an unlawful order shall report in writing the full facts of the incident and any action taken to the Chief of Police via the chain-of-command.
- H. Conflicting Orders. If an employee receives an order that conflicts with one previously given by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the department. (TBP: 1.08)

VIII. Attention to Duty

A. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.

B. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the Bruceville-Eddy police department. They will not permit, or fail to prevent, violations of the law, departmental rules, policies, or procedures. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

C. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all times use sound judgment.

D. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel, and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond personally to the inquiry or request for assistance.

E. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression, or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity. (TBP: 2.17)

F. Truthfulness. Members shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. (TBP: 2.14) Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.

G. Officers Always Subject to Duty. Officers shall at all times respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.

1. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature or traffic offenses except for breach of the peace, theft, or assault.

2. While off-duty, or in their personal vehicle, officers shall not enforce, or take any police action to enforce Class "C" traffic offenses.

H. Officers Required to Take Action. Except where expressly prohibited, officers are required to take prompt and effective police action conforming to departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person.

I. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP: 2.16, 2.22)

J. Exceptional leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.

K. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.

L. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business that would cause them to neglect their duty.

M. Availability While On-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.

N. Assistance to Fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.

O. Prompt Response to All Calls. Officers while on-duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws, and departmental policy.

- P. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, and police information that come to their attention. Employees shall not conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, and information.
- Q. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.
- R. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of Bruceville-Eddy streets and highways and the names and locations of hospitals and major public buildings.
- S. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.
- T. Sleeping On-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.
- U. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
- V. Reading On-duty. Employees shall not read newspapers, books or magazines while on-duty and in the public view unless a supervisory officer has assigned such reading.
- W. Studying On-duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to their current job assignments.
- X. Maintaining Communications. While officers are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.

Y. **Reporting Accidents and Injuries.** Employees shall immediately report the following accidents and injuries: all on-duty traffic accidents in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving city equipment whether on or off-duty.

Z. **Report Address and Telephone Number.** Employees shall have a working telephone or other means of communication in case of emergency at their residence, and shall register their correct residence address and telephone number with the department on the prescribed form. Any change in address or telephone number must be reported immediately.

AA. **Testifying in Departmental Investigations.** When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.

BB. **Carrying of Firearms.** Except for senior staff or as approved by the Chief of Police or established procedures, all officers are required to carry sidearms while on-duty. While off-duty, officers may use their own discretion as to whether to carry sidearms.

CC. **Registration of Firearms.** All weapons carried and used by officers in the performance of their official duties must be registered with the department. Required registration information must be kept current.

IX. Cooperation with Fellow Employees and Agencies

A. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.

B. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

X. Restrictions on Behavior

A. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.

B. Use of Intimidation. Employees shall not use their official positions to intimidate persons.

C. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Chief of Police, employees of the Bruceville-Eddy Police Department may not accept any reward, gratuity, gift, or other compensation for any service performed as a result of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons were on or off-duty. Employees also shall not solicit any gift, gratuity, loan, present, fee, or reward. (TBP: 2.21)

D. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the police department. (TBP: 2.21)

E. Reporting Bribe Offers. An officer who receives a bribe offer shall promptly make a written report to his/her commanding officer. (TBP: 2.21)

F. Accepting Gifts from Subordinates. Without approval from the Chief of Police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21)

G. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21)

H. Personal Use of Police Power. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

I. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the Bruceville-Eddy Police Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.

J. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise, or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police.

K. Drinking On-Duty. Employees shall not drink any intoxicating beverages while on-duty. (TBP: 2.19)

L. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall officers be intoxicated off-duty while in the public view. While off-duty, officers that have consumed an alcoholic beverage to the extent that their mental and physical faculties are impaired shall refrain from exercising any police authority. Officers assigned to special units, or assignments where they may consume alcoholic beverage during the performance of their duties, shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19)

M. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform. (TBP: 2.19)

N. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into a Police Department building or vehicle except as evidence. (TBP: 2.19)

O. Entering Bars, Taverns, and Liquor Stores. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain in, or frequent such places. Officers on-duty or in uniform also shall not purchase intoxicating beverages. (TBP: 2.19)

P. Drug Usage. While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision-making. (TBP: 2.20)

Q. Tobacco Use. Smoking is prohibited in all office and building areas under departmental control and occupied by department employees, except in designated smoking areas. Smoking and other tobacco use is prohibited in all department vehicles when occupied by one or more nonsmokers.

R. Public Tobacco Use Prohibited. Officers shall not smoke or otherwise use tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with or in view of the public.

S. Playing Games On-Duty. Officers on-duty or in uniform shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games, portable electronic games, computer games including both internally programmed games such as solitaire or Internet based games, or other games.

T. Political Activity. While in uniform or on-duty, officers are not allowed to actively participate in political campaigns (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes). Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on-duty. (TBP: 2.15)

U. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement business, the release of which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.

V. Seeking Personal Preferment. Employees shall not solicit petitions or influence, or seek the intervention of any person outside the department for purposes of personal preferment, advantage, transfer, advancement, promotion, or change of duty for themselves or for any other person.

W. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, bigoted, or unlawful, or if it undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

X. Disruptive Activities. Employees shall not perform any action that tends to disrupt the performance of official duties and obligations of employees of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.

Y. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic, bigoted, or obscene language, or making unnecessary sounds are not permitted.

Z. Use of Racial or Religious Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic, or religious slur or joke, whether in the presence of the public or of other employees.

AA. Use of Force. Officers shall use only that amount of force reasonably necessary to accomplish their police mission.

BB. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.

CC. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation. (TBP: 2.18)

DD. Duty to be Kind, Courteous, and Patient. Employees shall at all times be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, bigoted, or insulting language.

EE. Duty to Intervene. Any officer or police employee present and observing another officer or police employee, regardless of rank, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intervene to prevent the use of excessive force. Examples of force that would require an officer's intervention or police employee's intervention may include but are not limited to: use of choke holds [in any situation where deadly force would not be authorized]; using force against a restrained or subdued suspect; leaving a secured suspect in a prone position in any fashion that restricts breathing or blood flow; any use of force in violation of this department's policy. Officers and police employees shall promptly report those observations in writing to a supervisor. The obligation to report remains in place even if the officer or police employee is successful in intervening in the use of excessive force. Any failure to intervene and/or a failure to report improper use of force shall be grounds for discipline. The responsibility to "intervene" also applies to non-sworn personnel. This agency does not expect non-sworn personnel to physically intervene in an altercation; however, if a non-sworn employee observes what would reasonably be viewed as unreasonable force, the employee is expected to make a reasonable effort to contact a supervisor or other employee to report the occurrence.

1. It is important to remember that all reports of this nature must be reported in writing to the appropriate chain of command.

XI. Identification and Recognition

A. Giving Name and Badge Number. Officers shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.

- B. Carrying Official Identification. Officers shall carry their official identification on their persons at all times. All employees will carry their official identification on or about their persons while on-duty.
- C. Personal Cards. Employees are not permitted to have or use personal cards showing their connection to the department if such cards bear any information not directly pertaining to their work as police department employees.
- D. Exchange, Alteration, or Transfer of Badge. An employee's issued badge shall not be altered or exchanged between employees or transferred to another person except by order of the Chief of Police. Employees retiring or resigning will not be permitted to retain their badge when doing so will hamper normal operations of the department. All badges must be purchased unless exempted by the Chief of Police.
- E. Plainclothes Officers – Identification. A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

XII. Maintenance of Property

- A. Use of City Property or Service. Officers shall not use or provide any city equipment or service other than for official city business.
- B. Responsibility for City Property. Employees shall be responsible for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.
- C. Departmental Vehicles. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident. The Department of Public Safety or Sheriff's Department will be requested to investigate police involved accidents.
- D. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, shall be held responsible for the damage.
- E. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
- F. Care of Quarters. Employees shall keep their offices, lockers, and desks neat, clean, and orderly.

G. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.

H. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions shall be made to such equipment unless approved by the Chief of Police.

XIII. Relationship with Courts and Attorneys

A. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.

B. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.

C. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the City of Bruceville-Eddy or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.

D. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel, or prosecutor.

E. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions.

F. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.

G. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Chief of Police.

H. Arrest of Officer from Another Agency. An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. That the person cited or arrested is a law-enforcement officer shall make no difference.

I. Arrest of Bruceville-Eddy Officer. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

XIV. Expectation of Privacy

A. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the agency chief executive or his or her designee.

B. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.



BRUCEVILLE-EDDY POLICE DEPARTMENT

Policy 2.8 Use of Social Media

Effective Date: 02/01/2022

Replaces: All Previous Policies

Approved By: Chief of Police

Reference:

I. POLICY

Social media platforms provide a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem solving, investigations, crime prevention, and other related objectives. The department supports and utilizes the secure and appropriate use of social media to enhance communication, collaboration, and information exchange.

The department also recognizes the role that these tools play in the personal lives of department personnel. Because the improper use of social media platforms by employees may impact department operations, the department provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

These policies and procedures apply to all personnel including sworn and non-sworn employees, reserve officers, and any volunteers working with the department.

II. PURPOSE

The purpose of this policy is to establish guidance for the management, administration, and oversight of social media. This policy is not meant to address one particular form of social media but social media in general, as advances in technology will occur and new tools will emerge.

III. DEFINITIONS

- A. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "web log."
- B. **Page:** The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
- C. **Post:** Content an individual shares on a social media site or the act of publishing content on a site.
- D. **Profile:** Personal information that a user provides on a social networking site.

E. Social Media: A category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flicker, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

F. Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

G. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

H. Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

I. Wiki: Web page(s) that can be edited collaboratively.

IV. DEPARTMENT SPONSORED SOCIAL MEDIA

A. Requirements for Department Sponsored Public Social Media Sites

1. The Chief of Police is responsible for the management, posting, and monitoring of the department's public social media network sites. Other members of the department may post and monitor specific social media sites as approved by the Chief of Police.
2. The Chief of Police, with input from departmental members and the public information officer will determine the extent of the department's official use of social media platforms. No social media platform will be utilized by the department without the express approval of the Chief of Police.
3. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
4. Where possible, the page(s) should link to the department's official website.
5. Social media pages shall clearly indicate that they are maintained by the department and shall have department contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
7. Content is subject to open government laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open government laws, records retention laws, and e-discovery laws and policies.
8. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
9. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove any posting.

10. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

B. Operation of Department Sponsored Public Social Media Sites

Department personnel approved by the department to post to social media outlets shall do the following:

1. Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
2. Identify themselves as a member of the department.
3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
4. Not conduct political activities or private business.
5. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
6. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

C. Uses of Departmental Sponsored Social Media Sites

1. Social media can be used to make time-sensitive notifications related to:
 - a. road closures,
 - b. special events,
 - c. weather emergencies, and
 - d. missing or endangered persons.
2. Social media is a valuable investigative tool and may be used to seek evidence or information about the following:
 - a. missing persons,
 - b. wanted persons,
 - c. gang participation,
 - d. crimes perpetrated online,
 - e. photos or videos of a crime posted by a participant or observer.
3. Social media can be used for community outreach and engagement for the following purposes:
 - a. providing crime prevention tips,
 - b. offering online-reporting opportunities,
 - c. sharing crime maps and data
 - d. soliciting tips about unsolved crimes (e.g., Crime Stoppers, text-a-tip).

4. Social media can be a valuable recruitment mechanism, since many people seeking employment and volunteer positions use the internet to search for opportunities.
5. Background investigations.
 - a. This department has an obligation to include internet-based content when conducting background investigations of job candidates.
 - b. Search methods shall not involve techniques that are a violation of existing law.
 - c. Vetting techniques shall be applied uniformly to all candidates.
 - d. Every effort must be made to validate internet-based information that is considered during the hiring process.

D. Use of Covert Social Media Sites for Investigative Operations

1. Covert or undercover social media sites are exempt from the requirements of sections 1, 2, and 3 above.
2. Only the Chief of Police may approve the use of any covert or undercover social media site or postings to other social media sites for undercover investigative operations. A supervisor will be assigned to monitor the operation of the investigation.
3. Prior to operating any covert or investigative social media site, or posting to other social media sites for purposes of a covert or undercover investigation, the supervisor shall make contact with the prosecuting attorney and the city attorney to determine the admissibility and requirements of the law regarding preservation of information for both prosecution and open government as well as records retention requirements.

V. PERSONAL USE OF SOCIAL MEDIA

A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following rules when using social media:

1. Members of the department may not access social networking or social media sites through the use of departmentally provided information systems unless authorized to do so on behalf of the department or during the course of an investigation.

2. While on duty, employees may only use personal communications devices to access social networking sites strictly during authorized meal breaks, provided such usage does not in any way interfere with the performance of job duties. Employees are prohibited from authoring posts on a social networking site at any time while on-duty, even during meal breaks.

3. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or an assisting agency is absolutely prohibited without the approval of the Chief of Police.

4. All matters of, by, within, and about department details regarding calls for service and the customers we interact with are generally considered confidential information that may not be released, blogged about, posted, or otherwise shared outside the department without prior authorization that has been obtained through an official open- records request, or without the information already being in the public realm [already otherwise released officially].

5. Display of departmental logos, uniforms, uniform patches, or departmental badges on their own or other social media sites is prohibited without written approval of the Chief of Police.

6. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

7. As public employees, department personnel are cautioned that speech, whether on or off-duty, made pursuant to their official duties—that is, speech which owes its existence to the employee's professional duties and responsibilities—may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.

8. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

9. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police.

a. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without that member's permission. In relation to this, department personnel are cautioned not to post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are working, or who may reasonably be expected to work, in undercover operations shall not post any form of visual or personal identification.

b. Personnel are reminded that many individuals that we contact in our profession become angry and on occasion seek revenge for official actions taken. Employees are encouraged not to post any information that could be used to identify an employee's residence, vehicle, or the identity of family members.

10. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Employees are required to be credible witnesses in criminal prosecutions and that credibility can be attacked using inappropriate posts on social media sites. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:

a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

- b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- c. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
- d. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
- e. Department personnel should be aware that they may be subject to civil litigation for the following:
 - i. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - ii. publishing or posting private facts and personal information about someone without that person's permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - iii. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose;
 - iv. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

11. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

12. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and never assume that personal information posed on such sites is protected.

13. Department personnel are reminded that the department policies and Code of Conduct applies to on-line activities.

14. There should be no expectation of privacy for items or activities conducted on-line.

B. Monitoring of Social Media

1. Supervisors within the department may make random investigations into the postings of employees for purposes of protecting the integrity and reputation of the department, protecting the integrity of investigations, and ensuring privacy and security of departmental records and information.

2. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.
3. No supervisor or member of the department below the rank of Chief of Police is authorized to cancel, modify, or make exceptions to the contents of this order at any time.



BRUCEVILLE-EDDY POLICE DEPARTMENT

Policy 4.2 Appointment and Probation

Effective Date: 02/01/2022

Replaces: All Previous Policies

Approved By: Chief of Police

Reference: 1.09 and 2.03

I. POLICY

The Bruceville-Eddy Police Department is committed to ensuring that the standards of the department are maintained and that the people of our city are served by a competent and professional police department.

II. PURPOSE

The purpose of this policy is to provide a systematic process for the appointment of sworn and non-sworn personnel.

III. PROCEDURES FOR SWORN PERSONNEL

- A. Applicants who have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full-time police officers:
 - 1. The applicant will meet with the Chief of Police, or designee, and determine a starting date.
 - 2. On the day selected for employment, the applicant will report to the city personnel office for completion of all initial paperwork and issuance of an identification card.
- B. Upon completion of the initial processing at city personnel, the new employee will report to the police department where he/she will be issued the appropriate equipment. The employee shall sign for the issued equipment.
- C. The new employee shall be issued a complete and up-to-date copy of the department's general orders and field manuals.
- D. The Chief, or designee, shall set a time and place where the new officer shall swear the oath of office before a public gathering. The new officer must take and sign the oath of office before performing any law enforcement duties. (TBP: 2.03)

- E. The Chief, or designee, shall also assign the new employee to a senior training officer for initial field training. The new employee will work the same hours and days off as the field-training officer.
- F. The new officer must possess a valid Texas peace officer license before performing any law enforcement functions. If the officer begins work before attending a basic academy and obtaining a license, he or she shall perform non-police duties only and shall accompany experienced officers as an observer only. (TBP: 1.09)

IV. PROCEDURES FOR NON-SWORN PERSONNEL

- A. Applicants who have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full-time employees:
 - 1. The applicant will meet with the Chief of Police and determine a starting date.
 - 2. On the day selected for employment, the applicant will report to the city personnel office for completion of all initial paperwork and issuance of an identification card.
- B. Upon completion of the initial processing at city personnel, the new employee will report to the police department where he/she will be issued any necessary equipment for a job assignment. The employee shall sign for any issued equipment.
- C. The new employee shall be issued a complete and up-to-date copy of the general orders and field manuals.
- D. The employee will be assigned to another employee for training as required and shall receive training in department operations, personnel rules, and departmental philosophy.

V. PROBATION

- A. All new employees are on probation for a period of one year.
 - 1. Non-sworn personnel are on probation for one year from the date of their employment.
 - 2. All newly hired police officers shall be considered on probation for one year from the date of completion and release from field training.
 - 3. The same probationary period applies to officers hired through lateral entry.
- B. An employee may be released from employment at any time during the probationary period for any reason. Supervisors who believe a probationary employee's job performance is unsatisfactory should provide evidence of the unsatisfactory performance to the Chief of Police for consideration at any time.

- C. A new employee's supervisor shall rate the new employee using the employee evaluation form at the three, six, and nine month anniversary dates from employment for non-sworn employees. Sworn officers will be rated as required by the field-training manual during the first year. Two weeks prior to the one-year anniversary, the supervisor shall complete and forward a final evaluation form to the Chief of Police recommending the employee be retained or terminated. If the recommendation is for termination, the supervisor shall document the specific work-related performance that is deficient. The work performance of each probationary employee shall be evaluated using valid, non-discriminatory procedures.
- D. Prior to the end of the probationary period, the Chief of Police shall review the performance evaluation. The Chief may approve the employee's permanent appointment or discharge him/her for failure of probation.
- E. Probationary employees who wish to protest their performance ratings have no grievance rights except to request an interview with the Chief of Police.



BRUCEVILLE-EDDY POLICE DEPARTMENT

Policy 2.4 Internal Investigation Process

Effective Date: 02/01/2022

Replaces: All Previous Policies

Approved By: Chief of Police

Reference: TBP 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, and 2.10.

I. POLICY

The department's image and reputation depend on the personal integrity and discipline of all departmental employees. To a large degree, the public image of the department is determined by what kind of response the department gives to allegations of misconduct against its employees. The department must competently and impartially investigate all allegations of misconduct by employees and complaints bearing on the department's response to community needs. The department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of law-enforcement work.

II. PURPOSE

The purpose of this policy is to describe the procedure that a citizen must follow in making a complaint against department personnel, to outline the procedure for investigating complaints, and to list and define the dispositions of complaints.

III. PROCEDURES – GENERAL (TBP: 2.04)

A. Receipt of complaints

The department encourages any person to bring forward grievances regarding misconduct by employees. Department members shall receive all complaints courteously and shall handle them efficiently. All officers are obligated to explain complaint procedures to anyone who inquires.

B. Responsibilities of supervisors

1. First-line supervisors are primarily responsible for enforcing conformance with departmental standards and orders.
2. First-line supervisors shall know the officers in their charge by closely observing their conduct and appearance.

3. First-line supervisors shall be alert to behavioral changes or problems in their subordinates and, if necessary, document these changes and confer with higher authorities. The first-line supervisor shall assess the behavior, and take or recommend appropriate action.
4. The supervisor shall recommend and, if appropriate, help conduct extra training for officers not performing according to established standards.
5. The first-line supervisor shall employ counseling techniques sanctioned by the department. Counseling is used to adjust and correct minor, infrequent errors or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance.
6. The supervisor shall document all instances of counseling.

C. How to make a complaint

A copy of "How to Make a Complaint" will be posted in the public area of the department, provided to media representatives, and given to any person requesting information on how to make a complaint.

D. Responsibility for handling complaints

1. All complaints alleging a violation of the law or policy will be investigated.
2. Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor.
3. Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police.
4. Depending on the nature of the complaint, the Chief of Police may request another agency or DPS to undertake the investigation. (TBP: 2.06)

E. Complaint-handling procedures. NOTE: This same procedure can also be used by agency employees who wish to file a complaint against another employee.

1. All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared.
2. A signed letter of complaint will be accepted as a signed complaint without requiring any specific form.
3. Anonymous complaints shall be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall reduce the complaint to writing in a memorandum with as much information as possible and forward the report to the Chief of Police.
4. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the department who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.
5. Normally, a person with a complaint shall be referred to a supervisor or the Chief of Police, who shall assist the individual in recording pertinent

information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. The Chief of Police may, if appropriate, conduct a preliminary investigation. The preliminary investigation consists of questioning the officer, complainants, or witnesses, and securing evidence. Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:

- a. a report of the alleged violation
 - b. any documents and evidence pertinent to the investigation
 - c. recommendations for further investigation or other disposition.
6. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall document these observations in an appropriate manner.
 7. Any visible marks or injuries relative to the allegation shall be noted and photographed.
 8. Prisoners or arrestees also may make complaints. Circumstances may require that a department representative meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of any injuries suffered by the complainant.
 9. An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
 10. Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to a supervisor or the Chief of Police. The dispatcher or employee shall record the name and telephone number of the complainant and state that the Chief of Police or, if unavailable, the supervisor will call back as soon as practical.
 11. In every case, the Chief of Police will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any other serious violation should be reported immediately regardless of the time of day. (TBP: 2.07)

F. Disposition of complaints generally

The Chief of Police or his/her designee shall:

1. Notify the complainant, in writing, as soon as practical, that the department acknowledges receipt of the complaint, that it is under investigation and that the complainant will be advised of the outcome.
2. Enter the complaint into the complaint log, assign a complaint number, and have the complaint investigated. Minor complaints alleging rudeness, minor policy violations, and general performance issues may be assigned to a supervisor for investigation and resolution. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, or an outside agency as determined by the Chief.

3. Maintain complaint files separate from personnel files.
4. Take disciplinary action following the investigation, if appropriate.

G. Disposition of a serious complaint

1. Allegations of misconduct that might result in discharge, suspension, or demotion, or allegations of criminal charges are serious complaints. The term "serious complaint," in this manual, means that there will be an "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
2. If a criminal offense is alleged, two separate investigations shall be conducted: a criminal investigation and an administrative or internal investigation. The criminal investigation examines compliance with criminal law while the internal investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required.
3. In cases of a serious complaint the Chief of Police shall:
 - a. Determine if the officer complained of should remain on-duty, be relegated to non-contact assignments, or put on administrative leave until the investigation is complete.
 - b. Determine and assign responsibility for the investigation.
 - c. Cause the complaint to be registered and assigned an investigation number in the complaint log.
 - d. Maintain close liaison with the district attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the city attorney or legal counsel.
4. All investigations will be completed within 45 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If the Chief agrees to an extension a specific number of days will be approved. A copy of the request for extension will be provided to the involved officer and the original placed in the case file. (TBP: 2.05)
5. Upon completion of any investigation, the Chief of Police will notify the complainant in writing of the results of the investigation and any action taken. (TBP: 2.10)

IV. INVESTIGATIVE PROCEDURES

A. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.

B. Assistance of legal counsel

1. Employees are permitted to have an attorney, supervisor, or other representative with them in the room during any interview regarding allegations of misconduct.

2. The employee's representative is limited to acting as an observer at the interview, except that where the interview focuses on, or leads to, evidence of criminality, the attorney may advise and confer with the employee during the interview.

C. All Interviews

1. Prior to being interviewed, the subject employee shall be advised of the nature of the complaint and provided a copy of the complaint.
2. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
3. During interviews conducted by the department, one employee will be designated as the primary interviewer.
4. The complete interview shall be recorded. The recording will note the date and time of the interview, who is present at the interview, the time at which breaks are taken in the interview process, who requested the break, the time the interview resumed, and the time the interview was ended.
5. The employee shall be provided with the name, rank, and command of all persons present during the questioning.

D. Interviews for criminal investigative purposes

1. If the Chief of Police believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he/she or another interviewer shall:
 - a. Give the employee the rights as specified in the Texas Code of Criminal Procedure, Article 38.22.
 - b. In addition to the rights set forth in state law, the Chief or designee shall advise the employee that if he/she asserts the right not to answer questions no adverse administrative action will be taken based upon the refusal.
 - c. If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.

E. Interview for administrative purposes

1. If the Chief of Police wishes to compel an employee to answer questions directly related to his or her official duties, the Chief of Police or another interviewer shall advise the employee of the following:
 - a. You are advised that this is an internal administrative investigation only.
 - b. You will be asked and are required to answer all questions specifically related to the performance of your duties and your fitness for office.
 - c. All questions specifically related to employment must be fully and truthfully answered.
 - d. If you refuse to answer these questions, you can be subject to discipline that can be as much as discharge or removal from office.

- e. Any answers given are to be used solely for internal administrative purposes and may not be used in any subsequent criminal prosecution should such occur.
 - f. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
2. In an interview for administrative purposes, no Miranda rights are required.

V. INVESTIGATIVE TOOLS AND RESOURCES

A. In addition to interviews of the employee and witnesses, other activities in support of a complaint investigation or internal investigation may be required, including:

- 1. The Chief of Police may order medical and laboratory examinations.
- 2. The Chief of Police or officer in authority may, based on reasonable suspicion or his/her observation, require a department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.
- 3. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator shall administer the test. The Chief of Police or officer in authority shall witness the test and sign the report.
- 4. If the employee has a reading of .02 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officers in authority.
- 5. If the employee is believed to be under the influence of self-administered drugs, he/she may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample shall be handled using the same safeguards as evidence in a criminal process.
- 6. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.
- 7. If an employee refuses to submit to a test, (alcohol or drugs) the Chief of Police or other officer in authority shall immediately relieve the employee from duty (on paid leave) for failure to cooperate in an administrative investigation.
- 8. Property assigned to the employee but belonging to the department is subject to inspection if the department has a reasonable suspicion that evidence of work-related misconduct may be found therein. Department property includes files, storage lockers, desks, and vehicles.

B. Photograph and lineup identification procedures

- 1. Officers may be required to stand in a lineup for viewing for the purpose of identifying an employee accused of misconduct. Refusal to stand in a

properly conducted lineup is grounds for disciplinary action and may result in dismissal if criminal prosecution is not anticipated.

2. A book of photos of department employees may be maintained for the purpose of identification of an employee accused of misconduct.

C. Financial disclosure statements

An employee may be compelled to make financial disclosure statements when directly and narrowly related to allegations of misconduct involving any unlawful financial gain.

D. Polygraph

1. All personnel shall be required to submit to a polygraph if ordered to do so by the Chief of Police.
2. The Police Chief may order employees to take a polygraph under the following circumstances:
 - a. The complainant has taken and passed a polygraph concerning the incident, unless the complainant is willing to submit to testing but the polygraph operator determines the complainant is not a fit subject due to mental condition, age, or medication.
 - b. Regardless of whether or not the complainant takes a polygraph (or is positively identified), and the complaint is of such a nature as to bring severe discredit and suspicion on the department and cannot be satisfactorily resolved in any other manner.
3. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.
4. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the State of Texas or must be a licensed examiner from another law-enforcement agency. No employee shall administer an examination to another employee.
5. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination, or deliberately impeding the administration of the polygraph shall be grounds for disciplinary action and may result in dismissal from the department.

VI. ADJUDICATION OF COMPLAINTS

- A. The Chief of Police will classify completed internal affairs investigations under the following headings:
 1. Unfounded - no truth to allegations.
 2. Exonerated - allegations true, but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for consideration of policy revision.
 3. Not sustained - unable to verify the truth of the matter under investigation.

4. Sustained - allegations are true. Complaints will not be classified as sustained unless the finding is based on facts determined during the investigation. (TBP: 2.04)

B. Completed investigations classified as unfounded, exonerated, or not sustained will be maintained in internal affairs files in the Chief's office. Sustained complaints shall be filed in the individual employee's department personnel file with a copy in the internal affairs files.

C. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the officer's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident, and the employee's service record, including prior sustained complaints, will be considered.

D. Disciplinary records (TBP: 2.09)

1. The department shall maintain a log of all complaints.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained in accordance with state law and city policy.
3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
4. The Chief shall publish an annual or other periodic summary of complaints that shall be made available to the public.



BRUCEVILLE-EDDY POLICE DEPARTMENT

Policy 2.5 Employee Disciplinary Process

Effective Date: 02/01/2022

Replaces: All Previous Policies

Approved By: Chief of Police

Reference:

I. POLICY

It is the Bruceville-Eddy police department's policy to impose any necessary disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of employees are protected.

Discipline is the process of taking specific actions that will help train, develop, or modify the inappropriate actions of an employee, preferably through positive rather than negative measures.

Discipline in the department takes two approaches: (1) rewarding employees for excellence and positive actions and (2) training, counseling, and in some cases sanctioning for inappropriate actions or behavior.

II. PURPOSE

The purpose of this policy is to establish procedures concerning informal and formal disciplinary practices within the department.

III. DEFINITIONS

A. Days: The term "days," as used herein, means "work days provided"; however, if the last day of any time period mentioned is a Saturday, Sunday, or holiday, the time period shall be extended to the next day.

B. Moral turpitude: An intentional act or behavior displayed in words or actions that violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of

perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.

C. Relief from duty: An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.

D. Discipline: The taking of specific actions intended to help train, develop, or modify the actions of an employee. Discipline may be positive (awards and training) or negative (punishment).

IV. PROCEDURES

A. Positive Reinforcement

1. Positive discipline seeks voluntary compliance with established policies, procedures, and orders. Methods of positive discipline include:
 - a. Recognition of excellent job performance through rewards or awards.
 - b. When people outside the department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor. A chief who receives compliments about an employee should write a thank-you note to the individual. Copies of the person's statement and the chief's response shall be sent to the officer involved and the supervisor. A copy of all correspondence shall be placed in the employee's personnel file.
 - c. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by community groups or media coverage.
2. Discussion and counseling
3. Training

B. Consistency in discipline

1. The department abides by the philosophy that discipline must be applied consistently and uniformly.
2. The department provides employees with descriptions of prohibited behavior in the "Rules of Conduct Policy" and elsewhere in these orders. No list, however, can be all-inclusive. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on training and experience.

C. Relief from duty

1. An employee may be relieved from duty whenever a supervisor, whether the Chief of Police, sergeant, or senior officer, questions an employee's physical or psychological fitness for duty. An internal investigation may follow.
2. The sergeant or senior officer has authority to relieve an employee from duty, but must promptly report this action to the Chief of Police, accompanied by a written report setting forth details and circumstances.
3. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for internal investigation. In an

internal investigation, only the Chief of Police may relieve an employee from duty. Only the Chief of Police, in consultation with the city administrator, may suspend an officer without pay.

4. An officer who refuses to obey a direct order in conformance with the department's orders may be relieved from duty by the sergeant or senior officer, who may recommend suspension to the Chief of Police. The chief, in consultation with the city administrator, may then suspend without pay.

D. Penalties: Documented oral reprimand, counseling, and/or training.

1. Oral reprimands resulting from improper actions, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:
 - a. At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and that the employee may read the record.
 - b. The employee shall be further advised that he or she has the right to file a statement in his or her personnel file setting forth his or her position, in case of disagreement.
2. The reprimanding supervisor shall prepare a memorandum for the personnel record that contains the following information:
 - a. Employee's name
 - b. Date of reprimand/counseling
 - c. Summary of reasons for reprimand/counseling
 - d. Summary of employee's response
 - e. Suggestions for improvement or specific actions suggested
 - f. Name and signature of counselor
 - g. The following statement must appear:

"I acknowledge that I have today received counseling and I have been advised of the following rights: (1) that a written record of reprimand/counseling shall be maintained; (2) that the employee has a right to review the record and respond in writing; (3) that the form shall become part of the personnel file; and (4) that the employee is required to acknowledge the reprimand/counseling by signing the record."
 - h. The employee shall sign and date the form on which the statement appears.
3. Oral reprimand/counseling may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the employee correct or modify his or her behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the correct behavior. All training shall be documented.

4. If the employee's actions did not result in a formal internal investigation and employee has not behaved improperly following counseling for two years, the record of counseling shall be expunged from the employee's personnel file.
5. Accumulation of three oral reprimands in a twelve-month period may result in a written reprimand or suspension, depending on circumstances.
6. Supervisors are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.
7. Supervisors are responsible for counseling employees concerning job-related matters within their capabilities. Since many things can affect the job and an employee's performance, job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.

E. Written reprimand. A written reprimand becomes a permanent part of the officer's file.

1. A written reprimand, issued by the Chief of Police:
 - a. cautions an employee about poor behavior,
 - b. sets forth the corrected or modified behavior mandated by the department,
 - c. specifies the penalty in case of recurrent poor behavior.An employee may appeal a written reprimand in writing within ten days of its receipt. The employee may appeal the reprimand to the Mayor, who shall be the final arbiter.

F. Demotion or suspension without pay

1. If the situation warrants, the Chief of Police, in consultation with the city administrator, may demote an employee, suspend without pay, or take other measures normally considered equivalent, such as the forfeiture of vacation or compensatory time.
2. Suspensions without pay will normally apply to a period of up to 15 days, as determined by the Chief of Police and city administrator.
3. If an employee becomes a candidate for suspension a second time within one year after the first suspension, the employee may be dismissed.
4. Suspensions resulting from the arrest or criminal investigation of an employee may be indefinite or result in termination.
 - a. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, he/she shall immediately be placed on

administrative leave with pay and an internal investigation shall commence. At the conclusion of the internal investigation the Chief of Police may take appropriate disciplinary action based on the results of the internal investigation, including indefinite suspension or termination.

- b. An employee who is acquitted of criminal charges may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
5. Any employee suspended for a period five days or longer shall return all department-owned property. On any suspension, the officer must return to department custody his or her badge, identification card, and issued firearm.
6. During a suspension, the employee shall not undertake any official duties.
7. Demotion shall be to the next lowest rank. Demotion shall apply only to the sergeant or senior officer.
8. An employee may appeal a suspension within five days of notice. An employee may appeal a suspension through the Chief of Police to the Mayor, whose decision is final.

G. Termination

1. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.
2. Employees may appeal a dismissal within five days of receipt of notice, and may appeal in accordance with the procedure outlined under Policy 4.7

H. Reporting arrests

Any employee arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings must so inform the Chief of Police in writing as soon as possible. Employees do not have to report parking tickets. Employees must report summonses or arrests for reckless driving, DWI, or any other hazardous or moving- traffic offenses. Failure to notify the department of the foregoing shall be cause for dismissal.

V. PROGRESSIVE DISCIPLINE

- A. Except for gross breaches of discipline, moral turpitude, or serious violations of law or conduct, the department generally follows the principles of progressive discipline.
- B. Probationary employees shall be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that a probationary employee has no right of appeal. In the case of a dismissed probationary employee, the official record shall merely indicate that the person was dismissed during probationary employment.

VI. ADMINISTRATION OF SUSPENSIONS, DEMOTIONS, OR DISMISSALS

- A. After an appropriate investigation, should the Chief of Police sustain the allegation and determine that the discipline may be a suspension, demotion, or termination the chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.
- B. Upon receipt of the recommendations, if the Chief of Police believes the discipline should be greater than a written reprimand, the chief shall request that the officer read the written investigation summary and initial each page. The review will take place in the presence of the investigating officer or other staff member. The employee will be allowed to add a written statement to the investigative package stating any arguments with the evidence or investigation process. This statement will be prepared and added to the investigation summary before the employee and the investigating officer leave the review site.
- C. The Chief of Police will meet with the employee and allow the employee to make any statement regarding the evidence or investigation, and review any written statement provided by the employee. The Chief of Police will then have the employee report back after a period of time determined by the chief.
- D. The Chief of Police will again review the investigation, considering the employee's input and may then decide on the discipline or send the investigation back for further investigation.
- E. The chief will meet with the employee to inform him or her of his/her decision. The chief will present the employee with a letter outlining the discipline, the effective date of the discipline, the reason for the discipline, and the employee's appeal rights.
- F. Copies of all investigation reports that indicate disciplinary action and all other disciplinary paperwork will be filed in the employee's personnel file. A copy of the investigation report will be maintained in the internal investigations files.