



FORWARD

Office of the Constable Precinct #1 El Paso County, Texas

The rules and regulations officially adopted and set forth in this manual are for guidance, regulation, and control of the conduct for all members of the Constables Department Pct. 1 of El Paso County. It is intended to increase the efficiency of the department and maintain the highest moral and ethical standards possible.

The Constable may amend these rules and regulations from time to time. The Constable will approve such amendments and then a revised copy of said manual will be distributed to all Deputies of Precinct 1.

Robert Parker White
Office of the Constable Pct. 1
El Paso County, Texas

ACKNOWLEDGMENT

This is to certify that I have received a copy of the El Paso County Constable Pct. 1 Policies and Procedures. I have read and understand and agree to follow all stipulations set forth in this manual. Further, I understand that this manual is intended to provide information on procedures and policies. It is not intended to imply any contract or contractual rights and may be revised or modified at any time by the Constable.

Deputy Constable

CONSTABLE PCT. 1

Date



DEPARTMENT POLICIES AND PROCEDURES

Effective July 15, 2008

1. All new Deputy Constable's are required to complete a Field Training Officer program or (FTO Program) as part of the probation period. This program will require the new Deputy to become familiar with department policies and procedures, report writing, radio communication, use of force policies and all other duties required to fulfill the position as a Deputy Constable. Deputy Constables must be licensed by TCLEOSE (Texas Commission on Law Enforcement Standards and Education). All Deputy Constable's are responsible with keeping up with state mandated education classes set forth by TCLEOSE. If hours are not kept up and license is suspended, Deputy Constable will be terminated from Precinct 1. **Deputy Reserve Constable are required to put in 16 hours per month in order for Constable Pct.1 to carry their license with TCLEOSE. Failure to comply with this rule will constitute termination after the third write up.**
2. A full-time Deputy Constable position must be posted by the Human Resource Department and applications will be forwarded to the Constable for background checks and interviews. The Constable will make the final discussion as to who will be hired. Reserve Deputy Constable's must be approved By the El Paso County Commissioners Court. Once a Deputy Constable has been approved, he/she must obtain a Surety Bond prior to performing any duty with the Department.
3. While on duty Deputy Constables will present a neat and well-groomed appearance. Mustache should be no lower than the crease of the lip and the face should be clean-shaven and no goatees. Hair must be neat and presentable, no long hair or mo-hawks. Hair can be spiked up, but must be reasonable and approved by the Constable. Sideburns should not be below the center of the ear.
4. All Deputy Constables will treat all persons fairly, respectfully, and with dignity in any contact situation.
5. Constable, Deputy Constable and Reserve Deputy Constables are authorized to carry their weapons while performing their duties for Constable Pct. 1 and concealed while they are off-duty. Any weapon that you carry, you must have qualified with and must be on file.

6. The full-time Deputy Constable will be required to wear the department uniform while on duty. The uniforms are defined below. Reserve Deputy Constable's are required to wear the department uniform while performing Bailiff duties, on patrol in a marked unit, or when requested by the Constable.
7. Deputy Constables are not required to wear their uniform while serving civil process in their personal vehicles. Deputies should be dress neatly, pants with shirt tucked in and a belt. No faded jeans are allowed. The department badge should be around the Deputies neck on a chain, in left front shirt pocket or clipped to the pant belt in plain view.
8. Texas State Law does not permit Reserve Deputy Constables to work off duty assignments for any compensation. All Officers except the Constable and full-time paid Deputies, employed by the Office of the Constable, El Paso County are unpaid with the status of Reserve Deputies. Any Deputy Reserve Constable caught violating this policy will be terminated from the Department and notice will be given to TCLEOSE.
9. Any Off-Duty assignments or volunteer assignments must be approved by the Constable Pct. 1, prior to accepting any assignments. Off-Duty and volunteer assignments will be placed in a file at Precinct 1. While working off-duties, remember, you are still wearing the uniform of Precinct 1 and you still work for the Constable. Your conduct and actions reflect on the Constable Pct. 1 office. Any arrests made during an off-duty, must be reported to the Constable's Office within three working days. The report must have the defendant's information; reason subject was arrested and if use of force was needed in order to affect the arrest. If any weapons such as: pepper spray, taser, baton or firearm was used to arrest the subject, include it in the report. If any injuries occurred or if EMS was called please include it in your report. If you fire your firearm, the Constable must be notified immediately. The Constable has the right to terminate any off-duties at any given time. No Off-Duty contracts shall be made with any business, church or non-profit organization whatsoever (We are not a licensed security company, therefore no contracts). This keeps the County of El Paso, Constable Pct.1 and any officer from being involved with any legal binding issues. **ALL POLICY AND PROCEDURES APPLY ON ALL OFF-DUTY ASSIGNMENTS WHETHER PAID OR NON-PAID.**
10. Any equipment issued to the Deputy Constable or Reserve Deputy Constable shall be returned to the Constable's Office in good condition. Any equipment issued and not returned will be charged to the individual whose signature is on the inventory sheet.
11. Any Deputy or Reserve Constable when going on duty must go 10-8 and must maintain an accurate daily log showing the activity for the day. The log must include starting and ending mileage. The Deputy or Reserve Constable must go 10-7 when the department vehicle is returned to its appropriate location.
12. Deputy Reserve Constables are not to engage in traffic stops unless the Deputy Reserve Constable has been given permission to do traffic stops by the shift supervisor or Constable. Deputy Reserve or Deputy Constables are not to issue citations using the radar unless they are radar certified. **Radar enforcement will only be used during**

special assignments and school zone enforcement in the mornings between 7:30-8:15 AM.



PROCEDURAL GUIDELINES

Violation of Rules, Deputy Constables and Reserve Deputy Constable's shall not commit or omit any acts, which constitute a violation of the rules, regulations, and directives/orders of the Constable. Any violation will constitute in being written up and further action will be taken.

Conduct unbecoming, is any conduct which brings the Department into dispute, reflects discredit upon the Deputy or the Department, or which impairs the operation or efficiency of the Department. A violation of the Racial Profiling policy may be considered conduct unbecoming. Deputies will conduct themselves professionally, ethically, and morally whether on duty or off.

Prohibited Acts, it is not possible to cover all acts inappropriate for Peace Officers, the below listed acts should serve a guideline:

- a. Use of any un-prescribed drug
- b. Drinking while on duty.
- c. Fighting or assault.
- d. Illegal gambling.
- e. Lying during an official investigation.

Immoral Conduct, (Moral Turpitude) Deputies shall maintain a highest level of moral conduct whether on duty or off, so as not to bring discredit to the Department. As defined by Law:

- a. The individual's inability to perform the duties of the office of Deputy Constable due to his/her notorious nature.
- b. The individual character overshadows the authority of his or her official duty so that the individual becomes ineffective as a law enforcement officer.
- c. The individual's conduct reflects adversely on the department as a whole.

Reporting for Duty, Deputies shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their required duties. If a Deputy is unable to report to duty he/she should contact the Constable or Sergeant at least 24 hours in advance. (Unexpected emergencies are acceptable)

It is important that each Deputy be prepared to assume their duties. These duties may consist of (Bailiff, Civil Process, or Patrol), or other duties assigned by the Constable.

Possession of illegal drugs, Deputies shall not possess or use any controlled substance, narcotics, or hallucinogens except when prescribed by a licensed physician.

Use of Alcohol or Tobacco on duty, Deputies shall not appear or be on duty under the influence of intoxicants to any degree whatsoever or with the odor of intoxicants on their breath.

Deputies shall not chew tobacco or dip snuff while on duty or violate the El Paso city ordinance for smoking in a public place.

Deputies shall not smoke in their police units at any time.

Abuse of Position, Deputy Constables shall not use their official position, official badge, or official identification cards for personal or financial gain. For obtaining privileges not otherwise available to them, except in the performance of their duties or avoiding consequences of illegal act of the law.

Weapons, Deputies are authorized to carry the following firearms, 38 or 357 cal revolvers, and 9-mm/40-cal/45-cal/357cal semi-auto handguns or any other weapon approved by the Constable. The weapon may only be fired in the protection of the Deputies life or the life of someone else. Anytime a Deputy fires his weapon, other than practice or qualifying, the Constable, Chief Deputy or Sgt. is to be notified immediately, the weapon will be taken from the Deputy until a statement has been received from said Deputy and an internal investigation has been completed. Once the Deputy has been cleared of any wrong doing his weapon will be returned. Unless otherwise stated by the Constable, the Deputy may carry another firearm he is qualified to carry. All weapons should be registered with the Department

Weapons qualifying, each Deputy must have qualified with his duty weapon and any off duty weapon, within the past 12 month. Each Deputy must qualify with his duty weapon on a yearly basis and if carrying a semi-auto, must have completed the Transitional Firearms Course prior to carrying a semi-auto. The certificate should be on file with the Department.

Professional Conduct and Courtesy, Deputies shall be courteous to all persons they come in contact with, including each other. They shall be tactful in the performance of their duties, control their tempers, and exercise the utmost patience and discretion. They should not engage in argumentative discussions even in the face of extreme provocation. At no time should any Deputy use coarse, violent, or profane language or gestures. Deputies will comply with the Department Racial Profiling policy.

Traffic Violations, Deputies who conducts a traffic stops must be in a marked unit and should be 10:08 with El Paso Sheriff's Dispatch in case of emergency. The traffic stop will be logged in the daily log sheet and called out to dispatch. A Racial Profiling Form will be filled out and turned in at the end of the shift unless the patrol car is equipped with video cameras. The Deputy should be in an approved department uniform, which clearly identifies the Deputy as a law enforcement officer. The vehicle must be equipped with red and blue emergency lights visible from both front and rear. The Deputy must have his/her ticket book with him.

Uniforms, Deputies will wear the following:

- a. Winter Uniform, the winter uniform will consist of a long sleeve Class A dark blue shirt and Class A dark blue pants. Black or Blue BDU shirt and pants may also be worn. The Department patch should be on both sides of shoulder, the Department Badge should be worn on the left side of the front of the uniform and it will be the issued badge or a badge approved by the Constable. The nameplate should be gold in color with black writing and the pants should be dark blue.
- b. Summer Uniform, The summer uniform is the same except that a short sleeve shirt will replace the long sleeve shirt. A white or black T-Shirt will be worn under the uniform shirt.
- c. Other type of uniforms may be worn, only if it is approved by the Constable.
- d. Training Uniform, while Deputies are in training they may where black BDU'S with the Department Polo shirt or black T-Shirt (See Constable for shirt information). The shirt will have the Department Badge embroidered on the left side of the front of the shirt or the word Police or Constable in plain view. This uniform may also be worn for duty if approved by the Constable.
- e. Hat's, the Department will allow Deputies to wear a black/blue baseball cap with the Department Badge embroidered on the front of the cap while in uniform. (See Constable for cap information).
- f. Shoe's, While in uniform the Deputy will be required to wear a duty boot which should be black in color (Military style). These boots should be kept cleaned and shined.
- g. Duty Belt, Deputies will be required to wear a black sam-brown with black keepers. All equipment such as holster, speed loader or clip holders and cuff cases should match the belt. Deputies can also wear nylon type duty belts with matching equipment.

Use of Radio, All deputies should receive a copy of the El Paso Sheriff's Department radio procedures and are required to follow those procedures. If a Deputy requested a Criminal History on a subject, it must be followed up with a signed criminal history report, which the dispatch office should forward to our office. Any Deputy found miss using or violating the Sheriff's Radio Policy, will be reprimanded or terminated. Any deputy using the Sheriff's radio frequency must attend a mandated Communications training set forth by the Sheriff's Department.

BAILIFF

Texas State Law requires the Constable to perform the duties of Bailiff at every session of the Justice Court. The Constable may assign these duties to his Deputy Constable or Reserve Deputy Constable. The appointed Bailiff must wear the department uniform.

Upon the entrance of the Judge the Bailiff will announce the Judge by name (Please rise, Justice Court #1 is now in session, the honorable Judge Robert T. Pearson presiding. All document/evidence to be given to the Judge will be handed to the Bailiff and then given to the Judge. When a defendant does not answer the Judges call, the Bailiff will announce the name of the defendant in the building three times.

Deputies using their own vehicles for department business must have liability insurance that meets the legal limit required by state law in Texas.



Office of the Constable Pct. 1 El Paso County, Texas. Procedures

Duties:

All papers received by the Constable from the Justice Court Clerk must be entered into the Constable logbook. Recording the court file number, date received, complainant, defendant, and type of case. After papers have been served the date executed and the name of the person served must also go in the logbook.

Hours for serving civil document:

Deputies may serve Citations, FED'S, or WRITS between the hours of 6 AM and 11:00 PM except on Sundays. Warrants may be served at any time of the day or night. Civil papers can be served at different hours, if it is the only way of having success in executing paper.

Citations: (small claims civil suits under \$10,000)

After entering the case in the logbook the Constable writes on the bottom of the citation, the month, day, and time received. The Constables signature or stamp must be placed on the blank spaces at the top and bottom and on the second duplicate accompanying the plaintiff's suit. The final disposition is recorded on the top copy and returned to the Court Clerk. The second copy is filled out and given to the defendant when executed.

The Constable drives to the address of the defendant, it may be a residents or a business furnished in the plaintiff's complaint. The Constable must serve the papers to only the person named by the complainant. The papers cannot be given to Mr. John Smith if it is for Mrs. John Smith. If the papers list's the defendant as a business, the papers must be given to the owner, manager, or officer of the business.

When the Constable/Deputy goes to the defendant's address listed in the suite and there is no one at home or the person is not at home. The Constable/Deputy shall record this information on the bottom of the citation such as date, time and why it was not executed.

After the Constable / Deputy makes two attempts, he may then send the citation by way of Substitute Serve (Rule 536). The Constable/Deputy will fill out the required affidavit and asked permission from the Judge to deliver the citation to any adult at the address, post the papers on the front door, or mail the papers to the defendant.

If the Constable /Deputy are told the defendant had moved without leaving a forwarding address, the Constable/Deputy will go to the local Post Office in an attempt find a good address on the defendant so he may be served.

When service is on a business or learns that the person has a business and is no longer at his address furnished. The Constable/Deputy may go to the Assumed Name section at the El Paso County Clerks Officer and may obtain a home address.

When the Constable/Deputy is given a Citation for a defendant who lives out of the county or state, he will send the citation via Certified Mail with a return receipt.

The Constable and deputies must receive 20 hours of civil process training each cycle.

FORCIBLE DETAINER /FORCIBLE ENTRY DETAINER (FED'S)

When receiving an FED, the blank spaces on the bottom of the form need to be filled out. The month, day, and year it was received should be recorded on both the top and second page along with the Constable's name stamp or signature. These types of papers have a court hearing date and time. The Constable may start to attempt to serve the papers on the tenth day before the court date and no later than the sixth day before the court date. In other words, the papers should be served in a four-day period, .six days prior to the court hearing.

These papers may be served to anyone at the residence listed over the age of sixteen. The Constable fills out the bottom, top and second copy of the FED. You must also show the date, time, and location along with the name of the person served. The person served is given the second copy of the citation and all other accompanying papers in the suit.

If not executed, the Constable shall record at least two trips on the bottom of the paper, why it was not executed. The Constable may then fill out a Substitute Service affidavit (Rule 742a) for the Judge to sign giving permission to post the FED on the door of the residence, or a copy must be mailed by regular mail to the defendant at the listed address.

WRIT OF POSSESSION

At the court hearing listed on the FED form, the defendant is advised that he/she must move within the next five days or pay the Plaintiff (Landlord) the money owed. If the Defendant does not leave or pay the Landlord, the Landlord can then file after six days a Writ of Possession. The Writ of Possession can then be executed by the Constable,

Deputy or Deputy Reserve Constable. This means that the defendants will be forcibly moved off the premises.

When a Plaintiff files a Writ of Possession with the court, the Constable/Deputy will advise the Plaintiff that the Defendant will be served and given 24 hours to vacate the premises. The Plaintiff is advised that they need to furnish a crew to move the Defendant's property out of the residence in case the Defendants have not vacated the property. A copy of the Writ signed by the Judge will be given to the Plaintiff.

After the FED has been filed the Constable/Deputy may go by the residents to see if the Defendants have vacated the property and then advise the plaintiff. The plaintiff may then dismiss the Writ.

On the date and time of the scheduled move, the Constable/Deputy needs to be present to observe the Plaintiffs works. The Defendants furnishings should be moved out of the residents and onto the parkway in front of the property. These furnishings cannot be placed on a sidewalk, driveway or block any passage. These furnishings cannot be placed outside during inclement weather. The Constable's/Deputy does not move any of the furnishings his/her duty is to preserve the peace should the Defendant try to interfere with the movers.

WRIT OF RE-ENTRY

This type of document filed with the court, when the landlord locks the tenant out of the house or apartment. In most cases the landlord changes the locks because the tenant is behind in their rent.

The Constable/Deputy goes to the Defendant's (Landlord) residence and explains to the Defendant that the proper procedure is to have the tenant's evicted. The Constable/Deputy must require the defendant to get the keys to the tenant so that the tenant may gain entrance to their apartment or house. The defendant is given a copy of the Writ of Re-Entry.

If the Defendant (Landlord) refuses to turn the keys over the Constable/Deputy must inform him/her that they will be held in Contempt of Court.

WRIT OF GARNISHMENT

The Plaintiff has been awarded a judgment in the Court against the defendant. Later the plaintiff has learned that the defendant has money in a local bank.

Example: Upon receiving the Writ of Garnishment, the Constable/Deputy serves a copy to the Bank President, or Bank Manager who then freezes the defendant's account preventing any withdrawals from their accounts. The Constable/Deputy then serves the defendant with a copy of the Writ of Garnishment. This copy will advise the defendant of a court date to determine the disposition of the money in the bank account. .



**Office of the Constable Pct. 1
El Paso County, Texas.**

RACIAL PROFILING POLICY

L Policy and Purpose

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

II. Definitions

a. Racial Profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, and persons needing assistance or other citizen contact.

b. Race or Ethnicity: means of a particular decent, including Caucasians, African American, Hispanic, Asian, or Native American descent.

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

d. Pedestrian Stop: means an individual who is not in a motor vehicle and is being detained by a Peace Officer for the purpose of a criminal investigation in which that person is not under arrest.

E Traffic Stop: means detention/stopping of a motor vehicle for a violation of the traffic code or violation of the penal code by a Peace Officer.

III. Prohibition

Deputy Constables are prohibited from engaging in racial profiling. This does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a Peace Officer. Race, ethnicity, or national origin may be a legitimate factor in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

IV. Complaint Process and Public Education
A Person believing that a Deputy Constable employed by the Office of the Constable engaged in racial profiling may file a complaint with the Constable of said precinct. Any person wishing to file a complaint will not be discouraged, intimidated, or coerced from filing such a complaint, nor will they be discriminated against because of such complaint.

The Office of the Constable will accept a racial profiling complaint alleging that one of the Deputy's, in the course of his duty used racial profiling. Such complaint must be in writing, or if received by an employee of the Constable Office or another Deputy, should receive the information and in turn, reduce it to written form to be signed by the complainant. This report should include the time, date, and place of incident to include all details. The statement should include the identity or description of the Deputy or Deputy's involved, and the identity and manner of the contacting complainant.

Any Deputy Constable, or the Constable receiving a citizen's complaint alleging racial profiling shall forward the complaint to the Constable of said precinct. Receipt of each complaint, shall be acknowledged in writing by the Constable to the complainant. All complaints will be reviewed and investigated by the Constable within a reasonable period of time and the results of the Constables review and investigation will be filed with the office and the complainant.

In investigating a complaint of racial profiling the Constable will try to determine if the Deputy accused, engaged in or used racial profiling. This investigation will look for multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling and shall not be grounds for corrective action.

In the event that a complaint of racial profiling by an individual was recorded on audio/video, the Constable, upon initiation of an investigation of said complaint will and upon written request of the Deputy, promptly provides a copy of the recording to that Deputy that is subject to the complaint.

The Office of the Constable will provide educational information to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the proceeding year shall be included with the annual report filed with the governing body of El Paso County under Part VI below unless the department qualifies as being exempt.

v. Corrective Action

After an investigation by the Constable, any Deputy found to have engaged in racial profiling, and which is a violation of this department, shall be subject to corrective action. Such action may include a reprimand the reprimand could constitute additional training in: (cultural diversity, sensitivity, or counseling). Other reprimands may include paid or unpaid suspension, termination of employment, or other appropriate action as determined by the Constable.

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

For each traffic stop in which a citation is issued, and for each arrest resulting from such traffic stops, a Deputy Constables involved in the stop shall collect information. This information should include, identifying the race or ethnicity of the person detained, stating whether a search was conducted, if contraband was found, and whether the person detained consented to the search.

The information collected shall be compiled in an annual report covering the period of Jan 1, though December 31 of each year. Said report shall be submitted to the governing body of the El Paso County Commissioners no later than March 1 of the following year. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any Deputy Constable involved in the arrest or stop.

VII. Audio and Video Equipment

The Office of the Constable shall upon implementation of this policy, will conduct a study for the feasibility of installation of video camera equipment and transmitter-activated equipment in each County Patrol Car and in each County Motorcycle regularly used to make traffic stops. The findings of this feasibility study for said equipment will be reported to the County Commissioners no later than six months after the enactment of the Racial Profiling Policy. The report should include funding options available to the County of El Paso, including any funding available through the Department of Public Safety.

In the event that the findings of such examination support the installation of such equipment, the governing body shall consider and take action on installing the equipment, applying for funding to secure and install such equipment, or such other action as the governing body considers appropriate. In the event the examination does

not support installing such equipment, the Office of the Constable shall periodically update the governing body on such feasibility.

In the event that the governing body determines that the funds are needed in order to install the equipment, it shall pass a resolution certifying that fact to the Department of Public Safety. Upon receipt of either sufficient funds or video and audio equipment, the governing body shall install video and transmitter-activated equipment in each Patrol Car or Motorcycle used for traffic stops or patrol. The governing body shall pass a resolution certifying to the Department of Public Safety that such equipment has been installed and is being used to record each traffic stop and pedestrian stop made by the Office of the Constable that is equipped with such video and audio equipment as appropriate.

VIII. Review of Video and Audio Documentation-Standards

In the event that audio and video equipment is installed, each audio and video recording shall be retained for a minimum period of ninety (90) days. In the event that a complaint is filed alleging that a Deputy Constable has engaged in racial profiling with respect to a traffic or pedestrian stop, the recording shall be retained until final disposition of said complaint. In conjunction with the preparation of the annual report required under Part VI above, the Office of the Constable shall periodically conduct reviews of a randomly-selected sampling of video and audio recordings by Deputy's employed by the Office of the Constable, to determine if a pattern of racial profiling exists.

The Office of the Constable will review video and audio recordings to determine if a Deputy who is involved therein has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible, explanation based on established law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling and shall not be grounds for corrective action.

IX. Collection, Compilation, Analysis, and Reporting Requirements in Absence of Either Audio and Video Equipment or Non-Funding Certification by the Governing Body.

In addition to the annual report required when citations are issued and arrest made, and so long as the Office of the Constable had not equipped all Patrol Cars and Motorcycles regularly used to make traffic or pedestrian stops with audio and video equipment as applicable and so long as the County of El Paso has not or is not able to certify to the Department of Public Safety that it needs funds for such audio and video equipment but had not received such funds then each Deputy of the County shall make the following report for each traffic stop:

1) A physical description of each person detained as a result of the stop, including:

(A) The person's gender and

(B) The person's race or ethnicity, as stated by the person, or if the person does not state the person's race or ethnicity, as determined by the Deputy to the best of his/her ability.

- 2) The traffic law or ordinances alleged to have been violated or the suspected offense;
- 3) Whether the Deputy conducted a search as a result of the stop, and, if so, whether the person detained, consented to the search;
- 4) Whether any contraband was discovered in the course of the search and the type of contraband discovered;
- 5) Whether probable cause to search existed and the facts supporting the existence of probable cause;
- 6) Whether the Deputy made an arrest as a result of the stop or the search, including a statement of the offense charged;
- 7) The street address or approximate location of the stop and
- 8) Whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or statement of the violation charged.

The information in each report shall be analyzed and compiled in a report that covers the period of January 1 through December 31 of each year, and shall be submitted to the governing body of El Paso County not later than March 1 of the following year.

Each report shall include:

- (1) A comparative analysis of the information compiled by each Deputy under Part IX (1-8) to:
 - (A) Determine the prevalence of racial profiling by a Deputy employed by the Office of the Constable, and
 - (B) Examine the disposition of traffic and pedestrian stops made by officers employed by the Office of the Constable, including searches resulting from such stops, and
- (2) Information relating to each complaint filed with the Office of the Constable alleging that a Deputy engaged in racial profiling.

The report required by Part IX may not include identifying information about a Deputy who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a Deputy.

The compilation of information, analysis, and report required by this Part IX shall not be required for any calendar year during which

- (1) The county had equipped all patrol cars and motorcycles regularly used to make traffic and pedestrian stops with audio and video equipment, and each traffic and pedestrian stop made by a Deputy employed by the Office of the Constable, that is

capable of being recorded by video and audio equipment, as appropriate, has been so recorded; or

(2) The County of El Paso has certified to the Department of Public Safety that it needs funds for such audio and video equipment, as described in Part ix above, but had not received such funds.

x. **Deputy and Constable Training**

Each Deputy employed by the Office of the Constable Pct. 1 shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) no later than the second anniversary of the date the Deputy was licensed, or the date the Deputy applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001 held a TCLEOSE intermediate proficiency certificate or who held a peace officers license Issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling no later than September 1, 2003.

The Constable shall, in completing the training required by section 96.641, Texas Education Code, complete a program on Racial Profiling designated for Constables of the State of Texas.



EL PASO COUNTY CONSTABLE, PRECINCT ONE
VEHICLE OPERATING PROCEDURE

EFFECTIVE DATE 07/15/2008

- I. OBJECTIVE:** To establish guidelines for the care and safe operation of department motor vehicles.
- II. POLICY:** It is the policy of this department to maintain and operate department vehicles in such a manner as to ensure safe and prolonged performance.
- III. PROCEDURE:**
- A. Operation of Department Vehicles
1. Department employees have a duty to operate department vehicles in a legal, safe, and courteous manner.
 2. Under normal operating conditions, whenever a department vehicle is parked, the operator will lock the ignition, remove the key, and lock the vehicle. The emergency brake will be set when appropriate given the circumstances (parked on hill, inclement weather, etc.)
 3. No person will be permitted to ride as a passenger in a department vehicle except when necessary for proper performance of police duties, or when prior permission has been granted by a supervisor.
 4. When a member of the department is involved in an accident while operating a department vehicle, or in any way injures a person or damages property, such member or employee will immediately

notify the shift commander. In addition to any other investigation, all such accidents will be investigated by a supervisor who will respond to the scene. The supervisor investigating the accident will submit reports as required by Human Resources setting forth their findings and recommendations. This report must be submitted within 24 hours of the accident occurrence.

5. Vehicles will be inspected daily by each operator. Each member will visually inspect the vehicle each shift, and report damage, defect, or unserviceability to the on-duty shift commander or Constable as appropriate. Officers will also inspect the seating area to ensure contraband or foreign objects have not been left in the vehicle. Should an emergency prohibit inspection of a vehicle, the vehicle will be inspected at the first opportunity after the emergency has ended. Operators must also record daily mileage and gasoline usage whenever a department vehicle is utilized.
6. Failure to inspect vehicles as previously indicated will be regarded as neglect of duty. Members are subject to personal liability in cases of negligence in the use and care of county-owned vehicles, or their abuse, misuse, willful or negligent loss or destruction.
7. Department vehicles will not be towed by another vehicle except by a tow truck authorized by the Constable. No person will operate a department vehicle which has a deflated tire, or when there is evidence of an apparent mechanical defect.
8. All personnel operating department vehicles must have a valid Texas driver license. Only authorized personnel will drive department vehicles, unless exceptional circumstances exist or as required to properly road test the vehicle during maintenance.
9. Vehicles should not be operated on pedestrian sidewalks except in emergency situations or when a supervisor approves the use of pedestrian sidewalks for vehicle movement.
10. Vehicles should not be used to push disabled vehicles on/off the roadway, except under extreme circumstances. All department vehicles have traffic directional lighting installed, and such lighting should be used to direct traffic approaching from the rear to move into an appropriate lane to avoid colliding with the police vehicle.

C. **Emergency Vehicle Usage - Definitions**

1. Emergency equipment is hereby described as:
 - a. Audible siren.

- b. Visual emergency red/blue light bars and/or magnetic base lights. A red, flashing or rotating light is always required.
2. Police emergency - A combination of circumstances that requires police presence immediately to protect or sustain life, or crimes in progress immediately to protect or sustain life, or crimes in progress when an immediate threat to life could result. Specific emergency situations are as follows:
- a. Assist an officer.
 - b. Confirmed major vehicle and/or vehicular/pedestrian accidents.
 - c. Medical emergencies.
 - d. Crime in progress.
 - (1) Aggravated assault and/or serious disturbances.
 - (2) Shooting.
 - (3) Robbery.
 - (4) Sexual assault.
 - (5) Fire.
 - (6) Fresh pursuit.

D. **Emergency Vehicle Usage - Authorized Use**

- 1. Audible sirens may be used to signal other traffic as a warning that an emergency vehicle is approaching. Sirens may be used in police emergencies as described; however, common sense would dictate that a siren not be used on crimes in progress, when such action would warn the suspect(s) of police presence or approach.
- 2. Visual emergency warning lights will be used in police emergencies as described. Additionally, emergency lights may be used when a police vehicle is stationary and being utilized as a protective warning device, such as blocking a roadway. Emergency lights may be used to signal a traffic violator of the officer's intention to stop the driver.
- 3. Emergency lights and/or sirens shall not be installed on officers' personally owned vehicles unless written permission has been granted by the Constable. The Precinct 1 Constable's Office is not financially responsible for the purchase, maintenance, or replacement of any such equipment. Personally owned vehicles will at no time be granted status as a bona fide emergency vehicle. When authorization is granted, emergency lights and/or sirens installed on personally owned vehicles will not be used under any circumstances to effect traffic stops, pursue vehicles or persons, or respond to emergencies, and

may only be used at the actual scene of a bona fide emergency or motor vehicle accident scene within the State of Texas. Any use of such equipment outside of the State of Texas is strictly prohibited. The Constable retains the right to rescind at will any prior authorizations.

E. Emergency Vehicle Usage - Responsibility

1. An officer who becomes involved in a traffic accident while attempting to overtake fleeing subjects may be civilly sued for all damages to persons and property resulting from such liability under the terms of the Texas Transportation Code § 546.005.
2. The foregoing provisions will not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons. The exemptions granted to an authorized emergency vehicle will apply only when such vehicle is making use of audible and visual signals meeting the requirements listed in Texas Transportation Code § 546.003.

F. Vehicle Maintenance- Responsibility

1. The Constable will be responsible for the assignment of appropriate personnel to ensure that proper preventative maintenance is completed on any vehicles not assigned as take-home vehicles. Officers shall keep the Constable abreast of any maintenance needs, such as state safety inspections, scheduled maintenance, or mechanical concerns.

G. Vehicle Fueling

1. Fuel for department vehicles will be obtained using Valero fuel cards.
 - a. Valero Fuel Card Usage.
 - (1) Master control of all department allocated fuel cards will rest with the Constable or his designee.
 - (2) Fuel cards are issued to the vehicles, and not specifically to personnel. However, each driver is responsible for ensuring that the fuel card is present in the vehicle prior to initial operation of the vehicle for their shift. Personnel will include gas receipts with their daily activity log.

- (3) The fuel slips will be stapled to the officer's daily log sheet and placed in the daily log tray for forwarding to the Constable for processing. The quantity and cost of fuel purchased will be indicated on the officer's daily log sheet.

H. Take-Home Vehicle Policy

1. County-owned vehicles assigned to the Precinct 1 Constable's Office are designated as "take-home" vehicles, which are then assigned to full-time personnel including the Constable, due to the fact that the Precinct 1 Constable's Office has no secure facility in which to park their vehicles. Take-home vehicles will be assigned at the discretion of the Constable, and assignments can be changed at any time without prior notice.
2. As take-home vehicles do provide a benefit to officers in terms of using their take-home unit for travel to and from work assignments in lieu of personally owned vehicles, officers assigned a take-home vehicle are responsible for maintaining the vehicle in a state of good repair, and are responsible for the continued cleanliness of the vehicle. Any maintenance needs should be immediately reported to the Constable.
3. Officers are not authorized to use take-home units for any personal business, except for *de minimus* personal use while en route to work or home, or as authorized by Subsection 4 below. *De minimus* personal use is defined as a brief stop at a location in reasonably direct travel between the office and residence, but does not include trips made to businesses or residences in the course of official business.
4. Officers may use take-home units for part-time security related employment, if such part-time employment is based on the officer's status as a peace officer and not as an employee of a security company or other entity that is required to be licensed and regulated by the Texas Private Security Commission. Officers must turn on vehicular and handheld communications radios at all times while en route to the worksite, during the course of that work, and while en route to their residence after completion of the part-time employment. Officers are considered on-duty for purposes of emergency response and must be available to respond to calls for assistance as appropriate. This authorization of use is to ensure that officers engaged in part-time employment have the ability to be called to official duty at any time by the Constable, utilize the vehicle for prisoner transport upon effecting a lawful arrest, or to assist another officer or agency should the need arise. However, if any arrest is a direct result of the off-duty employment, the officer shall not be compensated by the County of El Paso unless special

circumstances exist; further, the transport of the prisoner shall occur without unnecessary delay.

I. **Vehicle Records**

1. All historical, maintenance, and fuel records for county-owned vehicles assigned to the office will be maintained by the Constable.

Approved: _____
Constable Pct.1

Deputy Constable:

This Policy to be Effective: July 15, 2008 by Order of the Constable's, El Paso County, Texas.

Office of the Constable Pct.1
El Paso County, Texas.
July 15, 2008

