

EXHIBIT F

General Order

Houston Police Department



ISSUE DATE:

July 24, 2012

NO.

500-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-01, dated August 2, 2010

SUBJECT: EFFECTING ARRESTS AND SEARCHES

POLICY

The highest regard possible shall be given to *arrested individuals' and officers' safety* and well-being.

Prisoners shall be thoroughly searched at the time of arrest and by each employee in the chain of custody to ensure no weapons, contraband, or evidence remains on the prisoner.

Except as noted in this General Order, all persons under arrest shall be properly handcuffed behind the back prior to being thoroughly searched and shall remain handcuffed while being transported in any police vehicle.

This General Order applies to all employees.

DEFINITIONS

Body Cavity Search. Any search involving the visual inspection of all skin surfaces, the breasts of a female, or the genitalia of either sex, or the internal physical examination or probing of all body cavities.

Interlocking. A technique used to accomplish the arrest or restraint of a violent person by handcuffing the wrists and ankles together behind the back. The term "hogtie" shall not be used.

Positional Asphyxia. An impairment of the respiratory system resulting in the reduction of oxygen or the increase of carbon dioxide in the bloodstream and tissues.

Strip Search. Any search of an individual requiring the removal of some or all of the clothing to allow visual inspection of the breasts of a female or the genitalia of either sex.

1 JURISDICTION

Officers may exercise full police powers within any county in which a portion of the city of Houston is located.

Within the state of Texas, officers may arrest without warrant a person who commits an offense within the officer's presence or view if the offense is a felony, an offense against public order and decency, disorderly conduct, a breach of the peace, or public intoxication. Arrests made outside Houston city limits should, whenever possible, be made in cooperation with the law enforcement agency having primary jurisdiction.

For additional jurisdictional parameters, refer to the Texas Code of Criminal Procedure, Article 14.03, *Authority of Peace Officers*.

2 USE OF FORCE

When dealing with citizens, suspects, and prisoners, employees shall limit their use of force and physical contact to only the amount reasonably necessary to protect themselves or others, to effect an arrest, or to bring an incident under control. See General Order 600-17, **Use of Force**.

Officers who use force against any person must be able to state in detail the specific reasons for using the force. If force is utilized during an incident, the officer must ensure that such force is documented according to General Order 600-17, **Use of Force**.

Suspects Who Ingest Contraband

The department's primary objectives in dealing with suspects who are believed to have ingested narcotics or other contraband

General Order #500-01

ISSUE DATE: July 24, 2012

PAGE: #2

are the preservation of life and the safety of the officer. The secondary objective is to preserve and recover evidence whenever possible.

Officers are prohibited from choking and/or restricting the airway of a suspect in an attempt to extract contraband from the suspect's mouth.

Officers using reasonable force to extract contraband from a suspect's mouth should be cognizant of the risks and dangers associated with putting the officer's hands in or near the suspect's mouth.

When an employee reasonably believes that a suspect has ingested narcotics or other contraband, which could present a health hazard, the employee shall immediately summon emergency medical personnel to provide assessment and treatment without delay.

In the event that, after medical evaluation, medical personnel release the prisoner back to the officer, the officer shall:

- a. Transport the prisoner immediately to the appropriate City jail facility.
- b. Document on the booking blotter that the prisoner "possibly ingested narcotics/contraband."
- c. Notify the medical specialist upon arrival at the City jail facility. If a medical specialist is not present when booking the suspect, the transporting officer shall notify a jail sergeant of the incident.

Employees should be aware of and look for potential signs of distress following an ingestion, which could include, but are not limited to, loss of consciousness, trouble breathing, non-responsiveness, profuse sweating, choking, loss of mobility, and vomiting.

When a suspect who is in custody has been transported to a medical facility after ingest-

ing narcotics or other contraband, the arresting officer shall:

- d. Notify a supervisor as soon as practical.
- e. Respond to the medical facility and advise the attending physician of the situation, including an estimate of the amount of time elapsed since the ingestion and if possible, the type, quantity, and packaging of the item(s) ingested.
- f. Generate an incident report or supplement that includes a detailed statement of the incident, medical treatment received (if known), and any actions taken by those on the scene.

Employees are advised that when a suspect ingests narcotics or other contraband and evidence is destroyed, they are to consult with the appropriate district attorney's office to discuss acquisition of a search warrant, if necessary, and the possibility of filing all applicable charges, including, but not limited to, tampering with evidence.

3 LEGAL WARNING

When suspects are arrested, they shall be told as soon as possible they are under arrest and the charge or cause for the arrest.

If custodial interrogation is to take place, suspects shall be given the legal warnings as set out in the Texas Code of Criminal Procedure.

4 RESTRAINTS AND TRANSPORTATION

Handcuffs

An exception to the handcuff policy is if a medical or specific physical condition (e.g., suspect's age or size) precludes handcuffing behind the back. Then the prisoner shall be secured in the safest possible manner before being placed in a police vehicle.

General Order #500-01

ISSUE DATE: July 24, 2012

PAGE: #3

If a prisoner cannot be handcuffed, the transporting officer shall clearly document the reasons and specific justifications for not doing so in the incident or supplement report. The safety of the officer and the suspect or prisoner must be assured before the decision to transport without handcuffs is made. Unless otherwise approved by a supervisor, only units with two officers shall transport prisoners without handcuffs.

Whenever handcuffs are used, they shall be secured by double-locking the cuffs to prevent them from being inadvertently tightened. Officers shall not tighten handcuffs to the extent that circulation is impaired, or allow handcuffs that are clearly interfering with circulation to remain tightened. Prisoners who remain handcuffed for an extended period of time shall be checked often to ensure proper blood circulation.

Personnel assigned to the Jail Division shall handcuff and restrain all prisoners according to current Jail Operating Procedures.

Transporting

When placing a prisoner in a patrol vehicle, officers shall position the prisoner's back toward the upper back seat with the prisoner sitting upright and facing forward. Officers shall then properly secure the prisoner in the seat belt and shoulder harness. The transporting officer shall watch the prisoner and ensure the prisoner does not become entangled in the seat belt and that the seat belt does not wrap around the prisoner's neck.

If the design or configuration of the transporting vehicle precludes safely transporting a suspect in accordance with this General Order, a more appropriate unit shall be dispatched.

Interlocking Technique

The interlocking technique shall be used by only trained officers utilizing the approved in-

terlocking devices. No changes, alterations, or modifications are permitted to approved leg restraints or interlocking devices.

In all arrest or transporting situations, especially those involving an interlocking technique, employees shall ensure prisoners are placed in a position that enables them to breathe freely and is the most comfortable position possible. Additionally, while officers may use their weight to initially gain control over a prisoner and to maintain control if necessary, officers are to use caution that the resulting compression of the chest or abdomen does not interfere with the prisoner's breathing.

WARNING: DO NOT leave the prisoner face down when using the interlocking technique as asphyxiation may occur.

Interlocking is meant only as a temporary measure and suspects must be released from the interlocked position as soon as it is safe and practical.

A prisoner who initially appears to be in little or no distress after being interlocked may still develop respiratory difficulties. Therefore, whenever the interlocking technique is used:

- a. A supervisor shall be dispatched to ensure the technique conforms to department policies.
- b. The prisoner shall be transported by only a two-officer unit unless otherwise approved by a supervisor.

When the interlocking technique is used, officers shall:

- c. Ensure there are at least 12 inches between the interlock (wrist to ankle).
- d. Constantly ascertain the prisoner's condition.
- e. Maintain verbal contact with and keep a close watch on the prisoner.

5 SEARCHES

Whenever practical, prisoner searches shall be performed by employees of the same sex as the prisoner. When an officer of the opposite sex searches a prisoner, that officer shall document the justification for the search in an incident or supplement report.

Any employee who searches a prisoner shall document the search and the results in an incident or supplement report when necessary. Whenever possible, officers should have a witness to the search.

Personnel assigned to the Jail Division shall conduct all searches according to the current Jail Operating Procedures.

High Risk Search

Prisoners who must be immediately transported out of the area for the safety of an officer shall be handcuffed behind the back and searched for weapons. The search shall include the outer garments, waist, groin, hip areas, ankles, and feet. Immediately upon reaching a safer environment, the officer shall stop and thoroughly search the prisoner.

Strip Search

Strip searches may be conducted only after an arrest when there is reasonable suspicion a suspect is concealing weapons, contraband, or evidence that may not be detected or recovered by the usual search techniques. Permission to perform a strip search shall be obtained from a supervisor prior to the search. Strip searches shall be conducted:

- a. Discreetly and with the utmost respect for the suspect's privacy and dignity.
- b. By an officer or jail attendant of the same sex as the prisoner.
- c. In a private and secure room.

1. Public strip searches are prohibited.
2. The minimum number of police personnel necessary shall be present during the strip search and nonpolice personnel should be present only as an extreme necessity.

Following a strip search, an incident or supplement report shall be generated and must include the result of the search and every name and any identifiers of anyone who witnessed the search.

Body Cavity Search

Body cavity searches may be conducted only subsequent to an arrest when there is probable cause to believe that weapons, contraband, or other evidence of a crime has been concealed in a body cavity. Only medical personnel at medical facilities shall conduct body cavity searches.

A supervisor shall be notified of the necessity to conduct a body cavity search prior to the search. Upon approval from the supervisor, the prisoner shall be transported to the closest available hospital. The supervisor shall ensure that all necessary documents (e.g., consent form, search warrant) are presented to medical personnel with the prisoner.

If the need for a body cavity search is discovered after the prisoner enters a jail facility, an on-duty jail supervisor shall be notified. The prisoner shall be brought to the jail clinic for evaluation and sent to the closest available hospital for the search.

A police officer must accompany the prisoner to the hospital and take possession of any weapons, contraband, or evidence discovered during the search. The prisoner shall be returned to the jail by the police officer when the search is completed.

Body cavity searches shall be conducted privately and with the suspect's dignity as a

General Order #500-01

ISSUE DATE: July 24, 2012

PAGE: #5

consideration. A minimum number of jail, medical, and police personnel shall be present.

Whenever a body cavity search is conducted, an incident report shall be initiated or supplemented containing the following information:

- a. The name of the supervisor who authorized the search.
- b. The probable cause for the search.
- c. The date, time, and location of the search.
- d. The name and any identifiers of anyone who witnessed or participated in the search.

6 ARRESTS MADE INSIDE THE CITY LIMITS OF HOUSTON IN FORT BEND COUNTY

Adults arrested in Fort Bend County shall be taken before a magistrate in that county to be given their legal warnings. All property and evidence shall be tagged properly according to Houston Police Department policy. Original incident reports and supplements shall be submitted to the concerned division of the Houston Police Department. A copy of the incident report, suspect criminal history, warrant information sheet, and fax receipts shall be forwarded to the captain of the Southwest Division.

Felony and Class A and B Misdemeanors

Adults arrested in Fort Bend County for a felony or a Class A or B misdemeanor shall be transported to the Fort Bend County Jail. Officers shall file charges at the Fort Bend County District Attorney's Intake Division. A copy of the incident report shall be faxed to Fort Bend County Intake. Officers shall keep a copy of the fax receipt.

If it is after business hours, officers shall fax the following information to the Fort Bend County District Attorney's Office:

- a. A completed warrant information sheet issued by the Fort Bend County Intake Division.
- b. Two copies of the incident report and two copies of the NCIC and TCIC printouts.
- c. An incident report for every charge and every defendant.
- d. An incident number must be indicated on all of the suspect's paperwork.

Class C Misdemeanors

Officers issuing Class C misdemeanor citations in Fort Bend County shall write "Fort Bend County" in parentheses on the same line as the offense location, which shall read "city of Houston (Fort Bend County), Texas." When incarceration is required, adult prisoners shall be transported to the Southeast Division jail facility.

DWI Arrests

When an adult is arrested for DWI in Fort Bend County, the arresting officer shall take the prisoner to the Fort Bend County Jail for an intoxilyzer and video test. The officer shall contact the HPD dispatcher who shall notify the Fort Bend County Sheriff's Office to have an on-duty intoxilyzer operator meet the arresting officer at the Fort Bend County Jail facility.

The video shall be submitted to the Fort Bend County District Attorney's Intake Division with copies of all necessary paperwork. A copy of the paperwork shall also be delivered to the HPD Vehicular Crimes Division control desk.

If the arrest occurs after normal business hours, the officer shall deliver the original

paperwork and video to the desk sergeant at the Southwest Division. Southwest Division personnel shall submit the paperwork and video to the Fort Bend County District Attorney's Intake Division during normal business hours.

Juvenile Arrests

Juveniles who are arrested shall be transported to the Fort Bend County Juvenile Detention Center. When juveniles are going to be interrogated as suspects, they shall be taken before a magistrate in Fort Bend County for their legal warnings.

Officers shall not leave the Fort Bend County Juvenile Probation Department until they have obtained the juvenile's fingerprints and Automated Fingerprint Identification System (AFIS) number, and the Juvenile Criminal Justice Information Services (CJIS) form is completed. A copy of the incident report must be left with juvenile probation personnel and a copy must be faxed to the Fort Bend County District Attorney's Juvenile Intake Division. Officers shall retain a copy of the fax receipt.

Officers shall contact the Juvenile Division and forward a copy of the incident report. Juveniles arrested in Fort Bend County shall not be taken to Harris County.

Deaths

During the investigation of a death that occurred in Fort Bend County, a Fort Bend County Justice of the Peace shall be summoned to rule on the cause of death. A Fort Bend County Sheriff's Office dispatcher shall contact the Justice of the Peace.

7 ARRESTS MADE INSIDE THE CITY LIMITS OF HOUSTON IN MONTGOMERY COUNTY

Adults arrested in Montgomery County, inside the city limits of Houston, shall be tak-

en before a magistrate in Montgomery County to be given their legal warnings.

A Montgomery County Sheriff's Office dispatcher shall be contacted if a magistrate is needed during the nightshift hours of 5 p.m. to 8 a.m. The officer shall obtain from the dispatcher a telephone number with which to contact a magistrate.

Original incident reports and supplements shall be submitted to the concerned division of the Houston Police Department. All property and evidence seized in Montgomery County shall be tagged properly according to HPD policy.

Felony and Class A and B Misdemeanors

All adult female suspects arrested inside the city limits of Houston in Montgomery County for a felony or a Class A or B misdemeanor shall be processed through the Montgomery County Jail in Conroe. Adult male suspects may be processed through either the Montgomery County Jail in Conroe or the jail facility at the East Montgomery County Annex in New Caney.

Officers shall complete all necessary paperwork while processing adult suspects at the jail facility. Officers shall file charges at the Montgomery County District Attorney's Office from 8 a.m. to 5 p.m. After normal business hours, officers shall process the suspect and fax a copy of the incident report and a copy of the suspect's TCIC printout to the Montgomery County District Attorney's Office immediately.

Class C Misdemeanors

Officers issuing citations in Montgomery County for Class C misdemeanors shall write "Montgomery County" in parentheses on the same line as the offense location, which shall read "city of Houston (Montgomery County), Texas." When incarceration is required, adult prisoners shall be transported to the jail facility at Northeast

Division or Central Division, depending on the sex of the prisoner.

DWI Arrests

When an adult is arrested for DWI inside the city limits of Houston in Montgomery County, the arresting officer shall take the prisoner to the Montgomery County Jail in Conroe for an intoxilyzer and video test. The officer may also utilize the Harris County Sheriff's Office substation in Humble, HPD intoxilyzer locations, or DPS intoxilyzer locations. The suspect shall then be processed and charges filed as indicated above.

Adult male prisoners may be transported to the jail facility at the East Montgomery County Annex in New Caney. Officers shall contact the dispatcher, who shall contact the Montgomery County Sheriff's Office dispatcher in order to have DPS personnel meet the officer at the jail facility to administer the intoxilyzer test. Montgomery County deputies may also administer the intoxilyzer test. The suspect shall then be processed and charges filed as indicated above.

A copy of the paperwork shall be delivered to HPD Vehicular Crimes Division control desk.

Juvenile Arrests

Juveniles who are arrested shall be transported to the Montgomery County Sheriff's Office Identification Section – Crime Lab where the juvenile shall be fingerprinted and the officer shall complete the Referral/Identification portion of the DPS *Juvenile Justice Tracking* form and leave the HPD report or probable cause statement.

Juveniles shall then be taken to the Montgomery County Juvenile Detention Center located in Conroe where they shall be handled by the on-duty Montgomery County district attorney.

When juveniles are going to be interrogated as suspects, they shall be taken before a

magistrate in Montgomery County for their legal warnings.

Officers shall complete all necessary paperwork and forward a copy of the incident report to the HPD Juvenile Division. A copy of the incident report must be faxed to the Montgomery County District Attorney's Office immediately upon completion of the paperwork.

Deaths

During the investigation of a death that occurred in Montgomery County, a Montgomery County Justice of the Peace shall be summoned to make the official ruling on the cause of death. A Montgomery County Sheriff's Office dispatcher shall contact the Justice of the Peace.

8 RESTRICTIONS

Off-duty officers shall not arrest traffic violators on sight unless the violation poses an immediate threat of bodily injury.

An officer, whether on or off duty, shall not arrest any person involved in a personal dispute involving the officer or a member of the officer's family unless there is an immediate threat of serious bodily injury or death. If police action is required, the officer shall contact Emergency Communications Division and request that a police unit and a supervisor be dispatched to the scene to investigate the incident. Also, if police action is required and the suspect's identity is unknown or cannot be determined, the officer may detain such person.

Officers shall not communicate in any manner, directly or indirectly, any information that may delay an arrest. Officers shall not enable persons who have committed criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.

General Order #500-01

ISSUE DATE: July 24, 2012

PAGE: #8

9 RELATED GENERAL ORDERS AND
REFERENCE MATERIAL

- 500-02, Handling and Transporting Prisoners
- 500-04, Driving While Intoxicated
- 600-17, Use of Force
- 700-01, Property/Evidence Control Regulations
- 700-03, Inventory of Prisoner's Property

Texas Code of Criminal Procedure, Article 14.03, Authority of Peace Officers; and Article 15.17, Duties of Arresting Officer and Magistrate


Charles A. McClelland, Jr.
Chief of Police