

POLICY 21

SEARCH AND SEIZURE WITHOUT A WARRANT

POLICY

The United States Constitution prohibits searches without warrants. The United States Supreme Court however has established several exceptions to the warrant requirement:

A search incident to a lawful arrest.

Inventory search

Consent search

A search based on exigent circumstances coupled with probable cause that a crime has been committed

Plain view seizure

Plain feel seizure

These exceptions have merged over the years and cannot be covered in this directive.

PROCEDURE

SEARCH BY CONSENT

A person can waive their constitutional right to require that a search be conducted pursuant to a warrant by giving their consent to the search of their premise's person or automobile.

For the consent to be valid it must be given freely and voluntarily. It must not be the product of coercion. A consent to search shall be completed on a departmental form provided for that purpose.

Example: In a murder investigation if one of the two occupants of a house is found murdered in the house the premises cannot be searched without a search warrant or consent from the other occupant. The premises may be searched for other persons or bodies but then must be secured and a search warrant obtained in order to search if consent is not given.

There will be situations in which the suspect is unavailable, and a third person offers to consent to allow officers to search a certain area.

Example: A wife can consent to a search of a family home. However, a suspect's roommate or joint tenant cannot consent to the search of a suspect's personal effects. The roommate or joint tenant can only allow officers to search areas of the premises which or jointly occupied or controlled by both himself and the suspect. These are areas in which they have equal rights of access. For example, the roommate may validly consent to the ice box.

STOP AND FRISK

The Louisiana constitution protects citizen from invasions of privacy (art 1. Sec 5). However, art. 215.1 of the criminal procedure provides for the temporary questioning of persons a frisk and a search for weapons. The latter procedure is recognized in both state and federal jurisprudence. It only applies to forcible stops not to those stops in which consent is given or in those cases where the officer is simply carrying on a conversation with a person.

In order to be constitutionally valid, the need to stop and frisk must be balanced with the right or privacy. In so doing the court uses the following test: weather an officer may forcibly stop a person and frisk/search him for weapons depends on whether the totality of the circumstance gives rise to a reasonable suspicion (as opposed to probable cause) that the person has is or is about to commit a crime.

The U.S. Supreme Court has stated that reasonable suspicion cannot be articulated precisely. It is a common sense non-technical conception that deals with the factual and practical consideration of everyday life on which reasonable and prudent men act in court then the officer must be able to articulate the facts and circumstances which formed the basis of his reasonable suspicion, in order to warrant the infringement on the person's right to privacy. Therefore, it is especially important that as soon as circumstances permit the officer record this information (preferably in his report) for possible trial testimony. This valuable habit avoids forgetfulness and an attack on the officer's credibility in addition to aiding the prosecutor in his preparation.

Careful notes and testimony can prevent reversal on appeal.

AUTHORITY TO STOP AND FRISK

Article 215.1 of the code of criminal procedure state: a law enforcement officer may stop a person in a public place whom he reasonably suspects is has or about to commit a crime and may ask him his name address and for an explanation of his action. If the officer reasonably suspects that he is in danger, he may frisk the outer clothing for a dangerous weapon. If as a result he reasonably suspects that the person is armed the officer may search the person for a weapon.

By judicial extension, the passenger compartment of an automobile may also be patted down for weapons. The officer must have a reasonable belief that the suspect is dangerous and may gain immediate control of a weapon.

DETERMINING WHETHER TO STOP

The first step in most situations involves the observations of the officer. If he observes circumstances which would lead an experienced, prudent police officer to reasonably suspect wrongdoing, he is justified in stopping the individual. Although no one factor will justify such a stop, the following observations, in some combination, have been held to constitute "reasonable suspicion" to stop:

- (1) What appears to be a "hand-to-hand" drug transaction.
- (2) Person runs when police car appears.

- (3) Area is high-crime area, known as such to police.
- (4) Person has hand in pocket and will not remove it.
- (5) Person is nervous, startled by police.
- (6) Knowledge of previous crime activity of the person.
- (7) A clenched fist.
- (8) Area of heavy pedestrian traffic.

DETERMINING WHETHER TO FRISK

If the officer, by making more than one of the above observations, has reasonable suspicion to stop a person, he should identify himself as a police officer and make the inquiries allowed. Prior to, or during those inquiries, if the officer reasonably concludes that he may be in danger, he can frisk, or "pat-down" the outer clothing of the suspect **for weapons**. The following, while not an exclusive list, have been held to give the officer the needed "reasonable suspicion" to frisk:

- (1) a bulge in a pocket.
- (2) the outline of a gun, knife, club or even a matchbox (as it may contain razor blades)
- (3) refusal of the person to remove his hand from his pocket or to move his hand to his front.
- (4) actual knowledge by the officer that the person is known to carry weapons.
- (5) nature of the offense is one in which a weapon would likely to be used.
- (6) furtive behavior by the suspect, such as reaching under the car seat or toward his beltline where pistols are normally kept.
- (7) high crime area.
- (8) demeanor of the suspect.

The purpose of the frisk is **not** to discover evidence of a crime, but to allow the policeman to pursue his investigation safely. If the officer feels what appears to be a weapon, he may then search the person and seize any weapon found. Any object consistent in size, shape, and feeling with guns, knives, or other weapons may be seized, even if the object turns out to be a non-weapon type of contraband.

Recent cases have expanded the legality of the search or weapons to include the seizure of any contraband that can be immediately identified as such. For example, in a "pat down" for weapons, if the officer feels an object whose "contour or mass makes its identity **"immediately apparent"** without further manipulation (such as a matchbox or plastic bag with rock shaped items inside), the contraband

may be seized under an exception to the search warrant requirement known as the “plain feel” doctrine. (The logical extension of the “plain view” doctrine).

COMMENTS ON STOP AND FRISK

An anonymous tip or even one from a confidential, reliable informant, will **not** support a stop and frisk. The officer must conduct a further, independent investigation of the circumstances.

The officer must not detain the suspect any longer than necessary, nor should the suspect be moved from the immediate area unless necessary for safety purposes. The officer may not require the suspect to go to the station without probable cause to arrest.

In stop and frisk situations, each step must be legal for the next step to be utilized. The stop is based on reasonable suspicion of a crime. The frisk is based on reasonable suspicion of danger. **You cannot have a valid frisk without a valid stop.** It follows that any resulting arrest is dependent upon the legality of both the stop and the frisk.

SEARCH OF MOVING VEHICLES BASED ON EXIGENT CIRCUMSTANCES/WITH PROBABLE CAUSE

If an officer has probable cause to believe that a moving vehicle contains contraband or evidence he may stop and search the vehicle on the highway. He is not required to first present his probable cause to a judge and secure a warrant. Remember, a search in this instance must be based on probable cause sufficient to obtain a search warrant, plus exigent circumstances.

A vehicle which an officer has the right to stop (e.g., for a traffic violation) cannot be searched for that reason alone. The officer must have probable cause to believe that the vehicle contains evidence or contraband before he can search. He cannot search a vehicle and arrest the occupants (except insofar as he can search incidental to arrest).

A vehicle which is found parked and unoccupied generally cannot be searched without a warrant. The safest practice is to obtain a warrant when a vehicle or a container in a vehicle has been taken into custody and removed to the station. It is better, whenever possible, to get a warrant if this can be done without endangering the chance to search.

SEARCH OF A CRIME SCENE

The search of a crime scene shall be accomplished with a warrant unless it is determined that contraband or evidence may be in jeopardy.

PUBLIC SAFETY

An officer is entitled for the protection of himself **and others** in the area to conduct a carefully limited search of the outer clothing of a suspect to discover weapons.

INVENTORY SEARCHES

The Louisiana Supreme Court has held that “true inventory searches” of vehicles which are “lawfully and actually impounded” do not violate the constitutional prohibitions against unreasonable searches and seizures.

The recognized valid purpose of inventory searches is to safeguard valuables in the impounded vehicle, to protect against claims that property was removed from the vehicle and protection of police from danger. (S. Dakota vs. Opperman) (Colorado vs. Berdine) (Cooder vs. California).

While the Louisiana Supreme Court has not yet delineated under what circumstances a vehicle may be lawfully impounded, it appears that the mere lawful authority to impound is insufficient to justify an inventory search. Moreover, the Court will readily suppress an inventory search where it is used as a pretext to conduct an investigatory warrantless search. (State vs. Carey) (Dakota vs. Opperman).

ABANDONED PROPERTY

It is well-settled law that an accused has no right to complain of a search or seizure of property which he has voluntarily abandoned. Although abandonment is primarily a question of intent, the intent to abandon may be inferred from the accused's spoken words, his acts, and other objective conduct on his part. It has been held that the issue is not abandonment in the strict property right sense, but whether the accused has voluntarily discarded, left behind, or otherwise relinquished his interest in the property in question so that he can no longer retain a reasonable expectation of privacy with regard to the property at the time of the search and/or seizure.

If the abandonment of the property is impelled by unlawful police conduct, such as an arrest without probable cause, the property cannot be used to prove the guilt of the accused. However, a person is not “seized” or “actually stopped,” for abandonment purposes, unless he submits to a police officer show of authority, he is physically contacted, or an actual stop is imminent. Police pursuit or the existence of a police investigation does not itself render abandonment involuntary.

Property does not generally fall under this exception when it is locked on the accused's premises or in any other place where the accused still has a reasonable expectation of privacy.

POLICY 22

ARREST WITH/WITHOUT A WARRANT

POLICY

To establish legal means to affect a lawful arrest.

PROCEDURE

ARREST WITHOUT A WARRANT

Most arrests are affected without a warrant. A peace officer has authority under article 213.3 of the Louisiana code of criminal procedure, to arrest a person if he has reasonable cause to believe that the person to be arrested has committed an offense whether or not the offence may have been committed in his presence. The term offense covers both felonies and misdemeanors.

The exact meaning of reasonable cause to believe that the person to be arrested has committed and offense generally referred to as probable cause is difficult to define. Generally, courts have found that probable cause exists when the facts and circumstances know to the officer and of which he has reasonably trustworthy information are sufficient in themselves to cause a peace officer of reasonable prudence and caution to believe that the person arrested has committed or is committing an offense.

Article 218 of the Louisiana code of criminal procedure provides the method of arrest without a warrant and is as follows:

A peace officer when making an arrest without a warrant shall inform the person to be arrested of their intention to arrest them of his authority and the cause of the arrest. A private person when making an arrest shall inform the person to be arrested of their intention to arrest them and the cause of the arrest. The officer or private person making the arrest need not so inform the person to be arrested if the person is then engaged in the commission of an offense or is pursued immediately after its commission of an offense or is pursued immediately after its commission or after an escape or flees or forcibly resist before the officer or person making the arrest has an opportunity to so inform them or when the giving of the information would imperil the arrest.

An officer may also arrest a person when they have positive and reliable information that another officer holds an arrest warrant.

ARREST WITH A WARRANT

Article 217 of the Louisiana code of criminal procedure provides the method of arrest by an officer with a warrant:

A peace officer when making an arrest by virtue of a warrant shall inform the person to be arrested of his authority and of the fact that a warrant has been issued for his arrest unless he flees or forcibly resist before the officer has the opportunity to inform them or unless the giving of such information would imperil the arrest. The officer need not have the warrant in his

possession at the time of arrest but after the arrest if the person arrested so request the warrant shall be shown to them as soon as practicable.

Although an arresting officer need not have a warrant in their possession it is always preferred when possible to have at least a copy of the warrant. When officers arrest under authority of a warrant they must inform the arrested person and show them a copy of the warrant as soon as possible.

A warrant of arrest remains effective until served.

POLICY 23

MISDEMEANOR CITATIONS

POLICY

An alternative to physical arrest and incarceration, saving manpower and time.

To enhance and encourage positive police and citizen contacts.

PROCEDURE

Because it is humanly impossible to anticipate every situation which may arise, or to prescribe action necessary for each incident, the individual officer has a wide range of discretion. However, those entrusted with law enforcement responsibilities must exercise sound judgment and common sense.

Officers will be issued a policy manual containing written directives, which define the limits of an officer's authority, as well as, provide guidelines for the exercise of officer discretion.

There are a variety of situations which would be resolved more appropriately by exercising alternatives to arrest.

Officers have the option of issuing a misdemeanor citation in lieu of an arrest for most misdemeanors by order of the municipal court judge.

Suggested offenses where misdemeanor citations may be issued, instead of incarceration (Be mindful of prior convictions and repeat offenses):

- Thefts
- Simple Battery
- Criminal Mischief
- Simple Assault
- Damage to Property
- Public Intoxication
- Disorderly Conduct
- Disturbing the Peace
- Gambling
- Possession of Marijuana (excluding intends to distribute)
- Failure to restrain an animal
- Misdemeanor FTA for Traffic Violation and those listed here

When in doubt, refer to Supervisor II

The arrestee is NOT eligible for a misdemeanor citation if:

- He lacks proper identification or insufficient personal information.
- He has an extensive criminal record with a history of violent criminal behavior.
- The nature of the offense involves violence, which is likely to reoccur.
- He is unlikely to appear in court.
- Any offense where the subject refuses to discontinue the commission of the offense.
- Prior Bond Forfeiture – If the arresting officer has prior knowledge of bond forfeiture.

The office shall complete the misdemeanor citation in a legible manner, and distribute accordingly:

- Summons Copy – Defendant
- Court Copy – Filed with Report

DISPOSITION: At the time of issuance, the arresting officer shall instruct the arrestee/suspect to appear at the date and time shown on the citation.

CITATION REQUIREMENTS:

LEGAL CRITERIA: Citations must meet the same legal criteria of a formal arrest.

JURISDICTION: Citations shall be issued to any violators within the corporate limits of the Town of Killian.

JUVENILES: All juvenile incidents including traffic and criminal shall be prosecuted in district court. Parents WILL be notified regarding misdemeanor citations issued to juveniles. The citation will reflect “WILL BE NOTIFIED” in the court date space.

REPORTS: An offense/incident report will be necessary to record details of the crime, extendible circumstances such as property for evidence seizures, plus witness names and address and phone numbers, and shall be required reporting.

PERSONAL BOND: In most instances, the violators signature will serve as a personal recognizance bond.

FELONY CRIMES: It is the policy of the department that if the officer has “probable cause” to believe that a felony crime has been committed in his presence or view, that suspect shall be arrested. There are no provisions for the officer to issue court summons (citations) for felony offenses.

All summons/citations must be logged daily in the summons log and placed in the hand of Town Clerk.

Policy 24

Daily Requirements by Police Officers

- All members of the Killian Police Department will be required to use the supplied forms for daily work log, report of damage to vehicles and requisition for repair and supplies which will be reviewed by the mayor for approval.
- All officers are required to enter exact mileage on keypad at the fuel pumps when fueling.
- All members of the Killian Police Department will submit a weekly log of activities and hours to the town clerk to be signed by the Police Chief/Marshall. In the event the forms are not submitted or signed by the Police Chief/Marshall, no wages will be issued.
- The Police Chief/ Marshall is required to report to the council the activities of the Police Department for the month, including, hours worked, citations written, fuel usage and repair to equipment of the current month vs yearly budget.
- The Police Chief/Marshall is required to sign all weekly work logs or payroll will not issue checks.
- The Police Chief/Marshall is required to submit, to the town clerk, a weekly duty roster for the Police Chief/ Marshall and all Killian Officers.
- The Police Chief/Marshall is required to utilize all work log and requisition forms supplied by the town, for the documentation of hours worked by the department, explanation of vehicle damage, requisitions for repair and requisition for supplies.

Policy 24A

Chief of Police Requirements

- The Police Chief/Marshall is required to be in attendance, in uniform, at all regular Monthly and Special Town Council meetings.
- The Police Chief/Marshall will ensure all Officers keep a daily log while on duty.
- The Police Chief/Marshall will be present or assign an Officer to provide security for Town Court.
- The Police Chief/Marshall is required to be available to the public 24 hours a day.

POLICY 25

PAY/BENEFITS WITHOUT RETIREMENT

POLICY:

To set wages and earnings based on employees work ethics and performance.

PROCEDURE:

Full time officers work an 8 or 12-hour shift schedule. Full time officers work 80 or 84 regular hours in each pay period.

Salaries are set by the Mayor and Board of Alderman, see Ordinance 188

All employee raises will be based on the individual's job performance and may or may not be the same for all employees. All raises will be determined by the Board of Alderman. All raises will be subject to adequate funding availability and on a satisfactory performance evaluation of the officer.

Full time officers working on a Holiday will be paid at the overtime rate of 1.5 times their normal hourly rate. Paid Holidays for the Police Department will be:

THANKSGIVING DAY
CHRISTMAS EVE
CHRISTMAS DAY

POLICY 26

PART-TIME AND AUXILIARY PAY

POLICY:

To set wages

PROCEDURE:

Part time police officers may work up to 35 hours in a week, and 70 hours in a pay period. The pay period for part time police officers will be the same as full time police officers (26 pay periods a year). Exceptions to hours worked may be approved on an emergency basis by the Chief of Police AND/OR the Mayor.

Part time police officers will be paid at a rate of 1.5 times the employee's normal hourly wage if he/she works over 40 hours in any one week or 80 hours in a pay period (14 days). Part time police officers will be paid at a rate of 1.5 times the employee's normal hourly wage if he/she is scheduled to work any holiday allocated to the Killian Police Department. Part time police officers do not receive any paid vacation or sick leave.

Auxiliary police officers are required to work a minimum of 24 hours per calendar month. Exceptions to this requirement may be approved by the Chief of Police and/or the Mayor. Auxiliary police officers that continue to not meet their 24-hour requirement for over three months, will be considered for termination.

Auxiliary police officers are on a voluntary basis, unless otherwise approved by the Mayor and Board of Alderman. The Mayor may authorize an Auxiliary or Part-time officer to work for pay if circumstances arise.

Part-time Police Officers will be a paid position with a salary approved by Mayor and Board of Alderman. The Mayor may authorize an Auxiliary or Part-time officer to work for pay in circumstances arise.

Part-time police officers must work a minimum of 24 hours. Part-time officers that continue to not meet their 24 hour requirements for over 3 months, will be considered for termination.

POLICY 27

VACATION AND SICK LEAVE

POLICY:

To establish 1 week of vacation will equal 40 hours and 2 weeks 80 hours etc.

- Full time officers with one year of service will receive (1) week of paid vacation
- Full time officers with three year of service will receive (2) weeks paid vacation
- Full time officers with seven years of service will receive (3) weeks paid vacation
- Full time officers with ten years of service will receive (4) weeks paid vacation

Vacation may not be carried over from one year to the next without the approval of the Mayor. In extenuating circumstances, they may carry over days or be compensated for them with approval by the Mayor.

Full time police officers may receive up to five (5) days of paid sick leave per year. A written doctor's excuse may be required by the Mayor for each day or period of sick leave. Sick leave will not be allowed to accrue from one year to the next.

All full-time officers must complete a vacation request form signed by the chief and mayor for approval.

POLICY 28

**BODY CAMERA OPERATION
VIDEO CAMERA OPERATION
AUDIO RECORDER OPERATION**

POLICY:

This policy is to aid in capturing evidence and cut down on citizens' complaints and to keep civilians and police officers from being falsely accused of wrongdoing before during and after an incident.

PROCEDURE:

Police Officers coming on duty must check and ensure that the video camera, microphone, and other equipment are operating properly.

Any problems that will prevent complete use during the officer's shift must be reported to the Chief of Police and or Mayor immediately. The officer must also advise LPSO dispatch via radio transmission that the camera is out of order and request that the log reflect that the camera is not in working order.

Police officers must also log on their daily report what and why the camera is not functional.

The video and body camera and microphone must be used when making a traffic stop, pursuing a vehicle, or on any other call where the video camera can provide witnessing information.

The video and body camera and microphone must be turned "on" when first beginning the traffic stop, pursuit, or other call. This means that the camera must be "on" while traveling behind a vehicle being stopped, a vehicle being pursued, and/or prior to arriving at any other call where the camera and/or microphone can provide witnessing information.

The video and body camera and microphone must be operated the entire length of the confrontation, from first encountering the offender until returning 10-8 (on duty).

POLICY 29

TICKET WRITING

POLICY:

Instructions to Officers on Ticket Writing

PROCEDURE:

- Be courteous, fair, and honest always.
- Introduce Yourself (give rank, name and town)
- Ask for driver's license.
- Advise, the motorist of the offense
- Advise that you are going to issue a ticket for the offense
- Ask for any additional information (ex. Age, phone number, physical address)
- Fill out summons and hand it to motorist.
- Explain the summons (the number of town hall, if they have any questions, court date and time)

Under no circumstance should you lead them to believe that the Town of Killian will assist in "reducing" or "fixing" the citation.

If the violator has any questions concerning ticket cost, they should be directed to call the number listed on the citation.

Violation of this procedure will result in disciplinary action according to the KPD Policy and Procedures.

POLICY 30

TRAFFIC STOPS POLICY

POLICY:

It is the policy of this department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the right to equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

PROCEDURE:

Traffic stops are generally divided into two groups, traditional and high risk. Although every traffic stop involves substantial potential risk, and officer safety is always important, the handling of these citizen contacts needs to be made in such a way as to provide a professional as well as courteous encounter. Under no circumstances are officers expected to tolerate excessive abuse or physical resistance. This conduct will result in the immediate arrest and incarceration of the offender.

During traditional traffic stops where no conditions indicate an unusual degree of danger, officers are expected to call in the stop and location, then conduct the stop and issuance of the citation as courteously and quickly as the circumstances and the violator will allow. Unnecessary threatening gestures and comments, by officers, are not allowed. Officers are reminded that most violations are committed by normal people who are not bent on a criminal career, they do not relate traffic violations as a crime, and their perception of law enforcement is that police officers should be more concerned with serious criminal activity. Normally they are upset and, in many instances, somewhat scared when stopped, and tend to allow their emotions to show in their mannerisms and speech. Officers are not to engage in unnecessary conversations or argue with violators.

Suspects are to be told, as politely as possible, the court date and time, and to offer any discussion or explanation to the court. Officers are expected to use standard vehicle positioning and safety practices affording the upmost protection for themselves as well as the violators.

During high risk stops where an extreme level of danger is perceived or know in advance, officers are instructed to take advantage of all resources to ensure both their safety and the safety of the general public. These stops need to be planned whenever possible. An officer making a high risk stop shall transmit as much information as to location, number of occupants, known risks, known weapons,

descriptions of the vehicles and its occupants, direction of travel, and possible additional vehicles as possible, prior to attempting to make the stop. Additional units should be requested and on scene prior to attempting the stop, and a location which provides the maximum safety for all concerned, utilized.

Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit and infraction.

Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. The proper form must be filled out by the officer, and shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.

No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof. It is strongly recommended that consent searches only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign", inserting initials and the signature of any witness in the signature block.

POLICY 31

DISMISSAL OR INTERFERENCE WITH CITATIONS/CHARGES/INVESTIGATIONS

POLICY:

This is to establish procedures for officers involved with the disposition of traffic citations and criminal charges.

PROCEDURE:

Employees of this department shall not interfere with the issuance of any citation, arrest, criminal investigation, or prosecution brought by other law enforcement officers.

Any traffic citation or criminal charges subject to change and or dismissal for whatever reason will be the sole discretion of the mayor, town attorney and/or district attorney.

No employee will be allowed to engage in acts that impeded, changes or dismisses any citation, criminal charge, or alters the outcome of any investigation without consent from the mayor, chief of police, town attorney and/or the district attorney.

POLICY 32

PERSONAL CONTROVERSIES & OFF DUTY TRAFFIC STOPS

PROCEDURE:

Employees shall avoid involvement in personal controversies or neighborhood quarrels, traffic stops while off-duty. Employees should not take any police action in such personal controversies/quarrels, except under such circumstances justifying self-defense or to prevent injury to other. Employees should not make traffic stops when not in uniform or marked unit unless public safety is at risk. If an employee decides involvement while in unmarked unit or personal vehicle and plain clothes, officer shall clearly identify himself and call the local agency that has jurisdiction in that area and the officer must swear out a formal complaint, affidavit against the violator. This involvement should be if public safety is at risk, not minor traffic violations.

POLICY 33

DRIVING RECORD

PROCEDURE:

Officers who are authorized to drive a town-owned vehicle, shall establish and maintain a good driving record, acceptable to the town administration.

Any officer, who develops a poor driving record and poses a liability risk to the town, shall be subject to disciplinary action, including loss of driving privileges and possible termination.

All officer driving records will be subject to checks at any time the Killian City Administration decides to do so through the Louisiana Department of Motor Vehicles.

Any officer that has a license that is not current with the Louisiana Department of Motor Vehicles which will result in immediate loss of driving privileges, disciplinary action, loss of pay and possible termination.

POLICY 34

EMPLOYEE RESIDENCY AND TELEPHONE

PROCEDURE:

Employees are not required to live within the municipal limits of the City as a condition of employment. However, because of the emergency nature of public safety agencies, officers shall be able to respond, upon request as quickly as possible. Therefore, conditions affecting availability and response to emergency situations including, but not limited to distance, location, or all-weather roadway, may be considered in employment and promotional considerations.

All employees shall have a telephone in his residence and shall report in writing any change regarding home address or telephone number to the Town Clerk, within 48 hours.

The town clerk will be responsible to notify the chief and mayor regarding changes in employee status.

POLICY 35

NO SMOKING POLICY

PROCEDURE:

There shall be no smoking, or any type of tobacco use inside any town owned buildings, cars, property by any employee except for designated areas designated by the administration. No employee shall use any tobacco products when dealing with citizens for any reason or in public view. No cigarette butts or tobacco spit containers (cups, bottles, jars, etc.) are to be placed in any garbage cans inside the building.

POLICY 36

RIDERS IN POLICE VEHICLES

PROCEDURE:

No one can ride in police vehicles unless approved by the chief and/or mayor because of liability to the town.

This regulation does not apply to prisoners, commissioned law enforcement officers from any agency who is on official duty or work-related reasons.

Officers may transport civilians if it relates to PUBLIC SERVICE.

When transporting females, juveniles/minors anyone under eighteen years of age, officer will notify LPSO dispatch where they are going to and from, race and sex, give beginning and ending mileage.

When transporting males eighteen and older they will notify LPSO dispatch where they are going to and from and race.

POLICY 37

POLICY MANUAL MAINTENANCE

PROCEDURE

Policy manuals are the property of the Killian Police Department, Town of Killian. Whenever an employee serves his/her employment with the City, the employee will return his assigned policy manual to the Chief of Police or his designated property officer.

Employees, who are issued policy manuals, are responsible for their maintenance and will make appropriate changes; including deletions or inserts as may arise.

POLICY 38

FALSIFYING POLICE REPORTS OR PERJURY

PROCEDURE:

Employee shall be truthful when making reports, conducting any departmental business, or testifying before a grand jury or in court.

Employees of the department shall submit all required reports in a timely manner and in accordance with established departmental procedures.

All reports submitted by employees shall be objective, accurate, truthful, complete, and legible, no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information. Employees reporting false or misleading information shall be subject to severe disciplinary action.

POLICY 39

COMPETENCY TO PERFORM DUTY

PROCEDURE:

All members of the department shall maintain sufficient competency to properly perform their respective duties and assume the responsibilities of their positions. Duties shall be performed in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of this department.

Employees are required to establish and maintain a working knowledge of applicable laws and ordinances relating to the town, rules and regulations, policies and procedures, and orders of the department. Incompetence may be demonstrated by a lack of knowledge of the application of laws required to be enforced; and unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absent from duty without leave.

POLICY 40

NEGLECT OR INATTENTION TO DUTY

PROCEDURE:

Employees shall, always, take appropriate action to protect life and property; preserve the public peace; prevent crime; detect and arrest violators; enforce all local, state, and federal laws within departmental jurisdiction.

Employees shall, always, respond to the lawful orders of superior officers and proper authorities as well as calls for police assistance from citizens, taking appropriate police action whenever required.

Employees shall respond without delay to all calls for police assistance from citizens or other members.

Emergency Calls take precedence. Failure to respond to a call promptly, without justification, is misconduct.

Employees are prohibited from engaging in the following activities while on duty sleeping, loafing, loitering, or laziness.

POLICY 41

DISCOURTESY OR DISRESPECT TO THE PUBLIC

PROCEDURE:

Employees shall, always, be courteous, civil, and respectful to the public, conducting himself in a professional manner. Employees shall perform their respective duties calmly, orderly, exercising patience, self-restraint, and discretion, avoiding harsh, violent, profane, or sarcastic remarks.

Employees will not use course, profane or obscene language toward any citizen nor shall they speak disparagingly of any nationality, race, creed, religion, or political beliefs. This administration will not tolerate any derogatory comments, sarcastic remarks, profanity, ethnic, or racial slurs from any member of this department.

Employees are instructed to execute their duties and enforcement responsibilities in an objective professional manner, displaying self-restraint whenever necessary.

Upon request by a citizen, employees will, whenever practical, politely give their name, badge number, or properly display their identification card. When carrying a firearm, employees will carry their police badge and/or identification card.

When receiving a telephone call, employees will promptly respond, identifying the department, their rank or title, and name. All incoming calls will be answered in a polite, courteous, and professional manner, giving prompt attention to calls for police service. In no case will a citizen's call be ignored.

POLICY 42

MISCONDUCT AGAINST THE ADMINISTRATION

PROCEDURE:

Employees will not incite, encourage, participate, or engage in any ticket boycotts, "Blue FLU" (Falsified Sick Leave), strikes or riots in retaliation against some administrative action, policy, procedure, or directive.

POLICY 43

ABUSE OF A PRISONER

PROCEDURE:

All arrests will be executed in accordance with the United States Constitution and its amendments, and the Louisiana Code of Criminal Procedure, based upon “**Probable Cause**”, supported by existing facts and circumstances at the time of the arrest.

“**Pre-text Arrests**” are prohibited. Under no circumstances will anyone be arrested by members of this department as a pre-text to accomplish another purpose.

During arrest situations, employees are instructed not to allow his personal feelings, emotions or prejudices to influence his common sense and judgment. Every arrest shall meet the legal criteria, including he necessary elements of said arrest.

No unlawful means shall be used to obtain a statement, admission, or confession from any person in police custody.

Employees will refrain from making racial, ethical, or sarcastic remarks during arrests situations. Verbal harassment or provocation concerning prisoners will not be tolerated.

Employees will not intentionally provoke a prisoner into a physical confrontation.

POLICY 44

ABUSE OF AUTHORITY

PROCEDURE:

In order to maintain organizational efficiency and effectiveness, it is imperative that responsibility be accomplished by commensurate authority. If a department member is to be proficient in the carrying out of his duties, he must be afforded the appropriate authority to make the essential decisions required by the task. Each employee shall be entrusted with the necessary authority to fulfill his assigned responsibilities.

Authority within the department shall be exercised with firmness, kindness, and a sense of fairness. Supervisors will refrain from open/public criticism of their subordinates and will avoid using abusive language toward a fellow employee.

POLICY 45

RECOMMENDING ATTORNEYS, BAIL BONDSMEN, OR WRECKERS

PROCEDURES:

Employees are prohibited from recommending the retention of any attorney, bail bondsman, or wrecker service to the general public. Soliciting business for an attorney, bail bondsman, or wrecker service is gross misconduct. Such practice would be a conflict of interest and shall be avoided.

POLICY 46

MANDATORY TRAINING REQUIREMENTS

PROCEDURE:

All members shall attend In-Service / Remedial Training in compliance with State Law (POST), and/or when instructed by the Chief of Police or his designate. Failure to do so may result in disciplinary action for "insubordination".

Such attendance is considered a duty assignment, subject to State Law and provisions of the Fair Labor Standards Act.

POLICY 47

RADIO DISCIPLINE

PROCEDURE:

All employees of the department shall operate the police radio in a professional manner in strict compliance with departmental directives and the Federal Communications Commission's regulations.

Unprofessional conduct or horseplay on the police radio is strictly prohibited.

POLICY 48

COWARDICE

PROCEDURE:

Any Police Officer of this department who fails to perform his police duties in the face of danger because of fear, timidity, fright, or panic shall be charged with cowardice or failure to perform in the face of danger.

POLICY 49

INSUBORDINATION

PROCEDURE:

Employees of this department shall promptly obey any lawful order or instruction by a superior. Failure or deliberate refusal of any employee to obey a lawful order given by a superior shall be **INSUBORDINATE**. Open, public criticism or ridiculing a superior or his instructions or orders is also insubordination.

Exception to insubordination – No employee is required to obey any unlawful order.

Any employee who is the subject of an administrative complaint investigation shall cooperate fully and answer truthfully all questions posed to said employee by the department during such an investigation.

POLICY 50

DUTY TO REPORT

PROCEDURE:

Unless their absence is authorized by a superior, employees will report to duty at the time, place, in the required attire and properly equipped. Any employee who fails to appear for their duty assignment will be considered absent without leave. Any employee absents without leave for three days shall be deemed to have resigned.

Leave of absence without pay may be granted to regular employees in accordance with the personnel policies of the Town of Killian.

Employees are to remain on duty until the end of their respective tour of duty unless they have obtained prior approval from their shift supervisor.

When sickness or unforeseen circumstances prevent an employee for reporting for duty as scheduled, the employee has the responsibility to notify his supervisor at least two (2) hours prior to duty time. The Chief of Police, at his discretion, may request a supervisor to verify the validity of the reported illness or injury by a home visit. Any employee, who becomes ill or injured while on active duty, shall immediately notify his supervisor, who shall arrange for replacement if required.

Employees who are ill for a period of three (3) consecutive days, must present a doctor's statement of release prior to returning to duty.

Police officers may be subject to call whenever circumstances indicate his services are required to protect life or property. Whenever an emergency exists, i.e., a natural disaster, police officers will immediately report to duty.

POLICY 51

CARE OF POLICE BUILDING

PROCEDURE:

Employees shall not mark or deface any surface in any departmental building. No material or display shall be affixed in any way to any wall in the designated departmental buildings without specific authorization from the Chief of Police.

Employees may post any publication, memo or notice of benefit to the employees of this department, provided that said publication or memo are displayed on designated bulletin boards within the police building.

Employees will not post or display racial, ethnic, obscene, sexually explicit, or defamatory materials within the designated departmental buildings.

POLICY 52

PRE-EMPLOYMENT POLYGRAPH TEST POLICY

PROCEDURE:

Any candidate being considered for any law enforcement position with the Killian Police Department may be required to take a polygraph test.

The Town of Killian has contracted with several agencies and companies that provide the pre-employment polygraph test.

Candidates must complete the test in accordance with the rules and guidelines set forth by the agency/company giving the test.

The candidates will be scheduled for testing by the Town Clerk. Candidates will be given place, time, and date for testing.

If candidate cannot attend on the time and date the polygraph is scheduled, he must provide the Town Clerk two days prior to testing scheduled that he/she is unable to attend.

If a candidate is unable to attend the date and time scheduled, the candidate will only be able to reschedule once. Unless there are extreme circumstances that will be determined on a case by case basis for a third scheduling.

If for any reason there is a deception on the polygraph examination that cannot be justified by, he polygraphs examiner, your appointment/employment with the Killian Police Department will be declined.

A candidate that has been declined may request an appointment with the Mayor and Chief of Police for an explanation for the denial.

If the Mayor and Chief of Police decide that a candidate is eligible for hire, the candidate will be able to continue with the application process.

POLICY 53

PRE-EMPLOYMENT DRUG TEST POLICY

PROCEDURE:

Any candidate being considered for any law enforcement position/employment with the Killian Police Department shall be required to take a drug test.

The Town of Killian has contracted with a certified medical clinic that will provide the pre-employment drug test.

The candidates will be scheduled for testing by the Town Clerk.

Drug testing will be at random.

Candidate must report for drug testing at the time and location they are told to do so.

If for any reason, a candidate tries to deceive the drug test they will be denied employment.

A candidate that has been declined may request an appointment with the Mayor and Chief of Police for an explanation for the denial.

If the Mayor and Chief of Police decide that the candidate is eligible for hire, the candidate will be able to continue with the application process.

POLICY 54

PRE-EMPLOYMENT PSYCHOLOGICAL TEST POLICY

PROCEDURE:

The pre-employment psychological test will be the first test required to be taken by the candidate. If the candidate receives the non-suitable law enforcement grade, they will test no further.

Any candidate being considered for any law enforcement position/employment with the Killian Police Department shall be required to take a psychological test as required by the Killian Police Department and Risk Management Insurance.

The Town of Killian has contracted with several certified clinics recommended by Risk Management Insurance that will provide the pre-employment psychological testing.

Candidates must complete the testing in accordance with the rules and guidelines set forth by the clinic giving the test.

The candidates will be scheduled for testing by the Town Clerk.

Candidates will be given place, time and date in advance.

Candidates must report for testing at the time and location they are told to do so.

If for any reason, a candidate tries to deceive the test they will be denied employment.

The candidate must receive a suitable grade for Law Enforcement.

If the candidate receives a non-suitable grade for Law Enforcement, they will be denied employment per Risk Management Insurance with no recourse for defense.

If a candidate receives a non-suitable grade for Law Enforcement, they must wait one year to retake the test.

If candidate cannot attend on the time and date scheduled, he must provide the Town Clerk with two days prior to testing scheduled that they are unable to attend.

If candidate is unable to attend the scheduled date and time, the candidate will only be able to reschedule once. If there are extreme circumstances that will determined on a case by case basis to have a third scheduling.

POLICY 55

QUALIFICATIONS FOR HIRE

PROCEDURE:

Full time and auxiliary officers are selected and appointed by application along with a recommendation from the Chief of Police.

The appointment must be made by the board of alderman for the Town of Killian.

Applicants will be screened for criminal history. The criminal history may not reflect any convictions that would not allow the candidate to hold the position as a police officer per state and federal laws. The history may not reflect convictions for any felony. If the history shows a conviction for any felony the candidate will be denied.

All candidates selected for the positions will have to successfully complete a psychological test, a polygraph test if required by the Chief or Mayor and a drug test administered by companies of the town administrators choice.

All candidates shall have a high school diploma or high school equivalency certificate.

All candidates must be at least 21 years of age.

All candidates must have a working telephone at the candidate's expense.

All candidates must have valid Louisiana driver's license. If a candidate has a valid out of state driver's license, he must have that license changed to a valid Louisiana driver license as related to Louisiana RS: 32:404 after they have successfully secured a position with the Killian Police Department.

Any candidates with military status must have honorable discharge.

All candidates will be required to perform a Physical Fitness Test and meet minimum standards set forth in *Policy 60*. Failure to meet qualifications will result in applications being denied.

POLICY 56

MISREPRESENTATION

PROCEDURE:

Any person who shall cause himself/herself to be enlisted, appointed or hired by the Killian Police Department by means of misrepresentation or misstatement as to his/her qualifications, character, reputation, or other shall be dismissed from the Killian Police Department.

POLICY 57

PROBATIONARY PERIOD

PROCEDURE:

The probationary period shall commence immediately upon appointment and shall continue for six months, for NON P.O.S.T. Certified Officers and three months for P.O.S.T. Certified Officers. The Chief of Police reserves the right to extend this period if necessary, for more training.

The candidate while in probationary period can be terminated without the Police Officers Bill of Rights being administered. Unless the candidate is being investigated then the Police Officers Bill of Rights will be implemented. It is in this time that the candidate will be trained and schooled. If the candidate cannot pass the training probationary period they may be terminated.

If the Chief of Police feels the candidate will not be suitable for Law Enforcement, he will have a meeting with the candidate, Mayor, and the Board of Alderman to give his reason and recommendation of termination.

The Board of Alderman will then review and discuss the Chief's reasoning and recommendation to decide whether the candidate will be denied any further employment.

POLICY 58

**RESERVE/PART-TIME DONT ATTEND BASIC ACADEMY.
GRANDFATHERED IN IF PRIOR TO JANUARY 1, 2022**

TRAINING

**TRAINING HELPS PROVIDE BETTER UNDERSTANDING AND MORE KNOWLEDGE OF THE EVER-
CHANGING LAWS AND REGULATIONS. IT ALSO HELPS SHARPEN A POLICE OFFICERS SKILLS TO BETTER
SERVE AND PROTECT THE CITIZENS.**

PROCEDURE:

**New full-time candidates that successfully pass all testing and are hired into a full-time position will
be required to follow all post and state rules, regulations, laws and town policies concerning training:**

All candidates hired as Full-time peace officers will have one year to become POST certified which starts
from the official hire date of the officer.

Any peace officer hired prior to January 1, 1986, who interrupts his law enforcement service for a period
in excess of five (5) years and had at least five (5) years full-time experience, can reinstate their
grandfather ship by successfully completing the “legal aspects” and “firearms” sections of the Louisiana
Law Enforcement Basic Training Manual, and completing the necessary requirements for POST
registration.

Any peace officer hired prior to January 1, 1986, who interrupts his full-time law enforcement service for
a period in excess of five years and had less than five years full-time experience, shall be required to
complete a full basic training course at an accredited academy.

Any peace officer that has obtained POST Basic (or Basic Corrections) Certification, who interrupts his
law enforcement service for a period in excess of five years shall be required to complete the “Legal
Aspects” and “firearms” portions of the basic training course, qualify on the POST Firearms Qualification
Course, and pass the POST exam, at an accredited academy. If the student fails the POST exam, the
student must complete a full POST Basic (or Basic Corrections) Certification Course.

Any officer hired that has obtained POST Basic (or Basic Corrections) Certification, who interrupts his
full-time law enforcement service for a period of less than five years, shall be required to attend the Pre-
Academy Firearms Training Course and successfully qualify with their firearm.

All officers will continue to receive minimum training requirements as set by post:

Any peace officer hired prior to January 1, 1986, who interrupts his law enforcement service for a period
in excess of five (5) years and had at least five (5) years full-time experience, can reinstate their
grandfather ship by successfully completing the “legal aspects” and “firearms” sections of the Louisiana
Law Enforcement Basic Training Manual, and completing the necessary requirements for POST
registration.

All level 1 (Basic) and level 2 (Basic Corrections) certified peace officers, excluding elected and appointed agency-heads, are required to complete the following in-service requirements annually, between January 1 and December 31st, beginning the first calendar year after receiving their POST certification.

8 hours of firearms training (may include annual POST firearm qualification)

4 hours of Defensive Tactics (Officer Survival) training

2 hours of Legal Updates, and Instruction (may include Ethics)

6 hours of Electives (may not use overage hours from the above topics)

All “grandfathered” Full time peace officers must meet the same in-service requirements as certified officers.

NON-FAILURE TO MEET TRAINING REQUIREMENTS

The officer is given a 90-day suspension period in which to make up his hours. The officer’s POST certification will be revoked and become invalid if his in-service training deficiency is not cured within the 90-day suspension period.

To obtain certification again, the officer must attend and successfully complete a “refresher” course at an accredited academy.

Peace officers called to active duty military must complete the in-service training requirement at the conclusion of their active duty service. Grandfathered officers are exempt from this requirement.

THE CHIEF OF POLICE FOR THE TOWN OF KILLIAN WILL TRAIN ACCORDING TO STATE AND FEDERAL LAWS AND POST RULES AND REGULATIONS OF AT LEAST 12 HOURS PER YEAR.

The Chief of Police may order Part-Time/Aux to complete the same Inservice requirements of 20 hours as Full time Police Officers.

Failure to meet these necessary Inservice training requirements may result in recommendation for termination by the Chief of Police then to the Mayor and Board of Alderman.

POLICY 59

OBEYING ORDERS

PROCEDURE:

All members of the department are required to obey all standing orders issued or to be issued hereafter and shall promptly and fully comply with all lawful orders given them by members of superior rank.

If any member of the department has refused to follow a given order due to the fact that it would break state or federal laws or would be unethical the member shall not be held accountable and should bring the matter to the next highest ranking official immediately all the way to the board of alderman if necessary.

Any member giving an order will take responsibility for such order.

The Mayor and/or Chief may issue an order or directive to effectively and efficiently manage the day to day operations of the Killian police department.

All new orders or directives will be authorized by signature of the Mayor and/or Chief of Police, then printed and placed in the Killian Police Department directives manual.

Any order or directive issued will be provided to all employees in writing and a signed receipt will be required and placed in each employees personnel file.

If any employee disagrees with any order or directives issued, they may file a written complaint to the board of aldermen. The board of aldermen will hear the complaint at the next regular monthly meeting provided the complaint is filed at least 72 hours prior to meeting.

The board of alderman by majority vote may overturn the order.

Any employee found in violation of an order or directive and/or policy may be disciplined as follows:

1st warning; documented verbal discussion

2nd warning: a formal written reprimand placed in their personal file

3rd warning: suspension, suspension without pay or termination

After the third warning the Mayor and Board of Alderman will be informed by the Chief of Police for the next regular monthly meeting to review and determined the degree of discipline that the employee should serve.

POLICY 60

RESPONSIBILITIES IN RELATION TO DUTIES

PROCEDURE:

PUNCTUAL IN ATTENDANCE: All members of the department must be punctual in attendance to all calls, requirements of duty, court appointments and other circumstances where time is specified.

HOURS SUBJECT TO CALL: All members of the department are on duty or subject to call twenty-four hours a day and maybe recalled from leave or vacation when necessity demands.

NEGLECT OF DUTY: Failure on the part of any member of the department to report and take proper action in any situation requiring police attention, whether on or off duty, in uniform or not, shall be considered neglect of duty.

DESERTION: No member of the department shall absent himself/herself from duty without proper leave. Any member of the department who shall absent himself/herself from his/her duties without proper authority and remain absent for a period of one (1) day, shall be considered a deserter, and shall be dismissed from the Killian Police Department.

CREATING OR DESTROYING EVIDENCE: No member of the department, shall under any circumstances whatsoever, manufacture any evidence or, without proper authorization, destroy evidence of any kind. All evidence must be properly tagged and placed in the police office safe, along with a police report substantiating the holding of such evidence.

BRIBE AND EXTORTION: No member of the department shall accept any bribes or engage in any act of extortion or any other unlawful means of obtaining anything of present or prospective value through his/her position as a member of the Killian police department.

NOTIFICATION OF ILLNESS OR INJURY: A member who knows that he/she will be unable to report for duty due to illness or injury shall immediately notify the Mayor or Chief of Police advising of the nature of the injury or illness, where the member will be recuperating and the expected date of return to duty. The Mayor or Chief of Police shall also be advised of a change in any of the above which may occur after the original notification was given. A member injured while on duty shall report such injury to the Mayor or Chief of Police as soon as possible. A member shall not feign illness or injury or otherwise deceive or attempt to deceive any town official or representative of the Killian Police Department as the real condition of his/her illness or injury.

RELEASE OF PRISONERS: No member of the department shall, without proper authority, release any prisoner, or through neglect or design allow any prisoner to escape.

CONFISCATED PROPERTY: No member of the department shall under any circumstances neglect to secure and properly preserve any property, money or articles which he/she has confiscated to e offered as evidence, no one shall wrongfully misappropriate any property, money or articles under his/her care or convey same to his/her personal use.

AFFILIATION WITH OTHER ORGANIZATIONS: All members of the department are prohibited from affiliation with any organization or body where the provisions of the constitution or charter of such organization or body would in any way exact prior consideration and prevent him/her from performing his/her duties as a member of the department.

BUSINESS CONFIDENTIAL: All business of the Killian Police Department which is confidential will not be disclosed by a member except to another member of the department, those legally entitled thereto, or as directed by the Chief of Police.

PRESENTING STATEMENTS OR FACTS: No member of the department, under any circumstances, shall make any false official statement or misrepresentation of facts.

INTERVIEWS PROHIBITED: No member of the department will give out interviews, make statements for publication, or make speeches on department policy or business without permission by the Mayor or the Chief of Police.

PROPOSED ACTIONS OR MOVEMENTS: No member of the department shall make any proposed action or movement or the department of the contents of any order, other than to person directly concerned with its execution.

COMPLETION AND SUBMISSION OF REQUIRED FORMS: All members of the department must properly complete and turn in all the necessary forms, reports, citations, and data concerning any investigation conducted by him/her while on duty. Daily reports are required at the end of each shift worked. This shall be done at the end of the tour of duty during which the investigation was made except in cases when town hall is unavailable, then turn in at net day it is open.

INFORMATION REQUIRED IN LINE OF DUTY: No member of this department may remain silent when information is required of him/her in the line of duty. He/she must promptly and fully answer all questions asked of him/her by a superior officer and must immediately report to the proper officer, any information of which he/she may have knowledge concerning the commission of a crime or other misconduct by another member of the department.

SELF-INCRIMINATION: A member of the department cannot be compelled to incriminate himself/herself but his/her refusal to answer a proper question relating to his/her duties on the grounds of possible self-incrimination, is itself grounds for dismissal from the service.

FAILURE TO COMPLY WITH FINANCIAL OBLIGATIONS: Employees should not undertake any financial obligations which they, knowingly, will be unable to meet the terms of the financial agreement. Employees shall pay all just debts and legal liabilities incurred by them. Repeated instances of neglect of financial obligations or repeated garnishment of wages may be cause for disciplinary action or termination.

PHYSICAL AND MENTAL FITNESS FOR DUTY: All employees of the department shall keep themselves in good physical and mental condition. Employees shall maintain their physical and mental condition to the degree necessary to perform any duty assignment that may be normally expected or required.

To ensure that employees meet the physical and mental requirements for job performance, the Chief of Police retains the authority to require that employees submit to physical and mental examinations to verify fitness for duty.

The Chief of Police retains the authority to require Officer or Officers to complete a yearly physical/fitness test.

This test will consist of:

- 1-minute pushups, 15 pushups minimum
- sit ups, 20 sit ups minimum
- running, 17-minute 30 sec minimum

Failure to meet minimum standard will result in a makeup test 90 days from date of failure. Two failures within a year, excluding injuries, may result in disciplinary action.

POLICY 61

CONDUCT IN RELATION TO DEPARTMENT PERSONNEL

PROCEDURE:

RESPECT OF RANK: All members of the department shall treat members of superior rank with the respect and response due such rank. They must, on all occasions, be civil, respectful, and considerate of their superiors and all others with whom they come in contact. No member shall criticize, condemn, or complain about any action, policy, or orders of any superior.

RESPECT BETWEEN RANKS: Superior officers shall treat those of lesser rank with the respect and response due to them as fellow officers.

ASSAULT, ATTEMPTED ASSAULT, INSUBORDINATION OR DISRESPECT: No members of the department shall, on any pretense whatsoever, strike or attempt to strike, draw or lift up any weapon, or offer any violence toward his/her superior, or any other member of the department, he being in the execution of his office: Nor shall he use threatening or insulting language or behave in an insubordinate or disrespectful manner toward any officer of the department, while that officer is in this office.

CARRYING OUT ORDERS: All members of the department shall obey all lawful orders given by superior officers, police officers shall carry out all lawful orders in detail. Should any order conflict with another order given previously by another superior officer or with any department policy or procedure, the office to whom such order was given should call the Chief of Police.

CRITICISM OF OFFICIAL ACTION: No member of the department shall publicly criticize or ridicule any member of the department.

REBELLIOUS OR REACTIONARY MOVEMENT AND THEIR SUPPRESSION: No member of the department shall attempt to create, originate, excite, cause or join any mutinous, seditious, rebellious or reactionary movement within the department, but shall being present or having cognizance of such movements or acts, use his utmost effort to suppress the same, or without delay, give information thereof to his immediate superior office.

COOPERATION BETWEEN MEMBERS: All members of the department shall cooperate, support and assist each other at every opportunity, and no member shall publicly or otherwise criticize the work performance of any fellow member.

COOPERATION WITH OTHER PUBLIC AGENCIES: Members shall cooperate with all enforcement agencies, other city departments, and public service organizations and shall give aid and information as such organization is entitled to receive, consistent with departmental policy and procedure.

SEEKING PUBLICITY: A member shall not directly seek publicity for himself/herself through the press, radio, television, or other news media, nor shall he/she furnish information to same for the purpose of gaining personal recognition as a police officer.

SECONDARY EMPLOYMENT: No full-time employee shall any secondary employment to interfere with their performance as employee of the Killian Police Department. If an employee of this department is

working on his/her secondary job and an emergency arises, he/she will be expected to report to this department upon notification.

POLITICAL ACTIVITY: No employee of the Kililian Police Department shall participate in political activity by soliciting votes or contributions; By making contributions; By making a political statement or address: By wearing campaign badge, ribbon, or insignia; By distribution of political cards, posters, or serving as a member of any political committee or taking part in the management or affairs of a political party or organization; by publicly displaying political campaign literature or place-cards on personal property; Or by participating in an effort to recall from office an elected public official. However, the support of issues involving bonded indebtedness, tax preference or constitutional amendments shall not constitute prohibited activity.

PUBLIC STATEMENTS: Officers shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information, or act as a representative of the department in other matters without prior authorization.

PURCHASING: All purchases other than fuel and maintenance items for the police unit made by officers of the department will require approval from the Mayor and/or Chief of Police. If anything is purchased by any officer without approval from the Mayor and/or Chief of Police, that officer will be held responsible for the cost of the item. In case of a late night or weekend purchase, the Mayor and/or Chief of Police may be contacted by telephone and authorization be given to make the purchase. However, a note must be attached to the receipt showing who and when one of the above was contacted. All fuel will be purchased by a town fuel card and pin. If card fails to work officer may sign receipt at place of purchase and turn copy into clerk.

POLICY 62

CARE AND USE OF DEPARTMENTAL PROPERTY AND EQUIPMENT

PROCEDURE:

USE OF EQUIPMENT AND PROPERTY: No employee of the department shall use any departmental or official property for purposes other than those for which they are issued.

EMPLOYEE RESPONSIBLE: Any employee of the department using any department owned property or equipment will be responsible for any damage done, due to his failure to properly check out, service, and maintain said property and equipment.

REPORT OF DAMAGE OR LOSS: Any employee of the department who shall destroy, damage, or lose any department owned property or equipment will immediately report it in writing to the Chief of Police. The Chief of Police will determine if damage or loss was due to officer neglect and relay the finding to the Mayor for possible disciplinary action by the Board of Alderman.

The department shall keep an inventory and shall charge against each employee of the department the value of all property of department issued to him/her and if it determines that any loss or destruction of such property was due to the carelessness or neglect of the employee, it shall cause the value of the property to be deducted from the pay of the employee.

REPAIRS BY UNAUTHORIZED GARAGE OR SERVICE STATION: No employee of the department shall have adjustments or repairs made of any departmental equipment at other than authorized places of business decided by the Mayor or the Chief of Police unless repairs are to be paid for by the officer.

PERSONAL IDENTIFICATION: No employee of the Killian Police Department shall allow any other employee or any other person to use his/her badge or any other of his/her means of personal identification.

USE OF EQUIPMENT: No employee of the Killian Police Department shall use any gas, bombs, tanks, flares or other official equipment for purposes other than those for which they were issued.

MAINTENANCE OF THE TOWN POLICE UNIT: Killian Police unit will be maintained per the manufactures requirements which includes oil changes, hose check, transmission check, etc. Additional items to be checked are tires, brakes, lights etc. All additional work or maintenance will be approved by the Chief and/or Mayor and taken to a shop of the Chief and/or Mayor choice.

WASHING OF TOWN POLICE UNIT: Killian Police unit will always be maintained in a clean and orderly condition. This includes washing, cleaning of interior etc. This is the responsibility of the employee not the town.

POLICY 63

WEARING OF UNIFORMS

PROCEDURE:

All employees of the Killian Police Department will only be allowed to wear uniforms approved the Chief of Police and/or Mayor.

All approved uniforms will be issued by the Killian Police Department.

Any other clothing worn by employee must be approved by the Chief of Police and/or Mayor.

Only in police emergency will it be allowed for the Killian Police Department uniform to be worn with civilian clothes. Unless authorized by Mayor and/or Chief of Police.

Many different uniform jackets may be worn in the winter upon approval by the Chief of Police.

BODY ARMOR

Body armor is provided by agency to all officers assigned to routine patrol duty, offering protection consistent with the threat level to which officers are exposed.

Ball caps must be approved by the Chief of Police

The wearing of body armor is **MANDATORY** for patrol officers, unless otherwise approved **NOT** to wear one by the Chief of Police.

All employees of the Killian Police Department shall be subject to an inspection at any time by the Chief of Police. The inspection shall see that the uniform is worn correctly, and that the officer's appearance is generally neat.

Shoes and boots must be black in color and approved by the Chief. All shoes or boots must be kept in good condition and clean. The Chief may request the officer to replace any shoe or boot that looks worn and in bad condition. The Chief of Police may approve another color of shoes or boot to be worn.

KPD Badge and Officer name tag are always to be worn while on duty unless authorized not to by Chief of Police

POLICY 65

ISSUING/RETURNING OF TICKETS

PURPOSE:

To keep track of all citations as per the Louisiana State Auditor.

POLICY:

All citations will be kept locked in a secure place only accessible by the Town Clerk, Chief of Police or Mayor.

No Police Officer shall be allowed to have more than 2 books of ten citations. (Total 20 tickets)

Officers will be issued a citation book by the Clerk one book at a time.

It is the officer's responsibility to maintain and keep enough tickets to complete his shift.

All officers are responsible for their tickets.

Officer will not loan tickets to another officer under no circumstances.

A release form will be signed by the officers.

In extreme circumstances the Mayor or Chief of Police may issue a citation book to an officer if all issued citations have been returned.

Before the officer returns his written tickets, he must first record them in the police department ticket log. All tickets must be logged and returned including voided tickets. All tickets must be accounted for by the officer before turning them into the Town Clerk.

All officers will return the tickets to the Clerk by placing them in her hand or dropping them inside the clerk window. At no time should the tickets be left unattended.

POLICY 66

ASSISTING AGENCYS/CALLS OUT OF TOWN

POLICY:

It is with the utmost importance that the Killian Police Department assist and work with all law enforcement agencies. Killian Police Department will have a good working relationship with all parish, state, federal and local authorities.

PROCEDURE:

No Killian Police Officer has any jurisdiction outside the town corporate limits and therefore will not take calls outside the town limits.

No Killian Police Officer will take calls outside the town limits, unless authorized to do so by the primary agency having jurisdiction where the call is made.

The Killian Police Officer will turn down any assist that the agency requesting assistance does not have jurisdiction. The Killian Officer shall direct them to the correct agency.

The Killian Police Officer may check with the Livingston Parish Sheriff's Office dispatcher and help. If Livingston Parish Sheriff's Office approves the officer to leave town limits to assist Livingston Parish Sheriff's Office permission may be granted over the radio and recorded.

Any Killian Police Officer caught leaving the town limits without permission will be disciplined.

The Chief of Police has the authority to terminate as assisting outside agencies and can request KPD officer/s to refer to supervisor prior to taking or assisting outside agency calls.

POLICY 67

FLEET ACCIDENT

POLICY:

It is the policy of the Killian Police Department that any traffic accident which occurs that involves a department owned vehicle shall be thoroughly investigated to determine the extent of fault on the part of the department employee. The intent of this policy is to create a uniform accident reporting and review procedure that will serve as a guideline for determining responsibility for police vehicles involved in traffic accidents.

PROCEDURE:

All police vehicle traffic accident or incident involving a police officer of the Killian Police Department will report to the Chief and/or Mayor as soon as possible.

All police vehicles involved accidents will be investigated by an outside agency if the accident occurs within the corporate limits of Killian.

All other accidents outside the corporate limits will be investigated by the agency with jurisdiction of the location of the accident.

Under no circumstances will the Killian Police Department investigate its own accidents.

All agencies investigating an accident involving a Killian officer will follow their own policies and local, state, and federal laws.

All officers being investigated in an accident will cooperate fully and submit to all test required by the investigating agency.

After the investigation is completed by the outside agency and a determination is made as to who may be at fault or no fault the Chief will notify the Mayor and Board.

The Mayor and Board will then make a determination as to what degree and what level of disciplinary action will be taken based on the four degrees, how long as officer has been with the department, and if the officer has had any other accident involving departmental vehicles.

THERE ARE FOUR DEGREES OF ACCIDENTS:

NO FAULT: A driver not at fault when they are involved in an accident while operating their vehicle within the law and the responsibility for the accident rests with the other person or object.

SIMPLE FAULT: A driver is at simple fault when the accident is one which posed no danger to life.

EXAMPLE: A parking lot accident officer backing into someone.

NEGLIGENCE: An officer is negligent when a driver operates a vehicle without conscious regard to circumstances that contribute to accidents and otherwise lacks care and diligence in the safe operation

of the vehicle without regard to potential danger. EXAMPLE: When an officer unconsciously or inadvertently passes through a stop sign while on patrol and an accident occurs.

RECKLESSNESS: Operation of a vehicle in a rash and irresponsible manner marked by a total disregard for caution when the driver should realize that their actions could endanger life and property.

EXAMPLE: When an officer is running code and passes through a red light without making sure that it was safe to proceed through the intersection and continue safely.

Policy 68

Firearms/Carry/Holster/Ammo

Purpose – The purpose of this order is to establish controls over the types of weapons carried by Killian Police Officers and to enumerate guidelines for the proper use of weapons.

1. General
 - A. Its is reasonable to anticipate that officers, in the course of their duties, may find it necessary to protect a citizen or himself. Since this defense may involve circumstances where life itself is in jeopardy, each deputy needs to develop the greatest possible proficiency in the use of weapons available to him. He also needs to develop the utmost respect for the moral and legal implications associated with this responsibility.
 - B. The bearing and possible use of deadly weapons by officers imposes a great responsibility on both the officer and this office. An officer must be able to handle his weapons safely and effectively. He must also have confidence in his ability to protect himself or others, should the need arise. The confidence is gained only through training and the development of skills in the use of firearms and the practice of these skills to keep the officer proficient. Only through training and the practice of these skills can the officer have the confidence in his ability to react properly and effectively in situations requiring the use of deadly force.
 - C. This policy is intended to provide rules of conduct and practice aimed at preventing accidental discharges and /or the possible misuse of deadly force. It is recognized that the establishment of rules cannot prevent an accident or an incident of weapons misuse. Only the practice of these rules by all officers, the exercised of good judgement and the enforcement of the rules can accomplish that end. The Killian Police Department intends to do its part to ensure compliance with this policy and each officer will be expected to do his part.
2. Discharge of Firearms
 - A. The discharge of any firearm in connection with law enforcement officers is authorized only under the following circumstances:
 1. In the necessary lawful defense of your own or another person's life.
 2. To kill animals that are seriously wounded or dangerous when other disposition is impractical.
 3. When participation in firearms training at an approved range.
 - B. The discharge of firearms is prohibited:
 1. As "warning" shots.

2. At or from moving vehicles.
 3. Under the circumstances that would present a more substantial risk to innocent person(s), than does the person(s) at which your deadly force is directed.
 - C. The discharge of any firearm in connection with law enforcement officer, other than practice at an approve range, must be reported to the officer's supervisor and the Internal Affairs Section as soon as circumstances will permit. Additionally, a written report shall be filed by the officer discharging the firearm within 24 hours of the incident.
 - D. Should the discharge of the firearm involve a "combat" situation, the incident shall be investigated by the Livingston Parish Detective Division and Internal Affairs. It is the responsibility of the Supervisor on duty to ensure notification of Detectives and Internal Affairs as soon as possible following his notification.
3. Training Required
 - A. Participation in training programs by officers is mandatory as prescribed in Policy
 4. Authority to Carry Firearms
 - A. Only those officers who are "Enforcement Qualified" shall be authorized to carry firearms.
 - B. Further, those officers who are required and /or authorized to carry firearms must participate in in-service training exercises as prescribed in P.O.S.T.
 - C. Officers may be required to qualify twice a year on P.O.S.T firearms course if ordered to do so by the Chief of Police.
 5. Carrying Firearms Off- Duty
 - A. In order that 'Enforcement Qualified' member of the office may take proper law enforcement action in any situation requiring law enforcement attention, while off-duty, side arms may be worn by off-duty personnel provided the following criteria are met:
 - Qualification shall consist of: Section 4 Authority to Carry Firearms
 - B. Officers Authorized to carry firearms off-duty are cautioned to exercise good judgement in exercising this privilege and shall not unnecessarily display or wear firearms at times or places where compromising situations may develop.
 - C. Officers drinking intoxicating beverages shall not wear firearms while engaged in such activity, or for a minimum of eight (8) hours after the cessation of such activity.
 6. Service Side Arms and Accessories
 - A. The standard firearms for uniformed personnel shall be serviceable handgun, of modern manufacturing meeting the following specifications:
 1. Make: Smith & Wesson, Colt, Ruger, or other brands as approved by the Chief.
 2. Semi-automatic pistol.
 3. Barrel Length: Not less than 2" or more than 6". (NOTE: For Detectives or for off-duty wear, not less than 2 inches)
 4. Sights: Fixed or Adjustable
 5. Caliber: 9 mm, 40 caliber or another caliber as approved by the Chief.
 - 6 Single action triggers pull of not less than 2 ½ pounds.
 - B. Grip panels, other than standard factory installed models, must be approved by Chief prior to use.
 - C. No trigger, hammer, or sighting installations, other than original manufacturer offered options, are permitted. Trigger "shoes" are prohibited.

D. No internal or external modifications of duty weapons are to be attempted by any Officer. Weapons requiring repair must be taken to an office approved gunsmith. Modifications to internal or external working of duty weapons not expressly approved by the original manufacturer are prohibited.

7. Ammunition

- A. Ammunition used in service firearms must be of American factory manufacture and approved by the Chief. No "hand loaded" ammunition may be used except for practice on an approved range.
- B. Ammunition is to be replaced with fresh ammo both in the service weapon and in spare cartridge holders at least every six months.
- C. Each patrol deputy must carry at least eighteen (18) rounds of approved ammunition on their person and at least fifty (50) rounds in their vehicle.

8. Holsters

- A. Standard issue holsters for uniform duty wear shall be approved by the Chief.
- B. Cross draw holsters are not permitted for uniform duty use, except Taser.
- C. Holsters no meeting these criteria may be approved for special uses (undercover work) upon the recommendation of the Chief.
- D. Holsters for off duty or plain clothes use shall have some means for effectively securing the weapon in the holster.
- E. Weapons are not to be carried by thrusting them into the pants waist band or pockets.

9. Shot guns and Other Special Weapons

- A. Each patrol unit is equipped with a 12-gauge, pump action, shotgun. Each shot gun has four (4) rounds of 12-gauge, 00 buckshot loaded in the magazine. Additionally, each shot gun has three (3) rounds of 00 buckshot's and two (2) rounds of slugs in a bandolier attached to the buttstock of the gun.
- B. Each officer is to remove the shotgun from the unit, check to see that the safety is engaged, and unload the shotgun through the loading port before initiating his patrol assignment. Do not unload the weapon by jacking the rounds through the chamber! Having checked the safety and unloaded the weapon, the action is to be opened and the shot gun visually inspected to ensure that the chamber and barrel are clear. At this time, the ammo removed from the weapon should also be inspected for dents, cuts, and fraying. Ammo that is dented, cuts, or frayed should be taken to the armory and replaced with fresh ammo. The shot gun action should now be closed, and safety engaged, and four rounds of 00 buckshot in good condition loaded into the magazine. The weapon should then be re-secured in the unit.
- C. Detectives issued shotguns should likewise check their weapons. Shotguns in unmarked cars will be kept in a flexible gun case on the floorboard in the front seat of the vehicle when is occupied. At all other times, it is to be stored in the gun case and placed in the trunk of the vehicle.
- D. Personally, owned shotguns may not be placed in any unit unless they are capable of being secured as prescribed, and the approval of the weapon is obtained from the Chief.
- E. Special tactical weapons (Rifles, submachine guns, etc.) are not to be carried in any unit without the approval of the Chief.
- F. No shotgun or special tactical weapon is to be carried in any unit with a round in the chamber.
- G. Vehicles taken to maintenance are to have all shotguns, pistols, and special tactical weapons removed and secured in a safe place.

10. Firearms Safety

- A. No officer shall participate in any "quick draw", dry firing or any other simulation exercises with any firearms except on an approved range.

- B. No officer shall withdraw his weapon from its holster except in the necessary police related use of the same.
 - C. Weapons are not to be left unsecured in the Squad Room, Communications Center, or any other location, but must be:
 - 1. Secured in a holster on one's person.
 - 2. Secured in the unit.
 - 3. Secured in the weapon lock boxes at the detention center.
 - D. No weapons shall be cleaned except at an approved range, or at your residence. Remember, always unload first.
 - E. Do not bring loaded shotguns, rifles, submachine guns or unsecured handguns into the Chiefs Office.
 - F. All safety rules for the use of weapons on duty, off duty at the range, and at home must be adhered to by all personnel.
11. Care of Weapons
- A. All weapons are to be properly maintained and cleaned to insure proper function in accordance with manufacturers' recommendations.
 - B. All weapons should be cleaned after firing as soon as practical. Further, weapons subjected to unusual conditions (total immersion, caustic fumes, corrosives, etc.) should be immediately cleaned and taken to a competent gunsmith for inspection as soon as practical.
 - C. If ordered by Chief all side arms used on or off duty must be inspected by an approved gunsmith/range officer must be submitted to the Armory.

12. Penalties

- A. Violation of any provisions of this policy may result in disciplinary action up to and including dismissal.
- B. Officers are reminded that they maybe held civilly and criminally liable for misuse of weapons and/or of deadly force.

Policy 69

Reports/Citations/File Numbers

All reports which are made during any shift are due at the end of the shift worked. Officers will complete all reports and turn them into the police department prior to going off duty. If any report cannot be completed because the investigation is not complete, or because the incident occurred just prior to end of shift, a preliminary report, containing as much information as possible, will be turned in prior to the officer leaving. The rough copy of an accident report will suffice as the preliminary report for crashes. It must contain the names and addresses for all people involved, the vehicle description and license information for all vehicles, the whereabouts of any towed vehicles, the location of all injured victims taken by ambulance, and the date, time and location of the crash.

All reports and citations will have the name and KP number of the officers involved clearly and readably PRINTED on the report, in the appropriate area, officers may choose to sign their name any way they wish, but the name must appear discernibly somewhere on the report or citation.

A file number will be issued upon every call of service (examples: Alarms, Public/Agency Assist, Disturbances, Thefts, Burglary, Suspicious incidents etc...) Traffic stops are at officer's discretion involving traffic violations.

Every file number will require a written/ typed report authorized by the Chief of Police.

All arrests including misdemeanor summons, shall be entered into ADSI Reporting.

All criminal incidents and private property crashes are to be entered into ADSI Reporting.

All officers are required to have LPSO Dispatch send a copy of file card by fax to Killian Town Hall or Police Department.

Policy 70

Purchase Orders

All purchase other than fuel and maintenance items for the police unit made by officers of the department will require approval from the Mayor. In the event that anything is purchased by an officer without approval from the Mayor, that officer will be held responsible for the cost of the items. In case of a late night or weekend purchase, Assist Chief, Chief or the Mayor may be contacted by telephone and authorization be given to make the purchase.

However a note must be attached to the receipt showing who and when one of the above were contacted.

Policy 71

Motor Equipment

- Daily Report – A daily report is made by each officer, each day. This report will include needed work on vehicles and will also act as a record of gas and oil consumed and repairs made, giving both amount and quantity.
- Operation by Civilians – Civilians will not be allowed to operate department owned motor equipment except by a mechanic, for the purpose of repairs.
- Transportation of Civilians – Only prisoners or commissioned police officer will be allowed to ride in Killian Police Units. Civilians will not be transported in department owned vehicles except by permission of the Mayor.
- Abuse of Vehicles – At no time will any member operating department owned equipment abuse, mistreat, or cause damage to this vehicle whether such abuse was due to his/her actions or his/her failure to act. Example of such abuse-idling motor over long periods of time, racing motor, driving in low gear at high rates of speeds or for long periods jumping curbs, ditches, etc.
- Use of Vehicles – The following would apply for the use of town owned vehicles by the Killian Police Department.

1. Will be used during assigned work hours
2. May be driven from home to work: work to home.
3. May be driven to court when officer is subpoenaed.
4. Vehicles may be drive, if an officer is leaving work and going directly to an extra duty assignment for the Town of Kililan.
5. If an officer is at home of their day off, vacation, etc., they will not drive the vehicle to extra duty assignment unless the assignment is related to town business.
6. Vehicles may be driven if the officer is call in for a meeting or requested to come to the office by his/her superior officer.
7. No vehicle may be used for personal business. (example: grocery shopping, picking up or dropping off kids at school)
8. No out of town trips permitted unless on official business for the Town of Kililan. All out of town trips are to be logged and recorded on officer's daily report.
9. Chief of Police is exempt from this policy and may use KPD units for personal business off duty within the parishes of Tangipahoa and Livingston to ensure rapid response to matters of the Town and its Officers. Chief is not exempt from Transportation of Civilians with out permission of the Mayor.
 - Members Involved in Accident Disciplined – Should any member of the Kililan Police Department operating department owned equipment, who has been involved in an accident be found to have been negligent, careless or reckless, then that member shall be subject to immediate disciplinary action.

Policy 72

Communications

All KPD officers are required to inform Livingston Parish Sheriff Office Dispatch Center when they are on duty, off duty or on call.

All traffic stops and calls for service will inform LPSO Dispatch.

**KILLIAN CONSOLIDATED GOVERNMENT
INTERNAL MEMORANDUM**

**KILLIAN POLICE DEPARTMENT
DIVISION OF ADMINISTRATION
OFFICE OF CHIEF OF POLICE
P. O. BOX 546
SPRINGFIELD, LA 70462
225-695-6785
FAX: 225-695-3365**

DATE: _____

TO: _____

FROM: _____

RE: _____

YOU HAVE BECOME THE SUBJECT OF AN INTERNAL AFFAIRS INVESTIGATION ALLEGING:

YOU ARE REQUIRED TO COOPERATE FULLY WITH THE INVESTIGATION, WHICH SHALL INCLUDE GIVING A STATEMENT(S) AND MAY INCLUDE A POLYGRAPH EXAMINATION IF SO, DIRECTED BY THE CHIEF AND/OR MAYOR AND BOARD OF ALDERMAN. ANY MISCONDUCT THAT IS REVEALED DURING THIS ADMINISTRATIVE INVESTIGATION THAT WAS NOT CITED IN THE ORIGINAL COMPLAINT MAY ALSO SUBJECT YOU TO DISCIPLINARY ACTION. YOU ARE NOT TO DISCUSS THIS MATTER WITH ANYONE, OTHER THAN YOUR COUNSEL OR REPRESENTATIVE.

YOUR INTERVIEW WITH: _____

SCHEDULED FOR: _____

ACCORDINGLY, THE POLICE OFFICER'S BILL OF RIGHTS ALLOWS YOU TO HAVE AN ATTORNEY OR REPRESENTATIVE PRESENT FOR THE INTERVIEW. IF YOU WISH TO EXERCISE THIS RIGHT, HAVE YOUR ATTORNEY OR REPRESENTATIVE WITH YOU WHEN YOU APPEAR FOR YOUR INTERVIEW. SO, YOU WILL HAVE A BETTER UNDERSTANDING OF WHAT YOUR RIGHTS ARE, INCLUDED IS A COPY OF THE POLICE OFFICERS BILL OR RIGHTS (LA R.S. 40:2531-2535).

CHIEF OF POLICE

ACKNOWLEDGMENT:

I AM IN RECEIPT OF THIS MEMORANDUM AND ACKNOWLEDGE ITS CONTENT.

OFFICER

WITNESS

POLICE OFFICER'S BILL OF RIGHTS

RIGHTS OF LAW ENFORCEMENT OFFICERS UNDER ADMINISTRATIVE INVESTIGATION

The investigating officer shall ensure that (all) interviews are recorded in full on digital or audio media; any interruptions shall be noted.

A complaint has been filed against Officer(s): _____ Reporting Party: _____

Case Number: _____

The specific allegation of employee misconduct is: _____

1. The law enforcement officer being investigated shall be informed, at the commencement of interrogation, of the nature of the investigation and the identity and authority of the person conducting such investigation, and at the commencement of any interrogation, such officer shall be informed as to the identity of all persons present during such interrogation. The law enforcement officer shall be allowed to make notes.
2. ANY interrogation of a law enforcement officer in connection with an investigation shall allow for reasonable periods for the rest and personal necessities of such law enforcement officer.
3. All interrogations of any law enforcement officer in connection with the investigation shall be recorded in full. The law enforcement officer shall not be prohibited from obtaining a copy of the recording or transcript of the recording of his/her statement upon written request.
4. The law enforcement officer shall be entitled to the presence of his/her counsel, representative, or both, at the interrogations in connection with the investigation.
5. No statement made by the officer during the course of an administrative investigation shall be admissible in a criminal proceeding.

Please Initial:

_____ I am willing to give a statement without an attorney and/or representative present.

_____ I do not wish to give a statement without the presence of an attorney and/or representative.

Date: _____ Time: _____

Officer's Signature: _____

Witness: _____

Witness: _____

You are not to discuss what is said in this interview with any other person other than your attorney and/or representative until this matter is completed. The investigation shall be considered completed upon notice to the police employee or law enforcement officer under investigation of disciplinary hearing, or a determination of an unfounded or unstained complaint.

**KILLIAN POLICE DEPARTMENT
COMPLAINT REVIEW FORM**

TO: MAYOR AND BOARD OF ALDERMAN

FROM: _____

DATE: _____

ON _____ **A COMPLAINT WAS FILED**

AGAINST OFFICER _____ **ALLEGING HE/SHE DID**

PLEASE ADVISE WHAT ACTION YOU WOULD LIKE TO TAKE:

MAYOR AND BOARD OF ALDERMAN: CHECK ALL THAT APPLY

ADMINISTRATIVE INVESTIGATION _____

CRIMINAL INVESTIGATION _____

MAYOR AND BOARD OF ALDERMAN INVESTIGATION _____

CRIMINAL INVESTIGATION OUTSIDE AGENCY _____

ADMINISTRATIVE INVESTIGATION OUTSIDE AGENCY _____

CHIEF OF POLICE

**KILLIAN POLICE DEPARTMENT
FORMAL COMPLAINT AGAINST POLICE PERSONNEL
CONFIDENTIAL**

CASE NUMBER: _____
COMPLAINANT INFORMATION

COMPLAINANT: _____ RACE/SEX: _____ D.O.B. _____
ADDRESS: _____
PHONE: CELL _____ HOME: _____ WORK: _____

INCIDENT INFORMATION

DATE OF OCCURRENCE: _____ TIME OF OCCURRENCE: _____
LOCATION OF OCCURRENCE: _____
SPECIFIC ALLEGATION: _____

THIS COMPLAINT IS BEING FILED AGAINST THE BELOW LISTED EMPLOYEE(S)

NAME: _____ RANK: _____

RACE/SEX: _____ BADGE ID: _____

NAME: _____ RANK: _____

RACE/SEX: _____ BADGE ID: _____

WITNESS INFORMATION

NAME: _____ PHONE NUMBER: _____

ADDRESS: _____

NAME: _____ PHONE NUMBER: _____

ADDRESS: _____

NAME: _____ PHONE NUMBER: _____

ADDRESS: _____

NOTICE

Pursuant to LA R.S. 14:133.5 – Filing a false complaint against a law enforcement officer is knowingly filing, by affidavit under oath, a false statement or false representation with a law enforcement agency regarding the conduct, job performance, or behavior of a law enforcement officer for the purpose of initiating an administrative action against the law enforcement officer. Whoever commits the crime of filing false statements against law enforcement officers shall be fined not more than five hundred dollars or imprisoned not more than six months, both, agree to fully cooperate with the assigned Killian Police Department personnel investigating this complaint and any statements I provide will be recorded to ensure. Additionally, records of medical and psychiatric consultation, evaluation, or treatment (including those from hospitals, clinics, private practitioners and Veterans Administration) may be requested if those records are directly related to my complaint. I may be requested to undergo a polygraph. Examination to assist in the investigation. I may be required to testify in front of the Mayor and/or Board of Aldermen proceedings. I further understand that my failure to cooperate fully in the investigation could result in my complaint being dismissed or not being able to be substantiated. In addition, I understand and agree that a photocopy or electronic replication of this affidavit will constitute verified authenticity of an original signed document.

I have read and understand the above statement. _____
Initials

SIGNATURE OF COMPLAINANT DATE/TIME

SUPERVISOR'S SIGNATURE DATE/TIME

AFFIDAVIT – ALLEGATION OF EMPLOYEE MISCONDUCT

NOTARY ENDORSEMENT

COMPLAINANT'S SIGNATURE _____

SWORN TO AND SUBSCRIBED ON THIS _____ DAY OF _____, 20____

EX-OFFICIO NOTARY

KILLIAN POLICE DEPARTMENT
TOWING LIST

MORGANS WRECKER	HOLDEN, LA	225-567-2398
FASTBACK TOWING	SPRINGFIELD, LA	225-294-0084

BENNETT'S TOWING

PONCHATOUILA, LA

985-467-5630

TOUCH OF CLASS

ALBANY, LA

225-209-0130

KILLIAN POLICE DEPARTMENT
RESPONSE TO RESISTANT SUBJECT REPORT

REPORTING OFFICER: _____ ITEM _____

NUMBER: _____

DATE RESISTANCE OCCURRED _____ TIME OCCURRED _____

RESPONSE USED: _____ PHYSICAL (DESCRIBE)

_____ CHEMICAL (PEPPER/OC)

SUBJECT PHOTOGRAPHED YES _____

NO _____

_____ ELECTRONIC (TASER)

_____ BATON

_____ FIREARM

LOCATION TYPE (BAR, PRIVATE HOME, STREET ETC.) _____

LOCATION ADDRESS (OR CLOSEST CROSS

STREET/BLOCK) _____

TYPE/SIGNAL OF CALL AS

DISPATCHED _____

REASON RESPONSE WAS REQUIRED:

SUSPECT: _____ D.O.B. _____

ADDRESS: _____

SEX _____ RACE _____ HEIGHT _____ WEIGHT _____ AGE _____

CHARGES:

SUSPECT TREATED BY: _____ FIRE DEPARTMENT DESCRIBE ANY INJURY/COMPLAINT:

_____ E.M.T.

_____ HOSPITAL

_____ OTHER:

CHEMICAL/0-C REACTION _____ IMMOBILIZED _____ NO EFFECT _____ NUMBER OF BURSTS
USED

ELECTRONIC: DRIVE STUN _____ IMMOBILIZED _____ NO EFFECT _____ NUMBER OF TIMES

APPLIED

ELECTRONIC: PROBES _____ IMMOBILIZED _____ NO EFFECT _____ NUMBER OF TIMES

FIRED

OTHER REACTION:

