

POLICY 1.

**LAW ENFORCEMENT AGENCY ROLE AND AUTHORITY
LAW ENFORCEMENT AGENCY ROLE
OTAH OF OFFICE**

POLICY

ALL PERSONNEL, PRIOR TO ASSUMING SWORN STATUS BY ACT 284 OF THE 1950 LOUISIANA LEGISLATIVE SESSION SHALL PUBLICLY TAKE AND SUBSEQUENTLY ABIDE BY AN OATH OF OFFICE ENFORCE THE LAW AND UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF LOUISIANA, AS WELL AS RESPECT APPLICABLE CONSTITUTIONAL RIGHTS OF ALL PERSONS.

PROCEDURE

UPON APPOINTMENT BY THE MAYOR AND BOARD OF ALDERMAN AS A POLICE OFFICER WITH THE KILLIAN POLICE DEPARTMENT THE NEWLY APPOINTED POLICE OFFICER SHALL BE ADMINSISTERED AND OATH OF OFFICE IN ACCORDANCE WITH STATE LAW.

THIS OATH SHALL BE ADMINISTERED VERBALLY BY THE TOWN OF KILLIAN ATTORNEY

A NOTARIZED COPY WITH BE KEPT IN THE OFFICERS FILE

POLICY 2

PURPOSE OF THE KILLIAN POLICE DEPARTMENT

POLICY

THE KILLIAN POLICE DEPARTMENT'S OVERALL PURPOSE IS THE PROTECTION OF LIFE AND PROPERTY. THIS GOAL IS ACCOMPLISHED THROUGH NUMEROUS METHODS SUCH AS DETECTING CRIME MAINTAINING STREET AND HIGHWAY SAFETY AND IN GENERAL THROUGH ENFORCEMENT OF FEDERAL, STATE, AND LOCAL LAWS.

PROCEDURE

- A. PATROL OF VARIOUS HIGHWAYS, STREETS
- B. IDENTIFY CRIMINAL ACTIVITY AND APPREHEND CRIMINALS
- C. PROVIDE ASSISTANCE TO PERSONS WHO ARE UNABLE TO HELP THEMSELVES ARE IN DANGER OR IN NEED OF OTHER EMERGENCY SERVICES

POLICY 3

**DEPARTMENT STAFFING
(POSITIONS AND QUALIFICATIONS)**

POLICY

THE KILLIAN POLICE DEPARTMENT SHALL CONSIST OF:

- * FULL TIME P.O.S.T. CERTIFIED OFFICERS
- * PART TIME OFFICERS
- * AUXILIARY OFFICERS P.O.S.T. CERTIFIED OR NON P.O.S.T. CERTIFIED
- * ALL FULL TIME OFFICERS MUST BE P.O.S.T. CERTIFIED BY A STATE CERTIFIED ACADEMY WITH IN ONE YEAR OF HIRE DATE PER STATE LAW.
- * ALL OFFICERS OR SELECTED BY APPLICATION AND APPOINTMENT BY THE BOARD OF ALDERMEN.
- * ALL APPLICANTS MUST PASS A PSYCHOLOGICAL EXAMINATION, A POLYGRAPH TEST, AND DRUG TEST.
- * APPLICANTS MUST PASS A CRIMINAL HISTORY WITH NO FELONY CONVICTIONS AT ALL.
- * APPLICANTS WITH MISDEMEANOR, MAY BE CONSIDERED DEPENDING ON THE CONVICTION AND SERIOUSNESS OF THE CONVICTION.
- * APPLICANTS MUST HAVE HIGH SCHOOL DIPLOMA OR HIGH SCHOOL EQUIVALENCY CERTIFICATE (G.E.D.).
- * APPLICANTS MUST PASS A PHYSICAL EXAMINATION IF REQUIRED BY THE TOWN.
- * APPLICANTS MUST HAVE VALID LOUISIANA DRIVERS LICENSE.
- * APPLICANTS MUST HAVE TELEPHONE.
- * FULL TOME POLICE OFFICERS WILL BE REQUIRED TO COMPLETE 20 HOURS OF INSERVICE TRAINING PER P.O.S.T. REQUIREMENTS, YEARLY.
- * CHIEF OF POLICE MAY ORDER PART TIME AND AUXILIARY OFFICERS TO COMPLETE 20 HOURS A YEAR OF INSERVICE TRAINING PER P.O.S.T.

POLICY 4

CODE OF CONDUCT

The following code of conduct is established as follows:

Loyalty to the Department

No member shall publicly criticize the department, its policies, member, or employees, by talking, writing, posting on electronic media or expressing in another manner, any communication which is defamatory, obscene, and unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine or detrimentally affect the operation of the department. However, nothing herein shall prohibit any member from filing a complaint or criticism through the proper channels.

Personal Conduct

Every member of the department shall, whether on or off duty, conduct themselves as to set a good example for all others with whom they may contact, or be observed by. He/she shall not dishonor or disgrace upon himself/herself or dishonor the profession of police officer.

Personal Appearance

When duty or representing the department, every member must at all times appear to be neat and clean, with their clothing and equipment in proper condition. They shall be properly groomed in accordance with the guidelines set forth by the Chief of Police. Whenever a situation occurs where an officer's appearance is not within guidelines, he/she must correct this at the first opportunity.

Hair

Must be neatly trimmed and not exceed longer than the middle of the ear on each side. Will not exceed the top of the collar of shirt on the back of the head.

Sideburns

Will not exceed the lower lobe or bottom of the ear.
No mutton chop sideburns.

Mustaches

No wider than ½ inch beyond the corner of the mouth
No longer than the middle of the mouth

Beards

Must be neatly groomed, not to exceed 1 inch length and be approved by Chief of Police

Tattoos

No tattoos with vulgar or obscene pictures or language will be visible on any police officer while on duty

Court Subpoenas

Every officer who receives a subpoena shall honor that subpoena unless excused by the court. In the event a situation occurs which would prohibit the officer's appearance, it is the responsibility of that officer to contact the court in advance and arrange for an alternative date.

All officers who receives a subpoena must appear in court on the said date and time specified.

Courtesy

All person having business with the department are entitled to respect. The use of harsh, profane, indecent, suggestive, sarcastic, racial, or insulting language is prohibited.

Command of Temper

All members of the department must, when dealing with the public, maintain a professional attitude, and control their temper.

Violation of Law

No member of the department shall violate the state or federal constitution, or any law or ordinance properly enacted by a federal, state, or local government.

Charged with a Felony

Any member charged with felony shall immediately be suspended from duty. He/she will immediately turn in all issued equipment and shall remain suspension until the matter is resolved. Should the officer be convicted of a felony, he/she shall be immediately dismissed from the department.

Conduct in times of Peril

No member of this department shall shirk danger, avoid responsibility, or manifest cowardice in performance of their duties.

Obeying Orders

Every officer shall obey all standing orders as well as all lawful orders issued by the Mayor, Chief or Officer of Superior rank.

Punctual in Attendance

All officers will report to all assignments by the department at or before the scheduled time. In the event of an emergency, which would prohibit the officer from arriving on time, the chief and or mayor

must be contacted. Any officer who absents him/herself from duty for a period of 24 hours without excuse and authorization, will be considered a deserter, and may be dismissed.

Hours Subject to Call

All members are subject to call 24 hours a day, in the event of an emergency.

Neglect of Duty

No member of the department shall fail to take the appropriate action when confronted with a situation which requires police action, within the town limits, whether off or on duty.

Use of Weapons/ Deadly Force

No officer shall discharge any weapon in the line of duty that is in violation of the requirements set forth in Title 14 of the La Revised Statutes, approved training, or as authorized by the Chief of Police.

Any time deadly force is used by an officer, whether it results in a miss, injury, or death of a person the Chief and the Mayor must be notified as soon as possible.

The use of a firearm to dispatch an injured animal is only authorized as a last resort. If it must be done, every effort must be used to ensure that the maximum safety of the officer and the public is provided for.

Cooperation

All officers will cooperate with fellow officers of the department, as well as officers of other departments, they shall assist any legitimate officer who is performing an officer function in any legal way they can.

Secondary Employment

All officers who intend to accept a secondary form of employment must have the employment approved by the Chief of Police. This is not to deprive any officer of the opportunity to make extra income, it is solely to ensure that no conflict arises between the vocations, and the time worked does not distract from the officer's ability to function properly, while on duty as a police officer.

Respect of Rank

All officers of the department shall treat members of superior rank from the Killian police department or other agency federal, state, sheriff's department and police departments with respect and response due such rank. On all occasions, be civil respectful, and considerate of their superiors an all others.

Respect Between Ranks

Superior officers shall treat those of lessor rank with the respect and response due to fellow officers.

Members Named as Defendant

Any officer of the department made party to a civil lawsuit or criminal proceeding whether duty related or not or threatening with a law suit out of the officer's performance of duty will notify the Chief and or Mayor.

Court Room Dress

All members of the department, when appearing in court to testify shall be in uniform or court approved attire.

Courtesy

All persons having business with the police department are entitled to courtesy and respectful consideration, and all must be taken to meet the public in the manner. The use of harsh profane and insolent indecent suggestive sarcastic or insulting language is positively prohibited. Conversations must be conducted in a dignified and proper manner avoiding the use of slang or facetious expressions. All officers will give name and rank when asked to do so to the public.

POLICY 5

CODE OF ETHICS

POLICY

IN ORDER TO ENHANCE OUR IMAGE AS PROFESSIONAL POLICE OFFICERS, IT IS THE DUTY OF EVERY SWORN OFFICER OF THIS DEPARTMENT TO STRIVE TO MAINTAIN A HIGH DEGREE OF BOTH MORAL AND ETHICAL STANDARDS. THE KILLIAN POLICE DEPARTMENT HERE BY ADOPTS THE "LAW ENFORCEMENT CODE OF ETHICS", PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF THE CHIEFS OF POLICE AS A PROFESSIONAL GUIDELINE REGARDING THE SOCIALLY ACCEPTED MORAL AND ETHICAL POLICE CONDUCT.

PROCEDURE

ATTACHED TO THIS POLICY IS THE "LAW ENFORCEMENT CODE OF ETHICS", REVISED AND ADOPTED BY THE INTERNATIONAL ASSOCIATION OF THE CHIEFS OF POLICE ON OCTOBER 17, 1989.

ALL OFFICERS WILL TAKE AN ETHICS COURSE ONCE EVERY CALANDER YEAR PER THE LOUISIANA STATE BOARD OF ETHICS ON THE LOUISIANA STATE BOARD OF ETHICS WEBSITE THIS CAN BE DONE AT ANY TIME DURING THE CALENDER YEAR OR WHEN THE CHIEF OR MAYOR REQUEST THE OFFICERS TAKE THE COURSE. THIS WILL ALSO BE INCLUDED AS PART OF THE OFFICERS 20 HOURS A YEAR OF CONTINUING EDUCATION.

(SEE CODE OF ETHICS STATEMENT) AS FOLLOWS:

Law Enforcement Code of Ethics

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

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

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

POLICY 6

SUBSTANCE ABUSE POLICY

The Mayor and Board of Aldermen for the Town of Killian have a strong commitment to provide a safe workplace and to establish policies promoting high standards of employee health and safety. In keeping with this commitment, it is the intent of the Mayor and Board of Alderman for the Town of Killian to maintain a drug and alcohol-free workforce.

POLICY

All employees are expected to report to work in a physical and emotional condition that will allow them to perform their assigned tasks in a competent and safe manner. The use, abuse, presence in the body, or reporting to work under the influence of alcohol, drug, and substances by the employees limits the ability of the users to exercise good judgement, react properly in unexpected situations, perform tasks safely and efficiently and endangers not only that employee but fellow employees and property. The Town of Killian has implemented this policy to eliminate these problems and to meet the following objectives:

PROCEDURE

- a. To assist in maintaining a safe and healthful working environment for employees of the Town of Killian and its affiliated or subsidiary agencies, as well as contractors and visitors
- b. To maintain a drug and alcohol-free workplace and a drug and alcohol-free workforce.
- c. To prevent accidental injuries and to protect property.
- d. To prevent the occurrence of incidents, the consequences of which may drastically affect the safety and the future of facility operation.
- e. To minimize absenteeism, tardiness, improves productivity, and ensures quality workmanship.
- f. To protect the reputation of the Town of Killian and its employees within the community.
- g. To comply with existing laws and to comply with contractual obligations.
- h. For the protection of the community and the general public.

This policy will apply to all full-time, part-time, auxiliary officers and casual or contract employees and to employment applicants. Compliance with the Policy will be required as a condition of employment.

The Town of Killian Premises

For the purposes of this Policy, the term The Town Of Killian's affiliates or subsidiaries includes all properties, offices, facilities, lands, platforms, buildings, structures fixtures, installations, boats, aircrafts, automobiles, trucks, and all areas under the Town of Killian control and other work locations or made of transportation to and from those locations during working time and while in the course and scope of the Town of Killian employment or pay status.

The Town of Killian policy statement

This is to notify all employees that the use, abuse, presence in the body, reporting to work under the influence, bringing onto The Town of Killian.

A. ILLLEGAL DRUGS, UNAUTHORIZED CONTROLLED SUBSTANCES, LOOK-A-LIKES, INHALANTS OF ABUSE, DESIGNER AND SYNTHETIC DRUGS:

(Including the presence of any detectable amount in the employee while working), and any other unauthorized drugs, abnormal substances which may affect an employee's mood, senses, responses, motor functions or alter or affect a person perception, performance, judgement, reactions or senses while working is prohibited.

B. UNAUTHORIZED ALCOHOL OR INTOXICATION BEVERAGES:

An employee whose breath alcohol is .040 or over (.040 grams per 210 liters breath) during working time is a violation of this policy.

C. PRESCRIPTION DRUGS (LEGALLY CONTROLLED SUBSTANCES) PRESCRIBED BY A LICENSED PHYSICIAN ARE EXCLUDED FROM THE ABOVE EXCEPT THAT:

1. All employees working in all positions, who have been informed that the medication could cause adverse side effects while working, or where medication indicated such warning, must inform their supervisor prior to using such substance on the job. Employees must only possess a reasonable amount of medication.
2. The employee must not consume the prescribed drugs more often than as prescribed by the employee's physician.
3. The employee whose name appears on the prescription label must not allow any other person to consume the prescribed drugs.
4. All medicine must be in its original container and must be in the employee's name and have the doctor's name and prescription number on the label.
5. Each prescription must not be older than one (1) year from the date issued.

The use of drugs and medicine prescribed by a licensed physician for the individual employee is permitted provided it will not affect work performance.

However, The Mayor and/or Chief of police for The Town of Killian always reserves the right to have a licensed physician determine if the use of a prescription drug or medication by an employee produces effects which may increase the risk of injury to the employee or others while working. If such findings is made, The Town of Killian reserves the right to limit or suspend the work activity of the employee during the period that the physician advised that the employee's ability to perform his/her job safely may be adversely affected by the consumption of such medication.

D. PROGRAM ENFORCEMENT ACTIVITY (WORKPLACE SEARCHES, URINE DRUG AND/OR BREATH ALCOHOL TESTING):

In order to accomplish the objectives of this policy, the Mayor and/or Chief of Police for the Town of Killian reserves the right, at all times while entering, departing or on the

premises, properties, and work areas described above when circumstances warrant or when reasonable suspicion or cause exists to have properly authorized supervisors or search personnel (including drug detection dogs) conducted unannounced reasonable searches and inspections of town facilities, properties, as well as employees' and other persons' effects (such as, but not limited to lockers, baggage, briefcases, boxes, bags, parcels, lunch boxes, food/beverage containers, desks, tool boxes, clothing and vehicles) for the purpose of determining if such employees or other persons are in possession, use, transportation, or concealment of any of the prohibited items and substances of this policy.

TESTING SITUATIONS

The Mayor and/or Chief of Police for the Town of Killian reserves the right, in certain circumstances, to require employees, as a condition of continued employment, to submit to urine drug test or other examinations to determine the presence of any illegal or unauthorized drugs, alcohol, or other substances prohibited by the policy. These unannounced tests may be utilized under the following circumstances:

- A. **The Testing** will be used when there is a reasonable cause to suspect that an employee's behavior, performance, error in judgement, accident or incident, or unsafe actions while working is related to substance abuse.
- B. **Post-Accident or Incident Testing** may be used if an employee suffers an occupational on the job injury (requiring treatment from a doctor) or causes injury to a fellow employee or any third party (requiring treatment from a doctor) or where the injury was due to the employee's failure to wear required personal protective equipment when applicable.
- C. **Random Testing** may be used routinely for all employees in safety sensitive and positions to prevent and detect substance abuse. Any form of substance abuse may affect the safety of operations through unsafe work behavior/performance or error in judgment. Substance abuse could jeopardize the safety and well-being of the employee, other personnel, or the general public.
- D. **Pre-Employment Testing** may be required of an applicant or candidate as condition of employment prior to being approved to work for The Town of Killian.

All urine and breath alcohol sampling will be performed with concern for each employee's personal privacy, dignity, and confidentiality. The results of testing will be disclosed on a need to know basis to administer the policy or as may be legally required.

No employee will be tested without his or her consent.

NOTICE TO DISCIPLINARY ACTION FOR POLICY VIOLATIONS

Failure to comply with the provisions of the policy will be grounds for disciplinary action. Discharge from employment will occur even for a first offense violation.

Any employee who is found to be in violation of this policy because of use, abuse, presence in the body, reporting to work under the influence, bringing on The Town of Killian property, possession, transfer, storage concealment, transportation, promotion, or sale of substance or possession of drug

related paraphernalia will be subject to disciplinary action, up to an including, DISCHARGE. Possession or sale of illegal drugs or substances will be cause for immediate discharge.

In addition to the above, an employee will also be subject to immediate discharge for the following policy violations:

- A. Refusal to cooperate or to participate in his/her testing or sampling when requested to do so under this policy.
- B. Substituting or tampering with a urine or breath alcohol sample.

Preliminary investigation of a policy violation may require that the employee be placed on suspension pending review of the surrounding circumstances and facts concerning the policy violations.

Any employee who tests positive for a substance prohibited by the policy as a result of a confirmed urine or breath alcohol test will be TERMINATED.

- A. Positive Drug Results..... The Mayor or Chief of Police will inform employees with positive drug results that they have a right to have the specimen tested at the lab or another lab of their choice at the employee's expense. The employee has 72 hours to inform the Mayor or Chief of Police if they decide to have the specimen tested.

No adverse action will be taken against any employee based on a confirmed positive testing result if a reasonable doubt exists as to whether the accuracy of the result or the chain of custody of the sample.

Illegal substances, drugs, drug- related paraphernalia, and unauthorized items discovered through searches and inspections will result in law enforcement authorities being notified.

ADMINISTRATION

Specific administrative procedures will be reviewed by The Mayor and Board of Aldermen, prior to implementation of the procedures. This policy does not supersede or replace the existing Town of Killian policy pertaining to discipline.

This policy/procedure on substance abuse is to be operated or conducted in total conformance with State Drug Testing Guidelines.

This policy shall be amended as necessary to meet the requirements of federal, state, parish, or city laws, and if applicable, negotiated provisions of local collective bargaining agreements. Amendments and exceptions to the policy must have prior approval of the Mayor and Board of Aldermen for The Town of Killian.

The Mayor and Board of Aldermen for The Town of Killian regrets any inconvenience that may be caused to its employees by the problem of a few. It is believed, however, that the benefits derived from the prevention of accidents, that greater safety of employees, contractors, visitors, and the rehabilitation or discharge of those who, because of alcohol or drugs, are a potential danger to others, will more than

make up for any inconvenience. The Mayor and Board of aldermen solicit the understanding and cooperation of all employers in implementing this policy.

POLICY 7.

SEXUAL HARASSMENT POLICY

POLICY

Our employee's personal safety and dignity and their ability to perform their jobs effectively, without distractions and interference are of prime concern to the Mayor and Board of Alderman for the Town of Killian. Since our employees interact with the general public, it is equally important that the general public be protected from sexual harassment by any of our employees. It is considered essential to provide a safe, professional, productive, and not-threatening work environment. It is our policy that all employees and citizens of the general public have a right to work and exist in an environment free of sexual harassment. The Mayor and Board of Aldermen for the Town of Killian will not tolerate sexual harassment of its employees, or by its employees, in any form. All employees must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work. The Mayor and Chief of police are responsible for ensuring that the workplace is free from sexual harassment.

PROCEDURE

Specifically, THE Mayor and Board of Aldermen prohibit the following:

- Unwelcome sexual advances.
- Requests for sexual favors, whether accompanied by promises or threats regarding employment or citizenship.
- Other verbal or physical conduct of a sexual nature made to any employee or citizen that may threaten or insinuate that any employee's or citizen's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, or rights as a citizen.
- Any verbal or physical conduct that has the purpose or effect of substantially interfering with an employee's ability to do his or her job, or any person's right to exercise their freedom as a citizen.
- Any verbal or physical conduct that has the purpose or effect or creating any intimidating, hostile, or offensive environment.
- All Killian police officer will log on the Louisiana commission on law enforcements post web site and take the sexual harassment test annually.

Such conduct may result in disciplinary action up to and including dismissal. Other sexually harassing conduct in the workplace, whether physical or verbal, committed by public officials is also prohibited. This behavior can include but is not limited to commentary about an individual's body, the use of sexually degrading words to describe an individual, offensive

comments, off-color language or jokes, innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.

Employees or citizens who have complaints of sexual harassment should act immediately and report such conduct to the Mayor, Chief of Police, or the Board of Alderman, so that the complaint may be investigated and resolved. If the complaint involves the Mayor, Chief of Police, or any member of the Board of Alderman, or if the person for any reason is uncomfortable in dealing with the aforementioned, the person may call (800)669-4000 to report the incident. This is the sexual harassment hot line.

The Town of Killian will endeavor to investigate all complaints as expeditiously and as professionally as possible. Where investigations confirm the allegation, appropriate corrective action will be taken.

The Town of Killian will make every attempt to keep the information provided to it in the complaint and investigation process confidential to the fullest extent permitted by the circumstances.

Retaliation against anyone for reporting sexual harassment or assisting the Town of Killian in the investigation of a complaint is against the law and will not be permitted. Retaliation can include but is not limited to such acts as; refusing to help a citizen or employee, spreading rumors about the person, encouraging hostility toward the person, and escalating the harassment.

All police officers of the Killian Police Department will take the sexual harassment course once every calendar year online by accessing the Louisiana post web site per post rules and regulations.

POLICY 8.

DEPARTMENTAL EQUIPMENT/COMPUTERS

POLICY

The Killian Police Department has issued equipment that will be handed out to officers of the department to help them perform their job task quickly efficiently and to the best serve the public. All equipment issued to an officer by the department will be the officer's responsibility to maintain and keep in good working order. All equipment issued or station, movable in offices or units will be taken care of and in no way altered or changed.

PROCEDURE

The first group is issued equipment which is shared. Examples of this would be vehicles with the equipment inside. Units will be assigned to the primary operator. This officer will be responsible for maintaining the units in a clean and fully serviceable condition. Any officer who uses the equipment must maintain the condition of the unit and equipment within; during the time that officer uses it. Any problem must be reported to the Chief and/or Mayor when the problem occurred, the date and time of the damage, and the explanation of how it happened. The officer will forward the report to the Chief's office along with the request for repair. This repair must be approved prior to having it done.

The second group is equipment which is issued to the individual officer and intended for his/her use only. This includes uniforms, protective vests, flashlight, etc. This equipment is issued with the clear understanding that the officer who receives it is totally responsible for the cleaning, maintenance, and security of every piece issued, and the officer must return every issued item when it becomes unserviceable. No officer is authorized to dispose of any piece of departmentally owned equipment without the written approval of the Chief or Mayor. Any equipment which becomes unusable due to negligence, misuse, or loss, will be repaired or replaced, at the officer's own expense. Equipment which becomes unserviceable due to normal use will be replaced by the department at the earliest opportunity.

The third group would be office equipment such as printers, fax's, telephones, computers which is also shared as in the first group. This equipment is stationary and mostly located in the town hall or police department with computers also in the vehicles it is every employee's responsibility to take the upmost care of all equipment. No employee shall change add disfigure any of these items. No programs or any software may be added to or taken off any computers without the consent of the Mayor and or Chief. No employees may view, fax, or receive any material that is obscene in nature on any town owned equipment.

Any damage to any departmental equipment must be reported, in writing, to the Chief's office as soon as practical. All equipment will be issued via a signed receipt, by the Chief and or the town clerk who clearly identifies the recipient who acknowledges responsibility for the items.

All equipment is subject to inspections by the chief and or mayor at any time and the officer must present the equipment for inspection as soon as possible when requested to do so by the chief or mayor.

Upon the officer's departure from the Killian Police Department the officer must return all issued equipment in the same order as it was given to them. The officer must replace any broken or lost equipment before they can receive their last payroll check. The officer must replace the equipment with same as or better than they were issued.

Any officer or employee caught with viewing, receiving, faxing, sending obscene or pornographic material on any town owned equipment will be terminated immediately from his or her position with the Killian Police Department.

Any officer caught deliberately changing software owned by the Town of Killian will be terminated.

Policy 9

Taking of Firearms

Policy

The second amendment of the US Constitution guarantee each citizen the right to lawfully possess firearms.

The fourth amendment of the US Constitution guarantees that citizens are protected from unlawful search and seizure, especially by the government.

Procedure

Unless the firearm is evidence in a criminal matter, no officer has any right to take a firearm from anyone. Weapons may be secured temporarily, for the safety of the officer, while dealing with a citizen, but unless the officer has a court order, signed by a judge, or the weapon is evidence in a criminal matter, the practice of taking weapons must not be done. The case stemming from this practice, even during a declared state of emergency, was reaffirmed during the aftermath of Hurricane Katrina, in New Orleans.

No firearm may be taken for suspicion of being stolen, or any other reason, except as outlined above. Any officer doing so exposes him/her to criminal charges as well as a massive civil liability, and disciplinary action for violation of this order.

POLICY 10

DEPARTMENTAL BUSINESS

Policy

All business of the department is confidential.

Procedure

No officer is to discuss any current or proposed operation, outside of the members of the department, without the express permission of the Chief of Police.

This is includes discussing or requesting any matter with the public, Mayor, Board of Alderman, or anyone else. This does not pertain to other officers from outside agencies who may be involved with a specific call or situation, but discussion of department business, policies, procedures, or internal business, shall remain with the department, unless authorized by the Chief of Police.

This department welcomes any ideas or suggestions from all its member; any everyone is encouraged to submit all their ideas to the Chief of Police. It is his job to present any proposal to the appropriate people.

Any questions regarding any ongoing case or any action taken by this department shall be politely referred to the Chief of Police. No officer is permitted to make any public statement, other on or off the record, to anyone whatsoever, without the permission of the Chief.

POLICY 11.

CHAIN OF COMMAND/RANK/PROMOTION REQUIREMENTS

POLICY

A chain of command is a necessary component of any organization. This department and all its members shall, without exception, adhere to this policy.

PROCEDURE

The chain of command is structured on a rank system. In any given situation, the highest-ranking Killian Police Officer on any scene is in charge. His/her instructions are to be followed without discussion or hesitation, if the instructions do not violate any laws. Any officer who follows any lawful order will be released from any repercussions resulting from the actions, and the burden of responsibility will fall totally upon the ranking officer who issued the order.

In the absence of a ranking officer, the officer who has the most seniority in the department will be considered to be in charge. It will be the duty of this senior officer to contact the on-call supervisor, if any question exists or any situation occurs which policy requires a supervisor's intervention. It will be the responsibility of that supervisor to continue up the chain if need be.

During a situation is not the time to question or discuss any order from a supervisor. If any officer is dissatisfied with a situation, or the instructions given, he/she can ask for an explanation later. If this officer is still dissatisfied with the answer, he/she can request a meeting with the Chief and that supervisor for further clarification.

All new hire police officers will be appointed by the Mayor and Board of Alderman at recommendation of the Chief of Police

CHAIN OF COMMAND/RANK/PROMOTION REQUIREMENTS

MAYOR -----ELECTED OFFICIAL

CHIEF OF POLICE -----APPOINTED BY THE BOARD

ASSISTANT CHIEF OF POLICE-----APPOINTED BY THE BOARD AT
RECOMMENDATION OF THE CHIEF OF POLICE

SERGEANT-----APPOINTED BY THE CHIEF OF POLICE (MINIMUM 2 YEARS P.O.S.T
CERTIFIED FULL TIME IN UNIFORM PATROL)

DETECTIVE ----- APPOINTED BY THE CHIEF OF POLICE (MINIMUM 2 YEARS P.O.S.T
FULL TIME IN UNIFORM PATROL)

CORPORAL/OFFICER 2 -----APPOINTED BY THE CHIEF OF POLICE (2 YEARS IN
UNIFORM PATROL-FULL TIME OFFICER- AT LEAST 1 OF 2 YEARS
AS P.O.ST. CERTIFIED)

CAPTIAN OF AUXILIARY—APPOINTED BY THE CHIEF OF POLICE (MINIMUM OF 5 YEARS AS AUXILIARY/PART TIME POLICE OFFICER

OFFICER 1 — FULL TIME UNIFORM PATROL

PART TIME OFFICER—NO MINIMUM

AUXILIARY— NO MINIMUM

All rank promotions with salary increase will be appointed by the Mayor and Board of Alderman with the recommendation of the Chief of Police.

Meeting of requirements *does not* automatically constitute a salary increase or promotion/rank up.

All rank promotions without a salary increase, excluding Assistant Chief of Police will be appointed by the Chief of Police or Mayor without the Board of Alderman approval. Board must be notified only of rank and to record rank for officers file. Board my request requirements for rank/promotion, specified in *Policy 11* are met.

POLICY 12.

DISCIPLINARY ACTION

POLICY

Disciplinary action is the action taken against an employee for violation the rules and regulation, policy and procedures, and directives and standard operating procedures any violation of these by an employee will cause the Chief of Police, and/or the Mayor and/or board of aldermen to enact the disciplinary action policy against the employee.

Unless a policy is penalty specific the action taken will be as follows:

1. VERBAL/WITTEN
2. WRITTEN
3. WRITTEN/SUSPENSION WITH OR WITHOUT PAY
4. WRITTEN/TERMINATION

Any suspension with or without pay or termination can only be decided by the Mayor or Board.

The Mayor and Board of Alderman may at any time decide to use any action they see that fits the violation.

Each violation can or may be judged on an independent basis with consideration to the employee, how many years of service, if the employee has been reprimanded before, and any considerations the Mayor and Board would like to use in determining the action taken against the employee.

EXAMPLE: The board may choose termination on first offense instead of verbal/written.

All disciplinary action will be in accordance with Louisiana RS: 40:2531 – RS: 40:2535 minimum standards during investigation.

(See Police Officers Bill of Rights)

LOUISIANA REVISED STATUTES

TITLE 40. Municipalities and Parishes

CHAPTER 25. Rights of Law Enforcement Officers While Under Investigation

2531. Applicability; minimum standards during investigation; penalties for failure to comply

- A. The provisions of this Chapter shall apply only to police employees as defined by R.S. 40:1372(5), Louisiana P.O.S.T. certified probation and parole officers employed by the Louisiana Department of Public Safety and Corrections, division of probation and parole, and to those law enforcement officers employed by any municipality and campus police

employed at any state-supported college or university who are under investigation with a view to possible disciplinary action, demotion, or dismissal.

B. Whenever a police employee or law enforcement officer is under investigation, the following minimum standards shall apply:

- (1) The police employee or 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 persons present during such investigation. The police employee or law enforcement officer shall be allowed to make notes.
- (2) Any interrogation of a police employee or law enforcement officer in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of such police employee or law enforcement officer.
- (3) All interrogations of any police employee or law enforcement officer in connection with the investigation shall be recorded in full. The police employee or law enforcement officer shall not be prohibited from obtaining a copy of the recording or transcript of the recording of his statements upon his written request.
- (4) The police employee or law enforcement officer being questioned whether as a target or as a witness in an administrative investigation, shall have the right to be represented by counsel, another representative, or both.
 - (a) The police employee or law enforcement officer shall be granted up to thirty days to secure such representation, during which time all questioning shall be suspended.
 - (b) The police employee or law enforcement officer's representative or counsel shall be allowed to offer advice to the employee or officer and make statements on the record regarding any question asked of the employee or officer at any interrogation, interview, or hearing in the course of the investigation.
- (5) No statement made by the police employee or law enforcement officer during an administrative investigation shall be admissible in a criminal proceeding.
- (6) Repealed by Acts 2008, No. 654, 2.
- (7) When a formal, written complaint is made against any police employee or law enforcement officer, the superintendent of state police or the chief of police or his authorized representative shall initiate an investigation within fourteen days of the date the complaint is made. Except as otherwise provided in this Paragraph, each investigation of a police employee or law enforcement officer which is conducted under the provisions of this Chapter shall be completed within sixty days. However, in each municipality which is subject to a Municipal Fire and Police Civil Service law, the municipal police department may petition the Municipal Fire and Police Civil Service Board for an extension of the time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of the hearing to the police employee or law enforcement officer who is under investigation. The police employee or law enforcement officer who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the

board finds that the municipal police department has shown good cause for the granting of an extension of time within which to complete the investigation, the board shall grant an extension of time within which to complete the investigation, the board shall grant an extension of time within which to complete the investigation, the board shall grant an extension of up to sixty days. Nothing contained in this Paragraph shall be construed to prohibit the police employee or law enforcement officer under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty days. The investigation shall be considered complete upon notice to the police employee or law enforcement officer under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustain complaint. Nothing in this Paragraph shall limit any investigation of alleged criminal activity.

- (8) In the case of a police employee who is a member of the State Police Service as set forth in Article X, Section 41 of the Louisiana Constitution of 1974, the appointing authority may petition the State Police Commission, or its executive director, for an extension of the time within which to complete the investigation. The State Police Commission, or its executive director, shall set the matter for hearing and shall provide notice of the hearing to the police employee who is under investigation. The police employee who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the State Police Commission, or its executive director, finds that the appointing authority has shown good cause for the granting of an extension of time within which to complete the investigation, the State Police Commission, or its executive director, shall grant an extension of up to sixty days. Nothing contained in this Paragraph shall be construed to authority from entering into a written agreement extending the investigation for up to an additional sixty days. The investigation shall be considered complete upon determination of the appointing authority to institute disciplinary action against the police employee or a determination of an unfounded of unstained complaint. Nothing in this Paragraph shall limit any investigation of alleged criminal activity.

- C. There shall be no discipline, demotion, dismissal, or adverse action of any sort taken against a police employee or law enforcement officer unless the investigation is conducted in accordance with the minimum standards provided for in this section. Any discipline, demotion, dismissal, or adverse action of any sort whatsoever taken against a police employee or law enforcement officer without complete compliance with the foregoing minimum standards is an absolute nullity.

Acts 185, No. 425 1; Acts 1991, No. 450, 1, eff. July 15, 1991; Acts 2001, No. 933, 1; Acts 2007, No. 91, 1; Acts 2007, No. 258, 2; Acts 2008, No. 249, 1; Acts 2008, No. 654, 1, 2; Acts 2010, No. 924, 3, eff. July 2, 2010; Acts 2014, No. 859, 1, eff. July 1, 2014.

NOTE: See Acts 2014, No. 859, 2, regarding longevity benefits for certain law enforcement officers.

2532. Release of personal information

No person, agency or department shall release to the news media, press or any other public information agency, a law enforcement officer's home address, photograph, or any information that may be deemed otherwise confidential, without the express written consent of the law enforcement officer, with respect to an investigation of the law enforcement officer. Added by Acts 1985, No. 425, 1.

2533. Personnel Files

- A. No law enforcement officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the law enforcement officer's having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if, after reading such instrument, the law enforcement officer refuses to sign it. Should a law enforcement officer refuse to sign, that fact shall be noted on that document and signed or initialed by such officer.
- B. A law enforcement officer shall have thirty days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to and shall accompany the adverse comment.
- C. (1) A law enforcement officer, upon written request, shall have any record of a formal complaint made against the officer for any violation of a municipal or parish ordinance or state criminal statute listed in Paragraph (2) of this Subsection involving domestic violence expunged from his personnel file, if the complaint was made anonymously to the police department and the charges are not substantiated within twelve months of the lodging of the complaint.
(2)(a) Any violation of a municipal or parish ordinance or state statute defining criminal battery and assault.
(b) Any violation of other municipal or parish ordinances or state statutes including criminal trespass, criminal damage to property, or disturbing the peace if the incident occurred at either the home of the victim or the officer or the violation was the result of an obvious domestic dispute.

Acts 1985, No. 425, 1; Acts 1995, No. 232, 1; Acts 1995, No. 915, 1; Acts 1995, No. 1251, 2; Acts 2005, No. 452, 1.

2534. Disclosure of Finances

No law enforcement officer shall be required to disclose, for the purpose of promotion or assignment, any item of his property, income, assets, debts or expenditures or those of any member of such officer's household.

Added by Acts 1985, No. 425, 1.

2535. Retaliation for Exercising Rights

There shall be no penalty nor threat of any penalty for the exercise by a law enforcement officer of his rights under this Chapter.

Added by Acts 1985, No. 425, 1.

POLICY 13.

TOWING/TOWING ROTATION POLICY

POLICY

In the event that a motor vehicle needs to be towed from a public highway or scene of an accident or legally towed from any incident or for safety reasons.

PROCEDURE

WHEN A LAW ENFORCEMENT OFFICER DETERMINES THAT A MOTOR VEHICLE MUST BE TOWED, THE OFFICER WILL FIRST GIVE THE OPTION TO CHOOSE A LICENSED TOWING COMPANY WHO CAN REACH THE INCIDENT WITHIN REASONABLE AMOUNT OF TIME.

IF THE OWNER CAN NOT, WILL NOT, OR DOES NOT KNOW A LICENSED WRECKER COMPANY THE OFFICER WILL CHOOSE THE NEXT AVAILABLE WRECKER FROM THE KILLIAN TOWING LOG.

LIVINGSTON PARISH SHERIFF OFFICE WILL HAVE A COPY OF WRECKER LOG.

IF THE TOWING COMPANY IS LATE RESPONDING (3) THREE TIMES, THEY WILL BE SUSPENDED FROM THE KILLIAN POLICE DEPARTMENT LIST FOR (6) SIX MONTHS. IF THE TOWING COMPANY IS LATE (3) THREE MORE TIMES THEY WILL BE REMOVED FROM THE LIST PERMANENTLY.

IF NONE OF THE WRECKER COMPANIES ON THE KILLIAN WRECKER LOG IS AVAILABLE THE OFFICER MAY USE THE LIVINGSTON PARISH SHERIFF OFFICE WRECKER LOGS.

ALL TOW TRUCK COMPANIES MUST COMPLY WITH THE PROVISIONS OF R.S. 32:1706, THE SAME REQUIREMENTS FOR THE LOUISIANA STATE POLICE.

AT NO TIME WILL ANY OFFICER SOLICIT ANY BUSINESS FOR A PARTICULAR TOWING COMPANY.

NO VEHICLES WILL BE TOWED FROM PRIVATE PROPERTY UNLESS IT IS BEING IMPOUNDED FOR EVIDENTIARY OR CRIMINALLY RELATED MATTERS.

PROPERTY OWNERS WHO WANT A VEHICLE TOWED FROM THEIR LAND WILL BE TOLD THAT IS THEIR DECISION AND THEY MUST CONTACT A WRECKER, THEMSELVES, TO DO THIS.

WHEN ANY VEHICLE IS TOWED BY THE DEPARTMENT, A TOWING REPORT WILL BE MADE INDICATING THE DATE TIME PURPOSE LOCATION THAT IT WAS PICKED UP FROM AND THE COMPANY WHO TOWED IT.

ANY INVENTORY OF VALUABLES CONTAINED WITHIN WHICH WILL BE SIGNED BY THE WRECKER DRIVER AND OFFICER ATTESTING TO BOTH ACCURACY AND HIS ACKNOWLEDGMENT OF RECEIPT OF THE LISTED CONTENTS.

IF A HOLD IS PLACED ON THE VEHICLE THE PUROSE FOR THE HOLD WILL BE INDICATED ON THE TOWING REPORT.

THE HOLD ON A VEHICLE PER STAE LAW IS 14 DAYS UNLESS IT IS BEING SUBMITTED FOR EVIDENCE.

THE NAME AND BADGE NUMBER OF THE OFFICER WHO COMPLETES THE TOWING REPORT, AS WELL AS THE NAME OF THE OFFICER WHO PLACES ANY HOLD ON THE VEHICLE MUST BE CLEARLY INDICATED ON EVERY REPORT.

ALL TOWING COMPANIES WILL BE RESPONSIBLE FOR CLEANING UP ANY DEBRIS CAUSED FROM ANY VEHICLE THEY ARE TOWING.

THE CHIEF AND OR MAYOR HAS THE SOLE DISCRETION OF CHANGING THE WRECKER ROTATION LOG.

POLICY 14

EXECUTING WARRANTS

CONSTITUTIONAL REQUIREMENTS OF AN ARREST WARRANT

An arrest warrant is obtained by presenting a judicial officer, such as a magistrate, an affidavit, which is a sworn complaint, containing statements that establish probable cause to believe that the person you wish to arrest committed the crime charged.

- (1) Your affidavit presented to the judicial officer in support of your application for an arrest warrant must indicate more than your bare conclusion that you have probable cause to believe that the name suspect has committed the crime. Your affidavit must set out the underlying facts which lead you to that conclusion.

For example, a mere copying of the words of a statute defining a particular crime would not meet the requirement that the police officer's sworn statement present the underlying facts. The sworn statement must present the underlying facts. The sworn statement must present the judicial officer sufficient facts to enable him to make an independent determination that there is reasonable ground to believe the person to be arrested committed the crime described.

The probable cause requirements, and the evidence necessary to establish probable cause, are the same for obtaining a warrant as for making an arrest without a warrant. Probable cause for an arrest with a warrant may be established by what someone else has told the officer who gets the warrant, as well as by personal surveillance.

- (2) An officer's sworn statement containing only information given to him by someone else, such as an informer, can support the issuance of an arrest warrant, if all the circumstances permit a conclusion that the person to be arrested probably committed the crime charged.

POLICY 14.1

SERVING WARRANTS OUTSIDE TOWN LIMITS

POLICY

THIS POLICY IS TO SHOW PROFESSIONAL COURTESY AND SAFETY WHEN ENTERING ANOTHER JURISDICTION AND WORKING TOGETHER WITH THE PERSONS OF THE AGENCY'S THAT HAVE JURISDICTION OVER THE ARE AND TO HELP APPREHEND THE SUSPECT AS QUICKLY AND SAFELY AS POSSIBLE WITHOUT PROBLEMS.

PROCEDURE

ANYTIME A KILLIAN POLIE OFFICER GOES OUTSIDE THE TOWN LIMITS OF KILLIAN, TO SERVE A WARRANT, HE/SHE MUST FIRST NOTIFY THE APPROPRIATE JURISDICTION OF HIS/HER INTENT. THE OFFICER WILL REQUEST AN OFFICER FROM THAT JURISDICTION TO MEET OUR OFFICER IN ADVANCE OF MAKING CONTACT WITH THE SUSPECT. AT THIS MEETING, A COPY OF THE WARRANT WILL BE SHOWN TO THE OFFICER FROM THAT JURISDICTION, AND AN EXPLANATION OF THE CHARGES MADE. THE INTENT OF THE KILLIAN OFFICER WILL THEN BE MADE CLEAR TO THE OTHER OFFICER, I.E. ARREST, WARNING, REQUEST TO GET THE MATTER RESOLVED ETC. ONCE THIS HAS BEEN DONE, AND ANY APPROVAL WHICH MIGHT BE NEEDED RECEIVED, ALL OFFICERS WILL PROCEED TO THE SUSPECT'S LOCATION AND THE OFFICER WITH JURISDICTION WILL ARREST THE SUSPECT, AS A FUGITIVE FROM KILLIAN, TRANSPORT THE SUSPECT TO THE NEAREST BOOKING FACILITY, WHERE THE SUSPECT WILL BE BOOKED, THEN, IF IT IS WITHIN THE STATE OF LOUISIANA, THE SUSPECT WILL BE RELEASED TO THE CUSTODY TO THE KILLIAN OFFICER, WHO WILL TRANSPORT THE SUSPECT TO LIVINGSTON PARISH JAIL AND BOOK THE SUSPECT, ON THE CHARGES INDICATED ON THE WARRANT. THE KILLIAN OFFICER WILL EXPLAIN THE CHARGES TO THE SUSPECT, ADVIZE THE SUSPECT OF HIS/HER RIGHTS PER MIRANDA, AND THE BOND REQUIRED TO BE RELEASED, DURING THE BOOKING PROCEDURE. THE RELEASE OF THE SUSPECT WILL BE DONE BY THE LIVINGSTON PARISH JAIL PERSONNEL ONLY AND ANY MONEY COLLECTED WILL BE PROCESSED BY THEM.

THERE WILL BE NO EXCEPTIONS TO THIS POLICY, AS IT IS MANDATED BY LOUISIANA LAW. PROPER REGARDS FOR THE SAFETY OF THE OFFICER AND THE SUSPECT WILL BE FOLLOWED DURING TRANSPORTATION. OFFICERS WILL BE IN FULL UNIFORM WHEN PROCESSING THESE OF TOWN WARRANTS, AND WILL BE IN MARKED UNITS, EQUIPPED WITH CAGES. WHENEVER POSSIBLE THIS ARREST WILL BE BOTH VIDEO AND AUDIO RECORDED. A COPY OF THE ARREST REPORT WILL BE TURNED INTO OUR OFFICE AS SOON AS POSSIBLE, AFTER THE ARREST.

POLICY 14.2

**IN REGARDS TO SERVING /EXECUTING KPD WARRANTS IN LIVINGSTON PARISH
WITH LPSO COMMISSION.**

If LPSO does not have availability to assist, a Killian Police Office with a LPSO commission and with the minimum rank of Corporal (Officer 2) will contact the LPSO supervisor on duty, at the time of KPD warrant to be served and seek permission to execute said warrant with or without LPSO assistance. All matter of the warrant will be disclosed to LPSO supervisor for his/her determination. KPD Officer must carry LPSO commission card at all times. LPSO has the authority to decline the execution of warrant. If LPSO supervisor grants permission, all other procedures of POLICY 14.0 will be adhered.

POLICY 15.

EVIDENCE

POLICY

The chain of evidence is critical in criminal prosecution. In order for evidence to be admissible in court, a proper and controlled chain of custody is imperative. In order to accomplish this, the following procedure will be followed every time.

PROCEDURE

Small non-perishable items of little financial value, which are taken as evidence will be placed in evidence bags, properly labeled, and sealed.

The item(s) will be kept securely by the officer until normal business hours. The item will be turned into the evidence handler who is appointed by the chief, the next business day, and will be logged into the evidence room log book by the evidence handler and lock into the evidence room where it will remain until transported to the crime lab by appointment or brought to court at which time it will be removed by the evidence handler and logged into the log book and transported by the evidence handler. If for some reason the evidence handler cannot transport the evidence. The evidence may be transported by the officer who seized the evidence.

Pictures of the evidence indicated the location where the evidence was found will be taken. After development, the pictures will become part of the case file.

Small non-perishable items of high monetary value, which are taken will be handled in the same manner except, as soon as the items are seized, the Chief or his designee will be contacted and requested to meet the officer and secure the evidence in the evidence room, at that time.

Large items which cannot fit the evidence room will be photographed at the point of recovery then impounded in a secure storage facility. (LPSO) or another secure place approved by the Chief. An evidence log will be created for these items which indicate the date, time and location where the evidence is stored and the name, clearly printed, along with the signature of the person who takes custody of the evidence, included on the report. Examples of these items would include motor vehicles, boats, etc.

In the case of small items that require refrigeration, such as blood samples, the item(s) will be placed in the small refrigerator that is located in the evidence room and sealed by the instruction of the kits etc.

Any cash money seized must be more than fifteen hundred dollars (\$1500.00) will be stored in evidence for 72 hours while forfeiture papers are filled out and served to the person that the money belongs to.

Once all paper work has been satisfied per the district attorney the cash money will be taken to the town financial institution (bank) and transformed into a money order for the exact amount of the monies seized made out to the district attorney and then brought to the district attorney's office and turned over to them.

All evidence that leaves the evidence room will be logged into the evidence logbook and accompanied by a Killian evidence transport and release form to be signed by the person the evidence is being released to. This includes all reports, monetary items, cash, narcotics anything that is used for evidence. The form will then be scanned and placed in ADSI report writing software and the original put into a folder for evidence releases.

All evidence to be disposed of must have and order from the District Attorney directing when where and how the evidence must be disposed of.

Officers will complete State Crime Lab/DNA subtotal forms before securing evidence within Killian Police Department.

POLICY 16.

CITIZEN COMPLAINTS/COMPLAINT AGAINST OFFICER

POLICY

It is the purpose of this policy to provide the Town of Killian with guidelines for taking complaints against officers per LA R.S. 40:2531-2535 Police Officers Bill of Rights.

PROCEDURE

Anyone who wishes to make a complaint will be directed to contact the Chief of Police or his designee, during normal business hours. The only complaints that will be accepted or investigated must follow the following format:

The complaint must be submitted on paper as sworn affidavit.

The person making the complaint must agree to meet with the officer assigned to conduct the investigation, give a taped interview, furnish any witnesses to the investigating officer, at the complainant's expense, provide all testimony under oath, after being given their Miranda Rights, and agree to testify before any hearing which may be held regarding this complaint. Failure to comply with all the listed requirements will result in the immediate termination of the investigation, and a finding, in favor of the officer, issued.

The person making the complaint shall be informed prior to making the complaint that Killian Police Department adheres to the State law regarding the Police Officers Bill of Rights, (see police officers bill of rights) and conducts its investigations of alleged misconduct in accordance with this law.

The complaining party shall be informed as to a timetable for this investigation to be conducted and that a written report of its findings will be available to them at its completion.

The complaining party shall be informed that the Killian Police Department takes any and all complaints seriously and will conduct a complete investigation of any reported incident as long as it is presented in accordance with this policy.

The complaining party shall also be informed that any statements or allegations made against any officer which are found to be false, misleading, or incorrect will subject the person making these statements to either criminal charges, or civil action, if the officer wishes to pursue them.

The complaint form shall consist of a Miranda warning signed by the complainant, a written sworn affidavit containing the alleged misconduct, an agreement to furnish any witnesses at the complainant's expense, an agree to provide a taped interview, under oath, to the assigned investigator, an agreement to testify, under oath at any hearing conducted as a result of the investigation, and an affidavit of understanding that there are potential consequences for any false, misleading or incorrect statements.

Must use department approved forms. See forms following policy.

POLICY 17.

VEHICLE PURSUITS

POLICY

In today's society and legal opinions, vehicle pursuits are among the most controversial and dangerous actions taken by police departments. It has become imperative that police agencies develop and follow strict guidelines for chases. To achieve this, Killian Police Department has divided chases into three categories:

PROCEDURES

The reasonable attempt to catch and stop traffic violators is expected. Certain restrictions shall apply. When the only violation is a traffic violation covered under L.R.S. 32, chases will be terminated if approaching a school zone or in the vicinity of a school bus which is picking up or dropping off children, when weather or traffic conditions pose undue risk, or any other condition exists which may heighten the risk to continue. Unless special circumstances exist, these pursuits will not continue past approximately ten miles outside the town limits of Killian.

When the pursuit is for a violation of a criminal statute, which is a misdemeanor, without a weapon being used, the same rules regarding school zones and busses with children onboard apply if necessary, this pursuit will be allowed to continue anywhere within Livingston and Tangipahoa Parish. If a weapon has been used in an offense, the chase may continue into the immediately neighboring parishes.

When the pursuit is for a felony, where no injury to person has occurred, officers are advised to precede past buses or school zones with extreme caution and care, before continuing the chase. At no time will the need to maintain speed supersede the safety of any person. When the chase is for a felony where injury or death to a victim or an officer has occurred, the chase will be allowed to continue wherever necessary. As with all pursuits, the agency with primary jurisdiction will take over the pursuit within their jurisdiction. All officers are encouraged to notify when possible the agency that the pursuit will be proceeding through.

When the pursuit is initiated by another agency then being the primary agency the Killian police department will assist the primary agency through the corporate limits of Killian. Once the pursuit has let the corporate limits of Killian the Killian police will terminate its assistance unless the primary agency request further help over the radio to be recorded by dispatch or unless the suspect being pursued can be charged by the Killian Police Department with criminal charges other than traffic violations.

In every instance reasonable and prudent care must be maintained. At no time will Killian police unit be used to immobilize the suspect vehicle. No "pit" maneuvers, ramming or forcing of a suspect vehicle will be allowed with one exception being to save a life. Example (there's a parade going on and the vehicle must be stopped to persevere life). No roadblocks will be set up without allowing the suspect vehicle an avenue of escape. No shooting of the suspect vehicle will be allowed, unless it is in the defense of the officer or a victim. The rules of deadly force, as outlined in state law, must, without exception, be followed. Mechanical disabling devices such as spike strips are allowed and may be deployed in accordance with accepted policies.

At any time, the primary officer pursuing loses visual contact with the subject he/she will terminate the pursuit.

POLICY 18.

WORKING SCHOOL FUNCTIONS

POLICY

To assist the faculty at school facilities with problems that may arise with criminal activities while having school functions.

PROCEDURE

The principal, assistant principal or other school officials has ultimate responsibility for functions held at school facilities.

Police Officers providing security for football, basketball, and other school activities or functions will report to the school official in charge for any detailed instruction prior to the beginning of the activity or function.

Police Officers will report any irregularities involving students to the school official on duty at the activity or function. The school official on duty at the activity, or function will have responsibility for the decision on what to do with, or how to handle the situation involving any students. The same procedure will be used for any students from visiting schools. The visiting school official(s) will have responsibility for deciding what to do with, or how to handle the situation involving their students.

The school official may press charges on students from visiting schools. This will supersede any decisions by the visiting school officials. Nothing herein shall prevent the school official from pressing charges on the offending student or students.

If school officials or the police officer determines that it is a police matter, the police department must contact parent or guardian regardless of the actions taken unless the student is 18 years of age or older. (17 years of age is now juvenile for nonviolent crimes) All juvenile laws will apply to any situation concerning criminal laws that have been broken. The minor student will then be released only to a parent or guardian, unless otherwise requested by parent or guardian to be released to a juvenile facility. Under no circumstances will the student be released on his/her own.

This policy should not affect a police officer's right to uphold the laws of federal, state, and local including civil and criminal ordinance and laws.

All police officers working any school related functions will be paid at the rate of \$25.00 per hour with a 3-hour minimum.

All officers will turn in time sheets for working school functions to the town clerk who will send and invoice to the school for payment to the officer.

The Town of Killian is in no way responsible for taxes or deductions from detail payments made to the officer.

POLICY 19.

LEGALLY MANDATED AUTHORITY

POLICY

All sworn officers of this department are vested with the authority to enforce all Federal, State and Local laws and ordinances where applicable. It shall be the duty of every sworn officer of this department to enforce these laws fairly and equally using sound judgment during the performance of his duties.

PROCEDURE

Officers shall use all lawful means to preserve the peace within the jurisdiction of the incorporated limits of the Town of Killian. Officers shall in every case where he/she is authorized by the provisions of the Louisiana code of criminal procedure interfere without warrant to prevent or suppress crime. Officers shall execute all lawful process issued to him b any judge or court.

ARREST DEFINED

Arrest is the taking of a person into custody by another. To constitute arrest there must be an actual restraint of the person. The restraint may be imposed by force or may result from the submission of the one arresting them.

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 has reasonable cause to believe that the person to be arrested has committed an offense whether or not the offense 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 an offence is difficult to define. Generally courts have found that probable cause exists when the facts and circumstances known to the officer and of which he has reasonable 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

A peace officer when making an arrest without a warrant shall inform the person to be arrested of his intention to arrest him of his authority and of the cause of the arrest.

The officer 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 his commission or after an escape or flees or forcibly resist before the officer or person making the arrest has an opportunity to inform him or when the giving of the information would imperil the arrest.

An officer may also arrest a person when he has 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 their arrest unless they flee or forcibly resist before the officer has an 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 the arrest but after the arrest if the person arrested so requests the warrant shall be shown to him as soon as practicable.

Although an arresting officer need not have the warrant in his 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 so inform the arrested person and show him a copy of the warrant as soon as possible.

A warrant of arrest remains effective until served.

POLICY 20.

INTERVIEWS, INTERROGATIONS AND ACCESS TO COUNSEL

POLICY

To assure compliance with all applicable constitutional requirements regarding interviews interrogations and access to counsel.

PROCEDURE

All officers will ensure that all constitutional requirements are met while conducting a criminal investigation. These requirements shall consist of:

Officers shall not coerce or intimidate suspects I order to get confessions or admissions.

Officers shall not intentionally delay arraignment

Officers shall inform defendants of their rights to questioning them about the incident. (Miranda)

Officers shall not deprive the suspect of counsel or prohibit them from seeking or talking with such prior to questioning.

Officers shall not question any further after suspect in any way indicates that they do not want to talk to officers further interrogation is improper and shall not be conducted UNLESS the suspect re-initiates contact with officers after their original assertion of their Miranda Rights officers must honor the suspect request to remain silent and terminate the interrogation when requested to do so.

Officers shall not contribute to pretrial publicity as this may prejudice a fair trial.

Before police can question a suspect, who is in custody, Miranda requires they be advised that they have a constitutional right to remain silent and that anything they say may be used against them. They must also be advised of their constitutional right to the presence of an attorney during questioning and of their right to have an attorney provided by the court if they cannot afford to pay for one.

The Louisiana constitution requires that each person arrested or detained in connection with any criminal investigation be given these rights.

All officers will fill out a Killian rights form when investigating a suspect. A rights form is important for ensuring that all suspects' rights are fully protected and for providing a record for the courts.

After having been advised of their rights the person in custody must knowingly voluntarily and intelligently waive or give up these rights before officers can question them. There rights should be explained to them in clear simple and understandable language. If the person speaks another language other than English an interpreter must be there as a witness and interpreter. The burden of proof test with the district attorney to establish a waiver of Miranda rights before any statement made by a suspect during custodial interrogation can be used against him as evidence of his guilt. The most important tool available to an officer to aid the district attorney in assuring the admissibility of

statements made by a suspect is an accurate detailed report of a suspects every statement as well as all the attendant circumstance surrounding that statement.

If the suspect requests a lawyer present during questioning they may not be questioned until a lawyer representing them is present and consent to the questioning. After a suspect has invoked their right to counsel the suspect may not be interrogated further until counsel has been made available to them. ONLY if the accused without encouragement from the officers initiates further communication exchanges or conversations concerning the offense may the interrogation resume.

Until such time as the court has appointed an attorney for an accused or until they have hired one on their own or until the accused actually invokes their right to an attorney no attorney or other individual may invoke this right for him.

From the moment of the arrest a person has the right to procure and confer with counsel and t use a telephone or send a messenger for the purpose of communicating with their friends or counsel. Further the accused in every instance has the right to have the assistance of counsel. Their counsel shall have free access to them in private at reasonable hours.

The officer can assist the district attorney in proving a waiver of rights by reading and explaining each of the suspects rights to him. Securing a signed waiver also helps. Proving that the suspect was advised immediately after being taken into police custody is especially important. A tape recording of the officers conversation with the suspect upon which the suspect there self acknowledges that they know what their rights are, is willing to answer questions without a lawyer, and is aware that anything they say can be used against them later, constitutes excellent evidence of a waiver.

It is important for officer to determine the age education level and degree of literacy of the suspect prior to questioning. The lower the education level age and literacy of the suspect the more carefully the suspect should be advised. Prior to questioning officers should also ascertain whether the person is under the influence of drugs or alcohol as the use of either of these substances may alter a suspect thinking and effect whether they can understand their rights.

If a statement is taken orally by questions and answers and is reduced to writing or put on tape the suspect should acknowledge in written or taped statement that they were fully advised of and intelligently waived each of their rights prior to giving the oral statement.

If time elapses after a person has been Mirandize or if another person begins a new interrogation the suspect should again be fully Mirandize before any renewed effort is made to question him.

If a suspect who is in custody spontaneously makes an unsolicited statement to an officer courts have upheld the use of the statement in evidence despite the lack of Miranda warnings. However, if the officer then wants to ask further questions of the suspect about the case, he must first advise the suspect of his Miranda rights.

The Miranda requirement that a suspect be advised of his rights has been applied only if the questioning takes place while in police custody. In custody has been defined by the courts to mean not free to leave if a suspect is being questioned by an officer but will not be stopped from leaving by the officer during the questioning the suspect is not in custody. Obviously, a suspect is in custody if he told that he is under arrest or he is detained for questioning in a police station. However, it may also be determined

that suspect is in custody even in his own home or on the street if the suspect has been led to consider their self under official restraint and not free to leave as they desire. There is no general rule for distinguishing custodial from non-custodial interrogation.

A case by case approach must be taken. The simple fact that the questioning place is in the familiar surroundings of the suspects home or place of business rather than the police station does not necessarily mean the questioning is non-custodial. In deciding whether or not a defendant has been subjected to custodial questioning by police (thus requiring the police give the suspect their Miranda rights), several factors are significant. They are as follows:

1. PROBABLE CAUSE TO ARREST THE DEFENDANT
2. STATEMENTS OR ACTIONS BY POLICE INDICATING AN INTENTION TO HOLD OR RESTRAIN THE DEFENDANT.
3. STATEMENTS OR ACTIONS BY THE DEFENDANT INDICATING THEIR REASONABLE BELIEF THAT THEY ARE IN CUSTODY
4. THE FOCUS OF THE INVESTIGATION IS CENTERED ON THE DEFENDANT (I.E., THEY ARE THE PRIME SUSPECT AND EVIDENCE IS BEING GATHERED AGAINST THEM).

A significant factor is whether the focus of the investigation has centered on the suspect. Thus, if a person has become suspect and police have planned to detain him there is a good chance that any questioning of that suspect will be considered custodial interrogation regardless of where the questioning takes place. Ordinarily the best practice is to advise suspects of their rights prior to questioning whenever and wherever the questioning takes place. Remember, that the statement of the suspect must be given freely and voluntarily in addition to strict compliance with Miranda.