

Chapter 10 Agency Jurisdiction and Relationships

Policy

It is the policy of this department that members of this department shall not perform police escorts without obtaining approval from an appropriate supervisor.

It is the policy of this department that officers of this department shall not participate in what is commonly called a "civil stand-by" situation. An exception to this policy is allowed when officers comply with applicable law, especially regarding family violence.

It is the policy of this department to recognize and respect the jurisdictional responsibilities and authority of the various other police entities at all levels within the county and state. Requests for assistance from public entities within the City shall be honored on a priority and availability basis. Requests for assistance out of the City limits shall be governed by the nature or degree of emergency and/or guidance of the police authority charged with police operations in the area where the request is generated. Additionally, in such requests for services outside of the City limits, the City's priorities, and availability of department staff shall also be considered in determining if a response will be forthcoming.

It shall be the policy of this department not to respond to "routine" fire and/or medical calls for service. It shall be the policy of this department to respond when requested by fire or medical services within the City when in the officer's discretion the request is within the officer's statutory authority or professional obligation. It shall be the policy of this department to respond to fire or medical service calls when there is an issue of "mental health" associated with the call.

It shall be the policy of this department to field all calls for service received from citizens and entities located within "gated communities" in the City. It shall be the policy of this department not to respond to calls for service in gated communities relating to traffic law enforcement. This includes traffic collision investigation of a routine nature and routine traffic patrol. It shall be the policy of this department to respond to calls for service in gated communities relating to criminal law where the requirements constituting an offense do not require the element of "public place" as defined by the *Texas Penal Code* or other statute. This criminal law enforcement commitment does not include regular police patrol operations in the absence of a "public safety corridor (or easement)." It shall be the policy of this department to respond to calls for service in gated communities relating to animal control matters and when appropriate, considering the public place issue, enforce the City's Animal Control Ordinance. This commitment to animal control does not include regular patrol in the absence of being summoned for an appropriate response.

It is the policy of this department to enforce the Leander Code of Ordinances relating to firearms, air guns and related activities, however, special restrictions in law, *Texas Local Government Code* § 229.002, restrict the City's authority.

Definitions

Participate: [in civil stand-by] The term "participate" includes direct participation and/or any overt preparation that would allow officers to immediately and/or expeditiously respond to civil stand-by situations (such as parking/waiting in the immediate area) when and if anticipated problems were to occur.

Gated Community: For purposes of this policy statement, means a community within the City where access by the public or a substantial portion of the public is denied by notice or by physical devices designed to deny access and where all property (and improvements thereupon), roadways, and other areas within the boundaries of such communities are of private ownership; either by individuals, an association, or the developer of the community or any combination of ownership thereof.

Public Place: For purposes of this policy statement, means the definition provided by, and relating to, any statute where public place is one of the requirements in constituting an offense or in the absence of any specific definition and public place is required in constituting an offense, the definition provided by *Texas Penal Code, §1.07(a)(40)*.

Procedures

See Department Standard Operational Procedure (SOP) Chapter 15, Calls for Service and Case Reports.

10.1 Police Escorts 61.3.3a

Escorting civilian vehicles under emergency circumstances should be avoided. Patients should be transported by ambulance whenever possible. 61.3.3b

Source of Police Escorts

Escort request originating with the City's Permit Office shall be coordinated as per ordinance. Ample advance notice to the department shall be required in such instances and all efforts to accommodate the needs of these request and involved parties will be observed. Shift Supervisors or above shall review such request and plans, and approve or decline such request as per policy. Other escort requests shall require Command Supervisor review for approval or declination.

Time Notification of Requested Police Escorts

In all escort requests, reasonable advanced notice shall be given. Failure to give reasonable advanced notice to the department shall be deemed as sufficient cause for declining any escort request.

Evaluation of Requested Police Escorts

Supervisors shall evaluate each request for escort based on the potential for risks to public safety and department personnel, and shall determine the degree of general liability that may be directed to the City in carrying out such tasks. Supervisors may

decline the department's participation in any escort task when the foregoing evaluation(s) are deemed to be; a substantial public safety risk, a substantial risk for department personnel, a substantial risk to city property, illegal, or any reason not in the best interest of the department or city.

Where disagreements may occur due to a supervisor's declining an escort for cause above, the next "in-line" supervisor shall review the request and plan, and may either approve, modify, or likewise decline the escort task.

10.2 Civil Stand-by

Officers may upon notification, or when receiving a phone request, for civil stand-by, take and record pertinent information as to the location of where the anticipated need for services may occur along with other pertinent information deemed necessary if an emergency response were needed. Officers may suggest to the requestor to think of safe or non-confrontational alternatives to the anticipated event; such as neutral meeting places with uninvolved third parties. Under no circumstance shall officers intervene where problems arise due to standing civil court orders, such as custody disagreements, unless a violation of the criminal law has occurred. In any situation, officers shall avoid giving legal advice or answering legal questions of a civil nature often associated with these occurrences. Instances involving such questions or civil issues, officers shall refer individuals to their legal counsel or advise them to seek counsel.

Statutory Requirements for Civil Standby

Nothing herein precludes commissioned officers from fulfilling any; statutory requirements of any code; or "civil stand-by" situation that involves the court directed service of legal process; or the enforcement of legal protective instruments, such as Final Protective Orders ¹ issued under the *Family Code (FC)* and Magistrate's Emergency Protective Orders (EPO) issued under the *Code of Criminal Procedure*; or the protections of individuals named in Temporary Ex Parte ² orders issued under *FC* or similar lawful instruments. Likewise, nothing herein precludes commissioned officers in the course of their duties from addressing criminal law and related issues with the public when appropriate or applicable to any given situation.

10.3 Government Agencies Requesting Assistance from the Department

Officers and communications personnel receiving any routine request for service or assistance from outside entities shall refer such matters to the Patrol Shift Supervisor on duty or on-call. Unless an emergency exists all responses out of the city will be coordinated with and sanctioned through the governing police entity of the jurisdictional response.

¹ Final protective orders and EPO subject to *PC§25.07* and law enforcement's responsibility for final protective orders as detailed in *FC§86.001* et seq and specifically *§§86.004 and 86.005*.

² statutory requirements of protection by law enforcement under *FC§86.003*

Shift Supervisors shall have the responsibility and decision making authority in these request, response situations. Officers and communications personnel shall utilize their best judgment in exigent circumstances that may involve "life-death" situations and are herein granted the common sense lee-way to circumvent the foregoing policy and procedure statements and take the direct appropriate actions necessary to answer the emergency request.

10.4 Police Response to Fire and Medical Calls

Officers responding for a mental health issue shall be guided by *Health & Safety Code, Chapter 573* relating to Peace Officer's assessment, discretion, and authority for emergency custody. Also see Department SOP Chapter 19, Field Interviews, Interviews/Interrogations, Major Crimes, Missing Persons, Death Investigations, and Mental Health Crisis Situations. Death investigations will be handled per Chapter 19.

Requests for Assistance

Officers may respond to routine fire or medical calls within the City when special assistance is requested such as traffic/crowd control, a bona fide need for personal protection of staff, etc.

Officers should not respond to fire or medical calls outside the City unless a dire emergency exists. When possible in such instances, the request for police presence should come from the law enforcement agency primarily charged with responsibility in that jurisdiction.

Arson investigators may respond when requested by fire services when arson is suspected or any officer when any significant criminal offense is suspected by fire or medical personnel.

Animal Control Investigations

Animal control officers (ACO) will respond to medical emergencies related to animal bites/scratch incidents where the animal is of a type capable of transmitting the rabies virus. Such incidents will be handled in accordance with Uniformed Division SOP Chapter 3, Animal Control, and LRCA Rules of the Health Department. Other animals inflicting such injuries will be handled on a case by case basis and in accordance with the City Animal Control Ordinance.

10.5 Law enforcement in gated communities

Calls for service from gated communities shall be processed by Communications Operators and based on the nature of the call, conveyed to the personnel for a screening and a determination of either; an appropriate response to be made or that the call is outside the authority of the department. In either event the determination will be conveyed to the caller, either in responding or an explanation as to why a response would not be appropriate or authorized.

Generally, the determining factor is if the nature of the call clearly indicates an alleged offense where “public place” is required to constitute that offense; the offense is probably not enforceable. State law offenses will be analyzed on a case-by-case basis by officers.

Examples of routine calls for service

The following examples of routine calls for service relating to local ordinances are limited, for calls not given as examples officers will need to examine the legal requirements of each offense and make determinations on a case-by-case basis.

1. Animal Control Calls for Service involving:

- Dog at Large – enforceable
- Dangerous Dog – enforceable
- Animal Registrations – enforceable
- Rabies – enforceable
- Animal Nuisance – enforceable

2. Other Ordinances:

- Curfew – not enforceable
- Noise Nuisance – enforceable, but, there may be problems in gaining evidence in that there are no “public places” to take decibel readings exist, likewise the officer must “legally” be where they are when they make audible assessments of the alleged noise nuisance, such activities would have to be made with consent (of the property owner/ complainant or actor(s)) or by warrant.
- Fireworks - enforceable

10.6 Property Not Regulated by City Ordinance Regarding Firearms Use

Calls for service involving §§8.101, Firearms, and §§8.102, Air Guns, Air Rifles and Similar Devices, of the Code of Ordinances, relating to discharge of firearms/listed devices, officers shall determine if the following state law applies.

Texas Local Government Code, §229.002

A municipality may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

- (1) a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:
 - (A) on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; and
 - (B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
- (2) a center fire or rim fire rifle or pistol of any caliber discharged:
 - (A) on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and
 - (B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.