



VIA TRANSIT POLICE DEPARTMENT Standard Operating Procedures



Section 200 – Code of Conduct

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SECTION 1.00 INTRODUCTION

1.01 PURPOSE:

This Code of Conduct, officially adopted and set forth in this manual, is for the guidance, regulation, and control of the conduct of all members of the VIA Metropolitan Transit Police Department. These rules are designed to promote efficiency, discipline, and good public relations by setting forth policies governing the conduct and demeanor of every member of the police department, both on- and off-duty. This Code of Conduct may further cover such other matters as the Chief of Transit Police may deem necessary or expedient for the proper conduct of the work of the department, and additionally incorporate departmental orders, directives, and procedures. The Code of Conduct of the VIA Metropolitan Transit Police Department is promulgated by the Chief of Transit Police in accordance with the VIA Salaried Employee Manual. Violations of this code will form the basis for any internal administrative action. This Code of Conduct becomes effective on the date of issuance and rescinds previous versions dated prior to issuance.

1.02 AUTHORITY:

VIA Metropolitan Transit Police Officers are Commissioned Peace Officers as that term is defined under of Article 2.12 (22) of the Texas Code of Criminal Procedure, by and through the VIA Metropolitan Transit Authority under the authority of Section 451.108 of the Texas Transportation Code.

1.03 JURISDICTION:

- A. The jurisdiction of Transit Police Officers is defined and limited by Section 451.108 of the Texas Transportation Code which states: “A peace officer may...”
 - 1. Make an arrest in any county in which the transit authority system is located as necessary to prevent or abate the commission of an offense against the law of this state or a political subdivision of this state if the offense or threatened offense occurs on or involves the transit authority system;
 - 2. Make an arrest for an offense involving injury or detriment to the transit authority system;
 - 3. Enforce traffic laws and investigate traffic incidents that involve or occur in the transit system; and
 - 4. Provide emergency and public safety services to the transit authority system or users of the transit authority system.
- B. A Transit Police Officer has all the powers, privileges, and immunities of peace officers in the counties in which the transit authority system is located, provides services, or is supported by a general sales and use tax while the peace officer is either
 - 1. On the transit authority system property; or
 - 2. Performing duties in connection with the transit authority system or its users.
- C. **On Duty:** A Transit Police Officer who is on duty has the authority to fully exercise their peace officer duties and powers as defined under Section 451.108.



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- D. **Off Duty on VIA Property:** A Transit Police Officer who is off duty and on VIA property has the authority to fully exercise their peace officer duties and powers as defined under Section 451.108.
- E. **Off Duty not on VIA Property:** A Transit Police Officer who is off duty and not on VIA property has only the authority to exercise their peace officer duties and powers when the offense is committed in the presence or view of the officer and is:
 - 1. A felony
 - 2. A violation of Title 9, Chapter 42, Penal Code, Disorderly Conduct and Related Offenses
 - 3. A breach of the peace
 - 4. An offense under Section 49.02, Penal Code, Public Intoxication

1.04 SPECIAL PURPOSE:

Transit Police Officers are special purpose peace officers. Their purpose is to safeguard VIA, its customers and employees. The primary responsibilities of the Transit Police include providing police services at bus stops, bus shelters, transit centers, on buses, transfer centers, bus routes, facilities or any other property owned or leased by VIA.

1.05 ACTIVITIES:

The primary actions of Transit Police Officers are to focus on VIA related matters, which means occurring in conjunction with, associated and/or connected to VIA properties or interests. Transit Police Officers will handle activities occurring on VIA property or within or related to the transit system such as but not limited to:

- A. Patrolling assigned areas
- B. Answering calls for service
- C. Enforcing criminal and traffic laws related to the VIA transit system
- D. Investigating offenses against persons or property within the VIA system
- E. Rendering public assistance
- F. Rendering first aid and/or calling for emergency medical services
- G. Protecting crime scenes
- H. Arresting suspects and detaining witnesses
- I. Relinquishing crime scenes, suspects, witnesses and related evidence and information to local police jurisdictions upon their arrival if so warranted
- J. Other VIA related duties

1.06 RECEIPT OF ISSUANCE:

All sworn and non-sworn members of this department will be issued a copy of the Code of Conduct and are required to acknowledge its receipt. A signed receipt acknowledging acceptance of the Code of Conduct shall be deemed sufficient notice of the existence and effect of the Code of Conduct of the VIA Metropolitan Transit Police Department. Any recommendations for revision should be directed to the Office of the Chief of Transit Police.

1.07 SUPERVISORY ACKNOWLEDGMENT:

Each supervisory officer is required to acknowledge their personal responsibility for enforcing the provisions of this Code of Conduct, departmental orders, and procedures of this department.

1.08 DEFINITIONS OF TERMS:

- A. "ASSIGNMENT" means the job tasks of a member, which may include a specific beat, post, or geographical responsibility.



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- B. "CHAIN-OF-COMMAND" means the unbroken line of authority extending from the Chief of Transit Police through a single subordinate at each level of command down to the level of execution.
- C. "COMMAND OFFICERS" mean sworn personnel of this department who have attained the rank of Lieutenant or above. Sergeants may act as a command officer when designated to do so by the Chief of Transit Police.
- D. "DEPARTMENT" refers to the VIA Metropolitan Transit Police Department, the members of the organization, and the physical assets of the entity.
- E. "DEPARTMENTAL ORDERS" means orders issued for the purpose of instruction, clarification of policy, and establishment of procedure or rules in the form of general orders, special orders, chief's memorandum, personnel orders, training bulletins, and VIA Administrative Directives.
- F. "DIRECTIVES" may be used synonymously with departmental orders.
- G. "GENDER" use of the masculine gender shall also include, where applicable, the female gender.
- H. "IMMEDIATELY" means as soon as possible and feasible.
- I. "INTOXICANT" means any alcoholic beverage or controlled substance, which, when introduced into the body, may cause an impairment of any mental or physical capacity.
- J. "INTOXICATION" means any level of mental or physical incapacitation resulting from the voluntary introduction of any alcoholic beverage or controlled substance into the body.
- K. "MAY" means the action is permissive.
- L. "MEMBERS" mean all employees of the VIA Metropolitan Transit Police Department.
- M. "MUST" means the action is mandatory.
- N. "PROCEDURES" means a comprehensive, instructional, written communication providing direction in the accomplishment of a police related task.
- O. "SEXUAL CONDUCT" means, but is not limited to, sexual contact, sexual intercourse, deviant sexual intercourse, public lewdness and indecent exposure as defined by Texas Penal Code 21.01 (1) (2) (3), 21.07 (a) (1) (2) (3) (4), and 21.08 (a).
- P. "SIGNIFICANT BEHAVIORAL INFRACTION" means conduct in which an ordinary and prudent person would not engage, given the same set of facts and circumstances and that by its very nature would bring reproach and/or discredit to the VIA Metropolitan Transit Police Department, regardless of the legality of such conduct.
- Q. "SHALL" means the action is mandatory.
- R. "SHOULD" means the action is advisory. Where used, "should" indicates the procedure is not mandatory. However, it ought to be followed if the situation permits.
- S. "SUBORDINATE" means any member who is subject to the authority of another.
- T. "SUPERVISORY OFFICERS" mean sworn personnel of this department who have attained the rank of sergeant or above. Corporals may act as a supervisory officer when designated to do so by a sergeant or above.



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- U. "TOUR OF DUTY" means that period of time beginning when the member reports for duty and ending when he is relieved from duty by either the dispatcher or a supervisory officer.
- V. "TRANSIT POLICE OFFICER" includes any Sworn Peace Officer of the Transit Police Department, including police supervisors.
- W. "WILL" means the action is mandatory.

1.09 THE MEANING AND INTENT OF OTHER WORDS OR PHRASES:

Words or phrases not specifically defined in these rules and regulations shall be interpreted to have the meaning and intent established in the common usage.

SECTION 2.00 ADMINISTRATION

2.01 COMMAND/SUPERVISORY RESPONSIBILITIES:

- A. **MAINTAIN BOOKS AND RECORDS:** Supervisory officers shall maintain all books, records, and reports under the supervisory officer's authority in conformity with the Code of Conduct and procedures of the department.
- B. **ENFORCE RULES:** Supervisory officers shall be uniform and impartial in the enforcement of this Code of Conduct and Procedures and the insurance of conformity on the part of the members of the department to all orders, directives, and other instructions issued by command officers.
- C. **KEEP INFORMED OF ACTIVITY UNDER COMMAND:** Supervisory officers shall keep informed of all activity which affects their responsibility within the supervision; frequently testing the knowledge of subordinates as to conditions in their beats and posts or as to functions of their assignments.
- D. **DOCUMENT BRIEFINGS AND INSPECTIONS:** Supervisory officers shall document all inspections and briefings of personnel.
- E. **COORDINATE ACTIVITIES WITH OTHER UNITS:** Command officers shall keep apprised of the operations of the other shifts and units of the department, and coordinate the activities of their command with other shifts and units of the department.
- F. **HAVE UPDATED EMPLOYEE LOCATOR LIST:** Supervisory officers shall maintain a copy of the current employee locator list, properly corrected to date. Supervisory officers receiving locator lists must frequently review them and check all changes with the personnel involved.

2.02 CHAIN-OF-COMMAND:

All officers shall familiarize themselves with the command structure of the department and operate within it.

2.03 DIRECTIVE SYSTEM:

All departmental personnel shall familiarize themselves with all formal means of communications within the department.



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SECTION 3.00 INDIVIDUAL RESPONSIBILITIES

3.01 ABIDE BY LAWS AND DEPARTMENTAL ORDERS:

- A. LAWS, ORDERS, RULES, REGULATIONS, AND PROCEDURES: Members shall abide by the laws of the United States and the State of Texas and ordinances of the City of San Antonio. Members shall adhere to departmental orders, the Code of Conduct, and procedures of the VIA Transit Police Department as well as the VIA Salaried Employee Manual.

3.02 TRUTHFULNESS OF MEMBERS:

Members shall speak the truth at all times. Reports and written communications from any member shall also reflect the truth. The intentional omission of truth constitutes untruthfulness.

3.03 OBEY LAWFUL ORDERS:

Members shall promptly and willingly obey all lawful orders and directions given by supervisory officers and shall comply with instructions given by the police dispatcher.

- A. INSUBORDINATION: Defying the authority of any supervisory officer by obvious disrespect, disputing orders, failure and/or deliberate refusal to obey any lawful order given by them shall be deemed insubordination.
- B. MANNER OF ISSUING ORDERS: Orders from a supervisor to a subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of departmental business.
- C. UNLAWFUL ORDERS PROHIBITED: No commanding or supervisory officer shall knowingly or willfully issue any order which is a violation of any law, ordinance, or departmental rule.
- D. CRITICISM OF LAWFUL ORDERS: Members shall not publicly criticize or comment derogatorily to anyone about instructions or orders they have received from a supervisory officer.
- E. CONFLICT OF ORDERS: Should any subordinate receive an order which conflicts with a previous order from another supervisory officer or with any general order, they shall respectfully call attention to the conflict. If the supervisory officer giving the conflicting order does not change the same, so as to eliminate the conflict, his order shall stand and the responsibility shall rest with the supervisor.
- F. OBEDIENCE TO UNLAWFUL ORDERS NOT REQUIRED: No member is required to obey an order which is contrary to the laws of the United States, statutes of the State of Texas, ordinances of the City of San Antonio.
- G. OBEDIENCE TO UNJUST OR IMPROPER ORDERS: Members who are given orders they feel are unjust or contrary to departmental orders, the Code of Conduct and procedures of the department must first obey the order to the best of their ability and may then proceed to appeal as provided herein.
- H. REPORTING UNLAWFUL ORDERS: Any member who is given any unlawful, unjust, or improper order shall, at the first opportunity, report in writing to the Chief of Transit Police, through the chain-of-command, the facts of the incident together with their own action.
- I. APPEALS FROM UNLAWFUL OR UNJUST ORDERS: Members shall appeal for relief from orders or instructions which are unlawful or unjust. Such appeals must be made in writing to higher authority through the chain-of-command.



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3.04 **RESPONSIBILITY TO SERVE THE PUBLIC:**

Members shall serve the public through direction, counseling, assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

- A. **IMPARTIAL ATTITUDE:** Members, while being vigorous and unrelenting in the enforcement of the law, must maintain an impartial attitude toward patrons, complainants and violators. Members shall, at all times, consider it their responsibility to be of service to anyone who may be in danger or distress, regardless of race, color, creed, gender, sexual orientation or national origin.
- B. **COURTESY:** Members shall at all times be courteous, kind, patient, and respectful in dealing with the public, and shall strive to merit the esteem of all law abiding citizens by an impartial discharge of their official duties.
- C. **CONDUCT AND BEHAVIOR:** Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.
- D. **DUTY TO IDENTIFY:** All members of the department, when called upon to do so by any person, shall, in a courteous manner, give their last name and badge number.
- E. **POLICE ACTION WHEN NOT IN UNIFORM:** An officer not in uniform, when exerting police authority, shall identify themselves as a police officer and state the purpose or reason for their actions.
- F. **NEUTRALITY IN CIVIL ACTIONS:** Members shall not give aid or assistance in civil cases unless so ordered by a court having jurisdiction over the civil action, except to prevent a breach of the peace or halt a disturbance.
- G. **MAINTENANCE OF COMPETENCY:** Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

3.05 **PHYSICAL HYGIENE AND PSYCHOLOGICAL WELL-BEING:**

Members shall maintain themselves in good physical and mental condition.

- A. **GOOD PHYSICAL HYGIENE:** All members shall exercise good bodily hygiene and cleanliness.
- B. **MAINTENANCE OF PHYSICAL STANDARDS:** All member shall maintain themselves in such a physical condition as to be able to handle strenuous physical contacts or demands required of the active, uniformed law enforcement officer.
- C. **CHEMICAL DEPENDENCE:** No member shall become physically or mentally dependent upon alcohol or any controlled substance unless administered by a licensed physician. Dependence upon a prescribed drug is not an excuse for being unable to perform.
- D. **CONTROLLED SUBSTANCES:** Members shall neither possess, use, nor distribute any substances regulated by the Controlled Substances Act, except possession related to official police duties or unless such use or possession is under the direction of a licensed physician.
- E. **EMOTIONAL AND PHYSICAL WELL-BEING:** Members may be offered medical or psychological services through the VIA contracted Employee Assistance Program provider as part of the Critical Incident Stress Debrief Program.



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3.06 RELATIONSHIPS WITH CO-WORKERS:

Members shall conduct themselves in such a manner so as to bring about the greatest courtesy or understanding and cooperation among the other members and units of the Department.

- A. **MUTUAL RESPECT:** Members shall treat other members of the Department with respect.
- B. **COURTESY:** Members shall be courteous, civil, and respectful to their supervisory officers and co-workers, and shall not use threatening or insulting language, whether on- or off-duty.
- C. **RESPECT TO SUPERVISORY OFFICERS:** Members shall exhibit respect for supervisory officers at all times.
- D. **SUPPORTING FELLOW MEMBERS:** Members shall cooperate, support, and assist each other at every opportunity and shall not publicly criticize the work or the manner of performance of duty of any other member.
- E. **SUPPORT IN TIME OF DANGER:** Members shall act together and protect one another in a time of danger or under circumstances where danger might reasonably be impending.
- F. **WORKING RELATIONSHIPS:** Members shall abstain from performing any acts or making any statements, oral or written, which are directed at their co-workers with the intent to destroy the morale, good order, and working relationships with such co-workers.

3.07 CRITICISM OF THE DEPARTMENT:

Members of the department shall not criticize or ridicule the department, its policies, administrators, or public officials through speech, writings, or other forms of expression.

- A. **DEFAMATORY:** Members shall not use speech, writings, or other forms of expression that are defamatory, obscene, or unlawful.
- B. **UNDERMINES EFFECTIVENESS OF DEPARTMENT:** Members shall not use speech, writings, or others forms of expression that tend to interfere with or undermine the effectiveness of the Department to provide public services.
- C. **INTERFERES WITH DISCIPLINE:** Members shall not use speech, writings, or other forms of expression that tend to interfere with the maintenance of proper discipline.
- D. **AFFECTS PUBLIC CONFIDENCE:** Members shall not use speech, writings, or other forms of expression that tend to adversely affect the public's confidence in the integrity of the Department and/or its officers and employees.
- E. **DAMAGES REPUTATION OF DEPARTMENT:** Members shall not use speech, writings, or other forms of expression that damage or impair the reputation or efficiency of the Department.
- F. **DISREGARDS THE TRUTH:** Members shall not use speech, writings, or other forms of expression that are made with negligent disregard for the truth. The intentional omission of truth constitutes untruthfulness.

3.08 UNAUTHORIZED RELEASE OF INFORMATION:

- A. **PROGRESS OF INVESTIGATION:** No member of the department shall make known any information concerning the progress of an investigation or proposed action against a known or reported law violation or condition, or any proposed police action of any type, to persons not authorized to receive it.



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- B. **RELEASE OF PUBLIC STATEMENT:** Members shall not present themselves as representing the Department in any matter unless delegated or authorized to do so by the Chief of Transit Police.
- C. **PUBLIC ADDRESS OR WRITING FOR PUBLICATION:** No member of the Department shall make a public address or write for publication concerning the affairs of the Department without the consent of the Chief of Transit Police.
- D. **STATEMENTS OF POLICY, ORGANIZATION, AND DISCIPLINARY ACTION:** Statements of policy, information regarding changes in organization, or disciplinary action will be made from the Office of Public Information or Chief of Transit Police, and no member of the Department, unless specifically authorized, will discuss such matters with others.
- E. **RELATIONSHIP WITH ATTORNEY, BONDSMAN, OR AGENT:** It is forbidden to give information about any prisoner in confinement to any attorney, bondsman, the agent of either, or any other person not authorized to receive it.
- F. **RELEASE OF INFORMATION TO MEDIA:** Members of the VIA Metropolitan Transit Police Department shall not release information to the media without prior approval of the Chief of Transit Police and VIA's Public Information Officer.
- G. **RECOMMENDATION OF ATTORNEY OR AGENT:** No member shall recommend to any person the name or names of any attorney, counselor, bondsman, or other person. No member shall recommend any business over another, for example towing company, repair company etc.

3.09 INFORMATION IN VIA EMAIL:

Members shall read their departmental email at the beginning of their tour of duty and are strongly encouraged to check their departmental email regularly. Departmental personnel returning to duty after any absence shall read all directives published and emails during their absence, prior to returning to duty.

3.10 CURRENT ADDRESS AND TELEPHONE:

All members shall report to their immediate supervisor and to VIA Administrative Services, of any change of address and/or telephone number within thirty (30) days. Members shall have a working telephone available to them. Members may rely on a mobile phone as a means of being contacted for departmental, standby and/or call-back purposes.

3.11 USE OF INTOXICANTS:

- A. **DRINKING ON-DUTY:** Members shall not drink intoxicating beverages while on-duty. No member shall report for duty exhibiting the odor of intoxicants, or any of the elements or appearance of intoxication.
- B. **INTOXICATION:** Members shall not, at any time, be intoxicated while on-duty. Members shall not be intoxicated while in public view. No member, while off-duty in a public place, shall drink intoxicating beverages to an extent which renders them unfit to report for duty.
- C. **ALCOHOLIC BEVERAGES ON OFFICIAL PREMISES:** Intoxicants in any form will not be brought into any VIA police facility, including VIA vehicles, except when approved by a supervisor; except when related to official police duties.
- D. **CONSUMPTION OF ALCOHOLIC BEVERAGES IN UNIFORM:** No officer shall drink intoxicants in uniform.



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- E. **DRUG USAGE:** While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision-making.

3.12 USE OF TOBACCO:

Members shall refrain from the use of tobacco in any form while in direct contact with the public.

3.13 VEHICLE OPERATOR'S LICENSE:

Every officer is responsible for having in his possession a valid vehicle operator's license.

3.14 FINANCIAL OBLIGATION:

No member in a supervisory position shall place themselves under financial obligation to a subordinate, nor shall a supervisor solicit a subordinate as a co-maker or endorser of any note or obligation.

3.15 GRATUITIES, LOANS, AND SOLICITATIONS:

- A. **ACCEPTING GIFTS:** Members shall not receive from prisoners, persons recently released from custody, persons suspected of criminal activity, nor their representatives, either directly or indirectly, any tangible or intangible property, whether it is a gift or the result of a purchase or trade.
- B. **BORROWING:** Members shall not borrow anything of value from any person or persons known or suspected to be engaged in criminal activity.
- C. **SOLICITATIONS:** Members will not solicit funds for the benefit of any member, the Department, or any other public or private agency without the written authority of the Chief of Transit Police.

3.16 ACCEPTING REWARDS:

Members of the Department shall not accept any reward of money, or fee, or compensation of any type for any service rendered in the performance of duty other than the salary or stipends given by VIA or other branch of government.

3.17 OUTSIDE EMPLOYMENT:

- A. **PERMISSION REQUIRED:** Members of the Department shall not engage in any outside employment, nor own, operate, or have any financial interest in any business that conflicts with this policy or the VIA Salaried Employee Manual without the approval of the Chief of Transit Police and the Vice President of Safety.
- B. **ENFORCE LAWS:** A Transit Police Officer working in an off duty capacity and not on VIA's property has no authority to exercise their peace officer duties and powers of arrest as outlined in Section 1.03 JURISDICTION Bullet A through D. [Officers may only arrest for offenses committed in their presence or view as listed in Section 1.03 Bullet E.](#)
- C. **SUBJECT TO RULES AND REGULATIONS:** Officers engaged in approved outside employment in a police capacity shall conduct themselves in a professional manner at all times and shall be subject to this Code of Conduct.

3.18 VIA EQUIPMENT/PROPERTY:



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- A. **IMPROPER OR NEGLIGENT HANDLING:** Improper or negligent handling of any VIA property or willful damage to VIA property is prohibited.
- B. **LOSS THROUGH NEGLIGENCE:** Officers losing their badges, TASERS, or other VIA equipment through negligence or carelessness may be obligated to pay for the replacement cost or an amount determined by the degree of negligence on the part of the officer. Loss or damage to VIA property occurring while the member is acting properly in the line of duty, or in a burglary of their home, is not classified as negligence. Members should not leave removable VIA issued equipment in plain view in any vehicle. An officer may be found negligent if they leave VIA issued equipment in any vehicle and the property is stolen, as a result of a burglary of that vehicle.
- C. **SAFE OPERATION OF VEHICLES:** VIA vehicles will be operated in a safe manner and in compliance with all traffic laws and all VIA policies.
- D. **INVENTORIED VIA PROPERTY:** Inventoried VIA property, which includes VIA vehicles, shall not be used by any other member of the department without the knowledge and permission of the person responsible for said equipment or vehicle.
- E. **WASTE OR CONVERSION:** Members shall not willfully waste or convert to their own use any VIA owned supplies, equipment, or services.
- F. **REPORTING MALFUNCTION:** Members shall immediately report any malfunction or need of repairs of any VIA property used by the member, or which may be under their control.
- G. **ALTERING ACCESSORIES:** Members shall not alter, deface, or in any way change any part or accessory of any VIA property including VIA vehicles.
- H. **MAINTAINING NEAT, CLEAN, AND ORDERLY CONDITION:** Members shall maintain offices and vehicles used by them in a neat, clean, and orderly condition.

3.19 UNAUTHORIZED EXPENDITURES:

Obligation of funds or financial liability shall not be incurred in the name of the Department or VIA Metropolitan Transit Authority by any member unless authorized by the Chief of Transit Police pursuant to approved procurement guidelines or policy.

3.20 NOTICE OF SICK LEAVE:

Notice that a member is sick or injured and cannot report for duty will be made to their immediate supervisor as soon as practical prior to the member's next scheduled duty.

3.21 FEIGNING ILLNESS OR INJURY:

No member shall feign illness or injury.

3.22 ILLNESS WHILE ON-DUTY:

When a member becomes sick while on-duty to the extent they must leave their duty station, they shall immediately notify their supervisor.

3.23 RESTRICTIONS ON ACTIVITIES WHILE SICK, INJURED, OR ON LIMITED-DUTY:

- A. **NO EXTRA EMPLOYMENT:** Members shall neither engage in outside employment nor work any VIA overtime while on sick or injured leave. Members, after having been out on sick or injured leave, must



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complete one regular tour of duty before engaging in any outside employment or working VIA overtime. The overtime restriction may be waived by the Chief of Transit Police in an emergency.

- B. **LIMITED OR LIGHT-DUTY STATUS:** Members on limited-duty or light-duty status shall not engage in any off-duty employment or work any overtime for VIA. The overtime restriction on limited-duty may be waived by the Chief of Transit Police during an emergency.

3.24 NEGOTIATIONS ON BEHALF OF SUSPECT:

- A. **PARTICIPATE IN ARRANGEMENT:** Members shall not participate in any arrangement between a suspect and a person who has allegedly suffered by the suspect's act which would result in the suspect escaping the penalty of the law, nor shall any member seek the continuance or dismissal of any case on behalf of the defendant in court for any reason.
- B. **PROMISES:** Members shall not make promises that cannot be fulfilled.

3.25 TRAFFIC STOPS WHILE NOT IN UNIFORM:

- A. **OFF-DUTY:** Off-duty officers, whether in uniform or not, shall not engage in traffic stops.
- B. **ON-DUTY:** On-duty officers, not in uniform or in a marked police vehicle shall not engage in traffic stops.
- C. **REQUEST ASSISTANCE:** Off-duty officers and On-duty officers not in uniform shall not make traffic stops. If there is a need to stop a traffic violator, the off-duty or non-uniformed officer shall request a uniformed officer in a marked vehicle to make the traffic stop through the transit dispatcher.

3.26 TREATMENT OF PRISONERS:

Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or unnecessary physical violence.

3.27 GIVING INFORMATION IN INTERNAL INVESTIGATIONS:

- A. **DUTY TO GIVE INFORMATION:** A member shall, when requested, answer questions, render statements, or surrender material relevant to an investigation to the Chief of Transit Police or his designee. Any member who is the subject of an internal investigation may be required to provide a written report or statement. The member shall comply with this requirement.
- B. **GARRITY WARNING:** Any supervisory officer requesting a written report or statement in relation to an internal investigation may advise the member of their rights under the Garrity Act. However, proper use of the Garrity statement is the sole responsibility of the member subject to the investigation.

3.28 RESPONSIBILITY TO KNOW LAWS AND PROCEDURES:

- A. **LAWS AND ORDINANCES:** Members shall learn and thoroughly understand the laws and ordinances which they are charged with enforcing.
- B. **WRITTEN DIRECTIVES:** Members shall familiarize themselves with all written directives which are published by the department and which affect their assignment.
- C. **PENALTY FOR VIOLATIONS:** Violation of any lawfully adopted departmental rule or regulation by any member who is subject to the same, shall be sufficient cause for suspension or termination in accordance with applicable law and the VIA Employee Manual and Positive Discipline Process contained therein.



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- D. **LACK OF KNOWLEDGE:** Lack of knowledge of such rules or regulations shall never be a defense to any disciplinary action, if said rules or regulations have been disseminated or posted as set forth in the regulations and if the member has had a reasonable opportunity to become familiar with the rules and regulations.

3.29 SOLICITING SPECIAL PRIVILEGES:

- A. **FOR PERSONAL GAIN:** Members shall not use their official position to solicit special privileges for themselves or others.
- B. **SOLICITING CITIZENS' PETITION:** Members shall not request the aid of any person to have them transferred or promoted within the department from one classification of work to another, nor to have them transferred from one assignment to another.

3.30 CONSORTING WITH PERSONS OF ILL-REPUTE:

- A. Members shall limit their personal and professional associations to persons of good character and whose reputations are beyond reproach.
- B. Members shall not associate with known or suspected criminals where said associations do or tend to bring the department and/or the member into disrepute. Generally, familial associations are not prohibited by this rule. However, where an association is with a family member who still engages in criminal activity, or where the association does or tends to further criminal conduct on the part of the family member, those associations are prohibited. Associations with known or suspected criminals in furtherance of a member's duties are not prohibited by this rule.

3.31 DISPLAYING OR DISCHARGING FIREARMS:

- A. **DISPLAYING FIREARM WHILE NOT IN UNIFORM OFF DUTY:** Sworn members, while off-duty, not in uniform, are prohibited from wearing their weapon in a manner likely to alarm. Members possessing a Texas Handgun License must adhere to all applicable state laws when not displaying their badge.
- B. **DISPLAYING FIREARM WHILE NOT IN UNIFORM ON DUTY:** Sworn members, while on-duty, in plain clothes or soft uniform, are required to display their badge to carry a weapon visible to the public.
- C. **DISPLAYING FIREARM UNNECESSARILY:** Members shall not unnecessarily display their firearms.
- D. **DISCHARGING FIREARMS:** Officers may discharge firearms in the following circumstances only:
1. At target practice;
 2. To destroy an animal in conformance with departmental procedures;
 3. In defense of one's life or the life of another; or
 4. To hunt wild game, while properly licensed and in conformance with state law.
- E. **REPORT REQUIRED:** Any officer discharging a weapon accidentally or intentionally, except on the target range or while lawfully hunting wild game, shall immediately report the incident, in writing, to their immediate supervisor.

3.32 ACTIVITIES OF MEMBER WHILE UNDER SUSPENSION:

- A. **PROHIBITED ACTIVITIES:** Officers while under suspension shall not:



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1. Wear the VIA Metropolitan Transit Police Department uniform or any part of the uniform;
 2. Represent themselves as members of the VIA Metropolitan Transit Police Department;
 3. Carry or display their VIA Metropolitan Transit Police Department badge or identification;
 4. Engage in outside employment which requires an extension of police services; nor any form of outside employment prohibited by existing VIA Employee Manual procedures governing outside employment; or
 5. Exercise the power or authority of a police officer of the VIA Metropolitan Transit Police Department.
- B. **RIGHTS AND PRIVILEGES:** Officers, while under suspension, have only the rights and privileges afforded a private citizen regarding the carrying of any weapon.

3.33 ARRESTS IN PERSONAL QUARRELS:

Members, while off-duty, shall not make arrests or act in an official law-enforcement capacity in quarrels in which they are personally involved or those in which their families are involved, except when immediately necessary to prevent bodily injury or death.

3.34 MAINTAINING LICENSE:

Each member shall maintain minimum standards for retention of their license issued by the Texas Commission on Law Enforcement.

3.35 REPORT AN ARREST, CRIMINAL CHARGE, OR INDICTMENT:

- A. Any member arrested, charged with, or indicted for a state criminal offense, in any state, which is above the level of a class C misdemeanor or which is a class C misdemeanor and the class C misdemeanor involves the duties and responsibilities of office, or for a federal criminal offense, must immediately provide the Office of the Chief of Transit Police with written notification of such incident. The member must provide the Office of the Chief of Transit Police with the name of the arresting agency, a description of the nature of the charges, and the style, court and cause number of the charge or indictment, if any. The Chief of Transit Police will ensure notification required by the VIA Salaried Employee Manual is adhered to.
- B. The Texas Commission on Law Enforcement requires an arrested officer, their employing agency and an agency making an arrest of a sworn officer to report such arrest to TCOLE on a prescribed form within the mandated time.

3.36 SEXUAL MISCONDUCT PROHIBITED

- A. Members (sworn and civilian) are prohibited from engaging in sexual conduct while:
 1. On-duty;
 2. On VIA Property or in a VIA owned vehicle;
 3. In uniform;
 4. Working off-duty (extension of police services);
 5. Officially representing the VIA Metropolitan Transit Police Department;



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6. In a mentoring capacity (Including, but is not limited to: direct supervision, F.T.O., Skills Instructor, etc.); or
 7. Using their position with the VIA Metropolitan Transit Police Department in any capacity;
- B. Sexual Conduct is defined in accordance with Texas Penal Code Section 21.01 (1) (2) (3), 21.07 (a) (1) (2) (3) (4) and 21.08 (a).

3.37 POLITICAL ACTIVITY IN UNIFORM OR WHILE ON-DUTY

While in uniform or on-duty, officers are not allowed to actively participate in political campaigns (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes). Non-sworn members are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on-duty.

3.38 PERSONAL RELATIONSHIPS PROHIBITED WITH CERTAIN PERSONS

Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation

SECTION 4.00 ATTENTIVENESS TO DUTIES

4.01 MEMBERS SUBJECT TO DUTY:

On-duty officers shall carry their police identification and an approved weapon. Off-duty officers shall carry their police identification and should carry an approved weapon.

4.02 ALERTNESS REQUIRED OF MEMBERS:

Members at all times shall be attentive to their duties and demonstrate an interest in their work by their alertness and observation.

4.03 REQUIREMENT TO TAKE ACTION:

On-duty members are required to take prompt and effective police action with respect to violations of law, ordinances and matters affecting public safety of which they are aware or alerted in conformance with departmental policies.

4.04 REPORTING FOR DUTY:

Members, unless otherwise directed, shall report for duty or present themselves at the time and place specified by proper authority. They shall be properly uniformed and equipped appropriately for their assignment.

4.05 AVAILABILITY WHEN ON-DUTY:

No member while on-duty shall conceal himself, except for some police purpose. Members shall keep themselves immediately and readily available at all times when on-duty.

4.06 ON-DUTY ACTIVITIES:



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Members shall not devote any of their on-duty time to any activity other than that which relates to their duty assignment. Members shall not enter places of amusement while on-duty, except for police purposes. Members shall not remain at any one place longer than is necessary to accomplish a police objective.

4.07 PROMPT RESPONSE TO ALL CALLS:

Officers shall respond without delay to all calls for police service from citizens or other members. Immediately upon completion of the call, officers shall notify the dispatcher of their return to service.

4.08 REPORTING HAZARDS AND ASSISTING THE PUBLIC:

Members observing anything of a dangerous or hazardous nature to include but not limited to; citizens in distress, anything that might occasion public inconvenience, or seems irregular or offensive shall ensure proper action and report the incident. Members shall assist the public and not avoid this responsibility.

4.09 DUTY TO REPORT CRIMES:

Members receiving or possessing facts or information relative to a criminal offense shall not conceal, ignore, distort, or retain such facts or information, and will report such facts. Members will have a continuing duty to report facts and information relative to criminal offenses until the criminal offense has been reported through proper channels.

4.10 DUTY TO REPORT INCIDENTS:

Members shall immediately report the following categories of incidents, in addition to other incidents covered by these rules and departmental procedures, in accordance with the procedures of the Department.

- A. **TRAFFIC CRASH OR CITATION INVOLVING MEMBER:** Members shall immediately report any traffic crashes or citation received in which they are involved as a driver.
- C. **ON-DUTY INJURY:** In accordance with Workers Compensation Guidelines, members shall immediately report any personal injuries received in the line-of-duty to include pain, minor cuts or bruises, major injuries and exposures to communicable diseases or hazardous materials.
 - 1. All reports of injuries or exposures will be documented and investigated by the on-duty supervisor upon notification of the injury or exposure.
 - 2. The supervisor will forward a written report of the findings of the investigation to the Chief of Transit Police as soon as practicable, but without unnecessary delay.
 - 3. The Best Practice Program Coordinator shall conduct an annual analysis of all on-duty injuries and exposures and make recommendations to the Chief of Transit Police on training or other measures which may reduce the injuries and exposures.
- C. **OFF-DUTY INJURY:** Members shall immediately report any off-duty injuries which are apt to interfere with the performance of duties.
- D. **INJURY OR PROPERTY DAMAGE CAUSED BY MEMBER:** Members shall immediately report all property damage or injuries caused to other persons while in the performance of their duty.
- E. **INCIDENTS WHERE THE VIA METROPOLITAN TRANSIT AUTHORITY MAY BE LIABLE:** Members shall immediately report all incidents in which it appears the VIA may be liable for damages.
- F. **DANGER TO PUBLIC HEALTH OR SAFETY:** Members shall immediately report any conditions which might endanger the public health or safety.



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G. **SUIT OR LEGAL PROCESS AGAINST MEMBER:** Members shall immediately report any suits or legal processes filed against them by reasons of acts performed by them. Personnel are to bring the original citation to the Office of the Chief of Transit Police the next business day from their original citation. The Chief of Transit Police will forward the documentation to VIA Legal.

H. **DAMAGE TO VIA PROPERTY:** Members shall immediately report damage to any VIA property.

4.11 **REQUIRED TO TAKE AND MAINTAIN NOTES:**

Field officers should carry notebooks or notepads to record the details of any police action they might take. All officers will take and keep notes of the police actions in which they are involved until the data can be transferred to an official report. Data pertinent to cases investigated will be kept and maintained in the report by departmental directives.

4.12 **OFFICIAL REPORTS:**

A. **COMPLETION OF REPORTS:** Members shall complete reports promptly, accurately, and in conformance with the reporting procedures of the department.

B. **SUBMISSION OF REPORTS:** Members shall complete and submit all reports prior to going off-duty unless otherwise authorized by a supervisor.

C. **FORM AND CONTENTS:** Members' reports shall be professionally written in good grammatical form and shall not contain slang, profanity, colloquial expressions, or insulting racial terminology, except when the language is a quotation and is essential to the investigation, a part of the offense, or related to the officer's action.

D. Information which should be confidential and/or information which relates to a continuing investigation shall not be released to the public absent an Open Records request. Nothing herein will preclude VIA Legal from providing redacted reports to fulfill Open Records requests.

4.13 **DUTY TO TAKE ACTION:**

A. Sworn Members are charged with the responsibility to enforce local ordinances, state laws, and federal statutes, to preserve the peace, and to protect lives and property. All on-duty sworn members shall take immediate action to prevent any obvious felony offense, or to arrest, if reasonably possible, any known felony offender, and to protect all persons and property from imminent harm.

B. Duty to Intervene

1. Any **employee or** officer, regardless of rank, that observes another employee of any rank using force that is clearly beyond what is reasonable and necessary, has a duty to intervene by verbal and/or physical means, and to immediately report the use of force to a supervisor **in writing** (See VTPD Policy 502 Use of Force section .05)

2. Any employee **or officer**, regardless of rank, that observes another employee of any rank engaging in misconduct shall make all reasonable efforts to make the employee aware of or correct the misconduct. Uncorrected or egregious misconduct shall be immediately reported to a supervisor **in writing**.

NOTE: For the purpose of this section, misconduct is defined as any intentional or unintentional breach of policy, procedure or law; or conduct which would be considered illegal, immoral or unethical.



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4.14 COURTESIES ACCORDED THE NATIONAL COLORS AND ANTHEM:

Members of the department shall salute the National Colors during the playing of the National Anthem with the hand salute appropriate to their dress:

1. Full Uniform with Headgear-At the first note of music: stand at attention and executes a military salute;
2. Uniform without Headgear-At the first note of music: stand at attention and hold this position until the last note of music has been played; or
3. Relaxed Apparel or Civilian Attire-At the first note of music: stand at attention and place right hand over heart.

4.15 RESPONSIBILITY FOR INTERNAL INVESTIGATIONS:

- A. FORMAL INVESTIGATIONS: The Chief of Transit Police has the responsibility for investigating allegations of non-criminal misconduct by members of the Department. The Chief of Transit Police may assign a supervisor to conduct the preliminary investigation.
- B. INVESTIGATION OF MEMBERS: Members who have a reason to believe another member of the Department should be investigated shall write a report to the Chief of Transit Police giving the details of that belief. No member may conduct an internal investigation of another member without the authorization of the Chief of Transit Police.
- C. PRELIMINARY INVESTIGATIONS: Supervisory officers may conduct preliminary investigations under the following circumstances:
 1. Only to the extent necessary to determine the validity of a complaint or to provide justification for an investigation; or
 2. If a violation is occurring and the offender may escape detection if an investigation is delayed.

4.16 ABSENCE FROM ASSIGNMENT:

Members shall not leave their beats or assigned areas / posts except in the line-of-duty, upon authorization of a supervisor, or at the end of a scheduled tour-of-duty once properly relieved.

4.17 COOPERATION WITH OTHER AGENCIES:

Members shall cooperate with all agencies engaged in the administration of criminal justice and other public departments, giving to each all aid and information they might be entitled to receive.