

GENERAL ORDERS

The General Orders are intended to be functional guidelines to establish uniform procedures within the Mobile Police Department's organization. **Employees* shall comply with the General Orders, as applicable.

The General Orders manual will be issued to all **employees* subsequent to their employment date.

**Employees* shall **acknowledge* receipt of General Orders as issued by the Planning and Research Unit. As laws and procedures change from time to time, the General Orders must also change to remain current. Revisions are issued from the Planning and Research Unit and are receipted to **employees*. The Planning and Research Unit shall maintain receipts for General Orders and revisions issued to **employees*. **Employees* shall be responsible for **acknowledging receipt of revisions in a timely manner*.

General Orders and revisions are issued only after concurrence of the Accreditation Manager to indemnify that the orders are in compliance with standards mandated by the Commission for Accreditation of Law Enforcement Agencies.

Periodically circumstances may deem it unfeasible to conform to General Orders, and certain situations may be presented that are not covered. In such events, **employees* shall contact their supervisor or proceed upon their judgment with consideration of policies and procedures.

**Employees* shall read and have a comprehensive understanding of each **applicable* General Order. **An employee* who does not understand an order shall contact his superior officer for clarification of meaning, content, and intent.

Supervisory officers shall **ensure that all employees under their command have acknowledged receipt of all applicable General Orders and revisions*.

Unless otherwise stated, the General Orders are applicable to all employees of the department. The General Orders contained within this edition rescind all previous General Orders.

MOBILE POLICE DEPARTMENT MISSION STATEMENT

The mission of the Mobile Police Department is to be the safest city in America, with respect for everyone.

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**MOBILE POLICE DEPARTMENT
MOBILE, ALABAMA**

GENERAL ORDER #1

01/07/2014

SUBJECT: LAW ENFORCEMENT AGENCY ROLE AND AUTHORITY

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1.1.1 OATH OF OFFICE

Prior to assuming sworn status, all members will take and subsequently abide by an oath of office to enforce the law, uphold the national and state constitutions, and enforce local ordinances.

1.1.2 ETHICAL MANDATES REGARDING THE CODE OF ETHICS

All personnel must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing. While no single code of ethics can conceivably address every potential situation which may confront an employee of the department, a general understanding and respect for the values which guide the department

coupled with a commitment to making well informed judgments based in personal honesty and professionalism shall be the foundation on which departmental integrity is built and maintained. Ethics training shall be conducted for all personnel every 2 years.

1.1.3 AGENCY ROLE IN CRIMINAL JUSTICE

The department will utilize available diversionary programs for those cases that are considered unsuitable for prosecution.

For adults, diversion most often consists of transfer to a detoxification, mental health or chemical dependency facility.

For juveniles, formal diversion is generally decided by the Mobile County District Attorney's Office. (For other diversion options, see GO 44)

Law enforcement officers, in the course of performing their duties, often encounter individuals in need of help that would best be provided by other agencies. The types of cases that may be referred often include individuals whose actions are:

- A. Classified as non-violent misdemeanors
- B. Apparently caused by social or psychological problems (suicide, disputes, marital problems, deaths, etc.)
- C. Mentally ill people
- D. Chemical abusers
- E. Miscellaneous general assistance
- F. Juvenile problems (See GO 44)

In the course of handling incidents, officers must at all times keep in mind that people in crisis situations often need assistance that is beyond the scope of police involvement. Officers should refer people to other agencies, organizations or groups that may better service their needs. All referrals must comply with applicable state laws, and meet the requirements dictated by Department rules and regulations. The following are referral agencies commonly used:

- A. Catholic Social Services
- B. St. Mary's Home
- C. Mobile County Department of Human Resources
- D. Community Action Committee
- E. United Way of Mobile County
- F. Child Advocacy Center
- G. Mobile County Youth Center
- H. Penelope House
- I. U.S.A. Medical Center
- J. Mobile County Mental Health

The above list is a guide only. If the officer and/or supervisor feel that some other agency may better serve the individual's need, attempts should be made to obtain the assistance. The officer may contact and work with the referral agency to ensure all state and local requirements are met. The overall goal of care (mental and physical), safety (personal and community) and treatment of the individual must be of primary importance.

Contact lists for diversion facilities are maintained by the Radio Communications Officer in charge at the Communications Center.

1.2.1 LEGALLY MANDATED AUTHORITY

Officers shall be familiar with the scope and limits of law enforcement authority as defined through law, statute, and code. Legally mandated authority vested in sworn agency personnel is derived from Alabama State Statutes, Title 15, Chapter 10, and Mobile City Code, Chapter 46.

1.2.2 LEGAL AUTHORITY TO CARRY/USE FIREARMS

The legal authority to carry and use weapons by agency personnel in the performance of their duties is derived from the Alabama Criminal Codes 13A-11-52 and 13A-11-74.

1.2.3 LIMITS OF AUTHORITY

It is the policy of the department that those constitutional rights guaranteed to all citizens by the United States Constitution, the Constitution of the State of Alabama, and applicable case law are scrupulously observed when dealing with any person considered a criminal suspect or subjected to an criminal investigation.

1.2.4 SEARCH AND SEIZURE WITHOUT A WARRANT

The Fourth Amendment to the U.S. Constitution prohibits “unreasonable searches and seizures.” Warrantless searches and seizures are unreasonable under the Fourth Amendment and are subject only to a few specifically established and well-delineated exceptions. Officers are directed to keep abreast of court cases that affect search and seizure by reviewing Department Legal/Advisor Updates on a regular basis.

Warrantless searches and seizures are generally permissible when:

1. The search is consented to and voluntary.
2. The officer has articulable reasons to fear for his safety.
3. An automobile is the subject of the search, and the search is based on probable cause.
4. The search is being conducted for persons at the scene of a crime.
5. Exigent circumstances exist and endanger public safety.
6. The search is conducted to inventory seized or impounded vehicles or other personal property.
7. A search is conducted of a subject or his immediate vicinity incident to arrest.
8. Other situations authorized by state and federal constitutional provisions.

1.2.5 ARRESTS WITHOUT A WARRANT

State law prohibits an officer from making a misdemeanor arrest without a warrant unless the offense occurred in his presence. Warrantless arrests are also susceptible to the current rules of the presiding municipal judge.

Normally, the exceptions to this rule are as follows:

1. In shoplifting cases.
2. When the complainant desires to press charges and is willing to follow the officer to the magistrate’s office to sign the warrant and affidavit.

3. In D.U.I. cases involving an accident when the officer, through observation and witnesses, establishes probable cause to believe that the suspect is D.U.I.
4. When the officer has reasonable cause to believe that a felony or misdemeanor has been committed by the person arrested in violation of a protection order issued by a court of competent jurisdiction.
5. Whenever an offense involves domestic violence as defined by Alabama State Statute 15-10-3.
6. Whenever an officer has probable cause to believe that the person arrested has committed a felony.

Nothing contained in this order precludes officers from making an arrest for misdemeanors that occur in their presence. Whenever a law enforcement officer investigates an allegation of family violence, whether or not an arrest is made, the officer shall make a written report of the alleged incident including a statement of the complaint and the disposition of the case.

In making arrests without warrants, officers will conform to the Alabama Rules of Criminal Procedure and to the applicable Alabama State Statutes regarding warrantless arrest exceptions.

1.2.6 ALTERNATIVES TO ARREST AND/OR PRE- ARRAIGNMENT CONFINEMENT/RELEASE

Officers of the department, when attempting to resolve the various types of problems to which they respond, may seek alternatives to custodial arrest (with incarceration) when no hazard to the community, victim, or suspect will result. Ordinarily, officers will not authorize an individual or agency to violate the law. However, when the safety of the community, victim, and suspect can be maintained and no other exceptional circumstance exists, officers may permit a temporary violation to promote safety or convenience (such as permitting a motorist to move a car that is in violation of an equipment requirement). Officers resolving petty or simple misdemeanor situations requiring formal action may do so by citation in lieu of custodial arrest. Officers shall exercise arrest powers in valid felony and gross misdemeanor situations. Officers may exercise the concept of “verbal warning” on those traffic and misdemeanor offenses where the facts indicated proper resolution of the event can be achieved without formal charge.

1.2.7 USE OF DISCRETION

Officer discretion in areas specifically governed by applicable laws, ordinances, or departmental rules, regulations or procedures is minimal. **Common* sense and reasonableness will guide an officers’ use of discretion **in areas not specifically addressed*. An officer must be faithful to the oath of office, the code of ethics, and the objectives of the department in exercising discretionary judgment. For guidance in the decision making process for evaluating these type situations, officers and supervisors should refer to G.O. 1.2.6 ALTERNATIVES TO ARREST AND/OR PREARRAIGNMENT CONFINEMENT/RELEASE.

**In cases involving narcotics, officers and supervisors should refer to G.O. 84.1.9 PROCEDURES FOR NARCOTICS/DANGEROUS DRUGS. ALL suspected drug evidence will be collected by investigating officers. The testing and subsequent charging related to suspected drug evidence may not be appropriate in every case; however under no circumstances will suspected drug evidence be disposed of in any manner inconsistent with the above general order.*

1.2.8 STRIP OR BODY CAVITY SEARCHES

Strip and body cavity searches are sometimes necessary for agency safety and security or to seize evidence of criminal activity. These guidelines apply to strip searches and body cavity searches of both adult and juveniles.

Definition:

1. Strip search refers to any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of the genitals, buttocks, anus, female breasts, or underclothing.
2. Body cavity search refers to any search involving not only visual inspection of skin surfaces but also the internal examination of body cavities and, in some instances, organs, such as the stomach cavity.

If circumstances necessitate the need for a body cavity search, a search warrant shall be obtained and the subject of the search shall be taken to a medical facility where qualified medical personnel will conduct the search.

Only sworn officers of the same gender, as the subject to be searched shall conduct strip searches. Strip searches conducted for the purpose of seizing evidence, e.g. drug evidence, will be based on probable cause or consent. Where consent is not given and probable cause exists, the investigating officer shall obtain a search warrant unless exigent circumstances exist.

Subjects under custodial arrest may be searched incident to arrest, including strip searches, when reasonable suspicion exists that the subject may be concealing contraband.

Strip searches conducted for the purpose of observing, photographing, or seizing non-testimonial evidence, e.g. scratches, bruising, hair, etc., shall be conducted with the consent of the subject or by court order.

Strip searches may be conducted when an officer has reasonable suspicion to believe that a person possesses a concealed weapon or other instrument that may reasonably threaten the safety and security of the officer and/or others.

Strip searches are inherently intrusive and should be conducted within the limits of legal authority, out of public view, and with due regard for human dignity.

No strip searches shall be conducted without the prior authorization from a supervisor of sergeant's rank or higher. **Any strip search performed by officers will be documented on an Incident/Offense Report.*

1.2.9 BIASED-BASED PROFILING

Bias-based profiling is the selection of individuals for an investigative stop, detention, or arrest based solely on a common trait. Such traits include but are not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other factors used to identify people to a specific group. Bias-based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts is prohibited. The rights of an individual as established by the U.S. Constitution and various other laws and statutes are protected from bias-based law enforcement action, and violation of such rights are strictly prohibited by the department.

Legitimate use of profiling takes many factors into consideration and is mainly focused on conduct or behavior and is supported by empirical data, not solely on common traits. However, just because someone may fit a certain type profile does not establish a fact that the individual has committed a crime.

The elements of bias-based profiling and the legal aspects concerning the issue will be covered in initial training as well as in annual in-service training as it pertains to field interviews, traffic stops, and cultural diversity.

The Internal Affairs Unit will provide a review of any bias-based profiling complaints, including citizen's concerns, to the Chief of Police in their annual report.

1.3.1 **USE OF FORCE**

Many decisions and actions of law enforcement officers have serious consequences, but none are as irrevocable as the decision to use force. Officers are expected to achieve control, and to the extent possible, exhaust other reasonable means before resorting to the use of deadly force.

Control is achieved through:

1. Officer presence on the scene.
2. Verbal commands.
3. **Control and restraint.*
4. **Conducted Electrical Weapons.*
5. Chemical irritants.
6. Hand-held impact weapons.

Employees may use reasonable force to effect a legal arrest or detention, and also to overcome any resistance or threatened resistance of the person being legally arrested or detained.

Only the amount of force necessary to effect the arrest may be used.

1.3.2 **AUTHORIZED USE OF DEADLY FORCE**

Definitions

Deadly Force – That level of force which a reasonable and prudent person would consider likely to cause death or great bodily harm.

Probable Cause – A state of facts as would lead a man of ordinary care and prudence to believe and conscientiously entertain honest and strong suspicions that a person sought to be arrested is guilty of a crime.

Reasonable Probability – The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury – A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

The following conditions must be met to justify the use of deadly force:

A. The officer has probable cause to believe any of the following:

1. The subject possesses a weapon or is attempting to gain access to a weapon under circumstances indicating an intention to use it against the officer or **someone else*; or
2. There exists a reasonable probability of further death or injury if a violent felon is not apprehended and the officer has exhausted all other reasonable means of apprehension; or
3. A subject with the capability of inflicting death or serious injury-or otherwise incapacitating the officer-without a deadly weapon is demonstrating an intention to do so; or
4. The subject is attempting to escape from the vicinity of a violent confrontation in which he inflicted or attempted the infliction of death or serious physical injury.

B. Application of Deadly Force:

1. When circumstances permit, a verbal warning of the intent to use deadly force shall be given.
2. When the decision is made to use deadly force, officers may continue its application until the subject surrenders or no longer poses an imminent danger.
3. When deadly force is permissible under this policy, attempts to shoot to cause minor injury are unrealistic and can prove dangerous to officers and others because they are unlikely to achieve the intended purpose of bringing an imminent danger to a timely halt.
4. Even when deadly force is permissible, officers should assess whether its use creates a danger to third parties that outweigh the benefit of its use.
5. When deadly force is used, appropriate medical aid shall be rendered, as is deemed safely possible, while awaiting the arrival of Emergency Medical Technicians.

C. Prohibited Use of Deadly Force

Deadly force shall not be used in any misdemeanor, civil infraction, or FLEEING FELON unless the criteria are met as established in Section 1.3.2

1.3.3 PROHIBITED USE AND DISPLAY OF FIREARMS

A. The following procedures shall apply:

1. "Warning shots" shall not be fired.
2. Shots shall not be fired from a moving vehicle.
3. Officers shall refrain from shooting where bystanders are in the line of fire or may be exposed to a ricocheting projectile.
4. Shots shall not be fired at any moving vehicle unless it involves endangerment to the officer's life and there are no other means of escape to avoid an onrushing vehicle; or, the driver or occupant of the vehicle falls under the criteria of Section 1.3.2.
5. A firearm shall not be used as a club, hammer, pry bar, or tool or for any purpose other than for which it is designed and intended.
6. Firearms shall not be fired in "single action," carried, or placed at any time in a "cocked" position, except for second and subsequent rounds of an automatic firearm.
7. Firearms shall not be used for any purpose other than approved range training,

8. performance of duty, or as otherwise provided by law. Department firearms shall not be carried or used for hunting or similar non-law enforcement activities and shall be maintained securely at all times.
9. Officers shall not engage in "horseplay," "quick draw," or any other similar activities.

B. Deadly Force, Other than Firearms:

Deadly force may consist of the use of items, articles, instruments, or equipment other than firearms that are designed, intended, and routinely used for other legitimate purposes such as vehicles, batons, flashlights, etc. Deliberate use of any such item, article, instrument, or equipment for any purpose other than for which it was designed and intended or in a potentially deadly manner (e.g. as a club) is prohibited except in cases where the use of deadly force is specifically authorized in this order.

C. Surrendering of Firearms:

The following procedures shall apply:

1. No officer shall display or provide any weapon to a citizen to inspect, examine, or otherwise handle.
2. No officer shall furnish his firearm to any citizen or civilian enlisting his assistance in any way.
3. Survival studies have concluded that, in instances whereby an officer is being taken hostage or prisoner by an armed felon, his probability of survival is diminished by surrendering his weapon. Because the individual officer in such a situation must make the ultimate decision as to the safety of others and his own personal safety, the decision to surrender the weapon shall be solely at the discretion of the officer. However, it is believed that an affirmative act to maintain the weapon using defensive tactics, disarming maneuvers, and other techniques affords the best strategy for survival.

1.3.4 AUTHORIZED USE OF LESS LETHAL WEAPONS

Where deadly force is not authorized, officers should assess the incident to determine which less lethal technique or weapon will be best de-escalate the incident and bring it safely under control.

Police officers are authorized to use departmental approved less lethal force techniques and issued equipment for resolution of incidents as follows:

1. To protect themselves or another from physical harm.
2. To restrain or subdue a resistant individual.
3. To bring an unlawful situation safely and effectively under control.

The following less lethal weapons are authorized:

A. Baton:

A Monadnock baton, either the riot style or expandable, may be used by an officer when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation. An officer shall not intentionally strike an individual above the shoulders, unless such an action would be justified under the Use of Deadly Force guidelines. Any person injured with a police baton must be medically evaluated and, if necessary, receive

medical treatment. A Use of Force Report must be submitted to a supervisor before going off duty.

B. Chemical Irritant:

Officers are to use chemical irritants in instances where force would be necessary to physically control a subject(s) resisting arrest, and the officer believes the subject is capable of causing bodily harm.

Officers are to consider these additional factors when making use of the chemical irritant Sabre Red:

1. Subject factors:
 - a. Size, age, and/or demeanor.
 - b. Apparent physical ability.
 - c. Any known history of violence.
2. Officer factors:
 - a. Size, physical and defensive capability and expertise.
 - b. Number of officers present.
3. Wind direction, to prevent exposure to the officer of bystanders.
4. Distance from subject, noting that a distance of 4 to 6 feet is optimal.

Caution is recommended when the irritant is deployed and the subject is near moving traffic, is in a position that he may fall from a point of elevation or into some hazard, or may be injured due to some environmental hazard. **Officers also must exercise caution when a person has been contaminated with a chemical irritant from an unknown source and the need for DEW usage is present. The chemical irritant issued by the Mobile Police Department is water-based and, therefore, is not flammable. However, a chemical irritant from an unknown source may be alcohol-based thus creating the possibility of being flammable.* The irritant may be used against animals, particularly dogs that present a threat to an officer.

Chemical irritant is required to be worn on the duty belt for all sworn personnel while in uniform and wearing the duty gun belt. The chemical irritant shall not be stored in direct sunlight or in a location where the temperature may exceed one hundred degrees Fahrenheit. The chemical irritant will not be left in any police vehicle and will be secured in the same manner as a firearm.

C. Chemical Agent Projectiles:

Projectiles may be discharged only on the order of a SWAT Unit supervisor. When these projectiles are used, seriously affected persons must be given proper attention. In addition, a report must be submitted to the Chief of Police before the end of the tour of duty.

D. Less Lethal Delivery System

In incidents where deadly force may be authorized or where less lethal force is authorized, officers assessing the incident may determine that less lethal force could be

utilized employing a less lethal delivery system. Less lethal force is applied with the intention of subduing or rendering a subject non-threatening with a lower probability of effecting fatal consequences.

The authorized departmental less lethal delivery systems are the **less lethal* shotgun and the **CEW*, [REDACTED]. The authorized departmental less lethal beanbag impact munition [REDACTED] Beanbag. [REDACTED]

Only authorized members of the department will carry or employ the less lethal delivery system and munitions. Authorized members of the **SWAT* Unit will carry or employ the less lethal delivery system and munitions and other systems authorized for use by the unit.

When it is apparent that a lesser degree of force would be inadequate, and in being consistent with departmental policy on the use of force delineated in General Orders 1.3.2 and 1.3.4, officers may utilize the less lethal delivery system where force is necessary to physically control a subject(s) displaying behavior or performing actions that the officer determines are capable of causing bodily harm to himself, another officer, or a citizen.

The less lethal delivery system should be employed under controlled situations. Controlled, in this definition, means that "the subject's movement has been contained or restricted." Subjects that are suicidal, violent, pose a threat to others, and are armed with an instrument that may be used to inflict serious bodily harm are examples of scenarios where the less lethal delivery system may be employed.

When determined feasible by the on-scene officer(s), the use of less lethal beanbag impact munitions should be delayed until a supervisor arrives. Otherwise, the on-scene officer(s) should take the appropriate enforcement action to achieve his policing objective within the parameters of departmental regulations. When less lethal delivery systems are employed, the affected person(s) must be provided with proper medical attention.

Officers shall carry the less lethal delivery systems secured in the same manner as the issued duty shotgun. [REDACTED]. As with any weapon, the Air Taser [REDACTED] and beanbag system shall be secured at all times.

E. Reporting Requirements:

1. Use of Less Lethal Munitions Report: When the less lethal delivery system is used to subdue an individual, a use of force report shall be initiated detailing the incident, and a supervisor shall be notified. Officers using this system must also file the "Less Lethal Munitions Report" (PD 27). All reports shall be filed before the end of the officer's tour of duty. A copy of all reports shall be submitted to the Chief of Police as they are completed.
2. Use of Chemical Irritant Report: When an officer uses a chemical irritant to subdue an individual, a use of force report shall be initiated detailing the incident, and a supervisor shall be notified. Officers using a chemical irritant must also file the "Use of Chemical Irritant Report" (form PD 214). All reports shall be filed before the end of the officer's tour of duty.
3. Supervisor's responsibility:
 - a. The shift supervisor shall ensure that the incident report is complete and

correct before the end of his tour of duty and shall forward all reports through the chain of command to the Chief of Police.

- b. Whenever a citizen or officer is injured, claims to be injured, or there is property damage as the result of the use of force, the supervisor will proceed to the scene and conduct an administrative investigation of the incident. This investigation will include, but is not limited to, the circumstance surrounding the incident, the type of force used, injuries sustained, medical attention provided, medical condition of the party, and the findings and recommendations of the supervisor in adherence to the rules, regulations, policy, and procedure of the department.

F. Training:

Only departmental personnel trained by a qualified instructor will be allowed to employ or carry less lethal weapons. The Training Unit will maintain certification of this training. Retraining will be coordinated by the Training Unit.

LESS LETHAL WEAPONS OTHER THAN DEPARTMENT ISSUED SHALL NOT BE USED.

1.3.5 MEDICAL AID

Appropriate medical aid shall be rendered after the use of lethal or less lethal weapons or tactics in order to minimize the severity of injury. Appropriate medical aid includes increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by the paramedics, or immediate aid by medical professionals.

Following the use of a chemical irritant, when the subject is properly restrained and subdued, he or she will be decontaminated by proper means.

1.3.6 DISCHARGE OF FIREARMS

Whenever a member discharges a firearm, either accidentally or in the performance of a police duty, except at an approved range:

1. The officer shall:

- a. Notify his immediate supervisor as soon as time and circumstances permit.
- b. In situations not involving injury or significant property damage, make a written report of the shooting, including all contributing circumstances, and submit the report to his supervisor prior to completing his tour of duty.

2. The immediate supervisor shall:

- a. Notify the commanding officer of the involved officer and the officer's precinct or section commander.
- b. Notify Internal Affairs to respond and conduct an investigation.

I. Destruction of Animals:

Officers may use firearms to destroy severely injured, rabid animals or other domestic animals, which pose an immediate threat of injury or death to humans, provided other reasonable means of apprehension are not available or feasible. Such destruction requires that it can be accomplished in reasonable safety.

Domestic animals are the personal property of another. In instances where feasible, a written request and/or waiver for the destruction of the animal should be obtained from such owner and maintained as a part of the incident report. Animals suspected of having rabies should not be shot in the head as this destroys the brain, which is examined in cases of suspected rabies.

II. Officer-Involved Shootings:

Whenever an officer is involved in a firearms incident that results in injury or death to an officer, citizen, or in significant property damage the following procedures shall be followed:

A. Communications Section:

The Communications Section shall immediately notify the following personnel:

1. The officer's immediate supervisor.
2. Internal Affairs Unit on-call personnel.
3. The Investigative Operations Division Commander.
4. The Precinct Commander.
5. The Chief of Police.
6. The Assistant Chief of Police.
7. The officer's Division Commander.
8. Identification Unit.
9. Chaplain.

The Communications Section will maintain a chronological log of notification.

B. Shooting Investigation:

The Shooting Investigation shall be conducted as two separate and parallel investigations comprised as follows:

1. The criminal investigation shall be conducted by the criminal investigators of the involved jurisdiction in which the incident occurred. Such investigators shall have the responsibility of investigating all criminal charges that may arise from an officer-involved shooting.
2. The administrative investigation shall be conducted by the Mobile Police Department's Internal Affairs Unit, regardless of jurisdiction, and this unit shall ensure that all procedural guidelines are observed, regardless of whether charges are brought against a citizen or an officer.

**In the event that serious bodily injury or death occurs to someone from the use of force, including incidents other than deliberate use of deadly force, or from any police action, the criminal and administrative investigations shall be conducted.*

Any involved officer will give no formal statement to anyone other than a member of the Internal Affairs Unit, the Chief of Police, or his designee.

No statement given to a member of the Internal Affairs Unit will be available to anyone other than the Chief of Police, his designee, or the City Attorney. No statement of any kind will be issued to the news media by anyone other than the Chief of Police, the Public Information Officer, or the Chief of Police designee.

Any firearm that is discharged in a shooting incident that results in injury will be submitted to an Alabama Department of Forensic Sciences Investigator or Department Identification Officer. The Property Unit will issue a temporary replacement weapon. Involved weapons will be returned to the officer(s) when ballistics examinations are completed, provided the weapons are not required as evidence.

Supervisors of involved officers will ensure that involved officers are retained, if practical, (i.e., no danger to the officer or other officers) in an area near or at the scene for purposes of the investigation, reviewing, and reconstructing the elements of the incident with the involved officer. No investigative inquiries or interviews with the involved officers shall be conducted before those conducted by the designated persons named above.

1.3.7 USE OF FORCE REVIEW PROCESS

The purpose of the Use of Force Review is to identify any training or policy needs, consider the effectiveness of weapons and equipment, and determine whether any disciplinary issues that need to be addressed exist.

The Internal Affairs Unit shall conduct an investigation, as soon as practical, after each officer-involved shootings that results in injury or death to an officer or citizen or significant property damage. A written report of the findings will be forwarded to the Office of the Chief of Police who will assign to the Shooting Review Board.

The Shooting Review Board shall be comprised of one staff level officer appointed by the Chief of Police, **a supervisor assigned to Administrative Services *Section*, the Training Unit Commander, one officer of comparable rank to the involved officer, and the Police Legal Advisor. The Shooting Review Board will review the investigation and will forward their recommendations to the Chief of Police for final review and disposition.

Whenever an officer discharges a firearm, for other than training purposes, applies force through the use of less lethal weapons, or uses physical force that results in, or is alleged to have resulted in, injury or property damage, it shall be the responsibility of the involved officer's chain of command to conduct a review of the incident. All investigations involving discharge of a firearm that result in property damage of any kind, including animals, shall be forwarded to the Officer of the Chief who will assign to the Shooting Review Board.

1.3.8 REMOVAL FROM LINE OF DUTY ASSIGNMENT

Removal from duty shall be classified as Administrative Leave or Administrative Duty.

Sworn Personnel

1. Administrative Leave relieves the officer of any assigned duty for a minimum of three (3) days. The officer will be paid on a forty hour work week basis, with no shift incentive or built in overtime, pending the outcome of the investigation and evaluation of fitness for duty. The officer's outside work permit is suspended while he is on Administrative Leave.

2. Administrative Duty removes the officer from line-duty assignment and places him in a non-law enforcement duty, with suspension of his outside work permits, pending outcome of the investigation.

Officers who intentionally discharge their firearm, which results in serious physical injury or death, shall be removed from law enforcement duty and placed on Administrative Leave until the incident investigation is complete or preliminary findings are provided to the Chief of Police. Such assignment will be at the discretion of the Officer of the Chief.

Officers who intentionally discharge their firearm, which results in property damage or physical injury shall be removed from law enforcement duty and placed on Administrative Duty until the incident investigation is complete or preliminary findings are provided to the Chief of Police. Such assignment will be at the discretion of the Officer of the Chief. Psychological counseling will be made available to any officer who is involved in a shooting incident. Such Services will be provided at no cost to the officer(s). Arrangements for counseling will be coordinated by the Officer of the Chief. Officers involved in shooting incidents may discuss the incident in confidence with the Police Chaplain, if they so desire.

Civilian Personnel

Any civilian personnel whose on-duty action results in death or serious physical injury will be placed on Administrative Duty for three (3) days, pending the outcome of an administrative review.

1.3.9 AUTHORIZED WEAPONS

Only department issued firearms and/or firearms approved by the Firearms & Range Detail Commander that are capable of firing department authorized ammunition shall be carried on duty. All firearms shall be inspected by the Firearms and Range Detail using the MPD Weapon Inspection Form prior to approval for carry. Any weapon determined to be unsafe will not be carried until repaired and re-inspected. Modifications to department owned pistols shall be approved by the Firearms & Range Detail Commander. Ammunitions approved by the Firearms & Range Detail Commander and authorized by the Chief of Police are listed with the corresponding weapon descriptions.

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1.3.10 PROFICIENCY REQUIREMENT

NO MEMBER SHALL BE ALLOWED TO CARRY ANY PRIMARY OR SECONDARY WEAPON THAT HE HAS NOT QUALIFIED WITH ON THE APPROVED RANGE COURSE. NO MEMBER SHALL BE ALLOWED TO CARRY ANY OFF-DUTY/BACK-UP WEAPON WHERE PROFICIENCY HAS NOT BEEN DEMONSTRATED.

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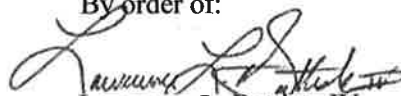
1.3.12 DOCUMENTATION OF TRAINING

Before being authorized to carry lethal or less lethal weapons, all personnel are issued a copy of the General Orders and instructed on policies therein, which cover use of force, as well as procedures for ensuring the provision of appropriate medical aid after the use of lethal or less lethal weapons and other use of force incidents as defined by this agency, with the issuance and instruction being documented.

1.3.13 ANNUAL USE OF FORCE REPORT

The Internal Affairs Unit will compile the required reports concerning use of force and conduct an annual analysis to be included in the Annual Report. Such analysis shall include trends in the use of force, effectiveness of lethal and less lethal weapons, and equipment, training or policy needs or other factors that may arise from the analysis for review by the Chief of Police and the executive staff.

By order of:


Lawrence L. Battiste IV
Chief of Police

OATH OF OFFICE

"I, _____, solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Alabama; that I will faithfully enforce the laws of this state and the ordinances of the City of Mobile, and perform the duties of a police officer. I do further swear that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God."

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CODE OF ETHICS

All sworn officers will abide by the following Law Enforcement Code of Ethics:

"I, _____, as a Law Enforcement Officer, do solemnly swear that my fundamental duty is to serve the community; 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 people to liberty, equality and justice.

I will keep my private life unsullied as an example to all and behave in a manner that does not bring discredit to me or to my agency. I will 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 lives, 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 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 not act officiously or permit personal feelings, prejudices, political beliefs, aspirations, 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 be held so long as I am true to the ethics of the police service.

I will never engage in acts of corruption or bribery, nor will I condone such acts by other officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...Law Enforcement.

I do further swear that I will support the Constitution of the United States and the Constitution of the State of Alabama; that I will faithfully enforce the laws of this state and ordinances of the City of Mobile, and perform the duties of a police officer to the best of my ability. I will obey the rules and regulations of the department and carry out all orders that may be lawfully given me by my superior officers.

I do further swear that I accept this oath as a police officer subject to all the limitations, conditions, and restrictions imposed by the City of Mobile, the ordinances of the City of Mobile, and the regulations of the Mobile Police Department."

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CIVILIAN CODE OF ETHICS

Civilian Employees with the Mobile Police Department shall:

Uphold the constitution, laws and legal regulations of the United States and all governments therein. Give a full day's labor for a full day's pay, giving to the performance of duties an earnest effort and the best thought. Seek to find and employ more efficient and economical ways of getting tasks accomplished. Never discriminate by means of special favors or privileges to anyone and never accept, for self or family, favors or benefits under circumstances which might be construed by reasonable persons as influencing you in the performance of your duties. Make no promises pertaining to your duties, since an employee does not have the authority that can be binding on public duty. Engage in no business with the government, either directly or indirectly, which is inconsistent with your job performance of government duties. Never use any information obtained confidentially in the performance of your duties as a means for making personal profit. Expose corruption wherever discovered. Uphold these principles, ever conscious that public office is a public trust.