



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 605 – Miscellaneous Offenses and Complaint Calls

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Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, FTC, IDC	Number of Pages:	9
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### .01 INTRODUCTION

This procedure establishes guidelines, while allowing officers maximum discretion, for the handling of a variety of miscellaneous offenses and complaint calls which make up a large percentage of the officers' workload. The procedure also establishes a process for the reporting of criminal offenses coming to the attention of Department members.

### .02 ANIMALS

- A. Complainants reporting noisy animals are handled under Section .08, *Noise Disturbances*, of this procedure.
- B. Deceased animals are removed from public property by the Public Works Department (complainants should call 311 for assistance). Property owners retain the responsibility of removing dead animals from their property.
- C. The Animal Care Services Department has the authority to impound any animal which:
  1. Is roaming at large;
  2. Is exhibiting symptoms of rabies:
    - a. Appearance of choking;
    - b. Dropping of the lower jaw (in dogs);
    - c. Inability to swallow, leading to drooling and foaming of saliva (i.e., "foaming at the mouth"); or
    - d. Paralysis of jaw, throat, and chewing muscles.
  3. Has been abandoned by its owner:
    - a. Animals with no identification;
    - b. Animals which appear malnourished (exceptionally skinny, with extreme definition of the rib and hip area);
  4. Is described in a warrant for seizure;
  5. Has been declared dangerous by Animal Care Services;
  6. Is in danger by confinement in a parked vehicle; or
  7. Is being treated cruelly by its owner and confirmed by Animal Care Services Department.
- D. Reports of cruelty to animals require uniformed officers to initially investigate the alleged offenses.
  1. In substantiated cases, the officer requests an Animal Cruelty Specialist from Animal Care Services Department to respond to the scene and take over the investigation.



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2. In cases of animals not requiring immediate medical attention and evidence of cruelty is questionable, the officer routes a copy of the incident report to Animal Care Services Department to be forwarded to an Animal Cruelty Specialist.
  
- E. Animal Cruelty Specialists who are employed by the City and assigned to Animal Care Services Department are **not** certified Texas peace officers, and as such, **do not** have arrest authority in cases involving animal cruelty. SAPD officers and Crime Scene Unit Investigators, upon request from an Animal Cruelty Specialist, shall assist the Specialist in any case involving animal cruelty.
  
- F. An officer may destroy an animal when he or another person is placed in immediate danger of bodily harm.
  1. An officer may, upon the request of an owner or Animal Care Officer, and with the approval of a supervisory officer, destroy any animal which is injured beyond medical treatment, sick, or known to be rabid.
    - a. When a suspected rabid animal must be destroyed, the officer should avoid shooting the animal in the head. This is done to avoid destroying the area of the brain used to test for rabies.
    - b. When a suspected rabid animal has been destroyed the Animal Care Services Department is immediately notified and asked to pick up the carcass. The Public Works Department will be contacted for all other destroyed animals.
  2. The Animal Care Services Department will be called when animals are not destroyed, only wounded. This includes animals that run away. However, an officer must make a reasonable attempt to notify the animal's owner.
  3. An officer who discharges his weapon to destroy any animal immediately notifies the Communications Unit and his supervisor. Copies of the incident report are submitted to the officer's Division Commander, through the officer's chain of command.
  4. The officer's supervisor will attach to the officer's report a SAPD Form 200-IA1, *Preliminary Investigation Cover Sheet*, and submit a report indicating whether the officer followed all Department Policies and Procedures and his or her recommendation.

### **.03 BURGLARY/ROBBERY ALARMS - OPEN DOORS AND WINDOWS**

- A. An officer responding to a burglary or robbery alarm where a point of entry has been located or a call for open doors or windows where it appears an entry has been made, should take the following actions:
  1. Immediately notify the dispatcher;
  2. Assume the most tactically advantageous position until a cover officer arrives;
  3. Request a K-9 Detail officer, who directs the movements of officers going into a building;
  4. If a K-9 Detail officer is not available, a building search is made, taking precautions not to destroy any evidence;
  5. Unless exigent circumstances exist, no officer enters any structure suspected of being burglarized without a cover officer. If entry must be made, the dispatcher is notified;
  6. Attempt to reach the owner by telephone. If the owner cannot be located, the officer secures the building to the best of his ability and leaves written notification for the owner; and
  7. Should an owner or alarm company representative arrive at the location, officers assist in a security check of the building.



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- B. If either the owner or alarm company representative notifies the dispatcher they have arrived at the location after officers have departed, the dispatcher, upon request, sends an officer to assist in a security check of the building.
- C. The appropriate written or N-Code report is made on each call. Copies of written reports are forwarded to the appropriate follow-up unit.

### **.04 DISABLED OR ELDERLY PERSONS**

- A. This section is designed to facilitate the handling and disposition of those situations involving disabled or elderly persons requiring social services.
- B. Police officers may become involved in situations concerning the safety and welfare of disabled persons and the elderly.
- C. One of the Department's major functions includes making proper referrals to social service agencies.
- D. The Texas Department of Family and Protective Services have the primary responsibility for providing necessary treatment for disabled or elderly persons suffering from neglect and/or abuse.
- E. The following situations are representative of appropriate circumstances for referral to the Texas Department of Family and Protective Services:
  - 1. Disabled or elderly persons involved in public disturbances who are referred to the Department, and the Department is unable to substantiate a crime has occurred;
  - 2. Victims of crime who are disabled or elderly and require social services as a result of a crime;
  - 3. Disabled or elderly persons who are particularly vulnerable to crime by substandard living conditions, such as unlocked or unsecured doors and windows;
  - 4. Repeated calls by disabled or elderly persons for nonexistent or trivial incidents in which the officer suspects the complainant may suffer from disorientation;
  - 5. Disabled or elderly persons who call the police because they have repeatedly fallen in their home;
  - 6. Family violence reports involving disabled, elderly, or mentally retarded persons;
  - 7. Neighbors concerned about a disabled or elderly person in the neighborhood who is not able to care for himself or who is subjected to family violence or exploitation;
  - 8. Calls from disabled or elderly persons needing assistance with food, utilities, or other basic needs; or
  - 9. Disabled or elderly victims of violent crime (rape, assault, robbery, etc.) requiring counseling.
- F. Officers assess each situation in order to relate the precise circumstances to the Texas Department of Family and Protective Services. Officers understand the importance of protecting the dignity and independence of each complainant.
- G. Officers needing to contact the Texas Department of Family and Protective Services may obtain the numbers from the Communications Unit.
- H. Copies of all field reports related to these issues are routed to the Texas Department of Family and Protective Services and marked "Investigations."



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### **.05 DISORDERLY CONDUCT**

- A. When an officer is confronted by a situation within the scope of the disorderly conduct statute (Texas Penal Code, Section 42.01), he first attempts to calm the situation and preserve the peace by the use of various alternatives short of arrest, such as a warning or mediation.
- B. Misdemeanor citations or custodial arrests are used in cases where the offender persists in the use of abusive language or other conduct forbidden by paragraphs 1, 2, or 5 of Section 42.01 of the Texas Penal Code. All custodial arrests for disorderly conduct must be approved by a supervisory officer prior to booking the prisoner.
- C. Any person who is under the influence of alcohol or any other substance and who is also violent, threatens to be violent, or has been involved in a disturbance is arrested for disorderly conduct, provided the facts support the arrest and a supervisory officer approves the arrest prior to booking the prisoner.

### **.06 FIRES AND RESCUES**

- A. The primary duties of officers at the scene of fires and rescues are to help save lives as well as control crowds and traffic; however, officers also comply with Fire Department requests for assistance in other areas.
- B. The types of fire alarm calls covered by this procedure include the following:
  - 1. Still alarms: Fires where there are no immediate threats of bodily injury consists of, but are not limited to, the following:
    - a. Automobile fires;
    - b. Grass fires; or
    - c. Trash container fires.
  - 2. Regular alarms: Fires which pose a threat of bodily injury or property loss consist of, but are not limited to, the following:
    - a. Residential fires;
    - b. Other structure fires; or
    - c. Second and third alarm fires requiring additional fire units.
- C. When an officer initiates a fire alarm, he:
  - 1. Notifies the dispatcher of the location and type of fire, still or regular alarm;
  - 2. Makes a quick check for possible occupants and warns persons in the surrounding area; and
  - 3. Advises the Communications Unit to notify a supervisory officer, and if there is a need for additional officers, the locations where they are needed.
- D. If a regular alarm is initiated through the Communications Unit, an officer proceeds to the scene of the fire as a code-two emergency call.
  - 1. Marked police vehicles should not be used to barricade a street, as the vehicle may block the path of other emergency vehicles.



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2. Officers perform their assigned duties until relieved by a supervisory officer or until the fire hoses have been cleared from the street.
- E. Officers encountering fires where arson is suspected request an Arson Unit investigator to respond to the location.
  1. If the Arson Unit investigator determines the fire is the result of suspected or known arson, the Arson Unit investigator may prepare an offense report.
  2. If the cause of the fire appears to be accidental, the SAPD officer prepares an incident report and routes a copy to the Arson Unit.

### **.07 INFORMATION RECEIVED ON CRIMINAL OFFENSES - CONTINUING DUTY TO REPORT**

Members, whether on-duty or off-duty, receiving or possessing facts or information relative to a criminal offense (Class B misdemeanor or above) shall write a report with a SAPD case number and forward the original report to the Records Office with a copy sent to the follow-up unit.

- A. This report shall be completed before the end of the member's tour of duty, if the member possessing the information is on-duty.
- B. If the member receiving or possessing the criminal offense information is off-duty, the member shall ensure the criminal offense is immediately reported upon returning to duty.
- C. Upon returning to duty, members who have received and possess facts or information on criminal offenses (Class B misdemeanor or above) will have a continuing duty to report the criminal offense as outlined in this procedure until the criminal offense has been reported.
- D. Police emergency situations and crimes in progress shall immediately be reported to the police dispatcher by the officer possessing the information.

### **.08 NOISE DISTURBANCES**

- A. Definitions:
  1. As defined by San Antonio Municipal Code, "Noise Nuisance" shall mean any loud, irritating, vexing or disturbing sound originating from a nearby property under separate ownership which causes injury, discomfort, or distress of a person of reasonable nervous sensibilities, or any sound exceeding the maximum permitted sound levels specified in Subsections 21-52(a) (6) (b), (9-12), and 21-60(b) of Chapter 21, Art. III Div. 1.
  2. "Party, Gathering, or Event" shall mean a group of five or more persons who have assembled or are assembling in a manner so as to create a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, fights, and/or disturbances of the peace.
- B. Person responsible for the party, gathering or event shall mean:
  1. Any adult person in actual or lawful control or possession of the premises; or
  2. Any adult person who organized the party, gathering or event; or
  3. The parent or guardian having custody or control of any minor responsible for the party, gathering or event regardless of whether the parent or guardian was present at the time of the party, gathering or event.
- C. Responsibilities of officers:



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1. Officers responding to a noise complaint (non-animal) may rely on Municipal Code, Chapter 21, Art. III, *Noise*, or Texas Penal Code 42.01, *Disorderly Conduct*, (5), to address the complaint. Depending on the circumstances, the officer may address the complaint through a verbal warning or by issuing a misdemeanor citation. If the officer issues a misdemeanor citation, the officer shall attach the citation to a copy of the incident report and forward them to Municipal Court.
  - a. Noise Meter: Each Substation will have operational noise meters available for use by trained personnel.
  - b. Patrol Division Commanders will ensure various supervisors and officers at each substation are trained in the operation of the Noise Level Meters.

*Note: Training PowerPoint on noise meters: \\fscommon\academy\_training\*
2. Officers responding to a location of an excessive noise complaint which falls under the definition of a “Party, Gathering, or Event” will be required to perform the following functions:
  - a. Determine there are at least five or more persons who have assembled and try to determine the exact number if possible;
  - b. Determine the person(s) responsible for the party, gathering or event, if possible;
  - c. Provide the responsible person with a copy of the SAPD Form #300, (Noise Ordinance) *Notice of Liability*; and
  - d. Complete an incident report to include:
    - (1) The responsible person(s), full name, Title, Race, Sex, DOB, Address and other pertinent identifiers, if necessary; in item (11) on the incident report form and uses code M – Manager/Owner;
    - (2) Address of party, gathering, or event;
    - (3) Estimated number of persons at the party, gathering or event;
    - (4) Statement indicating the officer provided responsible individual(s) with SAPD Form #300; and
    - (5) In the incident/event item (3) on the incident form enter: City Ordinance: 2007-04-05-0371 and route a copy of the report to the Alarm Unit.
3. Officers responding to a loud animal noise complaint may rely on the City Code of San Antonio, Chapter 21, Article III, *Noise*, or Chapter 5, Article VII, *Animal Nuisances*, to address the complaint. If the officer can substantiate the noise complaint, a misdemeanor citation may be issued. Otherwise, officers responding to a loud animal noise complaint shall be required to do the following:
  - a. Inform the complainants they may file a complaint with Municipal Court for violations of Chapter 5 Article VII of the San Antonio City Code dealing with animal noise nuisances. The officer shall write an incident report and include the complainant’s name, DOB and telephone number in the report. The officer shall also inform the complainant of the importance of evidence for court purposes (i.e., audio/video recordings of the alleged acts). The officer shall write the case number of the call on the bottom portion of SAPD Form #BD-1, tear off the bottom portion of the form and provide it to the complainant. **The officer shall ask the complainant to follow the directions on the form.**



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- b. The officer shall attempt to contact the person responsible for the animal creating the noise nuisance and authenticate the alleged complaint. The officer shall provide this person with the top portion of SAPD Form #BD-1. The officer shall write his/her name, badge #, date, time and case number on the form. The officer shall document his/her findings in the details of the report. This includes documenting the responsible person's name, DOB, and telephone number under "01" in the appropriate section of the incident report.
- c. If no one answers the door to the residence of the noisy animal, the officer shall affix the top portion of SAPD Form #BD-1 to the door of the residence. The officer shall document his/her name, badge #, date, time, and case number in the top portion of SAPD Form #BD-1. The officers shall document all actions taken in relation to the call in the details of the incident report and shall route a copy of the report to Municipal Court. The officer may utilize all COSA database systems to determine the responsible party.
- d. If the complainant is a "refused" complainant with no information provided to the Communication Unit clerk, and if the officer cannot hear the alleged noisy animal and finds no evidence the offense has taken place, the officer may refer to GM Procedure 402, *Differential Police Response*, and N-Code 17 the call.

### **.09 PUBLIC INTOXICATION**

- A. A person commits an offense if the person appears in a public place while intoxicated to the degree he may endanger himself or another. The word "intoxicated" has the same meaning assigned to it as in the Texas Penal Code.
  1. An individual arrested may be released from custody by a peace officer or magistrate if it is believed imprisonment is unnecessary for the protection of the individual or others.
  2. It is a defense to prosecution the alcohol or other substance was administered for therapeutic purposes by a licensed physician.
  3. Once a "serial inebriate" has been prosecuted and convicted on three occasions through Municipal Court, the fourth prosecution will be submitted as a Class B misdemeanor enhancement with prosecution to follow through County Court.
- B. Officers observing persons whom they believe are intoxicated should be certain the person is intoxicated and not suffering from an illness before a decision to arrest is made. In considering the degree of intoxication, officers satisfy themselves the subject should be placed in custody for his own safety or for the public's safety.
  1. When taking a person into custody for Public Intoxication, officers will:
    - a. Handcuff, search, and transport the intoxicated person in the same manner as prisoners in accordance with GM Procedure 601, *Prisoners*;
    - b. Retain custody of the intoxicated person until the accepting facility takes custody of the person.
  2. Officers will transport all non-violent adult persons (**18** years of age or older) charged with Public Intoxication, including those who are also charged with an additional Class C misdemeanor offense or who have outstanding Class C misdemeanor warrants, to the Public Safety Unit unless they meet the criteria for enhancement. See Subsection C, *Processing at the Public Safety Unit*.
    - a. The City Magistrate's Office will perform all administrative functions regarding any additional Class C misdemeanor charges or warrants. Officers will fax a copy of their incident report to the City Detention Center at 207-4383 prior to leaving the PSU.
    - b. Seventeen (17) year olds charged with Public Intoxication may be issued a misdemeanor citation and released to a parent or legal guardian or physically arrested. Officers will process all seventeen (17) year olds physically arrested for Public Intoxication at the City of San Antonio Detention Center at 401 S. Frio.



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- c. Juveniles (under 17 years of age) charged with the single offense of Public Intoxication may be issued a misdemeanor citation and released to a parent or legal guardian or physically arrested. If physical arrest is necessary, they shall be processed at the Youth Processing Office and then taken to the Bexar County Juvenile Detention Center.
  - d. The Public Safety Unit will not accept anyone under the age of 18 years old, persons who are unconscious, persons who are pregnant, or persons who are overly combative.
- C. Processing at the Public Safety Unit at 601 N. Frio
1. If the arresting officer **suspects** this arrestee has been **processed previously for Public Intoxication** (e.g. street person with obvious signs of frequent intoxication) he should phone the **PSU at (210) 246-1391 or (210) 246-1390** to check the individual's status as a "serial inebriate."
    - a. Personnel at the PSU will either direct the officer to the PSU or the Detention Center based on their records of the arrestee.
    - b. If the officer and arrestee are directed to the Detention Center, the arresting officer will process the arrestee in accordance with Subsection E, *Prisoners being magistrated*.
  2. Officers taking offenders into the Public Safety Unit will enter from the Morales Street side, which is marked "Police Entrance."
    - a. Officers **will search** the intoxicated person **before they enter the Public Safety Unit** (PSU) facility and assist PSU personnel in conducting an inventory of the intoxicated person's possessions;
    - b. Officers shall sign the inventory sheet prepared by the PSU personnel and retain a copy for their report.
  3. All offenders brought into the PSU must receive medical clearance. Medical clearance for offenders is available at this facility (M-F 2000 to 0800 hours, Sat. 1600 to 0800 hours, and all day Sunday). During all other times, offenders should be transported to the Triage Center located at the Crisis Care Center at 527 N. Leona Street, (210) 358-3611.
  4. Once intoxicated persons are cleared for entry into the PSU, the officers may leave and resume their normal duties.
  5. Officers will leave a copy of the Incident Report with the staff at the PSU, documenting all information regarding the arrest for public intoxication and any additional Class C misdemeanor charges or warrants.
  6. The intoxicated person's personal property is released to personnel at the Public Safety Unit and not placed in the Property Room.
  7. If medical issues are present and they are beyond the scope of the services available to the PSU, then the intoxicated person may require transportation to University Hospital or the Acute Care Clinic/Crisis Care Center located at 527 North Leona.
- D. The Public Safety Unit will take custody of all persons arrested for public intoxication except the following:
1. Intoxicated persons under the age of 18 years old (Go to City Detention Center).
  2. Intoxicated persons who are unconscious (Call EMS).
  3. Intoxicated persons who are pregnant (Go to City Detention Center).
  4. Intoxicated persons who are overly combative (Go to City Detention Center).



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- E. Prisoners being magisterated for Public Intoxication will be issued a misdemeanor citation with the word “Booked” written across the bottom. A copy of this citation, the incident report, the booking slip, and the Class C Complaint shall be given to Detention Center personnel.
  - 1. The incident report must contain all elements of the offense (intoxicated, in a public place, and a danger to himself and/or others). **It is of utmost importance to the prosecution for the officer to articulate how the arrestee was a danger to himself and/or others, or how the potential for danger/harm existed or was created.**
  - 2. The incident report should also indicate whether the individual was violent, causing a disturbance, abusive, passive, etc. This information assists the Detention Center personnel in processing the prisoner.
- F. If a person is intoxicated on a substance other than alcohol, such as marijuana, glue, paint, or any other drug, he is handled in the same manner as if he were under the influence of alcohol, unless probable cause warrants an arrest for another offense.
- G. Unconscious, sick, or injured prisoners are handled in accordance with GM Procedure 601, *Prisoners*.

### **.10 REQUESTS FOR ASSISTANCE FROM PUBLIC**

- A. Requests for an officer to stand by while the complainant retrieves property, rent, children, etc. (where there is no breach of the peace) are civil matters and therefore officers generally will not be dispatched to these calls. However, if dispatched, officers shall make the call and handle the incident in accordance with all applicable policies and procedures.
- B. Requests for transportation in police vehicles are not honored. However, stranded motorists may be transported by officers to the nearest safe location with the approval of a supervisor. The dispatcher is notified when motorists are transported and a time/odometer check is made in all cases.
- C. Officers in marked police vehicles offer assistance to all stranded motorists. The primary concerns of the officers are maintaining traffic flow and the safety of the motorist. Officers in unmarked police vehicles notify the dispatcher of the locations of stranded motorists.
- D. Requests to open a locked vehicle are not honored unless an emergency situation exists where a person or animal is locked in the vehicle and threatened by injury or death.