



BELLA VISTA

A place to call home

MEETING: **CITY COUNCIL WORK SESSION**

DATE AND TIME: **Tuesday January 19, 2016– 5:30 P.M.**

Location: City Hall Conference Room

101 Town Center, Bella Vista, Arkansas

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with the Section 25-19-106 of the Freedom of Information Act, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
- II. **ROLL CALL:** Mayor Peter Christie, Aldermen Frank Anderson, John Flynn, Allen King, Becky Morgan, James Wozniak and Larry Wilson
- III. **NEW BUSINESS:**
 - A. **ORDINANCE NO. -** AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ESTABLISH A BELLA VISTA ARTS COUNCIL, TO DEFINE ITS MEMBERSHIP, PURPOSE, POWERS AND DUTIES, AND FOR OTHER PURPOSES. Second Reading.
 - B. **ORDINANCE NO.-**AMENDING SECTION 109-166(a) OF THE MUNICIPAL CODE TO PROVIDE FOR STRICTER ACCESSORY STRUCTURE SETBACKS, AND FOR OTHER PURPOSES. Second Reading.
 - C. **ORDINANCE NO. -** ACCEPTING AND CONFIRMING RIGHTS-OF-WAY DEDICATED TO THE PUBLIC FOR MEMORIAL DRIVE, AND FOR OTHER PURPOSES. Second Reading.
 - D. **ORDINANCE-** AN ORDINANCE AMENDING THE CITY OF BELLA VISTA ZONING ORDINANCE AND MAP BY REZONING CERTAIN LANDS COMMONLY KNOWN AS THE BELLA VISTA MARINA AND YACHT CLUB (PARCEL #16-70284-004) LOCATED AT 101 MARINA DRIVE FROM R-1 TO C-2, AND FOR OTHER PURPOSES.
 - E. **ORDINANCE-** ADOPTING A PLANNING AREA MAP FOR THE CITY OF BELLA VISTA, AND FOR OTHER PURPOSES.
 - F. **RESOLUTION-** APPROVING A REVISED POLICY AND PROCEDURE MANUAL FOR THE BELLA VISTA POLICE DEPARTMENT.
 - G. **RESOLUTION-** APPROVING CONTRACT AMENDMENT #2 WITH CRAFTON TULL & ASSOCIATES, INC. FOR ON-CALL ENGINEERING, PLANNING REVIEW, AND SURVEYING SERVICES.

DISCUSSION – Upcoming Mayor’s State of the City Report.

MEETINGS AND ANNOUNCEMENTS:

- City Council Regular Meeting is Monday, January 25, 2016

ADJORNMENT

*** Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City Clerk at 479-876-1255.

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ESTABLISH A BELLA VISTA ARTS COUNCIL, TO DEFINE ITS MEMBERSHIP, PURPOSE, POWERS AND DUTIES, AND FOR OTHER PURPOSES

WHEREAS, promotion, encouragement and appreciation of the arts is an important part of cultural life in the City of Bella Vista; and

WHEREAS, establishing a group of interested citizens to advise the City with regard to artistic displays on public property is deemed advisable;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1: The Code of Ordinances of the City of Bella Vista, Arkansas is hereby amended by adding a new Chapter 5—Boards, Commissions and Committees, which shall read as follows:

**“CHAPTER 5
BOARDS, COMMISSIONS AND COMMITTEES**

**Article I. In General
(Reserved)**

Article II. Arts Council

Sec. 5-1 Arts Council Established; Membership

- (a) There is hereby created an advisory board of the City of Bella Vista called the Bella Vista Arts Council. The Council shall have three (3) members appointed by the Mayor, with the approval of the City Council. Upon initial appointment the three (3) members’ terms shall be staggered such that one member shall serve a one (1) year term, one member shall serve a two (2) year term, and one member shall serve a three (3) year term. After the conclusion of the initial terms, all appointments or reappointments shall be for a term of three (3) years.
- (b) Members of the Bella Vista Arts Council shall be artistic professionals or residents of the city of diverse backgrounds with strong interests in the arts and culture of Bella Vista.
- (c) At its first meeting, and every year thereafter, members of the Bella Vista Arts Council shall name a Chairperson.

Sec. 5-2 Purpose

The purpose of the Bella Vista Arts Council shall be to promote and encourage the appreciation and enhancement of the arts and culture in Bella Vista.

Sec. 5-3 Powers and Duties

(a) The Bella Vista Arts Council shall have the following powers and duties:

- (1) Review art to be located on public property or rights-of-way that has been or is to be donated to the City of Bella Vista and make recommendations to the Mayor and City Council with regard to the same, respecting the diversity of art and giving consideration to the efforts of a potential donor to the City;
- (2) Advise the Mayor and City Council on matters related to using public art to enhance existing development;
- (3) Advise the Mayor and City Council on how to increase public awareness and enjoyment of the visual arts;
- (4) Advise the Mayor and City Council on how to increase the value and aesthetics of public lands and buildings to enrich the City economically, socially and culturally;
- (5) Advise the Mayor and City Council on establishing a process for selecting and exhibiting art on city-owned property;
- (6) Advise the Mayor and City Council on the implementation of public art programs;
- (7) Ensure that artwork and the creative concepts of artists are supported;
- (8) Provide advice and input with the planning of capital improvement projects undertaken by the City where there is potential for aesthetic involvement and where the arts may be incorporated into the final design of the project. This may include streets, trails, structures and infrastructure improvements; and
- (9) Adopt rules for the conduct of its business meetings.”

PASSED THIS _____ DAY OF _____, 2016.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

Requested by: Mayor
Prepared by: Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: December 21, 2015 Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Amending Section 109-166(a) of the Municipal Code to Provide for Stricter Accessory Structure Setbacks, and for Other Purposes

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: The recent construction of an accessory storage building in the front yard of 17 Brompton Lane has caused concern from residents. At the request of several alderman, Staff has prepared the following amendment to the municipal code that would require placement of accessory structures behind the front plane of the primary structure on a lot. Section 109-166(a) currently reads:

Sec. 109-166. - Accessory buildings.

- (a) Nonresidential buildings. An accessory nonresidential building may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.
- (1) Attached accessory. An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this article applicable to the principal building.
 - (2) Size. An accessory building shall be no larger than 720 square feet and shall have a similar architecture to that of the main structure.
 - (3) Setbacks. Detached accessory nonresidential buildings shall meet all setbacks for the zone as designated.
 - (4) Height. Accessory buildings shall not exceed the maximum height as allowed by the zoning district in which it is located.
 - (5) Barns and stables. Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which they are located.

Proposed revisions, with deletions indicated with ~~strikethrough~~ text and additions in **bold text**, would read as such:

Sec. 109-166. - Accessory buildings.

- (a) *Nonresidential buildings.* An accessory nonresidential building may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.
- (1) *Attached accessory.* An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this article applicable to the principal building.
 - (2) ~~Size. An accessory building shall be no larger than 720 square feet and shall have a similar architecture to that of the main structure.~~
Setbacks. Detached accessory. Detached accessory nonresidential buildings shall meet all setbacks for the zone ~~as designated~~ **in which they are located, and shall be located at or behind the front plane of the primary structure.**
 - (3) *Height.* Accessory buildings shall not exceed the maximum height as allowed by the zoning district in which it is located.
 - (4) *Barns and stables.* Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which they are located.

The effect of this amendment would ensure, for construction after the passage of the amendment, that 1) accessory structures would be located at or behind the primary structure on a lot, and 2) remove size limitations on those accessory structure.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: The administration is recommending approval of this resolution.

ACTION REQUESTED:
Motion to adopt

ORDINANCE NO. _____

AMENDING SECTION 109-166(a) OF THE MUNICIPAL CODE TO PROVIDE FOR STRICTER ACCESSORY STRUCTURE SETBACKS, AND FOR OTHER PURPOSES

WHEREAS, Section 109-166(a) provides that nonresidential accessory structures shall meet the building setbacks for the zoning district in which they are located; and

WHEREAS, It is hereby found that nonresidential accessory structures should be located behind the primary structure on a lot.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1. Section 109-166(a) of the Municipal Code shall read as follows:

Sec. 109-166. - Accessory buildings.

- (a) *Nonresidential buildings.* An accessory nonresidential building may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.
- (1) *Attached accessory.* An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this article applicable to the principal building.
 - (2) *Detached accessory.* Detached accessory nonresidential buildings shall meet all setbacks for the zone in which they are located, and shall be located at or behind the front plane of the primary structure.
 - (3) *Height.* Accessory buildings shall not exceed the maximum height as allowed by the zoning district in which it is located.
 - (4) *Barns and stables.* Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which they are located.
-

PASSED THIS ___ DAY OF _____, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

*Requested by: Mayor Christie, Alderman Flynn, Alderman Anderson
Prepared by: Christopher Suneson, PLA, Director of Community Development Services*

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: December 21, 2015 – Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Accepting and Confirming Rights-of-Way Dedicated to the Public for Memorial Drive, and for Other Purposes

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: Memorial Drive is classified as a Residential Street in the Bella Vista Master Street Plan, requiring 40' of right-of-way dedication. Previous platting of the area has never formally adopted a right-of-way along the street alignment, and has remained a private street.

Due to its perception of a public street, the administration approached Cooper Communities about dedicating Memorial Drive to the public so that the City can begin formal maintenance of the street in the future. Prior to acceptance of the right-of-way, it was determined by the Administration that repairs to the existing street surface were needed and that should be at Cooper Communities' cost. Working cooperatively with the organization, repairs were made to the Memorial Drive street surface and billed to Cooper. At this time, the street surface is in good condition as determined by the Streets Department and is ready for acceptance.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: Staff recommends approval of this ordinance, and is requesting that the City Council waive its normal three readings to expedite the dedication to the public.

ACTION REQUESTED:
Motion to adopt

ORDINANCE NO.

**ACCEPTING AND CONFIRMING RIGHTS-OF-WAY DEDICATED TO THE PUBLIC
FOR MEMORIAL DRIVE, AND FOR OTHER PURPOSES.**

WHEREAS, A.C.A. 14-301-102 requires that publicly dedicated rights-of-way within the City be accepted and confirmed by an ordinance specifically passed for that purpose; and

WHEREAS, Cooper Communities has expressed a willingness to dedicate rights-of-way encompassing 40' of width along the Memorial Drive street alignment.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Bella Vista, Arkansas:

Section 1: The public rights-of-way shown in the attached Exhibits 'A', 'B', and 'C' which is made a part hereof, are hereby accepted and confirmed for public use.

PASSED THIS ___ DAY OF _____, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

Requested by: Mayor Christie

Prepared by: Christopher Suneson, PLA, Director of Community Development Services

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 25, 2016 – Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Amending the City of Bella Vista Zoning Ordinance and Map by Rezoning Certain Lands Commonly Known as the Bella Vista Marina and Yacht Club (Parcel #16-70284-004) Located at 101 Marina Drive From R-1 to C-2, and For Other

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: The Bella Vista Village Property Owner’s Association has requested to rezone the Bella Vista Marina and Yacht Club property from R-1, Single Family Residential to C-2, Light Commercial.

The property promises 5.96 acres along the eastern shore of Loch Lomond, and is located at 101 Marina Drive. The structure has previously been utilized as a restaurant facility, and become a legal, non-conforming use when the zoning ordinance and map were adopted in 2010. The applicant is seeking to rezone the property so that development approvals are facilitated in the future for a wide range of uses. Following is a comparative table of uses between R-1 and C-2 zoning districts:

| TYPE OF USE | R-1 | C-2 |
|--|-----|-----|
| Legend: “P” = Permitted Use, “C” = Conditional Use | | |
| Accessory building, non-residential | P | P |
| Accessory building, residential | P | P |
| Accessory use | | P |
| Adult day care center | | P |
| Animal clinic or hospital | | P |
| Animal - domestic or household | P | P |
| Animal - grooming | | P |
| Animal - boarding, kennels, rescue, or shelter | | C |
| Apiculture | P | |
| Appliance repair | | P |
| Arboretum or botanical garden | C | P |
| Arena/auditorium | | C |
| Armored car service | | P |
| Art gallery, museum or similar public use | C | P |
| ATM machine | | P |
| Auctioneer | | P |
| Banks and financial institutions | | P |
| Bar, lounge or tavern | | P |
| Beauty salons, barbers and spas | | P |
| Bed and breakfast | | P |
| Blueprinting, photocopying, and similar reproductive service | | P |
| Breeding facility | | C |
| Boathouses | P | P |

| TYPE OF USE | R-1 | C-2 |
|--|-----|-----|
| Legend: "P" = Permitted Use, "C" = Conditional Use | | |
| Boat rental or storage | | C |
| Building materials, retail sales | | P |
| Building services including janitorial services, floor waxing, and office cleaning | | P |
| Bus, truck, sales, service, rental repair, storage | | C |
| Car wash | | C |
| Carting, crating, express handling, moving, or storage | | C |
| Catering service | | P |
| Cemetery or mausoleum | C | C |
| Chickens, hobby | P | |
| Child care facility | | P |
| Community center: public | C | P |
| Community welfare or health center | | P |
| Construction equipment office or sales | | P |
| Convalescent / maternity / nursing home | | P |
| Convenience store | | P |
| Club, public or private | | C |
| Crematory | | C |
| Delivery service | | P |
| Detective or protective service | | P |
| Diaper service | | C |
| Disinfecting, deodorizing, or exterminating service | | C |
| Drafting service | | P |
| Docks and dockside recreational improvements | P | P |
| Drugstore or pharmacy | | P |
| Dry goods store | | P |
| Dry-cleaning, pickup or self-service | | P |
| Duplex | | P |
| Dwelling, accessory | P | C |
| Dwelling, single-family | P | P |
| Dwelling, two-family | | P |
| Dwelling, multifamily (3 units or more) | | P |
| Electric regulating substation | C | C |
| Financial institution | | P |
| Fire extinguisher service | | C |
| Food products: retail as primary use and baking and cooking as secondary use | | P |
| Funeral home | | P |
| Golf courses, clubhouse | C | |
| Greenhouse, residential or commercial | | P |
| Hardware store | | P |
| Hardware, industrial sales | | C |
| Health studio or spa | | P |
| Home occupation | P | |
| Hospital | | P |
| Hotel/motel | | P |
| Household cleaning services | | P |
| Insurance agencies | | P |
| Laboratory, dental or medical | | P |
| Laboratory, manufacturing | | C |
| Laboratory, research | | P |
| Manager/caretaker residence | | C |
| Newspaper offices/print shop | | P |
| Office, general | | P |
| Parking facility (as principal use) | | C |
| Park, public or private | P | P |

| TYPE OF USE | R-1 | C-2 |
|--|-----|-----|
| Legend: "P" = Permitted Use, "C" = Conditional Use | | |
| Pet shop | | P |
| Photography studio | | P |
| Plumbing, electrical, air conditioning, heating sales and service | | P |
| Public buildings, government services | C | C |
| Public safety facilities | C | C |
| Public utilities facilities | C | C |
| Recreational facilities, indoor | | P |
| Recreational facilities, outdoor | | C |
| Religious facilities | C | C |
| Restaurant | | P |
| Restaurant, drive-in | | P |
| Retail store, products | | P |
| School facility | C | C |
| Service office (acct., dentist) | | P |
| Service station/gas station | | C |
| Shelter | | P |
| Studio: cultural, broadcasting and recording | | P |
| Temporary uses | C | C |
| Theater | | P |
| Water filtration plant, pump station, elevated storage, treatment, plant, or reservoir | C | C |
| Wind generators and pumping equipment | C | C |
| Wireless telecommunications facilities (cell tower) | C | C |

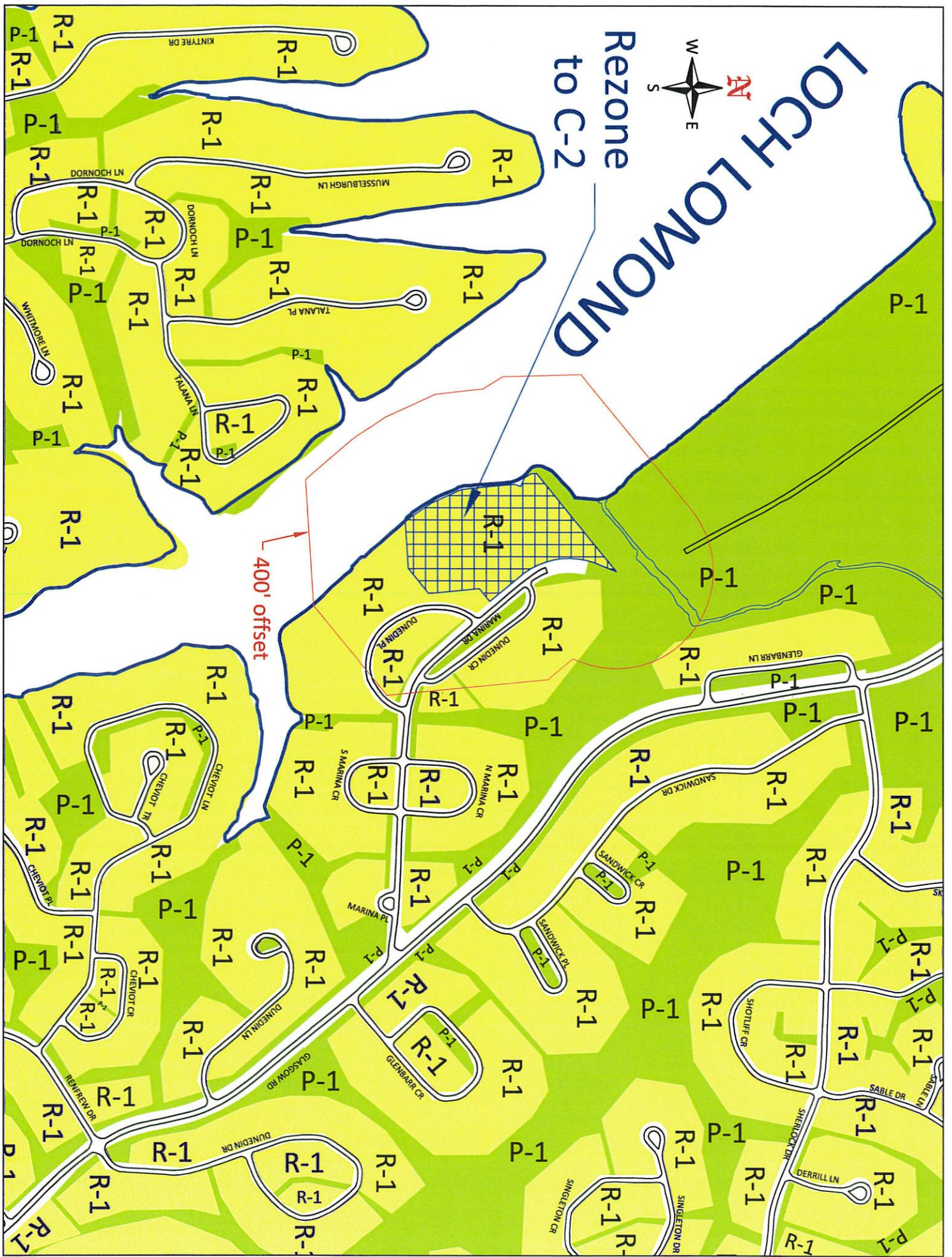
ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: The Planning Commission recommended approval of the requested C-2 zoning at their January 11, 2016, regular meeting. **The administration is recommending waiving of the typical three (3) readings and approval of this ordinance.**

ACTION REQUESTED:
 Motion to adopt

LOCH LOMOND

Rezone to C-2



ORDINANCE NO. 2016- _____

City of Bella Vista, Arkansas

AN ORDINANCE AMENDING THE CITY OF BELLA VISTA ZONING ORDINANCE AND MAP BY REZONING CERTAIN LANDS COMMONLY KNOWN AS THE BELLA VISTA MARINA AND YACHT CLUB (PARCEL #16-70284-004) LOCATED AT 101 MARINA DRIVE FROM R-1 TO C-2, AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of the City of Bella Vista Zoning Ordinance, the City Council has found that certain hereinafter described lands are better suited for C-2, Light Commercial, than R-1, Residential Single Family, zoning; and

WHEREAS, the City Council has determined that the public interest and welfare will be enhanced by the requested rezoning; and

WHEREAS, the City of Bella Vista Planning Commission conducted a public hearing on June 8, 2015, to hear all interested parties to the rezoning request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

Section 1: That the City of Bella Vista Zoning Ordinance and Map should be amended as provided herein.

Section 2: That the following land located in the City of Bella Vista should hereinafter be zoned C-2, Light Commercial and that said land is described in Book 692 on Page 159 as follows:

A parcel of land lying in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (5.272 acres+), the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ (0.690 acres+), of Section 30, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 2657.88 feet North and 1776.06 feet West of the Southeast corner of said Section 30 (Arkansas State Plane Coordinates of North 782,178.941 feet and East 1,321,189.916 feet); thence, S 86°04'57" W 192.32 feet; thence, N 40°25'20" W 35.47 feet; thence, N 33°42'55" W 97.20 feet; thence, N 23°50'20" W 134.77 feet; thence, N 6°26'58" W 106.98 feet; thence, N 4°47'39" W 115.22 feet; thence, N 19°41'04" E 25.38 feet; thence, N 66°48'21" W 38.56 feet; thence N 30°53'47" 32.88 feet; thence, N 1°40'10" W 20.93 feet; thence, N 50°26'14" E 516.98 feet; thence Southwestwardly along the arc of a curve to the right 21.63 feet, said curve having a radius of 136.48 feet and a delta angle of 09°04'48"; thence S 22°50'24" W 54.77 feet; thence, Southeastwardly along the arc of a curve to the left 338.36 feet, said curve having a radius of 310.49 feet and a delta angle of 62°26'19"; thence, S 39°35'55" E 168.66 feet; thence, S 50°24'05" W 68.12 feet; thence, S5°01'27" E 210.62 feet; thence, S50°24'05" W 131.80 feet to the point of beginning, containing 5.962 acres more or less.

Motion to adopt made by:

Ayes:

Nays:

Passed and adopted this ____ day of _____, 2016.

Approved: _____

Mayor Peter Christie

ATTEST:

Wayne Jertson
Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

Prepared by: Christopher Suneson, PLA, Director of Community Development Services

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 25, 2015 - Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Adopting a Planning Area Map for the City of Bella Vista, and For Other Purposes

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: Arkansas planning statutes require cities to adopt a map of the territory for which they will make plans and adopt ordinances to enforce those plans. The City of Bella Vista first adopted a planning area map in 2007 under Resolution 2007-31.

A recent session of the Arkansas legislature has revised some of the planning statutes upon which the 2007 map was based. This includes dialing back the amount of distance the planning boundaries can extend from 5 miles to 1 mile.

In addition, annexations have morphed the municipal boundary. The City has accepted voluntary annexations at the south end of Highway 279 (near the Streets Department site) as well as around Cooper Elementary and the Veteran's Wall of Honor. In addition, the City of Gravette has incorporated territory into its municipal limit that had previously been inside Bella Vista's planning area.

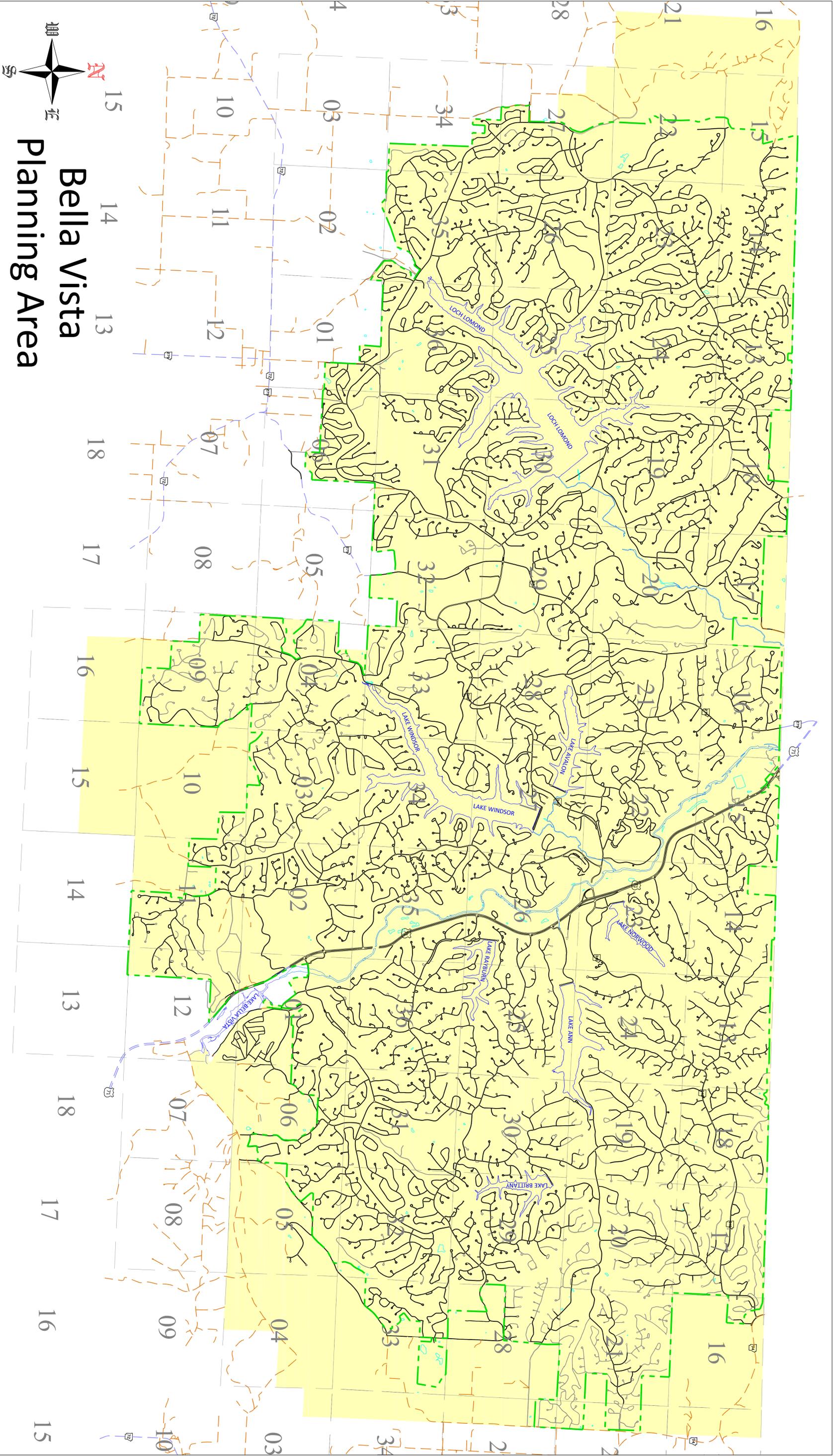
Other neighboring cities, including Bentonville, Pea Ridge, and Centerton, have either adjusted or are in the process of adjusting their own planning area boundaries to reflect the changes noted above.

There is a desire to update the City's land use and master street plans, and the adjustment to the planning area map is the first step to begin those revisions.

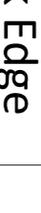
ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: The administration is recommending approval of this ordinance, and **staff is requesting the waiver of its usual 3 readings to accelerate the process of plan making for the City.**

ACTION REQUESTED:
Motion to adopt



Bella Vista Planning Area

-  Paved city street
-  Unpaved street or road
-  City Limits
-  Street, Highway outside city limits
-  Creek Edge
-  Lake Edge
-  Section line

Scale: 1" = 2000'

ORDINANCE NO. 2016-_____

ADOPTING A PLANNING AREA MAP FOR THE CITY OF BELLA VISTA, AND FOR OTHER PURPOSES

WHEREAS, the City of Bella Vista adopted a planning area map in 2007 under Resolution 2007-31; and

WHEREAS, Arkansas' municipal planning statutes requiring planning commissions to prepare a planning area map and description, designating the area within the City's territorial jurisdiction for which it will make studies and prepare plans, ordinances, and regulations; and

WHEREAS, over the past several years annexations and revised state statutes have rendered the 2007 planning area map obsolete; and

WHEREAS, after due consideration, the Planning Commission approved a planning area map and description at its December 14, 2015, regular meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1. That the "Bella Vista Planning Area" map, which is attached and made a part hereof, and the description thereof, which follows, are hereby approved and adopted.

Boundary description: Beginning at the northwest corner of the northeast quarter of Section 16-T21N-R32W of the 5th Principal Meridian in Benton County, Arkansas, at its intersection with the Missouri-Arkansas state line; thence south along said west line of the east half of sections 16 and 21 to the south line of section 21; thence east along the south line of said section 21 to its southeast corner; thence south along the section line between sections 27 and 28-T21N-R32W to the southwest corner of the northwest quarter of the northwest quarter of said section 27; thence east along the south line to the southeast corner of said quarter-quarter of section 27; thence south along the east line of the southwest quarter of the northwest quarter to the southeast corner of said section 27, being also on the city limit line of Gravette (Arkansas); thence following the city limit line of Gravette through sections 27, 34, 35, and 36-T21N-R32W; sections 1, 2, and 3-T20N-R32W; sections 31, 32, and 33-T21N-R31W; and sections 4, 5, 6, 8, and 9-T20N-R31W to the southwest corner of the northeast quarter of the southwest quarter of said section 9-T20N-R31W; thence south along the west line of the east half of the southwest quarter to the south line of said section 9; thence continuing south along the west line of the east half of the northwest quarter to the southwest corner of the southeast quarter of the northwest quarter of section 16-T20N-R31W (being south of the south right-of-way of future Interstate 49 (also known as the Bella Vista Bypass); thence east along the south line of the north half of sections 15 and 16 to the east line of section 15-T20N-R31W; thence north along the section line between

sections 14 and 15 to the northwest corner of said section 14; thence east along the north line of said section 14 to the point on the common city limit line between Bella Vista and Bentonville; thence continuing east long the common city limit line between Bella Vista and Bentonville through sections 1, 11, 12, 13, and 14-T20N-R31W to the point where the common city limit line “separates” near the intersection of Veterans Way and Cold Cave Drive in said section 1; thence continuing generally south along the Bentonville city limits line around the property encompassing Lake Bella Vista and the trail system connected to it until reaching the centerline of McNelly Road (also known as Benton County Highway 40) in said section 12-T20N-R31W; thence northeast along the centerline (as built) of McNelly Road (also known as Benton County Highway 40) to its intersection with the north line of section 7-T20N-R30W; thence east along the line between sections 4, 5, 6, 7, 8, and 9-T20N-R30W to the southeast corner of the southwest quarter of said section 4; thence north to the center of said section 4; thence east along the south line of the northeast quarter of said section 4; thence north along the section line between sections 3 and 4-T20N-R30W to the southwest corner of the northwest quarter of the northwest quarter of said section 3; thence north along the east side of the northwest quarter of the northwest quarter of said section 3 to the township line; thence along the line between Township 20 North and Township 21 North to the southwest corner of the southeast quarter of the southwest quarter of section 34-T21N-R30W; thence north along the west line of the east half of the west half of sections 15, 22, 27, and 34-T21N-R30W to the common state line of Missouri and Arkansas; thence west along said common state line about 12.75 miles to the Point of Beginning.

SECTION 2. That a duly certified copy of this Ordinance shall be forwarded to the cities of Pea Ridge, Centerton, Bentonville, Sulphur Springs, Gravette, and Little Flock, and to the Benton County Planning Office; and shall be filed in the record of the Benton County Circuit Clerk’s office.

PASSED THIS ___ DAY OF _____, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

Prepared by: Christopher Suneson, PLA, Director of Community Development Services

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 25, 2016

AGENDA ITEM: Resolution

ITEM TITLE: BVPD Policy Manual

SUBMITTED BY: K Farmer
Mayor Christie

SUMMARY EXPLANATION:

Attached is the Policy and Procedure Manual for the Bella Vista Police Department. Effective with this revision, we will no longer issue a printed manual. We are using an internet based service called PMAM to deliver the manual. This program tracks delivery to employees and versions.

The following policies are new or changed:

1. Chain of Command was changed to reflect new positions approved in Fall 2015.
2. Code of Conduct - Sections V-X, V-Y and V-Z were added to regulate tardiness, use of sick leave and use of vacation. Section III-L was added to define unscheduled absence.
3. Motor Vehicle Stops/Searches – Section IV-J added to comply with new state law on warrantless searches of probationers/parolees.
4. Stop, Arrest and Search of Persons – Section IV-K added to comply with new state law on warrantless searches of probationers/parolees.
5. Search and Seizure Residences – Section IV-I added to comply with new state law on warrantless searches of probationers/parolees.
6. Domestic Violence Response – New policy to comply with changes in state law.
7. Take Home Vehicles – Clarification of transporting passengers while off duty.
8. Police Chaplaincy – New policy governing the use of chaplains by the police department.
9. “T””U” Visa Certifications – New policy to comply with state law.

All policies not specific to this department have been reviewed and approved by the Model Policy/Accreditation Committee of the Arkansas Association of Chiefs of Police. This committee includes a representative of the Arkansas Municipal League, who provides our legal defense. The policies specific to this department have been reviewed and approved by Staff Attorney Jason Kelley.

ATTACHMENT: ORDINANCE RESOLUTION X OTHER

RECOMMENDATION:

Bella Vista Police Department Policy and Procedures Manual



Adopted by City Council Action
On
Resolution Number

THE LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the constitutional rights of all men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self restraint;

and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department.

Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

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

Bella Vista Police Department Mission Statement

We, the members of the Bella Vista Police Department, are committed to excellence in law enforcement and are dedicated to the people and diversity of our City. In order to protect life and property, prevent crime and reduce the fear of crime, we will provide service with dedication, response with compassion, performance with integrity and law enforcement with dignity.

Bella Vista Police Department Vision Statement

We, the Bella Vista Police Department, are committed to providing the highest quality of police service to the people who live, work and visit our community. We will constantly evaluate and improve our efforts to enhance public safety with the goal of improving the quality of life in Bella Vista, while at the same time maintaining respect for individual rights and human dignity.

Bella Vista Police Department

Core Values

Integrity

Integrity is the most important of our guiding values. We will strive to adhere to the highest moral and ethical standards, viewing honesty as our most important trait.

Compassion

Compassion is acting in a manner to relieve the suffering of the people we contact. We will strive to help people who are experiencing difficult times in life.

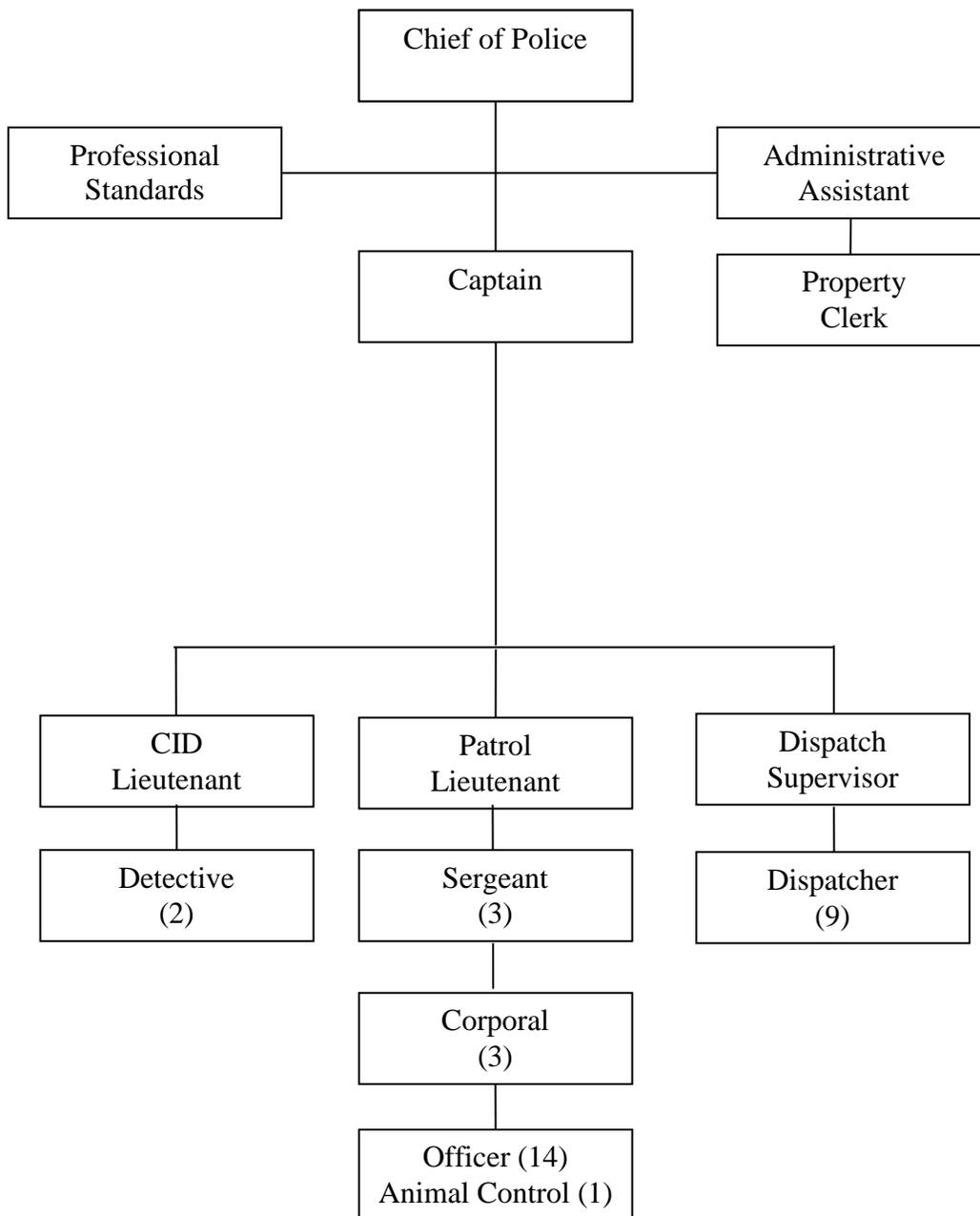
Dignity

Dignity is respect for our selves or other people. We recognize that our personal conduct, both on and off duty, is inseparable from the professional reputation of both the officer and the department.

Dedication

Dedication is the act of being totally committed to an ideal or goal. We are committed to providing the highest quality of law enforcement service to the community with the goal of enhancing the quality of life in Bella Vista.

Bella Vista Police Department Chain of Command





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| Audits and Inspections | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: 53.1; 53.2.1 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** Some police operations and tasks have a high risk, high liability potential. These police operations must be undertaken in a consistent, methodical manner in an attempt to undertake the necessary police operation/task, yet reduce the liability potential. This liability potential can be reduced when the department can document that the procedures in place were consistently followed. A police department must conduct formalized, regular audits and inspections of these high risk, high liability operations and tasks.
- II. **Policy:** It is the policy of this department to conduct audits and inspections of designated police operations and tasks on both a scheduled and unannounced frequency.
- III. **Procedure:** The following operations and tasks shall be audited and inspected by a person/unit designated by the Chief of Police. This person/unit shall be directly responsible to the Chief of Police. The person(s) conducting the audit/inspection shall use the formal checklist to ensure that all relevant areas of concentration are addressed in the audit/inspection. The ultimate purpose for these inspections is to ensure that the operation/task is being conducted consistent with department policy/procedure and the law. Scheduled inspections shall enlist and involve the personnel of the unit/function being inspected, unless there is an indication that this would inhibit the process of the audit/inspection. Unannounced audits/inspection shall be conducted at the direction of the Chief of Police.
 - A. **Schedule:** The following operations/tasks shall be audited/inspected on the following schedule:

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| i. Access to criminal information systems | Annual Report |
| ii. Citizen complaint investigations | Annual Report |
| iii. Use of Force/Control of Resistive Persons Reports | Annual Report |
| iv. Pursuit Reports | Annual Report |
| v. Property/Evidence (Narcotics, Money, Guns) | Annual Report |

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| vi. SWAT equipment and training | Annual Report |
| vii. Crowd control contingency plans and equipment | Annual Report |
| viii. Less than lethal weaponry | Annual Report |
| ix. Video camera supervisory reviews | Quarterly Report |
| x. Mandated training | Annual Report |
| xi. Racial Profiling Policy Review/Update | Annually Report |

B. Inspection Process: The process of the inspection/audit shall respect the dignity of all departmental personnel and conducted in a professional manner.

- i.** Written Report: Each audit/inspection shall be reduced in writing.
 - a.** Specific examples of positive and negative issues, if observed, shall be identified.
 - b.** This report shall be forwarded directly to the Chief of Police and/or their designee.

C. Follow-Up Requirements

- i.** Each audit/inspection report that identified a deficiency or area of concern shall result in a follow-up audit/inspection within one month of the discovery of the deficiency.

D. Maintenance Of Audit/Inspection Reports

- i.** All reports of audit/inspections shall be maintained in a secure location for a minimum of five (5) years or longer where required by state law.



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| Biased Based Policing | Related Policies: Stops, Search & Arrest; Motor Vehicle Contacts; |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: A.C.A. § 1-2-503 (2011), 1-2-504 | |
| CALEA Standard: 1.2.9 | |
| Date Implemented: 09/24/12 | Review Date: |

I. Purpose

- A. Members of this department shall not violate the constitutional rights of persons, regardless of race, ethnicity, national origin or religion (note that other statements may be included in your policy as deemed appropriate by the particular law enforcement agency; these include but are not limited to: color, creed, gender, age, sexual orientation, disability or any other belief system).
- B. This policy serves to (1) reaffirm this law enforcement agency's commitment to unbiased law enforcement practices, (2) further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and (3) reinforce procedures that assure the public this agency is providing service and enforcing laws in an equitable and lawful fashion.

II. Policy: It is the policy of this department to respect the rights of all persons. As such, this department will work diligently to ensure the following:

- A. Law enforcement officers of this agency shall not violate citizens' equal protection rights. Toward this end, members are prohibited from engaging in racial/bias profiling in any aspect of law-enforcement activity as defined by this policy.
- B. It shall be the policy of this law enforcement agency that officers base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the United States and Arkansas Constitutions as well as federal and state law.
- C. Law enforcement officers of this agency shall be prohibited from utilizing race, ethnicity, national origin or religion to any degree in making law enforcement decisions, except to determine whether a person matches the description of a particular suspect.

- D. The statements of policy and definitions contained herein shall not be construed or interpreted to be contrary to the Arkansas Rules of Criminal Procedure or the Constitutions of the United States or the State of Arkansas.

III. Definitions

- A. “Probable cause” means that set of facts or circumstances based on reliable information, personal knowledge or observation by an officer, which reasonably shows and would warrant an ordinary prudent person in believing that a particular person has committed, is threatening, or is about to commit some criminal violation of the law. This definition is subject to federal and state court interpretation and other applicable law.
- B. “Reasonable suspicion” means suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is, a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion. This definition is subject to federal and state court interpretation and other applicable law.
- C. “Reasonable cause to believe” means a basis for belief in the existence of facts which, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective, and sufficient to satisfy applicable constitutional requirements. This definition is subject to federal and state court interpretation and other applicable law.
- D. “Reasonable belief” means a belief based on reasonable cause to believe. This definition is subject to federal and state court interpretation and other applicable law.
- E. “Racial profiling” means the practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin or religion in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant. This definition is subject to federal and state court interpretation and other applicable law.

IV. Field Officer Responsibilities

- A. Members of this law enforcement agency, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.
- B. Officers shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on a standard of reasonable suspicion or probable cause and in doing so shall not violate this policy.
- C. Upon initial contact, each law enforcement officer shall provide his or her full name, written identification, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused. If asked for a serial or badge number by the pedestrian or

driver of a motor vehicle, the law enforcement officer shall oblige, when it is reasonable to do so, by providing such information.

- D.** When stopping a pedestrian or a driver of a vehicle for an alleged motor vehicle violation, each law enforcement officer shall take into account circumstances associated with each individual pedestrian or motor vehicle stop and shall use discretion in determining whether to issue a verbal warning, a written warning, or a citation.
- E.** In an effort to minimize conflict during interactions with accused violators when stopping and or detaining persons, it is recommended that officers attempt, where feasible and reasonable, to:
 - i.** Extend a customary greeting to each person such as: Good morning, afternoon, or evening.
 - ii.** Identify themselves by name. For instance:
 - i.** I am Officer Smith of the Bella Vista Police Department.
 - iii.** Explain the reason for the stop or detention:
 - i.** I stopped you because _____.
 - iv.** Listen politely and give the accused ample opportunity to tell his or her story and explain his or her behavior.
 - v.** Politely ask for identification and any required documents: May I please see your driver's license, registration and proof of motor vehicle insurance?
 - vi.** Complete paperwork and advise driver or pedestrian as to what action is being taken and what, if anything, the person must do as a result, such as pay a fine, obtain a court hearing, etc.
 - vii.** Extend a departing pleasantry such as: Please drive safely or thank you for your cooperation.
 - viii.** Make sure the driver is able to merge safely back into traffic.¹⁰
 - ix.** Remain courteous and project a professional demeanor during the interview, questioning or contact.
 - x.** Officers shall refrain from participating in or encouraging any actions or statements that could be reasonably perceived as racial/bias-related profiling, including but not limited to racial slurs or derogatory references about a minority group.
 - xi.** Officers shall report any acts of racial/bias-related profiling to their immediate supervisor as is more specifically defined herein.

V. Supervisor Responsibilities

- A.** Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this policy and are operating in compliance with the procedures herein.¹¹
- B.** Each supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by his or her field

officers, either on the scene or by telephone and documenting same in writing using departmentally approved forms.

- i. If the complaint is not resolved, and forms have not already been filled out, the supervisor shall offer to provide the complainant a Citizen Complaint Form.
 - ii. If the supervisor arrives at the scene of the allegation, then she/he shall provide a Citizen Complaint Form and collect the mobile video/audio recording (MVR) tape, if applicable, from the field officer.
 - iii. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explaining the department's policy and in particular the investigative process.¹²
- C.** Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
- i. Evaluate, provide a written report, and process each Citizen Complaint Form alleging biased law enforcement practices to the Agency head or his/her designee or to the Internal Affairs Unit, if applicable.
 - a. Written reports shall be completed within twenty-four (24) hours of filing by complainant.
 - ii. Evaluate, copy, and submit a written report to the agency head or his or her designee detailing the review of the MVR tape, if applicable.
 - a. Each supervisor shall maintain a copy of the MVR tape, if applicable, and any written report prior to submitting to the agency head or his or her designee or the Internal Affairs Unit.
 - b. The written MVR Tape Report shall be completed within twenty-four (24) hours of filing by the complainant and submitted to the agency head or his or her designee or the Internal Affairs Unit for investigation.

VI. Allegations of Biased Law Enforcement Practices

- A.** When accused of biased law enforcement practices, the field officer shall first contact their immediate supervisor for advice on the situation.
- i. When practical to do so, the supervisor shall report to the scene to mediate the situation.
 - ii. Field officers shall provide complainant(s) with the full name and telephone number of his or her immediate supervisor, and the contact name and telephone number of the agency head or his or her designee, or the supervisor of the Internal Affairs Unit, if applicable.
 - iii. Field officers shall complete a written report detailing the incident, the allegation(s) made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his or her supervisor.
- B.** Along with their written report, field officers shall submit the MVR tape containing the encounter in question, if applicable, to his or her supervisor.
- C.** All allegations of biased law enforcement practices shall be investigated by the department in a like and consistent manner.

VII. Departmental Review

- A.** Management of this law enforcement agency shall implement a systematic review process to generate quarterly analyses of the statistical information collected from the Citizen Complaint Form.
- B.** These analyses shall identify allegations specific to biased law enforcement practices.
- C.** If a pattern is identified, the agency head or his or her designee or the Internal Affairs Unit, if applicable, shall be responsible for conducting an investigation to determine whether officers of the agency have violated the provisions of this policy and/or other department policies or procedures.
- D.** Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, including but not limited to termination, in a timely manner.¹⁴

VIII. Documentation and Record Keeping

- A.** Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall document the stop with the following information, which shall be included in addition to any other information documented by the officer:
 - i.** A physical description of each person detained as a result of the stop, including:
 - a.** the person's gender; and,
 - b.** the person's race or ethnicity.
 - ii.** The traffic law or ordinance alleged to have been violated or the suspected offense;
 - iii.** Whether the officer conducted a search as a result of the stop, and if so, the basis for that search: consent of the person detained, existence of probable cause, frisk for weapons, or other;
 - iv.** Whether any contraband was discovered in the course of the search and the type of contraband discovered;
 - v.** Whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
 - vi.** The street address or approximate location of the stop;
 - vii.** The date and time of the stop; and,
 - viii.** Whether the officer issued a warning or a citation as a result of the stop.
- B.** Every year, no later than April 1, this law enforcement agency will compile the above information relating to the race/ethnicity of individuals stopped.
- C.** The information will be reported in a format that may include, but is not limited to, the reporting of the data in numerical and/or percentage categories of ethnicity, stops, reasons for the stops, searches resulting from the stops, disposition of the stops, and the duration of the stops.

- D. This law enforcement agency shall also compile data on individual officers to be used in evaluation and as an early warning system for possible racial/bias profiling.
- E. The data and documentation collected pursuant to this general order shall not constitute prima facie evidence of racial profiling or any other violation of civil rights or of state or federal law.

IX. Training

- A. Training shall be in compliance with state law and regarding this policy. This training shall include:
 - i. Training of all current and future agency employees as to this policy and the prohibition against racial/biased profiling;
 - ii. Annual in-service training stressing the understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;
 - iii. Input from those classes of persons identified in the agency policy in development of curriculum;
 - iv. Specific lesson plans for patrol officers, supervisors, etc.;
 - v. A review of the agency's operating procedures that implement the prohibition against racial profiling and the affirmation by agency employees that they have copies of, understand, and are following the policy; and,
 - vi. If necessary and possible, foreign language instruction to ensure adequate communication with residents of a community.
- B. Further, training shall be planned and completed in compliance with the standards designed by the Commission on Law Enforcement Standards and Training ("CLEST").

X. Communication to the Community of this Policy

- A. This law enforcement agency shall be responsible for providing public information relating to the agency's efforts to comply with government mandates on racial profiling. This will include public education relating to the agency's complaint process. Avenues for this information may be, but not limited to, any of the following:
 - i. Pamphlets developed by the agency;
 - ii. Public service announcements concerning this policy and additional outreach efforts on local radio stations, television stations and local newspapers;
 - iii. Community meetings and public forums in which bias/racial profiling is discussed; and,
 - iv. News/press releases.
- B. Where appropriate to meet the goals of this policy, communication of this policy with the community shall be available in English and in Spanish.

XI. Retaliation

- A. No member of this law enforcement agency, regardless of rank or stature, shall retaliate against fellow officers, officials, civilians, or volunteers for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents.
- B. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to dismissal.

XII. The Use of Mobile Digital Recording (MDR) Equipment

- A. If MDR equipment is available within the law enforcement agency, please refer to the policy concerning Mobile Digital Recording Equipment.

XIII. Legislative Audit Requirements

- A. To the extent that state law mandates local law enforcement agencies to file reports with Legislative Audit, this order/policy shall be included in the annual report that the department submits to the Division of Legislative Audit.

XIV. Public Inspection

- A. A copy of this policy shall be kept at Bella Vista Police Department for public inspection.



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| Canine Policy | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statute | |
| CALEA Standard: 41.1.4 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to outline mandates relating to the use of police service dogs in the law enforcement operations.

- II. **Policy:** It is the policy of this department to recognize the value of law enforcement service dogs as a part of the overall law enforcement operation as well as ensure that canine use is balanced with the rights of all persons. In cases where a canine may bite a suspect, the use constitutes a use of force and must meet the mandates of this department's policies on use of force.

- III. **Procedure**
 - A. General Operational Procedures
 - i. When feasible and other means of transport are available, prisoners shall not be transported in a vehicle occupied by a canine. When other transportation is not available, prisoners may be restrained and belted in the front passenger seat of the canine vehicle or placed in a specialized rear seat compartment manufactured for such a purpose and transported to the Police Station and or jail. In such circumstances, the partition between the canine compartment and the prisoner shall be configured in such a manner as to prohibit contact between the passenger and canine.
 - ii. Members who are selected for a position as a canine handler have the responsibility of caring for their assigned canine. Handling and care include:
 - a. All handlers are to ensure that the general health, hygiene, and care of their assigned canine are properly maintained and that periodic veterinary exams are provided in accordance with appropriate schedules;
 - b. All handlers will groom their canines as needed;

- c. Handlers shall conduct daily physical examinations of their canine when practical to determine any injuries, health issues, ticks, or flea infestations;
- d. A department supervisor, designated by the Chief of Police or their designee, shall make periodic visits to the canine's kennel area to inspect health, sanitation, and security conditions for the canine;
- e. In cases of extended absence of the canine handler where the handler is unable to provide the basic care for the canine, the Chief of Police or their designee may assign another person and/or a kennel facility to care for the canine; and
- f. Any changes in the living status of the handler which may affect the health, welfare, safety or security of the canine, or others coming into contact with the canine, shall be reported to the supervisor responsible for oversight of the canine.

B. Response to Requests for Canines

- i. Upon arrival at a request for service, the canine handler shall be responsible for determining if the circumstances of the event justify the use of a canine.
- ii. The handler will make the final determination on the deployment of the canine. A supervisor responsible for the overall event may direct that a canine not be deployed; however, the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.
- iii. A canine handler shall not knowingly deploy their canine beyond the capabilities of the canine team's (handler and dog) training and certification.

C. Canine Deployment/General Provisions

- i. In any case where the canine is used to locate an individual or object based upon scent, first responders shall set up a perimeter and ensure that no one enters the area such that there will be a scent contamination.
- ii. First responders should be specifically instructed not to enter the area.
- iii. First responders shall exhaust all reasonable efforts to determine if innocent persons, including officers, are within the area to be searched.
- iv. Canine handlers shall give a warning anytime the canine is going to be used and the possibility exists that the canine will bite anyone.
- v. Example of an acceptable announcement (search-suspect): "Police: You are under arrest. I have a trained police dog. Make yourself known and surrender. If you do not immediately make yourself known and surrender, I will release the dog. He will find you and bite you."
- vi. Canine warning announcements shall be made in a loud and clear voice, by methods deemed appropriate for the circumstances by the handler. Such warning may be made by loud voice or by PA system depending on the circumstances with which the canine team is confronted.

- f. The handler should continue to instruct the suspect to stop resisting during the canine apprehension.
 - g. As soon as practical following submission by the suspect, the handler shall command the canine to release the suspect or physically remove the canine from the suspect as tactics dictate. The canine will then be called to a watch position.
 - h. The canine handler will instruct the suspect that the failure to follow commands and remain submissive will result in the dog being released to accomplish the apprehension.
 - i. Where other officers are available, they may be summoned by the handler to handcuff and search the subject while the handler maintains a watch position with the canine. Where no officers are available, the canine officer may await arrival of backup or leave the canine off-lead in the watch position while the officer handcuffs and searches the subject. Such tactical determinations shall be made by the canine handler.
 - j. Once the suspect is controlled and the scene secure, the handler will ensure that the subject is provided with medical care if any injury was sustained in the apprehension.
- ii. Evidence Searches
 - a. Canines may be utilized in an attempt to recover items related to crime which may be needed as evidence for criminal prosecution;
 - b. All searches will be systematically conducted as determined by the handler; and
 - c. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.
- iii. Building Searches
 - a. Building searches may be conducted when it is believed that a suspect has gained unauthorized entry into a building or has fled into a structure for the purpose of concealment when the following two criteria are met:
 - 1. The officer(s) have probable cause to arrest the subject for a criminal offense.
 - 2. The use of a canine as force must be objectively reasonable.
 - b. In cases where a canine is to be utilized, first responding officers shall be instructed to immediately set up a perimeter which minimizes the ability of the subject to escape, but also keeps officers on the outside of the structure so as to avoid cross-contamination of the suspect's scent, thereby diminishing the effectiveness of the canine.
 - c. Prior to use of the canine, the handler shall make an announcement in keeping with this policy.

- d. The handler shall wait a reasonable amount of time, determined by the size of the building, to allow innocent persons to exit and the opportunity for the suspect to peacefully surrender.
- e. The handler shall give additional announcements prior to commencing the search on each separate floor or unit when searching large structures such as office buildings or warehouses.
- f. All searches will be systematically conducted as determined by the handler.
- g. Searches will be conducted off-lead unless the safety of the canine would be jeopardized, and/or tactics would dictate otherwise as determined by the handler.

iv. Open Field Searches:

- a. Open field searches may be conducted when it is believed that a suspect has fled into a field or wooded area when the following two criteria are met:
 - 1. The handler shall give additional warnings as deemed appropriate by the handler considering the size of the area to be searched and the likelihood that a suspect would hear the prior warning.
 - 2. Handlers shall also consider ambient noise in the area which may limit the subject's ability to hear the warning;
- b. All searches will be systematically conducted as determined by the handler;
- c. Searches will be conducted off-lead unless the safety of the canine would be jeopardized, and/or tactics would dictate otherwise as determined by the handler.

v. Tracking

- a. Tracking is utilized in a multitude of law enforcement events including missing persons, suspects who have fled, lost children, etc.
- b. The initial responding officers shall be directed to immediately establish a perimeter.
- c. Tracking shall be conducted on lead at a sufficient length to be determined by the canine's handler. The handler will also determine whether or not a back-up officer will be utilized on the track based upon the particular circumstances of the event.
- d. Alternative announcements may be used when dealing with a lost or missing person that include calling out the person's name and advising that the canine is looking for them.

vi. Tactical Deployment

- a. Canine teams may be used for purpose of tactical deployments in conjunction with a SWAT team or high risk operation. Canine use in these circumstances may include:

1. Perimeter Control
2. Target Disruption
3. Other purposes designated by the incident commander with the agreement of the canine handler. The handler will make the final determination on the deployment of the canine. A supervisor responsible for the overall event may direct that a canine not be deployed; however, the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.

vii. Scent Searches

- a. To the extent that such specialized trained canines are available, canines may be used for conducting scent searches for such items as:
 1. Explosives
 2. Cadavers
 3. Narcotics
 4. Accelerants (Fire Cases)
- b. All searches will be systematically conducted as determined by the handler.
- c. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.
- d. Motor Vehicle Narcotics sniffs will be conducted in accordance with the provisions of this department's motor vehicle search policy and the following:
 1. The handler shall determine that the area where the vehicle is located is safe for canine deployment taking into account the safety of the officers, the canine, the occupants of the vehicle and the motoring public.
 2. The handler shall ensure that the canine is controlled during the sniff so as to ensure that the dog has no ability to obtain physical access to the interior of the vehicle.

viii. Public Disturbances:

- a. An officer or an incident commander may call for the canine team to respond to the scene of a civil disturbance, imminent civil disturbance, or other unruly public disturbances.
- b. Where no emergency circumstance exists, the canine team may be staged until a determination is made as to if the team will be deployed, and how the team will be deployed.
- c. The responding team will determine how to deploy and utilize the team. A supervisor responsible for the overall event may direct that a canine not be deployed; however, the supervisor shall not order

deployment where the handler determines that such deployment is inappropriate.

1. Canines shall not be used for crowd control or as a deterrent effect at the scene of a peaceful protest

F. Community Relations/Demonstrations: All requests for canine demonstrations shall be directed to the officer in charge of the Canine Unit who shall then seek approval of the Chief of Police or their designee to conduct the demonstration.

- a. Handlers conducting demonstrations shall ensure that their appearance, as well as that of the canine and the equipment utilized, reflects professionally upon the department
- b. Handlers shall maintain control of the canine at all times.
- c. Audience participation shall be restricted, and any contact with the canine shall be at the discretion of the handler who is in the best position to know the canine's reaction to others. The audience shall be instructed that law enforcement canines are working dogs and due to their specialized training, they should be approached cautiously
- d. Handlers shall not demonstrate force or criminal apprehension without express authorization from the Chief of Police or their designee.
- e. Handlers shall not roughhouse, tease, or agitate the canine unless such conduct has been expressly authorized by the Chief of Police or their designee for purposes of the demonstration.

G. Emergency Circumstances

- a. In a circumstance where the canine handler suffers a personal injury while on duty, the handler shall, if physically capable, request emergency medical assistance as needed, as well as the presence of necessary support officers and a supervisor. If physically able to do so, the handler shall ensure that his or her canine is properly attended and secured. If available, another handler shall be called to the scene to assist in securing the injured handler's canine. If another handler is not available, an officer or supervisor who is most familiar with the particular canine shall be called to the scene to assist in securing the canine.

In the event that a handler sustains an incapacitating injury, the supervisor, or other available officer, shall ensure by all means necessary that the handler safely receives emergency medical treatment and transport to an appropriate medical facility. The supervisor, or where no supervisor is available, an officer will then take necessary steps to secure the handler's canine.

H. Veterinary Care:

- a.** All non-emergency veterinary care shall be coordinated by the supervisor responsible for the canine unit through a pre-approved veterinary facility. In an emergency, an effort shall be made to bring the canine to the pre-approved facility; however, where such an effort will jeopardize the life of the canine, the handler shall take steps necessary to get the canine to the most urgent facility.
- b.** All records of medical treatment shall be maintained by the canine handler and filed within a department file, stored at the department for such records.
- c.** In the event that a canine is deemed unsafe, the team will be immediately taken out of service. As soon as operationally feasible, the canine shall be evaluated by the pre-approved veterinary facility. If the canine is deemed no longer suitable for service, the canine shall be retired.
- d.** The Chief of Police or their designee shall be notified when a canine is taken out of service for medical reasons, as well as when the canine is returned to duty following documentation of the reasons by the treating veterinarian.

I. Certification and Training

- a.** All canines and handlers assigned by this department shall, at a minimum, meet all certification requirements as required by the State of Arkansas.
- b.** Training: All canines and handlers assigned by this department shall, at a minimum, be trained in accordance with the training provided by the State of Arkansas.

J. Documentation of Canine Usage and Training

- a.** All canine deployments shall be documented in department reports of events. This shall include events where a suspect submits upon warning of the canine's presence.
- b.** All canine usage related to response to resistance shall be the subject of a response to resistance report which includes all required documentation.
- c.** All training must be documented in a training log and forwarded to the canine's administrative file.

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| Police Chaplaincy | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| ALEAP Standard: | |
| CALEA Standard: | |
| Date Implemented: | Review Date: |

I. Purpose: The purpose of this policy is to establish guidelines governing the use of Police Chaplains needed during the daily operations of the department.

II. Policy: It is the policy of this department to utilize Police Chaplains to provide a ministry of presence to members of the department, their families, and, when the occasion arises, to people in the community who have been affected by police activity or life-changing events; and to be available to furnish spiritual and/or personal guidance to members of the department involved in, or affected by, life-changing events.

III. Definitions:

- A. ICPC is the International Conference of Police Chaplains.
- B. CLEST is the Arkansas Commission on Law enforcement Standards and Training.
- C. Bella Vista Police Chaplain (A sworn member of the Police Department)
- D. On-Call Chaplains are local ministers who volunteer to assist when they are needed.

IV. Procedure

A. Selection and Qualifications

- i. The Chaplain should be an ordained clergyperson duly recognized by either their denomination or religious group with at least five years of pastoral experience.
- ii. Individuals who are not ordained ministers but are trained by ICPC or another nationally recognized organization as chaplains and those with military chaplaincy experience will also be considered.
- iii. The Chief of Police or their designee will interview and, after a complete personal background check of the individual, make the determination whether or not the person may be appointed as a chaplain. It also is the responsibility of the Chief of Police or their designee to determine how many chaplains are needed for the Department.

- iv. Chaplains shall be men/women of faith who are committed to minister to both the Police Department personnel they work with and the general public they are asked to serve.
- v. Chaplains are subject to minimum standards for appointment required by CLEST regulations.
- vi. It is recommended that the Chaplain be a full member by the International Conference of Police Chaplains (ICPC) or other nationally recognized organization. If not a member of ICPC at the time of appointment, the chaplain should attempt to become a member within 1 year of appointment.

B. Supervision

- i. The chaplain shall be under the direct supervision of the Chief of Police or their designee.
- ii. On-call chaplains will be supervised by the Chaplain. In addition, the chaplain shall interview and report to the Chief of Police or his designee the approval or disapproval of anyone being used by the department as a chaplain.
- iii. The chaplain will assume no supervisory authority over any other member of this department.
- iv. The chaplain is not a commissioned police officer, rather a public safety officer and has no arrest authority.

C. Ride-along

- i. The chaplain and any assistant chaplains are authorized to ride with police officers with the following limitations:
 - a. Liability waivers are not required.
 - b. The Chaplain should receive approval from the on duty supervisor and the officer prior to the ride-along.
 - 1. The officer is not required to permit the ride-along.
 - c. The chaplain shall follow the instructions of the officer at all times during the ride-along.
 - d. The chaplain shall not enter any person's home while participating in the ride-along unless the officer has asked and been granted express consent from the homeowner or occupant to allow the entry.
 - 1. In obtaining consent, the officer must specifically notify the homeowner/occupant that the individual is a chaplain and there is "no legal obligation" to allow the chaplain inside the home.
 - e. Officers may allow the chaplain to leave the police vehicle in order to better observe the police activity.
 - f. The chaplain shall not become involved in the police activity or operate any departmental vehicle or equipment unless requested by the officer in an emergency.
 - g. The Chaplain may not carry any firearm or other weapon, even when otherwise authorized by law when performing duties as chaplain, unless authorized by the Chief of Police or their designee.
 - 1. This section is not meant to restrict an individual's privilege to carry a weapon authorized by a valid Arkansas Concealed Handgun License in situations other than departmental business.

D. Other department areas

- i. The chaplain is allowed access to common areas of the department including dispatch and briefing area.
 - a. The chaplain is allowed to participate in briefings.

- b. The chaplain should realize that they may see or hear confidential information and react appropriately.
- c. The chaplain may be required to complete CJIS security training to allow access to the dispatch center.
- d. The chaplain is not a commissioned officer and does not have access to the ACIC/NCIC data base in the Dispatch Office. The chaplain must take care not to violate the security of the Dispatch Office. This also means that the chaplain does not have the authority of request confidential information from ACIC/NCIC such as driver license or automobile license checks.

E. Duties and Responsibilities

- i. The Chaplain should be on-call 24/7 to respond to the requests of Police Department personnel for situations where the presence of a chaplain is deemed important to the situation. This includes but is not limited to making death notifications, assisting with unattended deaths, suicides, and accidents where a person has either been killed or seriously injured.
 - a. The decision to call out the chaplain will be made by the on duty supervisor.
 - b. Any employee may contact the chaplain directly to request personal counseling.
- ii. Should a line-of-duty death or an officer involved shooting occur, the chaplain shall provide a personal resource and spiritual presence to those who are affected, and provide counseling within the scope of their training. The Chaplain shall also assist the department in making appropriate arrangements regarding how the department responds to such tragedies.
- iii. Whenever the Chaplain is called to respond to a department issue, they shall make a written report and submit it to the person requesting assistance and the Chief of Police or their designee.
- iv. The chaplain has the privilege of participating in any or all police activities, including but not limited to briefings, dispatch information being sent out over the police radio network, training exercises, and continuing education experiences. In addition, the Chaplain shall be available to meet with various department personnel to provide moral, spiritual, and morale guidance. Unless invited, the chaplain shall not participate in meetings regarding personnel matters.
- v. Within the scope of their abilities and ecclesiastical authority, the Chaplain may also assist the department and its personnel in funerals, weddings, etc. as requested.
- vi. Without specific authorization by the Chief of Police or their designee, the Chaplain may not speak to the media about police issues.
- vii. The Chaplain shall not attempt to proselyte, enhance personal theological views, or engage in religious conversation with Police Department personnel unless the person involved is receptive to such a conversation.
- viii. Many times, the Chaplain is considered a representative of the department and the community. As such, they shall represent the department in a positive manner and avoid becoming involved in negative criticism regarding the department.

F. Confidentiality

- i. Federal and state laws are specific about what material may or may not be considered confidential. In general, this means a one-on-one conversation with an individual by an ordained minister within a closed environment. As such, simply being a police chaplain does not provide protection from being required by law to testify in situations usually deemed confidential. Judicial confidentiality resides

with the law, the judge, and the chaplain's qualifications outside of being a police chaplain.

- ii. However, there is another level of confidentiality that is an absolute must for police chaplains. The Chaplain must always consider privileged information from the Chief of Police, the Command Staff, officers, or others as confidential. Violating this principle of confidentiality quickly erodes the trust level between the Chaplain and others, and seriously impedes their ability to minister effectively.
- iii. The best confidentiality between a commissioned officer and a chaplain normally takes place within the safety and seclusion of a patrol car during a ride-along. However, the development of electronic audio/visual equipment within the patrol car has seriously eroded this place of confidentiality. Therefore, the chaplain must be careful to either have the patrol officer make sure his or her audio system is not recording when dealing with confidential matters or to find another place where the conversation may be considered confidential.
 - a. If feasible, a location away from the police department may be provided to facilitate counseling by the chaplain. (possibly a room in a local church)
- iv. It is understood that some things are not confidential. Chaplains are mandatory reporters and cannot keep a confidence whenever the law is being broken. Also, information regarding anyone who is threatening either himself or someone else is not confidential. These limitations should be explained if confidentiality is expected during a counseling session.

G. Chaplain Benefits

- i. The Bella Vista Chaplain shall be provided an identification card and a badge denoting his/her position as a chaplain in the Police Department.
- ii. When feasible, the Chaplain may be provided with appropriate equipment for serving within the Department such as but not limited to a safety vest, raincoat, body armor, and a police radio.
- iii. The Police Department shall pay the membership dues for the Chaplain to belong to ICPC, and, when feasible, provide additional funding for continuing education designed to enhance their chaplaincy abilities.
- iv. The Chaplain may qualify for benefits under PSOB guidelines if he/she is injured or killed as a direct result while on duty as a chaplain.

V. On-Call Chaplains

A. Selection and Qualifications:

- i. An on-call chaplain must be an ordained clergy person duly recognized by either their denomination or religious group with at least three years of experience. Fully trained and endorsed chaplains and those with military experience also will be considered.
- ii. The Police Chaplain shall interview candidates for being on-call chaplains and recommend appointment to the Chief of Police or their designee. The Chief of Police or their designee shall make the final determination as to whether a person should be an on-call chaplain.
- iii. On-call chaplains shall be people of faith who are committed to minister to the people involved in the situation to which they are called.
- iv. Under no circumstances shall an on-call chaplain have been convicted of a felon or any criminal offense involving moral turpitude.
- v. On-call chaplains are subject to minimum standards for appointment required by CLEST regulations.

B. Supervision

- i. The Police Chaplain shall administer and oversee the on-call chaplains, and they shall report to him.
- ii. On-call chaplains who ride with commissioned officers are expected to remain in the car at all times unless instructed otherwise by the officer in charge. Unless otherwise stated by the Chief of Police, they also must sign a waiver in order to do a ride-along with an officer.

C. Duties and Responsibilities:

- i. An on-call chaplain shall respond to a specific situation and provide chaplaincy assistance under the direction of the officer who is in charge.
- ii. Issues and conversations connected with the situation on-call chaplains are called to shall remain confidential.
- iii. Although on-call chaplains are not sworn to uphold the law, they should adhere to the strict guidelines involving their role as ministers and pastors, and under no circumstances provide police information to the media without prior consent.
- iv. On-call chaplains may not carry a firearm while serving the Bella Vista Police Department.

D. Confidentiality:

- i. Being a police chaplain does not provide legal confidentiality. Only an ordained minister or fully trained and endorsed chaplain may claim the confidentiality privilege under Federal and State law.
- ii. However, it is imperative that on-call chaplains maintain confidentiality with the people they work with, especially the law enforcement community.

E. Chaplain Benefits for On-Call Chaplains

- i. On-Call Chaplains shall be furnished the equipment or supplies necessary to fulfill their duties.
- ii. On-Call Chaplains may qualify for benefits if they die or are permanently disabled as a direct result of an injury sustained while on duty as a chaplain.



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| Code of Conduct | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: A.C.A. 21-8-304 (2011) 21-1-501, 21-1-501, 21-1-503, 21-8-301, 21-8-302, 21-8-303, 21-8-304, 21-8-305 | |
| CALEA Standard: 1.1.1; 1.1.2; | |
| Date Implemented: 10/20/2014 | Review Date: |

- I. **Purpose:** Law enforcement employees, representing government, bear the heavy responsibility of maintaining their own conduct, and the honor and integrity of the government entity that they represent. It is the purpose of this policy to provide additional guidance to the standards of conduct embodied in the law enforcement officer's code of ethics, this agency's mission statement and core values, as well as other ethical directives issued by superior governing authorities that may be applicable to this department so that employees of this department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.
- II. **Policy:** It is the policy of this department to maintain the highest standard of integrity by working diligently to maintain the community's trust. All departmental employees must recognize that they are held to a higher standard than the private citizen they protect, in addition to representing the Department, they also represent the law enforcement profession. Conduct, on and off duty, must be beyond reproach. Department employees must avoid any conduct that might compromise the integrity, morale, operations or efficiency of the Department. Violation of Federal, State and Local laws, as well as Department Policy may result in disciplinary action up to and including termination.
- III. **Definitions**
 - A. **Ethical Conduct:** Means actions that reflect the ethical standards consistent with the rules and values published by this department.
 - B. **Public Servant/Public Employee:** Means an individual who is employed, appointed, or represents this department.
 - C. **Sworn Officer:** An employee of this department who is a probationary or certified officer as defined by the laws, rules and regulations or the state of Arkansas.
 - D. **Harassment:** Considered a form of discrimination and is defined as any conduct directed toward another because of that person's race, color, religion, age,

gender, sexual orientation, national origin, ancestry, disability, veteran status or any other basis that is inappropriate or offensive as determined by using a reasonable person standard. The “reasonable person” standard considers whether a reasonable person would find the behavior or conduct in question offensive.

- E. Sexual Harassment:** Means unwelcome sexual advances; requests for sexual favors; and other verbal and physical conduct when:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
 - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.
- F. Quid Pro Quo Harassment:** A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor.
- G. Hostile Work Environment:** A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct.
- H. Sexual Discrimination:** The disparate treatment of an employee with respect to work benefits, conditions, assignments, promotions, etc. based upon the gender of the employees, unless such disparate treatment is necessary based upon some bona-fide occupational qualification (i.e. undercover assignment where a male is necessary due to the nature of the infiltration.)
- I. Domestic Misconduct:** The department defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the department by the involved employee and other members of the department. A domestic relationship involves any employee who is or has been married to the other party; involves any member of the employee’s household; who is living or has lived with the other party; has had a child with the other party; or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.
- J. Collateral Misconduct:** Any conduct by another member of the police department to assist another department employee in the continuation of the act of misconduct. This would also include any actions designed to shield the employee or impair the ability of the department to be informed of the misconduct.
- K. Sexual Misconduct:** Any sexual activity while on-duty, stemming from official duty or violates the law. Sexual misconduct includes, but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct.
- L. Unscheduled Absence:** Any absence with less than 1 week notice for sick leave or less than 2 week notice for vacation.

IV. Prohibited Activities in accordance with A.C.A § 21-8-304 (2011)

- A. No public servant shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.
- B. No public servant shall accept employment or engage in any public or professional activity while serving as a public official which he or she might reasonably expect would require or induce him or her to disclose any information acquired by him or her by reason of his or her official position that is declared by law or regulation to be confidential.
- C. No public servant shall disclose any such information gained by reason of his or her position, nor shall he or she otherwise use such information for his or her personal gain or benefit.

V. Regulations Regarding Conduct

- A. **Oath of Office:** All sworn employees will take and abide by an oath of office upon assuming sworn status with a law enforcement agency. The oath of office will be administered by appropriate legal authority. A copy of this oath will be signed by the officer and maintained in the employee's personal file. .
- B. **Law Enforcement Code of Ethics:** All sworn officers shall abide by the Law Enforcement Code of Ethics as outlined in CLEST Regulation 1020 Specification S-21. A copy of the Code of Ethics will be signed by the employee and maintained in the employee's personal file.
- C. **Abuse of Position:** Employees shall not use their departmental position, identification card, or badge for:
 - i. Personal or Financial gain;
 - ii. Obtaining privileges not otherwise available except in performance of official duty;
 - iii. Avoiding consequences of illegal acts;
 - iv. The solicitation of any gifts, service, gratuity, discount, or anything of value where there is any direct or indirect connection between the solicitation and their Departmental membership, without the expressed written permission of the agency head; or
 - v. The acceptance of any gift, service, gratuity, discount, or anything of value, the acceptance of which might tend to influence directly or indirectly their actions in any police business; or which might tend to cast an adverse reflection on the Department or any employee thereof.
- D. **Associating with criminal element:** Officers should not knowingly commence or maintain a relationship with any person who is under criminal investigation; indictment; arrest or incarceration, by this or another law enforcement agency; and/or who has a known criminal reputation in the community (i.e. persons whom they know, should know, or have reason to believe are involved in felonious activity or crimes of moral turpitude), except as necessary for performance of official duties, or where unavoidable because of familial or personal relationships.

Officers should disclose to their supervisor any personal relationships with such individuals that may bring discredit to the agency.

- E. Informants:** Employees shall maintain a professional relationship with department informants and shall not have any social, business or any other relationship beyond that required for purposes of department business with the informant.
- F. Employee responsibilities:** Employees must exercise judgment, initiative, and sound reasoning in all official transactions; strive for efficiency and effectiveness; exercise restraint in difficult situations; seek self-improvement through formal and informal training; and assist fellow officers whenever possible. In situations where no written directive or supervisory guidance is available, employees are expected to analyze the situation and react in accordance with the mission statement and the core values of this department.
- G. Faithful Discharge of Duties:** In the performance of their duty, officers are called upon to make difficult decisions and must exercise discretion in situations where rights and liabilities are affected by conduct and judgment. Decisions are not made easily and involve choices which may cause hardship or discomfort. Police Officers must be faithful to their oath of office, the mission statement of this Department, the principles of professional police service, and the objectives of the department. In the discharge of duty, they must not allow personal motives to govern decisions and conduct.
- H. Unbecoming Conduct:** The conduct of an employee, on and off duty, reflects upon the Department. Employees must avoid conduct which might discredit themselves or adversely affect the morale, operations or efficiency of the department. This department will not tolerate any form of illegal harassment, including any behavior on the part of employees, clients, customers, vendors, etc., that impairs an employee's ability to perform his/her duties.
- I. Professionalism:** Effective law enforcement depends on a high degree of cooperation between the Department and the public. While the urgency of a situation might preclude ordinary social amenities, lack of professionalism will not be tolerated. Employees shall strive to: be courteous and civil to the public, as well as fellow employees; avoid harsh, violent, profane, or insolent language or demeanor and shall maintain objective attitudes regardless of provocation.
- J. Attention to duty:** As most police work is performed without close supervision, responsibility for proper performance of duty lies primarily with the employee. An officer has a responsibility for the safety of the community and his or her fellow officers, and discharges that responsibility by faithful and diligent performance of duty.
- K. Financial Obligations:** Employees shall knowingly avoid incurring financial obligations which are beyond their ability to satisfy.
- L. Harassment:** Supervisors and all employees have an obligation to provide a work environment free of all harassment. This includes taking steps to ensure that the department is in a position to control prohibited harassment whether it is done by

supervisors, co-workers or non-employees (such as vendors working with the department or supplying services).

- i. **Reporting Requirements:** All employees within the department have an obligation to promptly report violations of this policy. This would include illegal harassment, sexual harassment, sexual discrimination or indicators of a hostile, offensive work environment that the employee experiences, witnesses, or otherwise has knowledge of.
- ii. The department shall promptly investigate all complaints regarding harassment or discrimination regardless of their origin.
- iii. Complaints should be made to an employee's immediate supervisor. If the immediate supervisor is involved in the allegation or the employee is uncomfortable with making a report to their immediate supervisor, they may bypass the chain of command in order to report the harassment or discrimination. Alternate reporting options include the Human Resources Manager or other governing body administration.

M. Domestic Misconduct: The department shall take immediate action when notified of any act of domestic misconduct involving an employee of this department.

- i. When the incident occurs within the jurisdiction of this department:
 - a. Assign the call for response by two uniformed officers and a supervisor, if available. In cases where no supervisor is on duty, a supervisor will be notified and respond.
 - b. Once the incident is contained, the supervisor shall call for a response by a department's domestic violence investigator, if the department has such an assignment.
 - c. The decision to arrest a department employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor. When probable cause exists, the employee shall be arrested and processed the same as any civilian.

N. Sexual Misconduct: Sexual activity of any nature while on duty is prohibited. Any use of official position and official resources to obtain information for purposes of pursuing sexual conduct is prohibited. Sexual Misconduct is prohibited and shall be disciplined up to and including termination.

O. Retaliation: No employee shall be retaliated against for reporting allegations of illegal harassment, sexual harassment or discrimination. Any employee who believes he/she has been retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the Chief of Police or their designee and/or other applicable authority.

P. Duty to Know and Obey Laws, Policies, Rules and Regulations: It shall be the responsibility of every employee to know and adhere to federal, state and local laws and policies/directives of this department applicable to their job function and conduct to the extent reasonably possible.

Q. Refusal to Work: No employee of this department shall engage in any strike, work stoppage, slow down, or in any way refuse to fulfill their responsibilities.

- R. Compliance with Lawful Orders:** Employees will respond to and obey the lawful order of a supervisor to the extent reasonably possible in keeping with the rules and regulations of this department. Failure or deliberate refusal to obey a lawful order given by a supervisor shall be considered insubordination and therefore prohibited.
- S. False Statements:** No employee of this department shall intentionally or knowingly make a false statement; provide false information; or give false testimony in any official report, judicial proceeding, official hearing, administrative inquiry, or any other matter related to their employment.
- T. Duty to Report Bribery:** All employees are required to report bribery attempts. Such reports will be made via written memorandum addressed to the department head forwarded via their chain of command.
- U. Incompetence:** Employees should execute their duties in a professional and competent manner. Employees should meet and maintain reasonable measures of job performance. Repeated incidents of carelessness or a pattern of errors, neglect, and/or inattentiveness to job performance is considered incompetence.
- V. Duty to Report:** It is the responsibility of any employee to provide the department with specific notice whenever he/she is involved in or aware of any acts of misconduct.
- W. Alcohol Use:** No employee of this department shall report to work after consuming any quantity of alcoholic beverage if there is any alcohol remaining in their system or odor of intoxicants about their person.
- X. Sick Leave:** Sick leave is intended solely to provide income protection for the employee due to reasons such as illness, injuries away from the job, pregnancy, childbirth, and doctor's appointments. Sick leave may be used to care for the employee themselves, their spouse, their parent, grandparent, and child, or step-child, regardless of age.
- i. In case of doctor's appointments, the employee must notify his/her supervisor in advance, except in case of emergencies. Sick leave may be used for the time spent traveling to and from the doctor's office in addition to the duration of the appointment. Unless the doctor refuses to release the employee to return to work, the employee is expected to return to work after the appointment, unless his/her shift would be ended at that time. If an employee appears to be too sick to work, the supervisor has the authority to require the employee to go home. If an employee is on vacation and becomes sick, or injured, and would qualify for sick leave, they can change their status from vacation to sick leave by presenting a doctor's letter or note indicating the sickness or injury, provided the doctor's note is presented upon return to work and approved by the Department Head.

- a. Employees should notify their supervisor a minimum of 1 week in advance unless the situation is an emergency. This will be considered a scheduled absence.
- ii. Any absences of 3 days or longer will require a doctor's release to return to work.
- iii. Over six unscheduled absences within a 12 month period is considered excessive and can result in disciplinary action up to and including termination.

Y. Tardiness: It is important that employees arrive to work on time in order to relieve the previous shift.

- i. Employees in the patrol division, unless on assignment are expected to be in the briefing area, ready for briefing at the scheduled briefing time.
- ii. Employees in the dispatch division are expected to be at their workstation, logged in and prepared to work at the start of their scheduled shift.
- iii. Administrative and Criminal Investigations personnel have more latitude in working hours to accommodate investigations and appointments. Employees in these divisions are expected to work the full amount of time for which they are paid.
- iv. Travel time from home to the office is not normally included in working time. In the case of call out, working time starts when the employee leaves home.
- v. Over six unexcused incidents of tardiness in a 12 month period can result in disciplinary action up to and including termination.

Z. Vacation: Vacation is a benefit provided to employees to allow time away from work for recreational purposes. While employees are encouraged to use their vacation time, it needs to fit into the schedule of the department. Vacation time may be denied depending on circumstances.

- i. Vacation time should be requested a minimum of 2 weeks in advance.
- ii. In exceptional circumstances, the Chief of Police or their designee may approve vacation on shorter notice.

VI. Training: The department shall conduct annual training regarding illegal harassment, sexual harassment and sexual discrimination for all employees that includes instruction on the reporting requirements of such conduct. This training shall be documented to ensure that all employees received the training.



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| Confidential Informants | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statute: | |
| CALEA Standard: 17.14.2; 43.1.3 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to direct the operations and investigations conducted by this department through the use of confidential informants.
- II. **Policy:** It is the policy of this department to thoroughly and impartially investigate crime using all resources available including confidential informants. It is recognized that confidential informers may have various motivations for providing law enforcement with information. Additionally it is the policy of this department to ensure that all information provided during investigations be from reliable sources and be corroborated through any investigative means available.
- III. **Definitions**
 - A. **Anonymous Informant:** an informant who provides information through any medium (i.e. phone, letter, email, etc.) but who does not provide his/her identity and therefore is unknown to law enforcement.
 - B. **Confidential Informant (“CI”):** an informant who provides information to law enforcement based upon some motivation (i.e. paid informant or informant who has agreed to provide law enforcement with information upon an agreement with law enforcement and prosecutors for more lenient treatment related to the informant’s criminal charges).
 - C. **Established Confidential Informant:** A CI who has been approved by the Chief of Police or their designee following completion of the procedure for establishment set forth in this policy.
 - D. **Confidential Informant File:** A file maintained by the department, at the direction of the Chief of Police, for purposes of documenting all activity related to each confidential informant used by this department.
 - E. **Index File:** A file maintained by the Chief of Police or their designee which contains an index of all confidential informants’ names and their corresponding CI number. This is a limited access file. This file also contains a list of CI’s who

have been rejected or who have been terminated as informants due to unreliability or some other issue.

- F. **Good Citizen Informant:** Citizens, witnesses, and victims of crime whose identities are known to law enforcement and who have no motivation with respect to the information they provide to law enforcement.
- G. **Stale Information:** Information which is not timely such that it can no longer be considered useful for purposes of the seizure of contraband or evidence (i.e. the evidence or contraband is not likely to be found at the location where it had initially been observed).
- H. **Control Officer:** The officer responsible for controlling the informant at any given time while the CI is an established CI with this department.
- I. **Material Witness:** A witness who has significant information about the crime in question such that this information effects the outcome of the trial.

IV. Procedure

- A. **Anonymous Information:** Members of this department are directed that no law enforcement action will be taken based upon information provided by anonymous informants until and unless sufficiently detailed information has been provided by the informant and an officer from this department has corroborated the information provided (information which predicts future conduct of a subject which is then corroborated by law enforcement may sufficiently establish that the informant has intimate knowledge of the subject and thereby establish reasonable suspicion).
- B. Anonymous Information which merely provides an allegation: the description and location of a suspect is insufficient to justify law enforcement action even when such information is corroborated. One exception to this provision would be anonymous information of this type indicating that a person has a weapon in a school.
- C. Anonymous information regarding allegations of law enforcement officer misconduct shall be forwarded through the chain of command for review and/or investigation.
- D. Good Citizen Informants are generally considered reliable; however officers should always investigate the possibility of a motivation with respect to information received. As with any form of information provided, officers should always take investigative steps in an attempt to corroborate information provided by informants where practicable and feasible.

V. **Confidential Informers:** Due to the nature of confidential informants, members of this department should be vigilant in the investigation of every person who is used as a CI.

A. Factors to be considered with all CI's

- i. Reliability: Has the CI provided information in the past which was documented in the department's CI file and did the information provided prove reliable?
- ii. Veracity: Is the CI providing sufficiently detailed information which establishes that the CI has a sufficient basis of knowledge with respect to the information such that the integrity of the information is established?

- iii. Stale: Is the information provided by the informant with respect to the location of evidence or contraband stale such that it is unlikely that the evidence or contraband will be found at the location where the informant believes it is located?
- B. Confidential Informant File:** Any established CI that is used by members of this department shall be documented in the CI file. The file shall contain:
- i. An index number by which the CI shall be identified. The Chief of Police or their designee shall have a corresponding index which will include the names corresponding to the index numbers in the CI file;
 - ii. History summary of all cases in which the informer has provided information and the outcome of these cases and any indicators from the investigations which proved the informant reliable or unreliable; and
 - iii. Update on whether the CI is active or inactive.
- C. Establishing a CI:** An officer seeking to establish a CI shall follow the department chain of command and provide documentation for the CI to be approved by the Chief of Police or their designee.
- i. Initiating the establishment process requires the officer to document the following information:
 - a. Full set of fingerprints;
 - b. Photograph;
 - c. Current criminal history;
 - d. Biographical Information to include:
 - 1. Date of birth
 - 2. Descriptive Factors: Height, weight, eye and hair color, race, tattoos, etc.
 - 3. Vehicles owned
 - 4. FBI number if applicable
 - 5. Addresses for previous three years;
 - e. Known associates;
 - f. Prior contacts with this department including any prior information provided;
 - g. Prior or current status with any other law enforcement department as a CI;
 - h. Narrative outlining the CI motivation for becoming a CI (i.e. paid for information or criminal suspect/defendant seeking leniency on criminal charges);
 - 1. No member of this department shall offer any person leniency on criminal charges, without first conferring with the prosecutor through this department's chain of command, and upon agreement of the chief of police or his designee and the

prosecutor that such leniency will be offered in exchange for the information.

- i. Signed Informant Agreement;
 - j. Narrative outlining information that the CI is expected to provide and any indicators known to the officer offering the informant as an established CI which would indicate the subject is reliable;
 - k. If the CI is currently on probation or parole, that fact will be detailed in the file. Additionally, the Chief of Police or their designee shall seek the input and approval of the parole/probation officer with respect to the subject's establishment as a CI; and
 - l. The Chief of Police or their designee is required to visually confirm the existence of each CI.
- ii. The Chief of Police or their designee shall review the documentation and cause the informant index to be reviewed so that a determination can be made as to whether the informant has ever been used in the past or whether the informant has ever been rejected or terminated as unreliable or other negative issue.
 - iii. Law enforcement action shall not be taken solely on information provided by a CI prior to the establishment of the CI by this department. With all information provided by informants of any type, officers of this department shall take investigative steps to corroborate the information to the extent practicable and feasible.
 - iv. A CI will not be considered established until such time as the establishment process has been completed and approved by the Chief of Police or their designee.
- D. Juveniles:** The use of a juvenile as a CI is discouraged.
- i. No juvenile shall be used as an informant unless a parent or guardian has given express written authorization and has co-signed the CI agreement and a waiver.
 - ii. No juvenile shall be used as a CI without the express consent of the Chief of Police or their designee.
 - iii. No juvenile shall be used as a CI in a manner which is contrary to state law.
- E. Maintaining Confidentiality:** It is recognized that a CI whose identity has been discovered may be at risk for retribution. As such this department shall take all steps which are legal to maintain the confidentiality of any Established CI. Department personnel who become aware of the identity of a department CI shall not reveal any information related to the CI that may reveal their identity. The following exceptions apply to this provision and disclosure is appropriate under the following circumstances:
- i. Disclosure to other department personnel who have a need to know in order to perform official duties of this department. The control officer for the informant shall notify his/her supervisor that such disclosure has been sought and get authorization for this disclosure.

- ii. Disclosure to other law enforcement agencies or governmental entities that have a need to know in order to perform their governmental function. The control officer shall, through the chain of command, get approval from the Chief of Police or his/her designee before this type of disclosure.
- iii. The CI has agreed or is required to testify in a grand jury or judicial proceeding. It is noted that where appearance is required, the control officer shall notify the Chief of Police or their designee to determine the proper course of action in conjunction with the prosecutor.
- iv. If the CI's identity is required to be disclosed due to a decision of a court, prosecutor, or other governmental department with the authority to require disclosure, the department shall notify the established CI of the disclosure.
- v. Note: the use of a CI in a manner which makes the CI a material witness will lead to a required disclosure if a prosecution goes forward on the crime for which the CI is a material witness.

F. General Provisions

- i. Officers shall work within the boundaries of State and Federal Constitutional Law as well as being in compliance with all departmental policies. It is noted however, that one of the basic functions in using a CI often requires the CI to commit an unlawful act and to report same to members of the Department. Recognizing this, under no circumstance will a CI be authorized to commit a crime which could foreseeably lead to the injury of any person. Rather, the CI's actions will be limited to crimes such as the purchase of contraband.
- ii. Officers shall seek the assistance of the prosecutor in cases where the officer is considering using a CI to obtain information from a defendant who has been formally charged or who has been formally charged and represented by counsel (i.e. Jailhouse CI). In cases where the 6th Amendment to the U.S. Constitution has attached, questioning of a defendant at the direction of law enforcement by a CI may violate the Constitution.
- iii. Officers shall not interfere with the arrest or attempt to influence the prosecution of a CI by this department or another department in a matter unrelated to an investigation the CI is working on at the behest of this department. Any action taken on behalf of a CI shall only be taken with the express authorization of the Chief of Police or their designee.
- iv. Officers shall not reveal department information to a CI which involves an independent investigation of the CI.
- v. Officers shall maintain an ethical relationship with a CI at all times. Officers shall not:
 - a. Engage in any personal or business financial deals with a CI;
 - b. Become romantically involved with a CI;
 - c. Give or receive gifts, gratuities, or loans from or to a CI;
 - d. Interact on a social website when not duty related; or
 - e. Engage in off-duty or social interaction with a CI.

- vi. During all meetings/debriefings of a CI, at least two officers shall be present unless some exigent circumstance exists in which case the officer shall notify their supervisor of the meeting as soon as practicable.
- vii. Two officers must be present at any meeting where the CI is of the opposite sex of the controlling officer or in the case where the CI is a juvenile.
- viii. Payments to CI shall never be made unless two officers are present to witness the payment.
- ix. Officers shall not make prosecution recommendations on behalf of any informant without the express consent of the Chief of Police or his/her designee.
- x. Officers shall not make appearances on behalf of any informant in an official proceeding without the express authorization of the Chief of Police or their designee.

G. Information in Exchange for Leniency on Criminal Charges

- i. Officers are not authorized by this policy or law to unilaterally offer leniency or immunity to any person.
- ii. Any offer of leniency or immunity must be approved by the prosecutor(s) having jurisdiction over the crimes at issue, and the Chief of Police.
- iii. There is an absolute obligation to inform prosecutors who may be using the CI or information from a CI of any agreement, leniency, offer, or any type of reward that that the CI received for their cooperation.

H. Monetary Payments to Established CI

- i. All payments to CI are to be approved by the Chief of Police or their designee.
- ii. Payments shall not be contingent upon the conviction or punishment of the person informed upon.
- iii. All payments shall be documented in the CI file under the CI's number. Documentation shall include:
 - a. Amount Paid;
 - b. Narrative summary of information provided which led to the payment;
 - c. The two officers who witnessed the payment; and
 - d. Running cumulative total of amount paid to this informant in the calendar year.

I. Expenses related to informants:

- i. All expenses related to informants shall be documented with receipts which shall be forwarded to the CI file and include a department case number or short narrative detailing the need for the expenditure.
- ii. The control officer's supervisor is responsible for ensuring that all expenses are properly documented in the CI file and accompanied by a receipt.

- J. Informant Rules:** All CI's shall be informed of the following and shall sign an Informant Agreement acknowledging:
- i. A CI is not a member of this department and has no legal authority as a result of their position as a CI including no law enforcement powers;
 - ii. Status as a CI may be dangerous. This department does not in any way assure the CI's safety from harm caused as a result of their status as a CI;
 - iii. CI's are not authorized by this department to carry firearms;
 - iv. Any paid CI is an independent contractor to this department and thus not entitled to Workman's Compensation or Unemployment Compensation;
 - v. The department is not responsible for any injury or death suffered by the CI in the course of their association with this department;
 - vi. The CI is responsible for reporting and paying taxes related to any payments made to the CI by this department;
 - vii. The CI may be arrested for any crime committed not related to their function as a CI and while under the direct control of the control officer;
 - viii. The CI shall maintain the confidentiality of any law enforcement information which comes into their basis of knowledge due to their association with this department; and
 - ix. Any violation of these rules may lead to the termination of any association between this department and the CI.
- K. Supervisory Audit:** If resources allow the Chief of Police or their designee shall cause a quarterly audit of all CI activity. In no case shall such audits be done less than annually. This audit shall specifically include:
- i. Audit of the index file and the CI file to ensure that all documentation for each active CI is up to date and contained within their respective files;
 - ii. The Chief or their designee shall cause the criminal history of each active informant to be reviewed and updated in the file;
 - iii. Audit of all payments to CI for a determination that all monies are accounted for and that proper documentation for monies expended is contained within the files;
 - iv. Audit of all expense money used for purposes of investigations involving a CI, including but not limited to such items as expense money (i.e. fuel, rent, food, etc.), buy money, and any other money expended during these operations;
 - v. Audit probable cause affidavits of investigations involving a CI to ensure that the CI in such affidavits are fully documented in the CI file, Index file and any other file.; and
 - vi. The Chief of Police or their designee should randomly choose CI's to meet with and verify their involvement in the case for which they are cited.



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| Critical Incident Investigation & Review | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to direct a proper response to critical incidents by this department.
- II. **Policy:** It is the policy of this Department to provide a thorough investigation and review of all critical incidents involving members of this Department.
- III. **Definitions**
 - A. **Critical Incident:** Firearm Discharges; In-Custody Deaths; Serious Injuries; all Uses of Force/Response to Resistive Suspects when the injury results in hospitalization; and any other incidents deemed critical by the Chief of Police or their designee.
 - B. **Firearms Discharge:** Any intentional or unintentional discharge of a firearm, not inclusive of training scenarios or approved humane life terminations of injured animals
- IV. **In all cases, the Chief of Police or their designee shall consider whether it is in the department's best interest to utilize the services of an outside department to conduct the major crimes investigation that accompanies any law enforcement critical incident which involves serious bodily injury or death. In cases where it is determined that the department lacks the resources to conduct a complete and thorough investigation of the event, an outside department shall be notified for assistance as soon as possible. This section does not relieve the involved department of its responsibility to conduct an administrative investigation of the critical incident and review the event for a determination as to the whether or not department issues, including policy and training, are indicated by the action.**
- V. **Procedure General:** The department shall, in the discretion of the Chief of Police or their designee, conduct an administrative critical incident review of all firearm discharges, in-custody deaths or serious injuries, and all uses of force/response to resistive suspects when the injury results in hospitalization. This review considers the following issues and makes specific determinations whether:

- A.** The force, control and/or restraint was consistent with the department policy;
 - B.** There are any issues requiring a re-evaluation of department policy and/or procedures;
 - C.** There are any training needs identified;
 - D.** The equipment provided by the department was adequate; and
 - E.** Supervisory involvement was reasonable.
- VI.** Officer involved shootings and in-custody death investigations: Initial Response Considerations:
- A.** First Officer on Scene
 - i.** Neutralize scene- Ensure that scene has reached a level of control such that there is no longer a threat of harm to citizens, officers or suspects;
 - ii.** Provide for the immediate medical attention of all persons injured;
 - iii.** Secure the scene (s) of the event (s); to the extent possible use crime scene tape to secure any area that may contain evidence pertinent to the events being investigated;
 - iv.** Assign sufficient personnel to ensure that the scene perimeter is not breached;
 - v.** Remove the involved officer from the center of the scene to a discreet area such as a police vehicle (do not place the officer in the backseat); and
 - vi.** Secure and segregate all witnesses to the event. This would include the segregation of the involved officers so that no allegations can be made that officers were in a position to discuss the incident.
 - B.** First Responding Supervisor
 - i.** Check on the well-being of involved officer(s);
 - ii.** Allow/Assist officer in calling family member(s) Ensure notifications made to officer(s)' family;
 - iii.** Immediately assume role of incident commander and utilize the incident command concept until otherwise relieved of incident command;
 - iv.** Ensure that the first responders have completed the above listed duties;
 - v.** Notify hospital of incoming injured;
 - vi.** Determine resources necessary for circumstances (i.e. community unrest, etc.);
 - vii.** Document all personnel present and the mission of each person entering the scene;
 - viii.** Assign officer(s) to accompany injured officers, suspects and victims to hospital;
 - ix.** Notifications to Chain of Command;

- x. Notify and brief surrounding agencies;
 - xi. Brief arriving investigators and ranking personnel;
 - xii. Review all initial reports and supplements;
 - xiii. Secure all weapons; and
 - a. Where appropriate, provide officer with another weapon as soon as practical.
 - xiv. Consider notifying prosecutor for on-scene response, if that is consistent with the department protocol.
- C.** The investigator shall:
- i. Secure all relevant recorded information and electronic media such as:
 - a. Video Recordings
 - b. Audio Recordings
 - c. Car to Car MDT Communication
 - d. Dispatch Tapes
 - e. CAD Log
 - f. 911 Phone Calls
 - g. Area Business Surveillance Video
 - ii. Secure other evidence, such as:
 - a. Photographs;
 - b. Medical documentation particularly from arriving medical personnel at scene;
 - c. Diagrams;
 - d. Bullet trajectory including those that missed;
 - e. Shell casings and any expended projectiles;
 - f. Walk-through narrative (do not videotape this activity);
 - g. Involved officer's equipment;
 - h. Witness officers' equipment;
 - i. Consider light meter (illuminometer) to measure lighting conditions;
 - j. Vehicles and location at time of incident particularly is moved before the arrival of on-scene investigators;
 - k. Identification of any locations with DNA and/or latent print potential; and
 - l. Area witness canvas



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| Crowd Control | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: §5-71-201; §5-71-202; §5-71-205 | |
| CALEA Standard: 46.1.2; 46.1.3; 46.1.4 | |
| Date Implemented: 09/24/12 | Review Date: |

I. **Purpose:** The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations, large gatherings, and the handling of civil disturbances.

II. **Policy:** It is the policy of this Department to provide a law enforcement presence at assemblies and gatherings where disorderly conduct, riot or unlawful conduct is believed to be probable, in a posture that guarantees the constitutional rights of participants and promotes an orderly, lawful demonstration in the best interest of public safety and community harmony.

III. **Definitions**

A. **Unlawful Assembly:** A person commits the offense of unlawful assembly if he or she:

- i. Assembles with two (2) or more other persons; and
- ii. Has the purpose of engaging in conduct constituting a riot.

B. **Riot:** A person commits the offense of riot if, with two (2) or more other persons, he or she knowingly engages in tumultuous or violent conduct that creates a substantial risk of:

- i. Causing public alarm;
- ii. Disrupting the performance of a governmental function; or
- iii. Damaging or injuring property or a person.

C. **Demonstration:** A legal assembly of persons organized primarily to express political or other views. These are typically scheduled events that allow for prior police planning. They include, but are not limited to: marches, protests and other assemblies that are largely designed to attract the attention of onlookers, the media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at

sporting events, festivals, concerts, and related events, these are not defined as demonstrations.

- D. **Crowd Control:** Techniques used to address unlawful public assemblies, to include a show of force; crowd containment and dispersal equipment and strategies; and preparations for multiple arrests.
- E. **Crowd Management:** Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status as accomplished through event planning; pre-event contact with group leaders; and issuance of permits, intelligence gathering, personnel training, and other means.
- F. **Mobile Field Force (MFF):** An organized group of police officers, led by a supervisor, to provide a rapid, organized, and disciplined response to civil disorder, crowd control, or other tactical situations.

IV. Procedures

- A. **Crowd Management Program:** In order to accomplish crowd management, the department has established a Crowd Management Program (CMP). The goal of the CMP is to diffuse emotionally charged individuals and crowds and facilitate their right to demonstrate, while at the same time preventing the demonstration from escalating into a confrontation that threatens the safety of the demonstrators or the general public. The Department will use techniques consistent with the Incident Command System or the National Incident Management System.

Whenever possible, the Department will serve as facilitators in these types of demonstrations, ensuring that they are orderly in nature, while maintaining law enforcement impartiality and sensitivity to the dynamics of the demonstration. As a facilitator, the Department will seek the inclusion of responsible community leaders; media representatives; and concerned individuals and groups whose collective expertise may be channeled to achieve the lawful assembly of such demonstrations with minimum disruption to the general public.

- V. **Civil Disturbances:** Officers will preserve the peace, protect life and prevent the destruction of property, and remain impartial to all parties in a demonstration. Officers may take appropriate enforcement action when a demonstration violates the provisions of the State laws. Officers will notify supervisors when such demonstrations take place whenever they become aware of a demonstration and the on-duty supervisor will be dispatched to assess the situation and coordinate an effective response in concert with the Incident Commander.
 - A. **Responding Officer:** The first officer(s) on the scene of a civil disturbance will observe the situation from a safe distance; notify the Dispatch of the seriousness of the situation; notify a supervisor as soon as practical; request additional personnel; and attempt to identify, by observation, the leader of the group.
 - B. **Incident Commander:** The responding supervisor will assume command of the incident until relieved by a higher authority. Supervisors will assess the situation; establish a command post; inform Dispatch of pertinent information; and deploy necessary assets in the area.
 - C. **Riots:** When the Incident Commander has determined that the crowd has become violent and destructive, requiring additional police action, additional law enforcement personnel shall be called for assistance to disperse the crowd. Such

assistance may require that mutual aid from other agencies be brought in to assist with quelling the riot.

VI. Once sufficient assistance has mobilized, officers will form a Mobile Field Force: A mobile field force will be led by a supervisor and is normally deployed for the following assignments:

- A. To rescue police officers under hazardous conditions;
- B. To apprehend multiple offenders (i.e. looters);
- C. To isolate areas of civil disorder or disaster;
- D. To control or disperse unruly crowds;
- E. Other assignments as required; and
- F. The department will conduct MFF training with all sworn personnel.

VII. Use of Force/Response to Active Resistance Reporting and Investigation: Established use-of-force/response to active resistance reporting of this Department is equally applicable to policing mass demonstrations and civil disturbances. However, reporting, documenting, and reporting use of force in the context of civil disturbances and mass demonstrations can be hampered by logistical and safety concerns. As such, the Chief of Police, their designee, or the Internal Affairs or Professional Standards Unit shall comply with the following protocols during such events:

- A. The incident commander shall ensure complaints are documented and reported as soon as practicable.
- B. All complaints will be reviewed in compliance with this department's Internal Affairs and Complaint Policy as soon as practicable.



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| Domestic Violence Response | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: 12-12-108. Domestic violence investigation.16-81-113 - Warrantless arrest for domestic abuse. | |
| CALEA Standard: | |
| Date Implemented: 01/25/16 | Review Date: |

- I. **Purpose:** The purpose of this policy is to establish guidelines for members of this department in response to domestic violence calls. Officers shall be expected to do the following:
 - A. Establish arrest and prosecution as a preferred means of police response to domestic violence
 - a. Take appropriate action for any violation of permanent, temporary, or emergency order of protection
 - b. Afford protection and support to adult and child victims of domestic violence
 - c. Complete the mandatory Arkansas lethality assessment form
 - d. Promote the safety of law enforcement personnel responding to incidents of domestic violence
 - e. Provide victims and witnesses of domestic violence with support and assistance through cooperative efforts with community stakeholders in order to prevent further abuse and harassment or both
 - f. Complete thorough investigations and effect arrest of primary aggressor upon the establishment of probable cause
- II. **Policy:** It is the policy of this department to recognize the importance of domestic violence as a serious crime against society and to assure victims of domestic violence the maximum protection from abuse which the law and those who enforce

the law can provide. Members of this department will provide a proactive, pro-arrest approach in responding to domestic violence. The primary focus shall be on victim safety followed closely by perpetrator accountability. The officer shall attempt to determine the *primary / predominant aggressor* and arrest him or her. The officer should not arrest the other person accused of having committed domestic or family violence.

III. Definitions:

- A. "Domestic abuse" means: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or
- B. Any sexual conduct between family or household members, whether minors or adults, which constitutes a crime under the laws of this state; and
- C. Family or household member: "Family or household member" means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any child residing in the household, persons who have resided or cohabited together presently or in the past, persons who have or have had a child in common, and persons who have been in a dating relationship together presently or in the past; and
- D. "Dating relationship" means a romantic or intimate social relationship between two (2) individuals which shall be determined by examining the following factors:
 - a. The length of the relationship;
 - b. The type of the relationship; and
 - c. The frequency of interaction between the two (2) individuals involved in the relationship.
 - d. "Dating relationship" shall not include a casual relationship or ordinary fraternization in a business or social context between two (2) individuals.
- E. **Domestic violence:** An act or pattern of violence perpetrated by an individual not done in the defense of self or others, including but not limited to the following:
 - a. Bodily injury or threat of bodily injury
 - b. Sexual assault or abuse
 - c. Physical restraint
 - d. Property crime directed against the victim
 - e. Stalking
 - f. Violation of a court order of protection or similar injunction
 - g. Death threats
 - h. Domestic violence occurs when one family member or household member causes, or attempts to cause, an abusive act against another family or household member.

- F. Abuse:** The intended act of causing or attempting to cause bodily injury or placing another person in reasonable apprehension of serious imminent bodily injury to self or other. Types of abuse include the following:
- a. Physical abuse:** A wide range of behaviors that include aggressive, offensive, and threatened actions by the offender toward the victim's body.
- G. Full faith and credit:** The requirement by the U.S. Code (U.S.C.) title 18 section 2265 that jurisdictions honor the terms and conditions of a protection order issued by another jurisdiction.
- H. Protection order (as defined by 18 U.S.C. 2266):** Any injunction or other court order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person. This includes any temporary or final order issued by a civil or criminal court (other than a support or child custody order issued pursuant to state divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other federal law) whether obtained by filing an independent action or as a *pendente lite* order in another proceeding so long as a civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.
- I. Respondent:** The person alleged in a petition for order of protection to have abused another.
- J. Petitioner:** The person alleging abuse in a petition for an order of protection.
- K. Primary / Predominate aggressor:** When an officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor, the person who poses the most serious ongoing threat.
- L. Pro-Arrest response:** The expectation that the officer shall arrest a person for committing domestic abuse unless there is a clear and compelling reason not to arrest (such as a self-defense determination or lack of probable cause).
- M. Self-defense:** Certain legal circumstances under which persons may use a reasonable amount of force to protect themselves or another based on their actual belief that they are, or another is, in imminent danger coupled with reasonable grounds.
- N. Victim:** A family or household member who is the subject of domestic violence/abuse and who a law enforcement officer has determined is not a primary aggressor.
- O. Community stakeholders:** Entities in the community that are responsible for joining together to foster effective intervention in and prevention of domestic violence. Community stakeholders include, but are not limited to, law enforcement agencies, prosecutors, parole and probation officers, advocacy organizations, social service agencies, adult and child protective services, clergy, educators, government agencies, animal welfare organizations, businesses and employers.

IV. Procedure:

A. Domestic Violence Prevention

a. Prevention through Collaboration

The department shall establish and maintain ongoing partnerships with local community stakeholders in general as well as victim advocacy organization in particular to develop domestic violence curricula and train officer and call takers to enhance abilities. The department shall provide local community stakeholders and victim advocacy organizations with copies of all domestic violence curricula, protocols, and policies for review and feedback.

b. Training

All departmental personnel, both sworn and non-sworn, shall receive comprehensive mandatory instruction upon implementation of this policy and on a continuing basis.

B. Incident Response Protocols

a. Communications: Communication officers or call taker shall do the following:

- i. Dispatch a minimum of two officers to a domestic violence call whenever possible.
- ii. Assign a priority response to all domestic violence calls, whether or not the assailant is known to be on the premises, including those calls that involve or appear to involve a police officer of any department.
- iii. Immediately notify and dispatch a supervisor to a domestic violence call for service that involves or appears to involve a police officer, regardless of the involved officer's jurisdiction.
- iv. Preserve documentation of the facts and circumstances of each call, including 911 tapes, for use in potential administrative and criminal investigations, as requested by the investigating officers or supervisors.

b. Maintain current contact information of local domestic violence advocacy organizations for responding officers to provide to victims.

c. Attempt to elicit any and all information from the caller that may help the responding and investigating officers assess the situation including the following:

d. Immediate safety of the caller and others at the scene

e. Nature of the incident (verbal or physical) nature of injuries, and whether violence is ongoing.

f. Weapons that are involved, or present, if applicable, and the type of weapon when appropriate

g. Hazards to responders, including animals present

h. Whether the suspect is under the influence of alcohol or drugs

- i. Suspect's description and presence or absence, and, if absent, direction and mode of travel
- j. Other people involved or witnesses at the scene, including children
- k. Number of times the department has been called to this location due to the suspect's behavior
- l. Existence of protection orders
- m. Outstanding warrants
- n. Suspect's date of birth or social security number and any previous history of domestic violence
- o. Inform the caller of an approximate time of the officer's arrival
- p. Not cancel the original call for service even if a subsequent request to cancel the original call is received. Advise the responding officer of the second call and instruct them to continue to respond, investigate, and assess the situation to ensure that all parties are safe.
- q. Keep the caller on the telephone if the caller is a victim or witness to a domestic violence incident in progress in order to relay ongoing information provided by the caller to the responding officers and remain aware of victim's safety.
- r. Have ready access to the department records that indicate whether the parties involved in the incident have been involved previously in domestic violence incidents, whether previous incidents involved a weapon, and whether there is in effect a protection order involving the parties, and relay any relevant information to the responding officers.
- s. Make the safety of the domestic violence victim a primary concern. Address threats of violence, whether immediate or remote, by working with the victim to focus on ways to enhance safety, such as waiting for the officers at another location or leaving the location if the suspect returns.

C. Initial Law Enforcement Officer Response

- a. When dispatched to a domestic violence call, responding officers should do the following:
 - i. Approach the scene of a domestic dispute with a high degree of caution
 - ii. Obtain all available information from the dispatcher and notify the dispatcher on arrival
 - iii. Avoid the use of emergency lights and sirens when it is not necessary so as not to alert the perpetrator to the officers' approach
 - iv. Be alert for persons leaving the scene and for the deployment of weapons from doors, windows and vehicles
 - v. Use recording devices to capture statements made by victims, suspects and witnesses
- b. Upon arrival at the scene, responding officers should do the following:

- i. Avoid parking the police vehicle in front of the residence or other site of the disturbance when possible
- ii. Identify themselves as law enforcement officers, explain their presence, and request entry in the event the incident is at a private residence, as necessary, and when exigent circumstances do not exist.
- iii. Make contact with all residents of the house, all potential witnesses, victims, and suspects. In effecting a warrantless arrest a law enforcement officer may enter the residence of the person to be arrested in order to affect the arrest where the officer has probable cause to believe that the action is reasonably necessary to prevent physical harm or danger to a family or household member. In making this decision, officers may take into account everything they personally observe, all physical evidence, and all things learned from witnesses or other persons supplying information. In evaluating the information, officers should take into account the credibility of the persons supplying the information and whether there is a reasonable basis for believing the information.
- iv. Upon gaining entry, responding officers should do the following:
 1. Identify and secure potential weapons in the immediate area
 2. Separate the parties
 3. Restrain or remove the suspect, if necessary
 4. Assess for injuries, administer first aid, and request medical services as necessary
 5. Identify all people and witnesses on the premises
 6. Separate occupants and witnesses from the victim and the accused keeping them out of sight and hearing range of one another.
 7. Obtain a comprehensive account of events from all parties.
- v. During the on-scene investigation, using a coordinated approach, responding officers should do the following:
 1. Ask the parties about injuries including those that may be concealed by clothing or otherwise not readily apparent or visible including strangulation. An officer of the same sex as the victim may be needed as further visual investigation continues and photographs are taken to document the injury.
 2. Photographs are essential. They bring the trauma of the incident into the courtroom. Take photographs of everything: the crime scene, blood, injuries of suspect and victim, and anything else that shows the scope of the incident.
 3. After speaking with the victim and making proactive assessment of the victim's physical condition, determine whether emergency medical services (EMS) should be

summoned to the scene. Officers should always summon (EMS) if the victim requests medical attention. A medical examination may provide important corroborative evidence.

4. Inform the victim in advance of actions to be taken and obtain written consent to search the scene. If both parties are on scene and both have standing over the residence and one party is objecting to the search, absent exigent circumstance, a warrant should be obtained.
5. If the suspect has been arrested prior to the interview, give *Miranda* warnings before questioning. If the suspect has fled the area gather information to his possible whereabouts.
6. Address the victim's safety and privacy by interviewing the victim in the area apart from the suspect and witnesses. Obtain information about previous incidents, including frequency and severity.
7. Ask the victim about the existence of protection orders.
8. Collect, preserve, and document all physical evidence to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate the attack (weapons, torn clothing,) and evidence recording the crime scene. Ensure that color photographs are taken of visible injuries on the victim as well as the visible injuries on the suspect. Make arrangements to take follow-up photographs of the victim's injuries 24, 48, and 72 hours later in the event the injuries and bruising become more visible and pronounced.
9. Interview all witnesses fully and as soon as possible. If witnesses provide information about incidents, document the information to establish a pattern.
10. Interview children at the scene in a manner appropriate to their age. Document any signs of trauma and apparent wounds or healing of wounds on the children and take appropriate action
11. Elicit information and document all actual and suspected incidents of abuse including physical and sexual abuse, elder or child abuse, and animal cruelty.
12. Offer to contact a local advocate to provide support to the victim as available and provide current contact information for local domestic violence victim advocacy organizations.
13. Remain at the scene as long as there is danger to the safety of the person or until the person is able to leave the dwelling. The officer shall transport the person if no reasonable transportation is available.
14. When a law enforcement agency responds to a report of domestic violence, the first law enforcement officer to interview a victim of domestic violence shall assess the potential for

danger by asking a series of questions provided on this lethality assessment form, which is in compliance with 12-12-108. Domestic Violence Investigation “Laura’s Law”. This form is included in the department’s policy and procedure manual.

vi. The Responding or investigating officer **shall not** do the following:

1. Make any statement that would discourage a victim from reporting an act of domestic violence
2. Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel

vii. Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. **Factors that should not be used** as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Marital status of the suspect and victim
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

viii. **Supervisor involvement**

1. Field supervisors shall be responsible for monitoring any domestic violence calls dispatched to the officers under their direct supervision or within their area of responsibility.
2. Whenever possible, the supervisor should respond to the scene for the purpose of providing additional safety, monitoring the situation and being available to offer advice to the victim.
3. In situations where the supervisors is unable to respond he or she should perform follow-up to ensure departmental policy has been followed.

ix. Incidents involving a police officer as the suspect

1. Upon arrival on the scene of a domestic violence call or an incident involving a law enforcement officer, the primary patrol unit shall immediately notify dispatch and request a supervisor of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.
2. Responding officers shall be aware of the heightened risk that a suspect who is a police officer will likely possess firearms, other weapons, physical combat training, or all three.

x. Incident documentation

1. Officers shall complete a departmental domestic violence supplemental report form following response to or investigation of an allegation of domestic violence, whether or not an arrest is made.

xi. The arrest decision

1. When a law enforcement officer has probable cause to believe a person who is a party to an act of domestic abuse is the predominant aggressor and the act of domestic abuse would constitute a misdemeanor under the laws of the State of Arkansas, the arrest with or without a warrant of the person who was the predominant aggressor shall be considered the preferred action by the law enforcement officer if there is reason to believe that there is an imminent threat of further injury to any party to the act of domestic abuse and the law enforcement officer has probable cause to believe the person has committed the act of domestic abuse within the preceding four (4) hours or within the preceding twelve (12) hours for cases involving physical injury as defined in 5-1-102, even if the incident did not take place in the presence of the law enforcement officer.
2. When a law enforcement officer has probable cause to believe a person who is a party to an act of domestic abuse is the predominant aggressor and the act of domestic abuse would constitute a misdemeanor under the laws of this state, the law enforcement officer may arrest the person without a warrant if the law enforcement officer has probable cause to believe the person has committed those acts within the preceding four (4) hours, or within the preceding twelve (12) hours for cases involving physical injury as defined in 5-1-102, even if the incident did not take place in the presence of the law enforcement officer.
3. When an officer has probable cause to believe that a person is the predominant aggressor in an act of domestic abuse, and the act of domestic abuse would constitute a felony under the laws of this state, the officer shall arrest the person who was

the predominant aggressor, with or without a warrant, if within the timeframes as listed above.

4. Any law enforcement officer acting in good faith and exercising due care in making an arrest for domestic abuse shall have immunity from civil liability.
5. If a law enforcement officer receives conflicting complaints of domestic or family violence from two or more household members involving an incident of domestic violence, the officer must evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer *must not arrest* the other person accused of having committed domestic or family violence. In determining whether a person is the primary aggressor, the officer should consider the following factors and any other factors he considers relevant.
6. When determining if one (1) party to an act of domestic abuse is the predominant aggressor, a law enforcement officer shall consider the following factors based upon his or her observation:
 - i. Statements from parties to the act of domestic abuse and other witnesses;
 - ii. The extent of personal injuries received by parties to the act of domestic abuse;
 - iii. Evidence that a party to the act of domestic abuse acted in self-defense; or
 - iv. Prior complaints of domestic abuse if the history of prior complaints of domestic abuse can be reasonably ascertained by the law enforcement officer.
 - v. The relative severity of the injuries inflicted on each person taking into account injuries alleged which may not be easily visible at the time of the investigation
 - vi. The likelihood of future injury to each person
 - vii. The comparative size of the parties
 - viii. The primary aggressor refers to the most significant aggressor, not the one who struck the first blow. Take into consideration self-defense elements when both parties have assaulted each other.

xii. Arrest procedures

1. The arresting officers should take the accused into custody as soon as it is determined that a warrantless arrest is appropriate. If the suspect has fled the scene, the offices should attempt to locate and apprehend the suspect as well as consider advising the dispatch of the suspect's description so a

lookout can be placed for the suspect. Should the suspect not be located, the officers should initiate procedures to obtain a warrant for the suspect as soon as practical.

2. A law enforcement officer must not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage a party's request for intervention by law enforcement.
3. The officer shall not put a victim in the position of stating whether or not he or she wants the suspect to be arrested.
4. Inform the arrestee that the arrest is your decision, not the victim's.
5. A law enforcement officer who arrests two or more persons for a crime involving domestic or family violence *must* include the grounds for arresting both parties in the written incident report, and must include a statement in the report that the officer attempted to determine which party was the primary aggressor and was unable to make a determination based upon the evidence available at the time of the arrest.
6. Domestic disturbances involving prominent citizens, public officials, or police officers may present particular difficulties for the responding officers. In such circumstances, the responding officers should request that a supervisor respond to the scene and shall ensure that this incident be handled the same as any other domestic violence incident.
7. When an arrest cannot be made due to lack of probable cause that a crime has been committed the officer will do the following:
 - i. Explain to the victim why an arrest is not being made
 - ii. Advise the victim of his or her rights and explain the procedures for filing a criminal complaint.
8. Encourage the victim to contact the local domestic violence service provider for information regarding counseling and other services

xiii. VERIFICATION OF COURT ORDERS: Determining the validity of a court order, particularly an order from another jurisdiction can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, Officers should carefully review the actual order available, and, where appropriate and practicable:

1. Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
2. Check available records or databases that may show the status or conditions of the order.

3. Contact the issuing court to verify the validity of the order.
4. Contact a law enforcement official from the jurisdiction where the order was issued to verify information.
5. Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made.
6. Officers should contact a supervisor for clarification when needed.
7. Once the officer has verified the legality of the protection order the officer shall enforce the order in accordance with full faith and credit: The requirement by the U.S. Code (U.S.C.) title 18 section 2265 that jurisdictions honor the terms and conditions of a protection order issued by another jurisdiction.



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| Duty to Disclose Exculpatory Material | Related Policies: See U.S. Supreme Court Brady v Maryland (1963) and Giglio v United States (1972) |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Statutes: | |
| CALEA Standard: 42.2.2 | |
| Best Practices: “ <i>Brady</i> Disclosure Requirements,” policy and paper, IACP National Law Enforcement Policy Center, 2009 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** An agency and its personnel could be subject to liability in federal court for failing to disclose to a prosecutor any evidence that may be favorable to a defendant. The purpose of this policy is to ensure that agency personnel are in compliance with the landmark United States Supreme Court decisions of *Brady v Maryland* (1963) and *Giglio v. United States* (1972) and their progeny.
- II. **Policy:** It is the policy of this department to require that law enforcement personnel provide all potentially exculpatory evidence to prosecutors. Furthermore, it will be the responsibility of the Chief of Police or their designee to review all officers’ files to determine if any officer has a disciplinary history that would impact the officer’s credibility as a witness. This information should be made available to the prosecutor for a determination of whether said information is “*Brady*” material prior to the officer’s appearance.
- III. **Definitions**
 - A. **Duty to Disclose:** The landmark decision of *Brady v Maryland* (1963) places an affirmative constitutional duty on a prosecutor to disclose exculpatory evidence to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potential exculpatory information.
 - B. **Exculpatory Evidence/*Brady* Material:** Evidence in the government’s possession that is favorable to the accused and that is material to either guilt or punishment, including evidence that may impact the credibility of a witness.
- IV. **Procedure**
 - A. Officers are required to document all investigative activity involved in an investigation, including exculpatory information.

- B.** All official reports involving an investigation will be submitted to the prosecuting authority prior to actual prosecution of the case. The prosecutor will determine what information contained in the case file will be provided to defense counsel.
- C.** The department will meet with the prosecutor's office to establish a procedure whereby the intent of this policy is carried out.
- D.** To the extent the agency is aware of exculpatory information to include sustained disciplinary history, which may be "Brady" material, the Chief of Police or their designee shall ensure that such information is brought to the attention of the prosecutor before the officer provides testimony in any criminal case.
- E.** Each employee who is notified to appear as a witness in a criminal case has an individual obligation under this policy to notify the prosecutor on the specific case of any sustained disciplinary history that may impact credibility and qualify as "Brady" material.
- F.** The Chief of Police or their designee will ensure that all sworn personnel are familiar with the requirements of this policy and will stress the importance of credibility as an essential requirement of being able to function as a police officer.



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| Early Intervention System | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: 35.1.9 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** A comprehensive Personnel Early Intervention System is an essential component of good discipline in a well-managed law enforcement department. The Early Intervention System is a supervisory tool and not a disciplinary process. The early identification of employees exhibiting symptoms of stress or other behavior that could pose a liability to the community, the Department, or the officer, must be detected as soon as possible. When appropriate, an intervention consisting of a menu of remedial actions can increase department accountability and offer employees a better opportunity to meet the department’s values and mission statement. This is a non-disciplinary system which aids in identifying employees who may be experiencing personal or professional difficulties so that the employee may be assisted with corrective action steps to resolve these difficulties before a crisis occurs.
- II. **Policy:** It is the policy of this department to establish an Early Intervention System to help identify department employees who may require intervention efforts. The system should identify patterns of behavior that might be symptomatic that an individual employee requires an intervention.
- III. **Definitions**
 - A. **Early Intervention System (EIS):** A management tool designed to identify employees whose performance exhibits potential problems, and then to provide interventions, usually counseling or training, to correct those performance problems. Early Intervention Systems have emerged as an effective mechanism for enhancing accountability within law enforcement agencies.
- IV. **Procedure**
 - A. The EIS will be maintained by the Chief of Police or their designee.
 - B. The system should review at a minimum:
 - i. Complaints;
 - ii. Incidents involving use of force;
 - iii. Shooting incidents;

- iv. Use of sick leave;
 - v. Preventable accidents;
 - vi. Domestic misconduct incidents;
 - vii. Civil litigation;
 - viii. Performance evaluations; and
 - ix. Commendations.
- C. Programs of this type rely heavily on first and second level supervisors who will continually monitor the above data for each employee's indicating the review on each evaluation and be prepared to initiate the system whenever a trend or pattern emerges indicating an employee may be in need of assistance.
- D. It will be the responsibility of the identified employee's chain of command to recommend, in writing, the appropriate action initiated to correct any deficiency that might be identified. The recommended actions could include the following:
- i. No further action required. The employee's actions that triggered the EIS have been thoroughly reviewed and do not indicate any concern for corrective action;
 - ii. Supervisory Counseling;
 - iii. Periods of observation in the field by the first line supervisor;
 - iv. Peer Counseling;
 - v. Referral to the Employee Assistance Program (if applicable);
 - vi. Referral to psychological services;
 - vii. Referral for remedial training;
 - viii. Re-assignment;
 - ix. Referral for anger management training;
 - x. Referral for stress reduction training; and
 - xi. Other action as deemed appropriate.
- E. **Process:** Once the recommended action plan is discussed with the employee and approved by the chain of command, the intervention will be engaged and reported back in writing to the entity charged with the responsibility of maintaining the system. A follow-up component will be established in the action plan to ensure the behavior that triggered the intervention is no longer a concern.



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| Electronic Control Devices | Related Policies: Response to Resistance Reporting Response to Resistance |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: 1.3.1, 1.3.2, 1.3.5, 1.3.6., 1.3.7, , 1.3.9, 1.3.10 | |
| Date Implemented: | Review Date: |

I. **Purpose:** The purpose of this policy is to direct members in the appropriate use and deployment of Electronic Control Devices (ECD).

II. **Policy:** It is the policy of this Department to protect and serve all citizens, while at the same time respecting the rights of suspects, and balancing the need for member safety in response to resistance events. It is the policy of this Department that members will use only objectively reasonable force to bring an incident or event under control. Objectively reasonable force is only that force which is necessary to accomplish lawful objectives. All responses to resistance must be objectively reasonable.

III. **Definitions**

A. **Active resistance:** a subject actively resists when they take affirmative action to defeat an officer’s ability to take them into custody.

B. **Passive resistance:** A subject who takes no affirmative action to defeat the member’s ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.

IV. **Procedure**

A. **Electronic Control Devices**

- i. An electronic control device as a force option is the same level of force as chemical spray.
- ii. Electronic Control Device must be worn on the weak-side in either a weak-hand draw or cross-draw position.
- iii. Electronic Control Device deployment shall not be considered for the passively resistant subject. Active resistance shall be required.
- iv. Flight from a member, standing alone, is not a justification for the use of an electronic control device. Members should consider the nature of the offense suspected; the level of suspicion with respect to the person fleeing; the risk of

danger to others if the person is not apprehended immediately; and the surface on which the subject is fleeing which may lead to injury as a result of the resulting fall.

- v.** Members must be aware of the danger of combustibility as a result of the ECD's discharge when in a combustible environment or where the subject has been exposed to combustible agents.
- vi.** Multiple Electronic Control Device deployments against an individual may increase the likelihood of serious injury where the individual is suffering from other symptoms such as cocaine intoxication or excited delirium. Members should minimize the successive number of discharges against an individual where possible.
- vii.** The Department recognizes however, particularly where back-up members are unavailable, that multiple applications may be necessary to gain or maintain control of a combative individual.
- viii.** No more than one member should deploy an ECD against a single individual at the same time.
- ix.** A contributing factor to serious injury or death is the level of a subject's exhaustion. Studies recommend that when a member believes that control of a subject will be necessary and met with resistance, deployment of the ECD should be considered early on in the event so that the person has not reached a level of exhaustion prior to the ECD's use.
- x.** The preferred targeting is the center mass of the subject's back, however it is recognized that it is not always possible to get behind the subject.
- xi.** Where back-targeting is not possible, frontal targeting should be lower center mass. Intentional deployments to the chest shall be avoided where possible.
- xii.** Members who are aware that a female subject is pregnant shall not use the ECD unless deadly force would be justified due to the danger created by the secondary impact or the possibility of muscle contractions leading to premature birth.
- xiii.** Members shall make all reasonable efforts to avoid striking persons in the head, neck, eyes or genitals.
- xiv.** Members are prohibited from using the device as punitive measure.
- xv.** ECD shall not be used against persons who are in physical control of a vehicle in motion unless deadly force would be justified based on an existing imminent threat.
- xvi.** A warning to the subject prior to deployment is preferred.
- xvii.** Members shall make all efforts to warn other members that a deployment is about to occur.
- xviii.** The device shall never be used on a handcuffed person to force compliance

unless the subject poses a threat to the member through physical conduct or active resistance that cannot otherwise be reasonably controlled.

- xix.** Members should consider the location and environment of the subject. Members shall avoid using ECD's in cases where the subject is elevated (i.e. roof, fire escape, tree, bridge, stairwell, loading dock etc. etc.) such that the secondary impact may cause serious injury.
- xx.** Members should be aware that a subject's heavy clothing may impact the effectiveness of the ECD.
- xxi.** Members should consider the particular subject and any vulnerability they may have such as: a person who is small in stature or very frail will be more dramatically impacted,(i.e. elderly; juveniles; pregnant females).
- xxii.** Alternative tactics shall be utilized where the member has prior information that the subject suffers from a disability which would increase the danger to that person by using the ECD (i.e. A person at the scene tells a member that the subject has a heart condition).
- xxiii.** Deployed probes that have been removed from a suspect should be treated as a bio-hazard.
- xxiv.** Where EMS is available, their services may be utilized for the removal of probes that have penetrated the skin, as long as such removal can be accomplished without causing further injury.
- xxv.** Any person who requests or appears to be having any form of physical distress following the deployment of an ECD shall be transported to a medical facility for a medical examination. It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted and the onset of difficulty may occur a period of time after the police control event.
- xxvi.** Mandatory medical clearance by a medical professional:
 - a.** Persons struck in a sensitive area-eyes, head, genitals, female breasts.
 - b.** Where the probes have penetrated the skin and either the officer or EMS cannot safely remove probes in accord with this policy the subject must be transported to a medical facility.
 - c.** Persons who do not appear to have fully recovered after a short period of time. Members who observe unusual physical distress should immediately call for medical assistance.
 - d.** Persons who fall into one of the vulnerable classes such as young children, pregnant women, persons who are small in stature, persons who members become aware have a pre-existing medical condition that increases danger and the elderly.
 - e.** Subjects who request medical assistance.

xxvii. Additional Documentation:

- a.** All deployments of an ECD shall be documented including those cases where a subject complies once threatened with such a device. By documenting the non-discharge uses, this Department establishes member judgment and control as well as the deterrent effect of this tool.
- b.** Photographs of the affected area should be taken following the removal of probes from the subject to document any injury. Where the drive-stun method has been used, photographs are extremely important due to the increased potential for this method to cause scarring.
- c.** Supervisory personnel shall be notified and review all ECD deployment for consistency with policy and training.
- d.** Probes/Cartridges shall be properly stored and maintained as evidence following a discharge.
- e.** Members are required to complete a “response to active resistance form” which shall be reviewed by a supervisor following the ECD use.
- f.** All deployments shall be reviewed by the Chief of Police or their designee, as well as training personnel.
- g.** Where there is any indication of lasting injury, claim or complaint, internal data from device shall be maintained. All ECD units will be audited monthly to ensure that all deployment/activations have been reported as required.
- h.** Supervisory personnel shall conduct a monthly download of all ECD data to ensure that all uses are reported. It is noted that all data should reflect a spark test at the beginning of each member’s tour of duty.



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| Use of Electronic Devices Policy | Related Policies: Social Networking Policy |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: A.C.A. § 27-51-1504 (2011) | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to ensure the safety of officers by providing complete information through the most effective means available and providing for the efficient operation of the department.
- II. **Policy:** It is the policy of this department to set forth the department rules and regulations regarding the use of departmental issued electronic devices as well as the use of personal electronic devices while on duty as a member of this department.
- III. **Procedure:** Use of electronic devices:
 - A. Departmental electronic devices may be provided to certain employees in order to enhance the efficiency of the department.
 - B. Departmental electronic devices shall only be used for departmental business except:
 - i. When a personal emergency exists and use of a land-line is not possible or practical,
 - ii. When an employee is required to work beyond their normal shift and family notification is necessary,
 - iii. When it is utilized to return calls which result from unidentifiable missed calls.
 - C. Officers should refrain from using personal or departmental electronic devices to relay information about a law enforcement incident where such information is better relayed via radio. The safety of all officers responding to an incident is of primary importance.
 - D. Operating an agency vehicle. Except in an emergency when other official means of communication have been severed or when otherwise authorized by the Chief of Police or his designee, officers shall not operate an agency vehicle while using an electronic device. Unless faced with such an emergency, all calls shall be made from a stationary position. Hands free devices may be utilized for receiving calls.

- E.** Officers will refrain from the use of electronic devices while on duty in public view unless conducting departmental business or such use is diminimus.
- F.** Use of any electronic device for department business is subject to administrative review.
- G.** Personal use of department electronic devices may result in reimbursement fees which will be set at a rate determined by the department.
- H.** No unauthorized electronic devices shall be used for photographing crime scenes, evidence, accident, death scenes, etc. unless exigent circumstances exist and no camera is available. In no case will any photograph, digital or other media, be published in any manner outside of proper investigative practices.
- I.** Officers shall devote full attention to duty. As such, Officers will limit their use of personal electronic devices so their duties to the department are not compromised.
- J.** Employees who elect to carry electronic devices during work hours, either department issued or personal, shall provide usage records during administrative investigations, when requested. These records shall be for the dates and times of working hours.
- K.** Employees shall produce personal and/or department issued electronic device records during administrative investigations regardless of the time of usage when the usage concerns an allegation of misconduct that is "directly, narrowly, and specifically related to the employee's performance of duty or fitness to perform."
- L.** All employees shall be aware that using personal electronic devices for departmental business and/or syncing personal devices with department devices (i.e. phones, computers, emails, calendars, etc.) may bring the employees private communications, as well as any data stored on a server, within the realm of a public record under Arkansas Law.



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| Employee Nepotism and Fraternization | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Texas Statutes: | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

I. **Purpose:** The purpose for this directive is to establish policy on personal relationships between Department employees which give rise to an actual or perceived potential conflict of interest with professional responsibilities and/or which create the potential for an adverse impact on Department operations, safety, efficiency and morale.

A. As an organization that is heavily dependent upon its human resources, the Department has a vital interest in the maintenance of harmonious, efficient, and productive working relationships between its employees. Personal relationships that cause unrest, lend themselves to the perception of favoritism, adversely affect morale, or otherwise disrupt the good working order of the Department are undesirable.

II. **Policy:** It is the policy of this department to ensure that its employees carry out their duties with impartiality and fairness so that public and organizational confidence in the actions of our employees is maintained. Additionally this department is committed to the principle that the most qualified candidates will be selected for promotions, assignments, and specialized positions. While this department recognizes the rights of employees to become involved in personal relationships with their co-workers, public trust, workplace safety, departmental operations and morale require that employees avoid the appearance of or actual conflict of interest between their professional responsibilities and any involvement in a romantic or sexual relationship with other employees. In order to promote efficient operation of the department and avoid misunderstandings, complaints of favoritism, sexual harassment, gender-based discrimination, and other problems of supervision, safety, department operations, and employee morale, all employees are instructed to avoid situations that give rise to an actual or perceived conflict. Employees who are related to or who are engaged in a romantic relationship with candidates for hiring selection, promotion or assignment to specialized positions, must ensure that all reasonable precautions are taken to avert any undue influence in the selection process or even the appearance of impropriety in the process.

III. Definitions

- A. **Family relationship:** A relationship resulting from family ancestry or marriage. For this policy this includes spouse, parent (including foster, step, and in-law); children (including adoptive, foster, or step); brother or sister; grandparent or grandchild; aunt or uncle; niece or nephew; or any other relative living in the same household as the employee or another individual related by blood, marriage, or quasi-marriage in the same household as a Departmental employee. Relative includes a significant other or domestic partner.
- B. **Personal relationship:** For purpose of this policy, personal relationship is a relationship involving employees who are dating, engaged in a romantic relationship or cohabitating.
- C. **Supervisor:** An employee who has authority, direct or indirect, over another employee by virtue of their rank or job classification.
- D. **Subordinate:** An employee who is answerable to another employee based on their rank or job classification.
- E. **Dating:** One or more social meetings between employees under circumstances reasonably intended to lead to a romantic relationship.

IV. Procedure

A. Hiring, promotion and assignment to specialized positions:

- i. Employees who are related to or involved in a romantic relationship with a candidate for hiring selection, promotion or assignment to specialized positions shall not be involved in the selection process. The department shall not depart from the procedures embodied in the department's personnel policies for any reason other than one specifically approved by the Chief of Police or their designee.
- ii. Should an employee related to or involved in a romantic relationship be required to participate in any of these selection processes due to an absence of available alternatives, the final selection decision is subject to approval of the Chief of Police or their designee.
- iii. **Supervisory procedures:** An employee generally shall not directly supervise a relative or another employee where a personal relationship exists. It will be incumbent upon the subordinate to select assignments which will not put them under the supervision or management of a relative or someone with whom they have a personal relationship.
- iv. **Working conditions:** Relatives or employees who are engaged in a romantic relationship shall not be assigned to the same shift or unit without specific approval of the Chief of Police or their designee.
- v. **Duty to notify**
 - a. In the event that an employee becomes involved in a romantic relationship with another Department employee, they shall notify their supervisor in person as soon as possible. Employees who find themselves working in close proximity to a relative or another employee with whom they have a personal relationship shall notify their supervisor of the circumstances.

- b.** If a supervisor and a subordinate marry or cohabitate, the Chief of Police of Police or their designee will review the working relationship of the two employees and determine if it creates a potential conflict of interest or an adverse impact on supervision, safety, operations or morale. The Chief of Police or designee will make reasonable efforts to transfer, reassign, or otherwise resolve the situation so that one of the employees is placed in a position where the conflict potential no longer exists. Prior to any reassignment, the Department will receive input from the involved employees.
- c.** The Chief of Police or designee shall take appropriate steps to ensure that involved employees' working conditions are modified to eliminate potential conflicts of interest and adverse workplace performance problems.
- d.** The Chief of Police's designee shall prepare a written report regarding the situation and his/her resolutions. This report shall be transmitted to the Chief of Police.
- e.** Failure by an employee to report personal relationships to the supervisor compromises the integrity of the Department's chain of command, disrupts the work environment, causes decline in morale and can reduce productivity. Any failure to report relationships as required by this policy shall constitute misconduct and may subject an employee to disciplinary action.



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| Excited Delirium | Related Policies: Response to Resistance Electronic Control Devices |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable State Statutes: | |
| CALEA Standard: 41.2.7 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to provide all personnel with knowledge and awareness of excited delirium; its causes; its symptoms; and the proper procedure to be followed when excited delirium is recognized.
- II. **Policy:** It is the policy of this department to take active steps to recognize, accomplish the safe restraint, and to seek immediate medical attention for persons who are in the midst of an excited delirium episode.
- III. **Definitions**
 - A. **Excited Delirium:** State of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, exceptional strength, and endurance without fatigue.
 - B. **Hypoxia:** An inadequacy in the oxygen reaching the body's tissues.
 - C. **Hyperthermia:** Unusually high body temperature.
 - D. **Hypoglycemia:** Lower than normal level of blood glucose
- IV. **Causes of Excited Delirium**

Common characteristics displayed by persons suffering from Excited Delirium may include but are not limited to:

 - A. Drug Use
 - B. Hypoxia
 - C. Hypoglycemia
 - D. Stroke
 - E. Intracranial Bleeding
- V. **Identifying Persons Suffering from Excited Delirium**
 - A. Irrational Speech
 - B. Shouting, Yelling, or screaming

- C. Confusion
- D. Sudden changes in behavior (i.e. rage followed by sudden calmness)
- E. Paranoia
- F. Frightened/Panicky
- G. Hallucinating/Hearing Voices
- H. Violent/Destroying Property
- I. Unexplained Strength/Endurance
- J. High Level of Pain Tolerance
- K. Sweating Profusely/High Body Temperature
- L. Foaming at mouth
- M. Drooling
- N. Dilated Pupils
- O. Evidence of Self-inflicted Injuries
- P. Removing Clothing/Naked

VI. Procedures

A. Initial Response (CALMS)

- i. **Containment:** Ensure the subject is contained and controlled in a manner which protects all persons including the officer(s).
- ii. **Announcement:** Broadcast that the officer believes he/she is dealing with an excited delirium subject.
- iii. **Lots of Backup:** Seek extra officers to enable the officers to more effectively deal with the subject.
- iv. **Medical Attention:** Notify Emergency Medical Services (EMS) as soon as practical.
- v. **Slow down:** Take your time if possible.

B. Tactical Response Considerations

- i. Pre-plan assignments.
- ii. When utilizing an Electronic Control Device (ECD) in the probe mode to accomplish restraint, if possible use a single deployment coupled with immediate restraint to decrease the likelihood of a drawn out confrontation which may further diminish the subject's respiration levels.
- iii. Remember "trigger-touch": Persons suffering from excited delirium may become more agitated by some triggering event (i.e. confined space or touching).
- iv. Utilize a five-officer approach if possible, with one officer assigned for each limb and an officer assigned to protect the head during the restraint process. The officer assigned to the head should speak calmly to the subject in an effort to reduce agitation.

- v. Obtain medical help immediately upon restraint.



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| Foot Pursuit | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** To provide for the safety of law enforcement personnel while at the same time facilitating the safe apprehension of suspects.
- II. **Policy:** It is the policy of this department that Officers conduct a quick and continuous risk assessment whenever an officer decides to engage in or continue a foot pursuit. Officers must evaluate the risk involved to themselves, the suspect and the community versus the benefit of continuing the pursuit.
- III. **Definitions**
 - A. **Foot Pursuit:** A situation in which an officer, on foot, chases a suspect in an effort to detain or arrest that individual who he has a reasonable suspicion to believe is about to commit, is committing, or has committed a crime and who is resisting apprehension by fleeing from the officer(s).
 - B. **Suspect:** Includes any individual who a police officer reasonably believes is about to commit, is committing or has committed an offense, or poses an imminent threat to the safety of the public, other officers or themselves.
 - C. **Contact/Cover:** A tactical practice of having two or more officers working together during a foot pursuit. The officers work as a team utilizing direct or indirect communication methods to coordinate their efforts, remain aware of the locations of officers and suspects, and keep abreast of the status of the pursuit.
- IV. **Procedure**
 - A. **Alternatives to Foot Pursuit:** To the extent that resources are available, officers should consider the following alternatives to a foot pursuit:
 - i. Area Containment
 - ii. Additional officers
 - iii. Surveillance until additional resources become available
 - B. **Factors to Consider in Conducting the Risk Assessment:**

- i. Whether the suspect is armed.
- ii. How serious is the suspect's offense (i.e. does he or she pose a serious threat to the community if allowed to escape)
- iii. Officer acting alone
- iv. Backup is not available in a timely manner
- v. Officer pursuing more than one suspect
- vi. Officer not in physical condition to pursue a subject on foot
- vii. Location:
 - a. Nature of area- (i.e. residential, commercial, freeway) which impacts the safety of all those who may be affected by the foot pursuit.
 - b. Conditions of structures: abandoned, condemned, etc.
 - c. Environmental factors: weather conditions or darkness.
 - d. Area of pursuit is hostile to law enforcement personnel
- viii. Ability to apprehend the subject at a later time(i.e. identity is known)
- ix. Communications Issues:
 - a. Officer familiarity with location-able to identify subject's location with accuracy during pursuit.
 - b. Radio frequency and coverage- Is officer in area where radio coverage may fail?

C. Pursuing Officer Responsibilities:

- i. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the suspect against the degree of risk to which the officer, the suspect and the community are exposed to as a result of the pursuit.
- ii. Once an officer decides to engage in a foot pursuit, the officer must immediately relay the following information to communications:
 - a. Officer identifier;
 - b. Location (continuing responsibility);
 - c. Direction of travel (continuing responsibility);
 - d. Description of suspect;
 - e. Whether suspect is armed;
 - f. Reason for foot pursuit; and
 - g. Coordinate with other officers to establish perimeter for containment .
- iii. The primary officer should maintain sufficient tactical gap between him/herself and the suspect to allow time for maintaining cover and allow for the arrival of backup officers before engagement.
- iv. An officer should not enter a building, structure or area of limited or no cover without a backup officer present.

- v. An officer should not continue a foot pursuit if the officer has lost their firearm.
 - vi. Officers should note that residents may mistake pursuing officers as prowlers. To the extent possible, efforts should be made to notify area residents of the police presence.
- D. Supervisor's responsibility:** If a supervisor is on duty, the supervisor should:
- i. Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the suspect;
 - ii. Terminate any foot pursuit where the risk to the officer, the public, or the suspect outweighs the need for the foot pursuit; and
 - iii. Consider the use of specialized units/personnel to aid in the apprehension (i.e. canine, SWAT following containment, etc.). In the absence of a supervisor, this consideration should be undertaken by involved officers.
- E. Communications Responsibility**
- i. Maintain open communications with involved officer.
 - ii. Notify a supervisor and provide relevant information (without compromising ability of involved officer in communicating ongoing information).
- F. Termination of Foot Pursuits:** Officers shall terminate a foot pursuit:
- i. If ordered by a supervisor, or
 - ii. If the officer believes the danger to the pursuing officers, the public, or the suspect outweighs the necessity for the immediate apprehension of the suspect.
- G.** If the suspect's identity is known and he or she is not an imminent threat to the safety of the public or other officers, consider terminating the pursuit and apprehend at a later date.
- H.** After termination of a foot pursuit, the involved officers will notify communications of the last known location of the suspect, or in cases of apprehension, the location of apprehension.



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| Hiring Practices | Related Policies: Social Networking – Internet Use |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes §14-51-101 through §14-51-311, A.C.A. § 11-2-124 | |
| CALEA Standard: 32.1.1;32.1.2; 32.1.3; 32.1.4; 32.2.1; 32.2.4; 32.2.5; 32.2.7; 32.2.8; | |
| Date Implemented: 1/1/2014 | Review Date: |

- I. **Purpose:** The purpose of this policy is to outline and direct the hiring process and practices for employment as a sworn member of this department.
- II. **Policy:** The policy of this department is to hire only those persons qualified for employment in law enforcement. This department seeks the highest level of professionalism and integrity by its members and recognizes that this commitment begins with the selection of candidates for this department consistent with the laws of the State of Arkansas.
- III. **Procedure**
 - A. The department should provide each applicant with a step-by-step checklist outlining the process by which this department selects individuals for employment as a sworn police officer.
 - B. The checklist should include all requirements that must be met prior to consideration for employment by the department (i.e. U.S. Citizenship, educational level attained, valid driver’s license).
 - C. The department shall provide each applicant with a declaration of anti-discrimination with respect to the hiring process.
 - D. Each applicant must apply in writing using the department prescribed application form. All questions on the form must be answered completely and truthfully.
 - E. Any determination by the department that an applicant has been deceptive in a response either verbally or in writing during the hiring process shall be immediate grounds for dismissal from the process.
 - F. Any determination by the department that a candidate who has been hired was deceptive during the hiring process shall be grounds for termination from the department.

- G.** Each applicant must provide documentation of the essential requirements (i.e. driver's license, social security card, high school and college diplomas, DD214, proof of citizenship etc.) upon submission of the application.
- H.** Each applicant must sign prescribed waivers with respect to prior medical, psychological, credit, education, & criminal history including sealed and juvenile records.
- I.** Each applicant must sign an affidavit indicating whether they have ever been the subject of a domestic restraining or protective order or whether they have ever been previously convicted of a domestic violence related offense.
- J.** Each applicant who successfully passes the written examination(s) at the level prescribed by this department will proceed to the fitness test. The fitness levels prescribed by this department are objective fitness standards that are set in conformity with the necessities of carrying out the law enforcement function of a patrol officer.
 - i.** The fitness standards of this department are set in conformity with standards prescribed by the department in accordance with the bona fide occupational qualifications.
 - ii.** The fitness process shall be supervised by a certified fitness instructor.
- K.** Each eligible applicant shall undergo an objective interview. Each applicant interviewed shall be asked the same group of specific questions. Follow-up questions for clarification may be asked by the interviewer(s). Additionally, interviewers shall be provided with the applicant's application prior to the interview so that questions relating to application may be incorporated into the interview process.
- L.** Once all applicants have been interviewed, the interviewer(s) will make recommendations to the hiring authority with respect to which applicants should be considered for employment.
- M.** Selected applicants will proceed to the background examination process. This process shall include:
 - i.** Verification of applicant's responses in the written application.
 - ii.** Applicant's driving history.
 - iii.** Criminal History check of applicant including checks in all former states of residency.
 - iv.** Survey law enforcement agencies in locales where applicant has resided or known to frequent. This survey should include a CAD inquiry of the applicant's former residences during the period of the applicant's residency.
 - v.** Credit History report.
 - vi.** Check of National Database that registers officers who have been de-certified by a state POST or Training Board.
 - vii.** References listed as well as removed references (background investigator should ask the listed references for the identities of additional persons who know the applicant allowing the investigator to speak to persons who have knowledge of the applicant but who were not listed by the applicant).

- viii.** All former employers, to the extent possible, must be interviewed.
 - ix.** Un-named persons known to the applicant, such as neighbors, former neighbors, school officials, etc. should be sought out and interviewed.
 - x.** In cases where form letters have been sent out to references but have not been returned, the investigator shall make every effort to contact that individual either face-to-face or by telephone to make an inquiry as to the applicant's suitability for employment by the department.
 - xi.** If the applicant has already been through the basic academy for certification, interviews of staff members that had direct contact with the applicant must be conducted.
 - xii.** Following the background investigation, the investigator shall compile a background summary and make a recommendation with respect to the applicant's suitability for employment with the department. In cases where the investigator is recommending that the applicant not be considered for employment, the investigator shall provide specific, detailed information as to the reasons supporting the recommendation.
- N.** No member of this agency shall require, request, suggest, or cause a prospective employee to:
- a.** Disclose his or her username and password to the prospective employee's social media account;
 - b.** Add an employee, supervisor, or administrator to the list or contacts associated with his or her social media account; or
 - c.** Change the privacy settings associated with his or her social media account.
 - d.** Nothing in this policy prohibits the agency from viewing information about a prospective employee that is publicly available on the Internet.
- O.** Polygraph: The department may polygraph candidates selected for hire following the background investigation. The department will not consider persons for hire where the background examination, interview, polygraph or any other portion of the application process puts the department on notice that the candidate has a propensity to engage in conduct that could harm a member of the public.
- P.** Conditional offer of employment: Prior to medical and psychological exams, it is necessary under federal law to make a conditional offer of employment to the candidate. A conditional offer essentially holds that if the candidate passes the medical and psychological exam, they will be hired by the department.
- i.** Medical Examination: A licensed medical practitioner who is familiar with the job tasks of a law enforcement officer will conduct this exam.
 - a.** Drug screening shall be conducted of all candidates who have received a conditional offer of employment. The requirements of this procedure shall be outlined in all recruiting/hiring announcements.
 - b.** The medical examination will include a review of the candidate's medical history of injury/illness that may impact the candidate's ability to meet the job task of a law enforcement officer. This review of medical

records is limited to review by the doctor who will determine whether the candidate is medically cleared for a position with this department.

- ii. Psychological Testing: Each applicant who has received a conditional offer of employment shall undergo the prescribed psychological testing to determine his or her suitability for the law enforcement profession.



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| Identification Process | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: 42.2.11; 42.2.12 | |
| Date Implemented: 10/20/2014 | Review Date: |

- I. **Purpose:** The purpose of this policy is to outline the manner in which criminal suspects will be subjected to identification proceedings.
- II. **Policy:** It is the policy of this department to respect the rights of all persons during any law enforcement operation in which witness identification will be conducted.
- III. **Definitions**
 - A. **Show-Up/Drive-by:** The process by which a complainant or witness is driven to a suspect who has been stopped in the area of a crime for purposes of excluding or verifying the suspect as the person responsible.
 - B. **Photo-Array:** The process by which a complainant or witness is shown a series of photographs which may contain a suspect in a crime for purposes of excluding or verifying the suspect as the person responsible.
 - C. **Single Photo Verification:** The process by which a complainant or witness is shown a single photograph due to the fact that they have thorough familiarity with the person who is suspected in the criminal activity and law enforcement is simply verifying that the suspect identified by the police is the same subject known to the witness.
 - D. **Line-up:** The process by which a complainant or witness is allowed to view a group of individuals, in person, for purposes of excluding or verifying the suspect as the person responsible for the crime.
- IV. **Procedure:** In all identification procedures, officers should take steps to ensure that the procedure is not suggestive by the manner in which it is carried out. Thus, officers should use caution as to the manner in which suspects are presented so that a suspect may not later claim that the officer influenced the witness’ identification of the suspect. Each eyewitness who views a lineup or photo spread shall sign a form containing the following information:
 - i. The suspect might not be in the lineup or photo spread and the eyewitness is not obligated to make an identification.

- ii. The eyewitness should not assume that the person administering the lineup or photo spread knows which person is the suspect in the case.
- A.** The Validity of Identification Procedures Rests on the Following Considerations
- i. Witness' opportunity to view suspect at the time of the crime;
 - ii. Witness' focus of attention at time of crime;
 - iii. Accuracy of witness' description of suspect prior to identification procedure;
 - iv. Level of certainty exhibited by the witness in making the identification; and
 - v. The length of time that has passed between the crime and the identification.
- Note:** Police should document the existence/lack of existence of these points when compiling reports on identification procedures.
- B.** Show-Up/Drive-by Identification: Although the United States Supreme Court has not affixed a duration of time within which these procedures are to be conducted, generally this type of identification occurs within a short period of the crime and within a reasonable proximity (geographically) from the crime.
- i. Unless an extreme emergency exists, the complainant or witness shall be taken to the location where the suspect has been stopped. The movement of the suspect to the witness' location may constitute an arrest for which probable cause is required. To the extent that probable cause is lacking without identification, movement may be determined to have been an unlawful arrest.
 - ii. To the extent that an officer may safely do so, the officer should take steps to minimize the suggestiveness of the identification. The following should be considered:
 - a. Have suspect standing outside of any law enforcement vehicle rather than in the vehicle;
 - b. Have the suspect standing without handcuffs or with handcuffs not visible to the witness;
 - c. The appearance that the suspect maintains his or her freedom will undercut suggestiveness;
 - d. If items taken or used in the crime have been recovered, do not allow the witness to view or become aware of the recovery until after the identification proceeding is complete; and
 - e. The witness' failure to recognize the subject stopped must be documented and included in any materials forwarded to the prosecutor who ultimately handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such, it must be forwarded to the prosecutor. Additionally, if the witness identifies a suspect in the future, this failure to identify the first subject presented to them may add credibility to their identification.

C. Photo-Array/Photo-Pack

In composing a photo lineup:

- i. Include only one suspect in each identification procedure;
- ii. Select fillers who generally fit the witness' description of the perpetrator;
- iii. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect description or appearance at the time of the incident;
- iv. Include a minimum of five fillers (non-suspects) per identification procedure;
- v. Consider that complete uniformity of features is not required. Avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers;
- vi. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (i.e. scars, tattoos, etc.) used to describe the perpetrator by artificially adding or concealing that feature;
- vii. Consider placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly in the lineup;
- viii. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness;
- ix. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness;
- x. View the spread, once completed, to ensure that the suspect does not unduly stand out;
- xi. Preserve the presentation order of the photo lineup. In addition, the photos themselves should be preserved in their original condition;
- xii. All photos must include persons of the same race and sex as the suspect;
- xiii. Photos should be presented in a way that does not suggest that the subjects in the photos are criminals (i.e. mug-shot with numbers (Mug shots may be used, but portions of photo that would indicate that photo is a mug-shot should be cropped or hidden from the witness));
- xiv. **Sequential Presentation:** Photos will not be shown at the same time as an array or six-pack, instead the photos will be shown from a stack, held by the presenter who shall present the photographs one at a time as if dealing a deck of cards to the witness;
- xv. **Double-blind Presentation:** The officer who conducts the photo-array should be someone who is not aware of which photo in the array is that of the suspect in the case. The witness should be told the officer conducting the photo-array does not know who the suspect is;
- xvi. **Witness instruction.** The person viewing the photo-array should be told that the perpetrator may or may not be in the photo-array and that the investigation will continue regardless of whether identification is made or not;

- xvii.** Witnesses should be segregated before, during and after the procedure and instructed not to discuss the identification process with each other;
 - xviii.** During the identification process, officers shall not, in any way, prompt the witness toward a particular photo;
 - xix.** At the time of the identification, the eyewitness should provide a statement in his/her own words indicating their level of confidence in the identification;
 - xx.** The presentation/order of presentation must be documented. The witness who selects a photo as the suspect should sign and date the photo they have selected with a full signature and initial and date the other photos presented to them; and
 - xxi.** The witness' selection of a photo that is not the suspect, must be documented and included in any materials forwarded to the prosecutor who ultimately handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such it must be forwarded to the prosecutor.
- D.** Single-Photo Verification: This process shall only be used where the witness is thoroughly familiar with the suspect and the officer is merely attempting to ensure that the witness and the officer are both referring to the same person.
- E.** Line-Ups
- i.** A line-up must be conducted with at least six persons and include at least some persons who are similar in appearance to the suspect (i.e. race, sex, facial hair, glasses, age, etc.).
 - ii.** During the process, officers shall not, in any way, prompt the witness toward a particular subject in the line-up.
 - iii.** Although suspects do not have a right to refuse to stand in a line-up, a line-up should not be conducted where the suspect's resistant conduct will set him or her apart from the other participants in the line-up.
 - iv.** Suspects may be required to speak during a line-up for comparison purposes only. If officers are going to require a suspect to speak, they must require all persons participating to speak the same words in turn.
 - v.** Suspects may be required to put on clothing recovered from the crime for identification purposes. If officers are going to require the suspect to put on the recovered clothing, they must require all persons participating in the line-up to put on the clothing in turn.
 - vi.** All line-ups must be documented by photographing the line-up as presented to the witness. The photo will document positions of the participants as well as the inclusion of the participants.
 - vii.** Attorneys
 - a.** A suspect does not have a right to counsel at a line-up which is conducted before the suspect has reached a "critical stage" in the justice process. A critical stage is reached when the suspect is arraigned, indicted or otherwise formally charged with a crime.

- b.** A suspect has the right to counsel at a line-up if the suspect has reached a critical stage in the justice process.
- c.** If the suspect has an attorney, but has not yet reached a critical stage, officers should consider allowing the attorney's presence at the identification proceeding. The presence of an attorney undercuts later claims that the process was somehow suggestive with respect to the suspect.



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| Internal Affairs/Citizen Complaints | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: A.C.A. § 14-52-301-307 (2011); § 12-9-601-603 | |
| CALEA Standard: 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5, 52.2.1; 52.2.2; 52.2.4; 52.2.5; 52.2.8 | |
| Best Practice: U.S. D.O.J. agreements with various law enforcement agencies; "Internal Affairs: Proceedings From a Community Practice," U.S.D.O.J. Office of Community Oriented Policing Services, March 2008; and "Police Accountability and Citizen Review," I.A.C.P., October 2000 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** It is imperative that the Police Department operates in a degree of transparency and is responsive to complaints alleging employee misconduct and external concerns regarding the operation of the department. Members of the public should be provided with a reasonable avenue for any redress of grievances they may have with the service received by department employees or the conduct of the Police Department. This policy provides members of the department with the procedures for the acceptance of complaints; the initiation of the administrative investigative process; the process for conducting a fair and reasonable investigation; the proper methods for adjudication of these administrative investigations; and the methods for the administration of fair, reasonable and defensible discipline. It is not required that every department have a designated person or unit expressly for Internal Affairs/Office of Professional Standards, but every department must have someone who becomes the most knowledgeable person regarding these practices.
- II. **Policy:** It is the policy of this department to accept and document all complaints alleging employee or department misconduct for the following principle reasons:
 - A. To ensure that complaints alleging employee or department misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations;
 - B. To identify areas of misunderstanding by the complaining citizen;
 - C. To identify employees whose attitude, behavior and/or performance is in need of correction and supervisory intervention;
 - D. To protect department employees and the Department from erroneous complaints; and

- E. To identify Department policies, training and/or practices in need of reevaluation, clarification and/or correction.

III. Definitions

- A. Complaint of employee misconduct: A complaint is an allegation from any source of an act or omission by a department employee, which if proven true, would be considered misconduct or a violation of department policies, rules or regulations.
- B. Note: Complaints regarding the validity of traffic citations or parking tickets are not considered complaints for this definition and the party should be referred to the proper court for resolution.
- C. Complaint of department dissatisfaction: A complaint from an external source of dissatisfaction with a department policy or practice.
- D. Public concerns regarding law enforcement operations not amounting to a complaint: A concern expressed by a member of the public which does not meet the department's definition of a complaint, but must be documented by the department employee receiving the information from the member of the public.
- E. Public Service Report: A form made available to the public that informs them of the compliment/complaint process.

IV. Procedure

- A. Sources for complaints: A complaint can originate from any of the following sources:
 - i. Individual aggrieved person
 - ii. Third party
 - iii. Anonymous
 - iv. Department employee
 - v. News media
 - vi. Governmental department
 - vii. Notice of civil claim
- B. Complaints can be made by members of the public:
 - i. In person
 - ii. By telephone
 - iii. By letter
 - iv. Email/Other electronic media
- C. Employee responsibilities: Whenever an employee becomes aware of a citizen's complaint meeting the above complaint definition or becomes aware of misconduct of another department employee, he or she shall:
 - i. Immediately notify an on-duty supervisor and ensure that follow-up to the complaining person will not be delayed.

- ii. If a supervisor cannot be made available or the party making the complaint refuses to wait for the supervisor, the employee will gather all available information regarding the complaint and contact information for the complainant.
 - iii. The employee shall ensure that this information is given to a supervisor as soon as practicable.
 - iv. Failure to follow these provisions may result in disciplinary action against the involved employee.
- D. Supervisor's responsibilities: Whenever a supervisor (this employee may be the senior person on-duty) becomes aware of a person requesting to make a complaint or an incident which will likely result in a complaint or administrative investigation, the supervisor will conduct an immediate preliminary investigation including:
 - i. Meet with the complaining party to ascertain the nature of the complaint;
 - ii. Attempt to resolve the issue with the complaining party;
 - iii. If the issue cannot be resolved with the complaining party, a supervisor will provide the complainant with a Public Service Report and explain the complaint process; and
 - iv. Upon completion of the Public Service Report, the form will be forwarded to the Chief of Police or their designee for review and disposition.
- E. The complaint initiation process is not incumbent on cooperation of the complaining person. In the event that the complaining person refuses to cooperate with the investigation or there is no identifiable complainant and the information known to the supervisor satisfies the department's definition of a complaint, the complainant will be listed as Department and signed by the supervisor.
- F. The Department will maintain specific investigative and reporting protocols for each classification of complaint.
- G. Processing the complaint: The Department will ensure that every complaint is reviewed, processed and where appropriate, assigned for investigation.
- H. Investigative procedures:
 - i. The employee assigned to conduct the administrative investigation shall:
 - a. Evaluate and investigate the complaint;
 - b. Obtain all police reports, communications/dispatch records, MDT transmissions, video recordings, and other police documents;
 - c. Determine the specific allegations of the complainant and identify any other possible department violations, whether alleged by the complainant or not, and
 - d. Conduct interviews normally in the following sequence:
 - 1. Complaining person

2. Other public witnesses
3. Department witnesses
4. Accused employees shall be given written notice of intended interview regarding allegations and normally be allowed a reasonable period of time prior to the actual interview.

I. Employer/Employee Responsibilities

- i. Prior to any interview or special examination, the employee under investigation will receive written notification of the complaint. Notification may be withheld at the discretion of the Chief of Police based on the sensitive nature of the investigation.
- ii. Prior to an interview, personnel under investigation and all witnesses who are Department employees will be advised of their duty to cooperate with the investigator and to answer questions in a truthful manner.
- iii. All interviews will be conducted while the employee is in a paid status.
- iv. Officers under investigation shall not be subjected to offensive language, threatened with dismissal or other disciplinary action during the interview. No promises shall be made by the investigator conducting the interview.
- v. Accused officers may contact the assigned investigator and/or designee to receive information on the status of the investigation of a complaint filed against them.
- vi. Employees or their representatives will not be permitted to review any portion of the investigatory file during the investigation.
- vii. Personnel subject to a complaint investigation are prohibited from contacting the complainant during the course of the investigation.
- viii. Garrity warnings will be issued where appropriate.
- ix. The employee is prohibited from bringing a third party into the interview.

K. Disposition

- i. The investigating person will prepare the investigative report and submit it to the Chief of Police or their designee for adjudication and disposition.
- ii. The Chief of Police or their designee will make a determination regarding the disposition of the complaint using the following categories:
 - a. Sustained: the evidence is sufficient to prove the allegation
 - b. Inconclusive: there was not sufficient evidence to either prove or disprove the allegation
 - c. Exonerated: the actions of the employee were consistent with the law and department policies, rules, regulations and practice
 - d. Unfounded: the allegation did not occur

- e. Policy and/or training deficiency: the allegation occurred but was the fault of deficiencies in department policy and/or training; therefore, the employee cannot be held accountable
 - f. When allegations are sustained, the specific official charges and processing will be conducted according to the personnel practices of the department.
- L.** Post Disposition Procedure: The Chief of Police or their designee:
- i. Notify the complainant of the disposition of the investigation;
 - ii. Review all final complaint investigations to ensure that they are consistent with the practices of the Department;
 - iii. Maintain records of the process;
 - iv. Maintain the completed investigative and adjudication files in a secure, confidential manner; and
 - v. Conduct an annual audit of the process,
- M.** When criminal allegations involving a member of the department are identified, the Chief of Police shall be notified immediately:
- i. Crime within department jurisdiction: the appropriate criminal investigation unit will investigate the criminal aspect unless the department elects to have the investigation conducted by an outside entity. The administrative investigation will be conducted and is not dependent on the conclusion of the criminal investigation. Normally the initiation of a complaint and the start of the administrative investigation will proceed concurrently with the criminal investigation.
 - ii. Crime outside department jurisdiction: Department will:
 - a. Develop and maintain liaison with the involved department, and
 - b. Conduct the administrative investigation the same as it would have had the incident occurred within this department's jurisdiction.
- N.** When an officer is terminated as a result of an administrative investigation, the Chief of Police shall notify the Arkansas Commission on Law Enforcement Standards and Training as prescribed by State Law.



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| Internet Postings/Social Networking | Related Policies: Hiring |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: A.C.A. § 21-1-503, A.C.A. § 11-2-124 | |
| CALEA Standard: | |
| Best Practices: | |
| Date Implemented: 1/1/2014 | Review Date: |

- I. **Purpose:** The purpose of this policy is to direct the employees of this department with respect to the use of the Internet, the worldwide web, and social networking as a medium of communication impacting this department. It is essential for every employee of this department to recognize that the proper functioning of any law enforcement department relies upon the public's confidence and trust in the individual officers and this department to carry out the law enforcement function. Therefore, any matter that brings individual employees or the department into disrepute has the corresponding effect of reducing public confidence and trust in our department, thus, impeding our ability to work with and serve the public. Professionalism is the most significant factor in high-level performance that in turn builds the public confidence and trust. While employees have the right to use personal/social networking pages or sites, as employees of this department, they are public servants who are held to a higher standard than the general public with regard to standards of conduct and ethics.
- II. **Policy:** It is the policy of this department to maintain a level of professionalism in both on-duty and off-duty conduct that fulfills the mission of our department. Any publication through any medium which is potentially adverse to the mission, operation, morale, or efficiency of this department will be deemed a violation of this policy. As such, reasonable limitations are placed upon the personal use of social media by departmental employees. The internet, blogs, twitter, the worldwide web, social networking sites and any other medium of electronic communication shall not be used in a manner which is detrimental to the mission and function of this department. The Department understands that its employees may use internet accounts and sites for reasonable personal, family, recreational and community purposes and in no manner is attempting to limit this use.
- III. **Procedure**
 - A. Employees of this department are prohibited from using department computers or other departmental electronic devices for any unauthorized purpose.

- B.** Employees of this department are prohibited from posting, or in any other way broadcasting, without prior department approval, information on the internet, or other medium of communication, the business of this department to include but not limited to:
- i.** Photographs/images relating to any investigation of this department.
 - ii.** Video or audio files related to any investigation of this department
 - iii.** Video, audio, photographs, or any other images etc. which memorialize a law enforcement related action of this department.
 - iv.** Logos/uniforms/badges or other items that are symbols associated with this department.
 - v.** Any other item or material that is identifiable to this department.
- C.** Employees of this department who utilize social networking accounts and sites, blogs, twitter or other mediums of electronic communication, whether on or off-duty, shall maintain an appropriate level of professionalism and appropriate conduct so as not to broadcast in a manner which is detrimental to the mission and function of this department.
- i.** Employees shall not use references in these social networking accounts and sites or other mediums of communication that in any way represent themselves as an employee of this department without prior department approval. This shall include but not be limited to:
 - a.** Text that identifies this department;
 - b.** Photos that depict the logos, patches, badge or other identifying symbol of this department;
 - c.** Accounts of police events that occur within this department
 - d.** Any other material, text, audio, video, photograph, or image that would be identifiable to this department.
 - ii.** Employees shall not use a social networking account or site or other medium of Internet communication to post any materials of a sexually graphic nature.
 - iii.** Employees shall not use a social networking site or other medium of internet communication to post any materials which promote violence or weaponry of a criminal nature.
 - iv.** Employees shall not use a social networking site or other medium of communication to post or broadcast any materials that would be detrimental to the mission and function of this department.
- D.** Employees of this department are prohibited from using their title as well as any reference to this department in any correspondence to include emails, postings, blogs, twitter, social network accounts and sites such as FaceBook, unless the communication is of an official nature, is serving the mission of this department, and/or is not detrimental to the department. This prohibition also includes

signature lines in personal email accounts. An employee may seek department approval for such use.

- E. No member of this agency shall require, request, suggest, or cause a current or prospective employee to:
 - a. Disclose his or her username and password to the current or prospective employee's social media account;
 - b. Add an employee, supervisor, or administrator to the list or contacts associated with his or her social media account; or
 - c. Change the privacy settings associated with his or her social media account.
- F. If an employer / member of this agency inadvertently receives an employee's username, password, or other login information to the employee's social media account through the use of an electronic device provided to the employee by this agency or a program that monitors this agency's network, the employer/this agency is not liable for the information but *may not use the information to gain access to the employee's social media account.*
- G. Nothing in this policy prohibits the agency from viewing information about a current or prospective employee that is publicly available on the Internet.
- H. Administrative Investigations: Employees who are subject to administrative investigations may be ordered to provide the department with access to their social networking account and site when the subject of the investigation is directly, narrowly, and specifically related to the employee's performance or ability to perform his or her function within the department or when the subject of the investigation is potentially adverse to the operation, morale, or efficiency of the department.
- I. Nothing in this policy shall prevent an employee from communicating with an elected official about their employment unless the matter is exempt from disclosure under the Arkansas Freedom of Information Act.
- J. A public employer shall not be prohibited from disciplining a public employee who has intentionally made an untrue allegation to an elected public official concerning a matter related to the public employee's job.



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| Limited English Proficiency (LEP) | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: | |
| Note-this policy is required for any department receiving federal funding. | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to direct this department’s operational procedures when dealing with persons of Limited English Proficiency (LEP).
- II. **Policy:** It is the policy of this department to provide equal protection and service to all persons. Toward this end the department recognizes that officers will have contacts with individuals who have limited English proficiency and will take reasonable steps to ensure that these individuals receive equal services and treatment.
- III. **Definitions**
 - A. **Limited English Proficiency Individual:** Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP.” These individuals may be entitled to language assistance with respect to law enforcement services.
 - B. **Bilingual:** Fluency in two languages by officers who are able to conduct law enforcement operations in either of the two languages.
 - C. **Interpretation:** involves the immediate communication of meaning from one language (the source language) into another (the target language). An interpreter conveys meaning orally, while a translator conveys meaning from written text to written text.
- IV. **Procedure**
 - A. **Department Responsibilities:**
 - i. This department will take reasonable steps to ensure that persons of LEP have meaningful access to the services of this department in accordance with a balancing of the following four factor test:
 - a. The number or proportion of LEP persons eligible to be served or likely to be encountered by this department (In other words, demographically

- does the Town or City have an LEP population group and if so what is the group and what is the level of the population proportionally);
- b. The frequency with which LEP individuals come into contact with this department;
 - c. The nature and importance of the particular services rendered by this department, (i.e. suspect, victim, complainant, etc.); and
 - d. The resources available to this department and the cost of the particular step to be taken by the department.
- ii. Forms which are regularly provided to the public in English shall be translated to and provided for regularly encountered languages.
 - iii. The department will maintain a language assistance plan which describes the translation and interpretation services the law enforcement department plans to provide. (These services can include bilingual staff; contract interpreters and translators; private vendors accessible via telephone; or referral to the language services provided by other governmental agencies or non-profit organizations.)
 - iv. All sworn members as well as non-sworn members having public contact shall be trained regarding the language assistance plan with an emphasis on how to utilize the available resources.
- B. Staff responsibilities:** Sworn and non-sworn personnel shall take reasonable steps to provide services to persons of LEP.
- i. **Suspects:**
 - a. If an in-custody suspect is to be questioned, Officers shall ensure that suspects receive all constitutional rights in their native language by a certified interpreter. Officers will not use family, friends, or non-certified interpreters for this task.
 - b. If a suspect is going to be asked to consent to any procedure or search, the officers shall ensure that the suspect is asked for consent by a bilingual employee, a certified interpreter, or, after ensuring that the suspect can read, by use of a consent form translated to the suspect's native language.
 - c. If a suspect is to be held in a holding facility or jail, officers shall ensure that an appropriate method of medical and mental health screening which is normally done in English, is equally conducted in the detainee's native language.
 - ii. **Victims:**
 - a. Officers shall take reasonable steps to obtain information from victims. Officers may use family, friends, or other persons present where immediate translation is necessary to quickly investigate or attempt to apprehend a suspect.
 - b. In serious cases, a victim's subsequent statements should be taken by a bilingual employee or certified interpreter.
 - iii. **Witnesses:**

- a. Officers shall ensure that all necessary information is obtained from witnesses to a crime, accident, or other law enforcement event requiring such statements. In cases where time is of the essence, officers may use others to assist in the immediate interpretation of the witnesses observations.
- b. Where time is not of the essence and the officer is investigating a serious event, the officer shall seek the assistance of a bilingual employee or a certified translator.

iv. Others Seeking Services:

- a. Officers shall take reasonable steps, within the constraints of the resources of this department, to provide services to any person of LEP to include reasonable efforts for an interpretation or translation of communications.

v. Other Services:

- a. Any programs or services which this department conducts should be reviewed to determine the demographic makeup of the target audience.
- b. In cases where the target audience includes a proportion of LEP individuals, the department shall take steps to deliver the program in a manner which enables the participation of those individuals with LEP.



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| Missing Persons | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statute A.C.A. 12-12-801, 12-12-802, 12-12-803 | |
| CALEA Standard: 41.2.5; 41.2.6 | |
| Date Implemented: 09/24/12 | Review Date: |

I. **Purpose:** The purpose of this policy is to establish guidelines and responsibilities regarding this department's response to reports of missing persons.

II. **Policy**

- A. It is the policy of this department to thoroughly investigate all reports of missing persons. Additionally, this department holds that every person reported as missing will be considered **at risk** until significant information to the contrary is confirmed.
- B. Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, this department will immediately initiate the required reporting process. If a missing person legally resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement department covering that jurisdiction chooses not to take a missing-person report, this department will assume reporting and investigative responsibility.
- C. Questions concerning parental custody occasionally arise in relation to missing-child reports. It is the policy of this department to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this department will open a case when it can be shown that the child is missing, without explanation, from his or her usual place of residence.

III. **Definitions**

- A. Missing adult means any person:
 - i. Who is eighteen (18) years of age or older, and

- ii. Who has been reported to this department or any law enforcement agency as missing under circumstances indicating that:
 - a. The individual has a physical or mental disability as evidenced by written documentation;
 - b. The individual is missing under circumstances indicating that the disappearance was not voluntary; or
 - c. The individual is missing as a result of a natural or intentionally caused catastrophe.
- B. “Missing Child” means any person:**
- i. Who is under eighteen (18) years of age;
 - ii. Whose location is unknown or who has been taken, enticed, or kept from any person entitled by law or a court decree or order to the right of custody; and
 - iii. Who has been reported as missing to a law enforcement agency.
- C. Unusual Circumstances**
- i. A missing child 13 years of age or younger.
 - ii. A child or an adult who is missing and believed to be one or more of the items noted below:
 - a. Out of the zone of safety for his or her age and physical and mental condition. The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child, the zone of safety might be the immediate neighborhood or route taken between home and school. In the case of an elderly person of diminished physical and/or mental health, the zone of safety might include the close proximity and availability of a caregiver familiar with that individual’s condition and needs.
 - b. Mentally diminished. If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.
 - c. Drug dependent. In the case of a child, the term “drug dependent” shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term “drug dependent” shall refer to a dependence on legally prescribed medicines vital to the adult’s continued physical well-being.
 - d. A potential victim of foul play or sexual exploitation.
 - e. In a life-threatening situation.
 - f. Absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-

person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.

- g. Believed to be with persons who could endanger his or her welfare.
- h. Is absent under circumstances inconsistent with established patterns of behavior.

D. **“At-Risk” Missing Person (Adult or Child):** A missing adult or child will be considered **“at-risk”** when one or more of the **unusual circumstances** as defined above are present.

IV. Procedures

A. General action on determination of *“Unusual Circumstances”*:

- i. If it is determined that “unusual circumstances” are involved in the report of a missing adult or child, the person will be considered “at risk” and an expanded investigation, including the use of all appropriate resources, will immediately commence.
- ii. If appropriate, existing interdepartmental response protocols - including the Morgan Nick/AMBER Alert system and/or other available immediate community notification methods - should be activated
- iii. There is no required waiting period for reporting a missing person. A person may be declared “missing” when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.

B. **Communications personnel receiving the report of a missing person shall:**

- i. Dispatch, in a prompt manner, an officer to the scene of the report;
- ii. Notify a supervisor and an investigator when appropriate;
- iii. Transmit the appropriate radio alerts and other notifications;
- iv. Search records for related information; and
- v. Safeguard all pertinent records.

C. **The initial officer or first responder assigned to the report of a missing person shall:**

- i. Respond promptly to the scene of the report;
- ii. Interview the person(s) who made the initial report;
- iii. Obtain a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other officers who may be assisting in the investigation. Recent photographs and/or videos should be secured if available;
- iv. Verify that the person is in fact missing. NOTE: In the case of children, first responders should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check

of the house and grounds shall be made that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior, including trunks of parked vehicles where limited breathing air may place the child at even greater risk. A search of the home should be conducted even if the missing person was last seen elsewhere;

- v. Confirm custody status;
- vi. Identify the circumstances of the disappearance. First responders need to ascertain whether the circumstances surrounding a person's disappearance are such that a heightened level of response is warranted. If "unusual circumstances" exist, as defined in Paragraph D of Section III, then the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, officers should keep the missing person's safety in mind and act accordingly;
- vii. Determine when, where, and by whom the missing person was last seen;
- viii. Interview the individual(s) who last had contact with the missing person. Be alert to contradictions or evasiveness by the witness, especially if these statements cannot be readily substantiated;
- ix. Identify the missing person's zone of safety for his or her age and physical and mental state;
- x. Make an initial determination of the type of incident. Note: Officers must be cautious in "labeling" or classifying a missing-person case since the classification process shall affect the way in which initial information or evidence is gathered. Even if first indications suggest a "less urgent" incident, officers should consider all possibilities until the case category is clearly determined;
- xi. Obtain a description of the suspected abductor(s) and other pertinent information;
- xii. Evaluate whether circumstances of the child's disappearance meet existing Morgan Nick/AMBER Alert and/or other immediate community notification protocols. Discuss plan activation with the appropriate supervisory personnel on the decision to implement an Morgan Nick/AMBER Alert;
- xiii. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted;
- xiv. Provide detailed descriptive information to the communications unit for broadcast updates;
- xv. Identify and interview everyone at the scene;
- xvi. Conduct a thorough search of the scene. With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted. If appropriate, officers should obtain written permission to search houses, apartments, outbuildings, vehicles, and other property that might hold information about the person's disappearance. Officers are again reminded to

conduct a thorough, immediate search of the person's home and property — even if the disappearance supposedly took place elsewhere;

xvii. Secure and safeguard the area as a potential crime scene. If unusual circumstances exist, first responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence;

xviii. Prepare necessary reports and complete appropriate forms; and

xix. If a report of a missing person involves an un-emancipated minor, a law enforcement department shall immediately transmit the proper information for inclusion in NCIC and the Missing Persons Information Clearing house.

D. The supervisor assigned to the report of a missing person shall:

i. Obtain a briefing from the first responder(s) and other department personnel at the scene;

ii. Determine if additional personnel and resources are needed to assist in the investigation;

iii. Consider activation of the **Morgan Nick/AMBER Alert** system and/or other immediate community notification methods. If circumstances indicate the chances for the child's safe recovery would be increased by immediate public awareness, a supervisor should promptly implement such efforts;

iv. Establish a command post if needed;

v. Organize and coordinate search efforts;

vi. Ensure that all required notifications have been made;

vii. Establish a liaison with the victim's family;

viii. Confirm that all department policies and procedures are observed; and

ix. Manage media relations. Many missing-person investigations, especially those involving large-scale search efforts, are likely to draw media attention. Supervisors should manage media presence in a way that complements, rather than conflicts with the investigation.

E. The investigator assigned to the report of a missing person shall:

i. Obtain a briefing from department personnel at the scene;

ii. Verify the accuracy of all descriptive information;

iii. Initiate a neighborhood investigation if appropriate. A thorough canvass of the neighborhood should be conducted without delay. The objective is to identify and interview all persons within the abduction zone who may be able to provide information related to the incident. A record should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area;

iv. Obtain a brief history of recent family dynamics;

- v. Explore the basis for conflicting information;
 - vi. Implement effective case management;
 - vii. Evaluate the need for additional resources and specialized services;
 - viii. Update descriptive information. **Note:** The National Child Search Assistance Act – enacted in 1990 and amended by the PROTECT Act in 2003 – mandates the entry of descriptive information for all persons, birth through 20 years of age. These entries are required to be made no more than 60 days after the report is taken;
 - ix. When a law enforcement officer is notified by the parents, guardian, or other person having custody of a child that a child is missing, the law enforcement officer shall:
 - a. Ensure that the missing child information is entered into the Missing Persons Information Clearinghouse within the Arkansas Crime Information Center under § 12-12-205 and the National Crime Information Center, and;
 - b. Within five (5) business days after being notified by the parents, guardian, or other person having custody of the child, inform by certified mail, return receipt requested, the Division of Vital Records of the Arkansas Department of Health and the superintendent or school administrator of the school where the child was attending that the child has been reported as missing;
 - c. The division shall enter on or attach to the child's birth certificate a notice that the child has been reported missing. The school the child was attending shall make or attach the same notation on the child's school records.
 - x. Monitor media relations.
- F. An officer assigned to the report of an unidentified person, whether living or deceased, shall:**
- i. Obtain a complete description;
 - ii. Enter the unidentified person's description into the NCIC Unidentified Person File;
 - iii. Utilize all available resources to aid in identification of the person, and;
 - iv. Cancel all notifications after identification is confirmed.
- G. An officer assigned to the recovery or return of a missing person shall:**
- i. Verify that the located person is, in fact, the reported missing person;
 - ii. In the case of a missing adult who has been located, inform the person that he or she is the subject of a missing person investigation. If the located person is a competent adult, the officer shall determine the person's willingness for law enforcement to reveal his or her whereabouts. To the extent possible, a person's desire to remain hidden shall be honored;

- iii.** Notify the initial reporting person(s) of the well-being and, if permissible, the whereabouts and contact information of the person who has been located;
- iv.** In the case of a missing or abducted person who has been located, secure intervention services where appropriate;
- v.** In the case of a runaway or missing child from within the department's jurisdiction who has been located and who is not wanted on a warrant or other law violation, arrange the return of the child to his or her legal guardian or to an appropriate person;
- vi.** In the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing person "hit" is verified, place the child in custody and transport him or her to the appropriate facility for admission; and
- vii.** Complete the appropriate supplemental reports and cancel all outstanding notifications. Along with cancellation of the NCIC Missing Person File entry and other notifications regarding the case, a supplemental report should be completed that describes the person's activities while missing and circumstances of the recovery/return.



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| Mobile Digital Recording (MDR) | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: Arkansas Criminal Procedure | |
| CALEA Standard: 83.2.2 | |
| Date Implemented: 08/01/2013 | Review Date: |

- I. **Purpose:** To establish policy procedures on the use and storage of all departmental Mobile Digital Recording (MDR) equipment and data including but not limited to vehicle devices, body worn devices and independently held devices.
- II. **Policy:** This policy sets forth principles and guidelines for the utilization and storage of MDR equipment within the department. It will be the policy of this department to facilitate such technology for the collection of evidence for criminal investigation and prosecution, to provide a means for administrative investigation and inspection, and to assist in training officers to improve safety and security tactics as well as for providing for better service to the community.
- III. **Procedures**
 - A. **Training**
 - i. All officers will receive training on the proper use of MDR equipment.
 - a. Training will be accomplished via a Field Training Officer, a classroom environment or other methodology as determined by the Chief of Police or their designee.
 - b. All training shall be documented.
 - B. **Control and Management of MDR (equipment and data)**
 - i. MDR (equipment and data) will:
 - a. Be the property of this department.
 - b. Officers shall not utilize self-owned recording equipment without written permission from the Chief of Police or their designee, and where authorization is given, data from the equipment shall be the property of this department and shall be downloaded, stored, and maintained in accordance with this policy.

- c. Not be duplicated and/or used without authorization from the Chief of Police or their designee.
 - d. Be maintained and stored in a manner that allows efficient identification and retrieval.
 - e. Not leave the custody of the department unless approved by the Chief of Police or their designee.
 - f. Be stored and maintained in accordance with the policy on Property and Evidence Management.
 - g. May be purged from the system after 90 days if there is no enforcement action.
 - h. May be purged from the system after 1 year on misdemeanors and traffic offenses if the court case and any appeals are complete.
 - i. May be purged from the system after any sentence and possibility of appeals are completed on felonies not detailed in ACA 12-12-104.
 - j. Be restricted in access to supervisory personnel only as may be defined by the Chief of Police or their designee.
- ii. MDR containing valuable information for case prosecution, criminal or civil proceedings shall:
 - a. Be protected as evidence.
 - b. Be subject to the same chain of evidence safeguards as detailed in this department's Property and Evidence Management Policy.
 - c. Be duplicated and maintained in safe storage prior to being released as directed by the Chief of Police or their designee.

C. General

- i. MDR equipment in department vehicles will automatically activate when the vehicle's emergency warning devices are in operation.
- ii. MDR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle, and will be maintained according to manufacturer's recommendations.
- iii. Non-vehicle MDR equipment will be operated as directed by the Chief of Police or their designee.

D. Supervisory Responsibilities

- i. All supervisors must be knowledgeable of MDR equipment, operations and functionally and of departmental procedures for its use.
- ii. All supervisors shall ensure the following:
 - a. All officers under his or her command shall be knowledgeable of this policy.

- b. Equipment shall be checked at the shift's beginning to ensure that it functions properly and records the date and officer(s) name(s).
- c. Any needed repair of MDR equipment shall be duly arranged.

E. Officer Responsibilities

- i. Prior to checking "in service", officers will determine whether their MDR equipment is working satisfactorily and will bring any problems at this or other times to the attention of their immediate supervisor as soon as possible.
- ii. The MDR equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic, during parades, etc.
- iii. Officers must ensure that equipment is operating in order to record traffic stops or other enforcement actions. In so doing, they will ensure when practical, that:
 - a. The digital recorder is positioned and adjusted to record events.
 - b. The wireless microphone is on to provide narration with the digital recording to explain the reason for their current or planned enforcement action.
 - c. Actions of suspects during interviews, when undergoing sobriety checks or when placed into custody are recorded.
 - d. Circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband are recorded.
 - e. Officers shall not in any manner attempt to alter or alter MDR recordings.
 - f. Officers are encouraged to inform their supervisor of any recorded sequences that may be of value for training purposes.
 - g. Officers will note the incident, arrest and related reports when digital/audio recordings are made during the incident in question.



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| Motor Vehicles Stops/Searches | Related Policies: Biased-Based Policing |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: Arkansas Criminal Procedure §14; §12.1;§12.4;§12.6; §14.3 | |
| CALEA Standard: 1.2.4; 1.2.9, Arkansas Code | |
| Date Implemented: 1/25/16 | Review Date: |

- I. **Purpose:** The purpose of this policy is to direct officers in their contacts with motor vehicles.
- II. **Policy:** The policy of this department is to protect and serve the constitutional rights of all citizens when conducting vehicle stops and searches while balancing the needs of law enforcement in solving crime for the protection of the community.
- III. **Definitions**
 - A. **Motor Vehicle:** Any motorized vehicle that is capable of movement to include motor homes.
 - B. **Probable Cause:** (search): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
 - C. **Probable Cause:** (arrest): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
 - D. **Reasonable Suspicion** (temporarily detain): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

- E. **Reasonable Suspicion (frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.
- F. **Frisk (weapon):** A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.
- G. **Motor Vehicle Stop:** Motor vehicle stop means any stop of a motor vehicle, except for a stop of a motor truck, truck-tractor, semi-trailer, trailer, or towed vehicle at a state weighing station.

IV. Procedures

- A. **Vehicle Stops-** Vehicles may be lawfully stopped under the following circumstances:
 - i. **Reasonable Suspicion Based Stop-** where an officer has articulated facts that support a belief that criminal activity is occurring and that a vehicle is involved the officer may stop the vehicle to investigate further. The stop may continue as long as the officer diligently investigates to confirm or dispel his or her suspicion that criminal activity is occurring and the occupant(s) of the vehicle are involved.
 - ii. **Probable Cause Based Stop-Traffic Violation-** where an officer has probable cause to believe that a violation of the motor vehicle code has occurred may stop the vehicle and detain the vehicle for a reasonable amount of time while the citation is completed.
 - iii. **Probable Cause Based Stop-Arrest/Search-** where an officer has probable cause to believe that a person in a vehicle has committed a crime or probable cause to believe that a vehicle contains evidence of a crime or contraband, the officer may stop the vehicle to arrest the occupant (in the arrest situation) or stop the motor vehicle to search the vehicle in the search scenario.
 - iv. **Consensual Contact-** An officer may approach any stopped vehicle (a vehicle which is stopped by the operator's own volition prior to police contact) and attempt to speak to person(s) in the vehicle. The officer has no power to force compliance with his or her attempt to contact in the consent situation.
- B. **Ordering Persons From a Vehicle:** An officer may order any occupant of a lawfully stopped vehicle to exit the vehicle during a lawful stop.
- C. **Frisk of a Vehicle:** An officer who has reasonable suspicion to believe that a lawfully stopped vehicle contains a weapon may search the vehicle subject to the following limitations:
 - i. The search is limited to subject's immediate area of control which would be the passenger compartment of the vehicle.
 - ii. The search is limited to those areas in the passenger compartment capable of holding a weapon.
- D. **Search Incident to Arrest (Vehicle):** Following the lawful arrest of a subject from a vehicle or who had exited the vehicle just prior to arrest, officers may search the vehicle incident to arrest subject to the following limitations:

- i. The arrest must be lawful and must be a full-custodial arrest. The arrest must not be pretextual in nature, in other words, the decision to arrest must not be based upon a desire to search the vehicle incident to arrest in a case where normally the officer should not have made a custodial arrest.
 - ii. The search must take place at the time of the arrest.
 - iii. A search incident to arrest may not take place once the arrestee is secured in handcuffs and secured in a law enforcement vehicle unless the officer has reasonable grounds to believe that the vehicle contains evidence of the particular crime for which the subject was arrested.
 - iv. The search incident to arrest is limited to the arrestee's immediate area of control (passenger compartment only) but is a thorough search. If the vehicle's trunk is in the immediate area of control of the arrestee and accessible from the passenger compartment, it may be searched incident to arrest.
 - v. Unlocked containers within the vehicle may be searched irrespective of who the containers belong to.
 - vi. Other occupants may not be frisked or searched simply because another person in the vehicle has been arrested.
- E. Consent Search of Vehicle:** An officer may ask the person in control of any lawfully stopped vehicle or a vehicle that is not moving at the time of a consensual contact for consent to search the vehicle. Consent searches are subject to the following limitations:
- i. The Consent must be voluntary.
 - ii. Written consent is not required under federal law; however written authorization or a mobile video recording that documents consent will assist in proving the voluntary nature of the consent.
 - iii. The scope of the search is within the control of the person granting consent, thus, the consenting party can direct the area which an officer is allowed to search as well as how long the search may last.
 - iv. Under the rules of consent there is no requirement that officers inform a person of their right to refuse the officer's request, however a person who is told of their ability to refuse will be less likely to make out a claim that their consent was not voluntary.
 - v. Officers may not prolong a stop beyond its original justification in order to obtain consent.
- F. Probable Cause Searches of Vehicles (Carroll Doctrine/Motor Vehicle Exception to the Warrant Requirement/Mobile Conveyance Exception)** An officer may, without a warrant, search a motor vehicle when the officer can articulate probable cause to believe that the vehicle contains evidence of a crime or contraband subject to the following limitations:
- i. In cases where the vehicle was stopped or parked prior to contact by the police, the area where the vehicle is parked is not private property such that officers would have to obtain a warrant to gain access to the property itself.

- ii. The vehicle is capable of movement. This does not mean that the vehicle is occupied; it simply means that the vehicle could be started and driven off with the turn of a key.
- iii. Officers may search the entire vehicle where there is probable cause to believe there is evidence or contraband in the vehicle.
- iv. Officers may only search those areas within the vehicle capable of containing the item being sought. For example, an officer looking for stolen stereo equipment would exceed the scope of a probable cause search if he or she were to search the ashtray for the stolen equipment. In addition where the officer has probable cause to believe a particular container within the vehicle conceals contraband the search would be limited in scope to that container.
- v. Under Arkansas Law Probable Cause Searches of Motor Vehicles may only be conducted:
 - a. on a public way or waters or other area open to the public;
 - b. in a private area unlawfully entered by the vehicle; or
 - c. in a private area lawfully entered by the vehicle, provided that exigent circumstances require immediate detention, search, and seizure to prevent destruction or removal of the things subject to seizure.

G. Drug Sniffing Canine: Where officers have a lawfully stopped vehicle, they may utilize a drug-detection canine to sniff the exterior of the vehicle as long as the sniff occurs within the duration from a time standpoint of the purpose that justified the stop to begin with. For example, if the vehicle was stopped for speeding, the canine would have to arrive and conduct the sniff in the time it would take to write the citation.

- i. If the stop must be prolonged beyond its justification to wait for the canine to arrive, the vehicle must be released and the canine cancelled.
- ii. It is recognized that an officer may develop reasonable suspicion of possession of narcotics during the initial stop which would then justify prolonging the stop for the canine's arrival.
- iii. If the canine conducts a sniff in accordance with this policy and alerts on the vehicle, the officer has probable cause and may conduct a probable cause search of the vehicle.
- iv. Putting a canine inside a vehicle is a search for 4th Amendment purposes and must not be done unless the officer can support the search by probable cause to believe the vehicle contains contraband.

H. Inventory Searches: An inventory search is not a search for evidence or contraband and is not a search with an investigative purpose. The primary objective of these searches is to protect the property of persons whose vehicles are towed at the direction of law enforcement. These searches also have the objective of protecting law enforcement from false claims with respect to vehicles that are towed at the direction of law enforcement. Inventory searches are subject to the following limitations.

- i. All vehicles towed at the direction of an officer of this agency, irrespective of the reason for the tow, shall be inventoried in accordance with this policy.

- ii. Officers will note in their report any items of value that are within the vehicle.
- iii. If an item of extreme value is located within the vehicle and is removable, the officer shall take the item for safekeeping and either turn the item over to the owner or, when that is not possible, take the item to the department to be held for safekeeping in accordance with the provisions of the property and evidence policy.
- iv. It is permissible to impound and inventory the contents of a vehicle when:
 - a. The driver is arrested; or
 - b. When there is other good cause, such as when the driver is physically unable to drive the vehicle and leaving it by the side of the road would create a hazard.
 - c. Officers are not authorized to conduct general searches of disabled vehicles for evidence of ownership.

I. Community Caretaking Search: Where officers have reason to suspect that a vehicle contains a dangerous item, which, if left unattended will endanger public safety, the officer may search the vehicle to remove the dangerous item for safekeeping. An officer removing such an item should protect the owner's property interest by ensuring that the item is stored in accordance with department procedures relating to property and evidence.

- i. **Emergency Searches:** An officer who has reasonable cause to believe that premises or a vehicle contain:
 - a. individuals in imminent danger of death or serious bodily harm; or
 - b. things imminently likely to burn, explode, or otherwise cause death, serious bodily harm, or substantial destruction of property; or
 - c. things subject to seizure which will cause or be used to cause death or serious bodily harm if their seizure is delayed;
 - d. may, without a search warrant, enter and search such premises and vehicles, and the persons therein, to the extent reasonably necessary for the prevention of such death, bodily harm, or destruction.

J. Warrantless Search by Law Enforcement Officer for a Supervised Probationer or Parolee.

- i. A person who is placed on supervised probation or is released on parole is required to agree to a waiver as a condition of his or her supervised probation or parole that allows any certified law enforcement officer to conduct a warrantless search of his or her person, place of residence, or motor vehicle at any time, day or night, whenever requested by the certified law enforcement officer. A warrantless search that is based on a waiver shall be conducted in a reasonable manner **(16-93-106)**.
- ii. Though Arkansas Law does not require an articulable suspicion that the person is committing or has committed a criminal offense, this agency requires that an officer have some articulable law enforcement concern, however slight, prior to conducting such searches without the direct assistance of a parole or probation

officer, or that the parolee/probationer be a party to an otherwise lawful stop based on reasonable suspicion or probable cause.

- iii. Examples of a law enforcement concern include but are not limited to: Anonymous tips/reports that would otherwise not be sufficient to conduct a search; parolee/probationer found in known crime areas or otherwise under suspicious circumstances less than reasonable suspicion for a terry stop; parolee/probationer is a party to a lawful traffic stop or other detention whereby a search would otherwise be unlawful.
- iv. Officers are prohibited from using this statute to harass.
- v. Prior to a 4th amendment seizure (detention or stop) and or search of a parolee/probationer based on the sole fact that the person is merely a parolee/probationer, a member of this agency shall verify the status of the person believed to be on supervised probation or parole and that a waiver exists prior to conducting a seizure and or search by one of the following methods:
 - a. As part of a consensual contact, a person admits to being on probation or parole, admits that a waiver exists, and consents to search. Under this scenario, no seizure has occurred and the Officer is conducting a search under the consent to search doctrine without having verified that a waiver exists via logical means.
 - b. Officer determines person is on probation/ parole via ACIC and confirms that a waiver is on file.
 - c. Officer determines person is on probation /parole and that a waiver exists through personal contact with the Departments of Correction or Community Correction or by contacting a Community Correction Officer prior to any warrantless search being conducted.
- vi. The officer conducting the search must make a request to search the supervised probationer or parolee prior to search; however, obtaining consent to search is not required if it is determined through appropriate means that a waiver exists as a condition of release.
- vii. Authority granted under this statute does not preclude other restrictions that may be applicable under law including 3rd party rights, co-occupants, etc.
- viii. In the event a co-occupant or other lawful third party prevents the search of a residence where a parolee or probationer resides based on applicable law, Officer will advise the third party that the parolee/probationer may be in violation of his/her parole based on their lawful objection and the Officer will report the incident to Parole/ Probation for their consideration of enforcement.
- ix. Officers will document all parole/probation searches or attempts to search in a manner approved by their agency. The report should document the date, time, location, parolee/probationer searched, scope of the search, the law enforcement concern that led to the search or an otherwise lawful stop, and the result of any such search.
- x. In addition to typical enforcement that may occur, the discovery of any criminal violation will be immediately reported to the appropriate Parole/Probation Officer for further administrative consideration.



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| Off-Duty Action | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: 5-73-304 | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this order is to adopt safety directives and guidelines for dealing with the carrying of firearms and responding to criminal activity while in an off-duty status.
- II. **Policy:** It is the policy of this department to allow off-duty officers to carry a firearm in accordance with state and federal law. In addition, an off-duty officer may be required to take action regarding criminal activity as described within this policy.
- III. **Procedure**
 - A. It shall not be necessary that a member, who chooses to carry a firearm off-duty, carry his service weapon. However, any weapon that an officer chooses to carry must be inspected and approved with the agency armorer.
 - B. If an officer is going to carry a personally owned firearm under his or her authority as a police officer, the officer shall be required to meet the State qualification standards for law enforcement firearms with the personally owned firearm.
 - C. Under Federal Law, sworn law enforcement officers are allowed to possess a concealed firearm anywhere in the United States (HR 218). Officers should be aware that while this law exempts them from laws prohibiting such possessions, it does not give them police powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state they are traveling through once outside their own jurisdiction. Thus, the officer’s rules of engagement are extremely limited.
 - D. Officers should refrain from carrying firearms when consuming alcoholic beverages.
- IV. Off-duty officers who become aware of an incident that poses a threat of bodily harm or death to some individual shall take “action” to minimize the risk of bodily harm or death. “Action” under this provision is fulfilled by reporting the incident and shall not require the officer to place him or herself in a position of peril. An officer who is faced with such a circumstance should consider the guidelines as spelled out in this policy to determine

the necessity of their direct involvement. Off-duty officers will not become directly involved in minor violations or nuisance offences. On-duty personnel will be contacted to respond to such situations when an off-duty officer becomes aware of such violation.

V. Considerations for Off-Duty Action:

- A.** Call 911.
- B.** Consciously evaluate whether your direct involvement is necessary or desirable, given the circumstances.
- C.** Immediately identify yourself as a law enforcement officer to responding law enforcement personnel. This may include repeatedly verbally identifying yourself as a police officer until you receive acknowledgement and directions on what you should do. Remember, the noise and excitement of the scene, combined with auditory blocking may prevent responding officers from hearing you initially.
- D.** Gather accurate intelligence like a good witness until uniformed, on-duty officers arrive.
- E.** If an off-duty officer becomes directly involved in a police incident, the officer should, to the extent possible, attempt to have someone call 911 to advise the operator that an off-duty officer is on scene and provide description of said officer.
- F.** Consider RE-HOLSTERING your gun when other officers arrive, unless doing so would put you and the responding officers or innocent civilians, in jeopardy.
- G.** If you have cover, maintain it. You can communicate verbally from there.
- H.** Make your hands visible. Having responding officers see that you are unarmed and non-threatening will work to calm them and protect you.
- I.** When the responding officers issue commands, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.
- J.** Finally, the most important rule of all: If you have a gun in your hand, NEVER, EVER turn toward an on-duty officer.

NOTE: Plainclothes Officers should be aware that the same recognition issues applying to off-duty officers also apply to plainclothes officers, and while rules of action are different, the rules with respect to protective steps, (i.e. movements, identification etc.) remain the same.



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| Dealing with Persons of Diminished Capacity | Related Policies: Response to Resistance |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: A.C.A. § 20-47-210; 20-47-207; and 20-47-219 | |
| CALEA Standard: 41.2.7 | |
| Best Practices: "Dealing with the Mentally Ill," model policy and paper, IACP National Law Enforcement Policy Center, 1997; "Crisis Intervention Technique," Memphis Police Department | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** To provide field officers with the essential tactical and processing skills necessary to effectively deal with persons of diminished capacities in a manner to provide the required professional assistance these persons need, to protect the community, to safeguard the officers involved in the encounter and to enhance the agency's risk management.
- II. **Policy:** It is the policy of this department to attempt to resolve encounters with persons of diminished capacity in the safest manner possible and help these persons obtain professional resources when reasonable to do so. Every community can expect its law enforcement officers to encounter persons of diminished capacities. This group of persons presents officers with different and often complex issues. Diminished capacity may be the result of intoxication, suicidal potentials, medical complications or mental illness, etc. Persons of diminished capacity present officers with a wide range of behaviors usually different than those exhibited by other members of the community or persons involved in criminal activities. Persons of diminished capacity may display conduct that is bizarre, irrational, unpredictable and/or threatening. They may not comprehend communication in the manner that the officer would expect. They often do not respond to authoritative persons or the display of force. It is not the mission of the officer to diagnose the root cause for the person's behavior.
- III. **Definitions**
 - A. **Persons of diminished capacity:** Persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable, etc. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness or medical complications.
 - B. **Mental Illness:** A.C.A. 20-47-202 (10)(A) defines "mental illness" as a substantial impairment of emotional processes, or the ability to exercise

conscious control of one's action's, or the ability to perceive reality or to reason, when the impairment is manifested by instances of extremely abnormal behavior or extremely faulty perceptions.

- C. Professional resources:** Mental health professionals, emergency medical facilities, detoxification centers, Veteran's Affairs, etc.
- D. Voluntary Admissions ACA 20-47-204** The following shall apply to **voluntary** admissions of persons with a mental illness, disease, or disorder:
- i. Any person who believes himself or herself to have a mental illness, disease, or disorder may apply to the administrator or his or her designee of a hospital or to the administrator or his or her designee of a receiving facility or program to which admission is requested.
 - a. If the administrator or his or her designee of the hospital or the administrator or his or her designee of a receiving facility or program shall be satisfied after examination of the applicant that he or she is in need of mental health treatment and will be benefitted thereby, he or she may receive and care for the applicant in the hospital or receiving facility or program for such a period of time as he or she shall deem necessary for the recovery and improvement of the person, provided that the person agrees at all times to remain in the hospital or receiving facility or program;
 - ii. If at any time the person who has voluntarily admitted himself or herself to the hospital or receiving facility or program makes a request to leave, and the administrator or his or her designee determines that the person meets the criteria for involuntary admission as defined in § 20-47-207, then the person shall be considered to be held by detention and the involuntary admission procedures set forth herein shall apply;
 - iii. Any person requesting to leave under subdivision (2) of this section shall, within one (1) hour of his or her request to any hospital or receiving facility or program employee, in an administrative or treatment capacity, be provided with a written statement advising him or her of all rights delineated in §§ 20-47-211 and 20-47-212. The person shall further be provided with an acknowledgment confirming that he or she has been advised of the aforesaid rights.
 - a. If the person refused to sign the acknowledgment, this refusal shall be noted in the person's chart and shall be attested to by two (2) eyewitnesses on a separate document.
 - b. An original of said attestation shall be furnished to the court.
 - iv. For the purposes of computing the initial period of evaluation and treatment referred to in § 20-47-213, detention begins upon the signing of the acknowledgment by the person or, in the event that the person refuses to sign the acknowledgment, upon the attestation of said refusal by two (2) eyewitnesses; and
 - v. A person voluntarily admitted who absents himself or herself from a hospital or receiving facility or program, as defined in this subchapter, may be placed on elopement status and a pick-up order issued if, in the opinion of the

treatment staff, the person meets the criteria for involuntary admission as defined in § 20-47-207.

- a. It shall be the responsibility of the sheriff of the county or a law enforcement officer of the city of the first class in which the individual is physically present to transport the individual.
- b. Upon return to the hospital or receiving facility or program, this individual shall be held under detention as defined in § 20-47-202(5).

E. Involuntary Admission - Original Petition ACA 20-47-207:

- i. **Written Petition -- Venue.** Any person having reason to believe that a person meets the criteria for **involuntary admission** as defined in subsection (c) of this section may file a verified petition with the probate clerk of the county in which the person alleged to have mental illness resides or is detained.
- ii. **Contents of Petition.** The petition for **involuntary admission** shall:
 - a. State whether the person is believed to be of danger to himself or herself or others as defined in subsection (c) of this section;
 - b. Describe the conduct, clinical signs, and symptoms upon which the petition is based. The description shall be limited to facts within the petitioner's personal knowledge;
 - c. Contain the names and addresses of any witnesses having knowledge relevant to the allegations contained in the petition; and
 - d. Contain a specific prayer for **involuntary admission** of the person to a hospital or to a receiving facility or program for treatment pursuant to § 20-47-218(c).
- iii. **Involuntary Admission Criteria.** A person shall be eligible for **involuntary admission** if he or she is in such a mental condition as a result of mental illness, disease, or disorder that he or she poses a clear and present danger to himself or herself or others:
 - a. As used in this subsection, "a clear and present danger to himself or herself" is established by demonstrating that:
 - b. The person has inflicted serious bodily injury on himself or herself or has attempted suicide or serious self-injury, and there is a reasonable probability that the conduct will be repeated if **admission** is not ordered;
 - c. The person has threatened to inflict serious bodily injury on himself or herself, and there is a reasonable probability that the conduct will occur if **admission** is not ordered;

- d. The person's recent behavior or behavior history demonstrates that he or she so lacks the capacity to care for his or her own welfare that there is a reasonable probability of death, serious bodily injury, or serious physical or mental debilitation if **admission** is not ordered; or:
 - 1. The person's understanding of the need for treatment is impaired to the point that he or she is unlikely to participate in treatment voluntarily;
 - 2. The person needs mental health treatment on a continuing basis to prevent a relapse or harmful deterioration of his or her condition; and
 - 3. The person's noncompliance with treatment has been a factor in the individual's placement in a psychiatric hospital, prison, or jail at least two (2) times within the last forty-eight (48) months or has been a factor in the individual's committing one (1) or more acts, attempts, or threats of serious violent behavior within the last forty-eight (48) months; and
- e. As used in this subsection, "a clear and present danger to others" is established by demonstrating that the person has inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another, and there is a reasonable probability that the conduct will occur if **admission** is not ordered.

IV. Procedure: The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and determine the best course of action for the subject. Response guidelines can be segmented into four (4) areas: Containment, Coordination, Communication and Time.

- A. Containment:** Before any reasonable control and defusing techniques can be used, the subject must be contained:
 - i. If circumstances allow, two (2) officers should be dispatched to an incident involving a person of diminished capacity. If an officer finds him/herself in a situation with such a person, the officer should request back-up when reasonable and practical to do so.
 - ii. Responding officers should be aware that the use of emergency lights and siren may agitate the subject of the call or encounter.
 - iii. The officers will attempt to separate the subject from other civilians. This containment should respect the comfort zone of the subject in order to reduce any unnecessary agitation. Officers should convince the subject that they do not have to move. Officers should continuously evaluate this comfort zone and not compress it, unless absolutely necessary.
 - iv. It is important for officers to realize that on-lookers and family members should not become involved either verbally or physically in the control methods when possible.
 - v. Effective containment reduces the elements of agitation, such as large groupings of persons/officers, emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to the

subject. Containment is meant to reduce outside influences and sources of agitation.

- vi. Officers should move slowly.
 - vii. Officers should utilize available tactics to de-escalate the situation where possible, however if an officer is faced with a dynamic and violent situation that poses a threat to the officer or other persons present, then officers should utilize their law enforcement control tactics outlined under the “Response to Resistance” policy to gain control.
- B.** Coordination: This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:
- i. One officer at the scene shall be designated or assume the position of being the lead officer. This may not be the most senior person on the scene.
 - ii. A perimeter should be determined to ensure that outside persons and/or family members don’t become involved.
 - iii. Officers should limit observable indications of force.
 - iv. The lead officer should designate an officer to gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, neighbors and/or family. This information can become important in determining the further tactical approaches to the subject and the most appropriate form of referral.
 - v. The lead officer is responsible for determining what resources should be requested including additional police personnel, specialized weapons, professional resources and staged medical personnel.
 - vi. When warranted, the lead officer will designate the location for a command post and staging area.
- C.** Communication with the person of diminished capacity should be planned and controlled:
- i. When possible, prior to engaging the subject in communication, the initial responder should await the arrival of a cover officer. When dealing with subjects armed with edged weapons officers should, where possible, maintain a zone of safety which allows for reaction should the subject decide to attack.
 - ii. One officer should be designated as the primary communicator and other officers should refrain from becoming involved.
 - iii. Verbal communication should be non-threatening. Whenever possible, use open-ended questions designed to facilitate the subject’s participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated as the primary communicator and determine whether that might be beneficial.
 - iv. It has been found that threats to arrest or use force are not productive when dealing with persons with diminished capacities. Reassure the subject that the police are there to help them.

- v. Officers must constantly analyze what affect, if any, their efforts are having on the subject. This is essential to identify areas that appear to agitate the subject that should then be avoided.
 - vi. Normally, family members should not be used in an attempt to establish communications. This frequently exacerbates the situation.
- D.** Time is the concept of elongating the encounter, rather than hastening it:
- i. History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution.
 - ii. Increasing the time of the encounter and using defusing techniques allows the subject to reflect upon his/her predicament.
 - iii. Creating time also allows for the field units to be supported by the deployment of additional police personnel, specialized equipment and medical support personnel.
 - iv. Time encourages the ability to communicate and create a relationship between the subject and the primary communicator.
- E.** Commitment Procedures:
- i. In determining the most appropriate form of professional resource and referral, officers should consider the information provided by professional resources, persons and family members.
 - ii. Any peace officer who has reasonable grounds to believe that the individual is mentally ill and presents a danger or threat of danger to self, family or others if not restrained shall take the individual into custody and transport the individual without unnecessary delay to a hospital or designated psychiatric facility and execute a written petition for involuntary commitment with the probate clerk of the county in which the person alleged to have mental illness resides or is detained prescribed and provided by the A.C.A. § 20-47-207.
 - iii. An interested citizen may take the person to a hospital or to a receiving facility or program. If no other safe means of transporting the individual is available, it shall be the responsibility of the law enforcement agency that exercises jurisdiction at the site where the individual is physically located and requiring transportation, or unless otherwise ordered by the judge. A petition, as provided in § 20-47-207, shall be filed in the probate court of the county in which the person resides or is detained within seventy-two (72) hours, excluding weekends and holidays, and a hearing, as provided in § 20-47-209(a)(1) shall be held.
 - iv. Officers shall not use a detention facility as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending or the detention facility is the designated receiving facility pursuant to state law.
 - v. No officer shall place criminal charges against a person who is mentally ill and need of hospitalization for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility.
 - vi. "If any person involuntarily admitted to a receiving facility or program or hospital for care pursuant to this subchapter absents himself or herself from

a receiving facility or program or hospital without leave or fails to comply with the court-approved treatment plan, the person will be returned, upon the request of the person's treatment staff, to the receiving facility or program or hospital by the sheriff of the county or law enforcement officer of the city of the first class in which the individual is physically present or the hospital or receiving facility or program security personnel without further proceedings," A.C.A. 20-47-21.

- vii.** Officers are required to prepare or assist in the preparation of all required reports.



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| Persons with Disabilities | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to outline department mandates with respect to contacts with persons who have disabilities.
- II. **Policy:** It is the policy of this department to provide police services in an equal and impartial manner. This policy includes providing police services to those who have disabilities that officers either observe or become aware of based upon the circumstances presented or information obtained. This department shall take steps to protect persons with disabilities from inequitable treatment based on their disability and to avoid furthering any injury or disability based on the police contact where such accommodation can occur without jeopardizing the safety of all persons involved in the event.
- III. **Definitions**
 - A. **ADA (Americans with Disabilities Act):** Federal Civil Rights Law protecting individuals with disability.
 - B. **Recognized Disability/Protected Person under ADA:** Any person who has a physical or mental impairment that substantially limits one or more major life activities such as walking, seeing, hearing, speaking, breathing, learning and working. A person who associates with a disabled person is also protected under the act.
 - C. **Other disabilities:** Injury, Illness, Mental or Emotional state that would render a person more vulnerable to police actions such as use of force, incarceration or restraint.
- IV. **Procedure**
 - A. **Arrest-Minor Crimes:** When dealing with a person who suffers from a recognized disability, officers should consider whether the suspected conduct is a manifestation of the person’s disability. In cases where the conduct is a

manifestation of the disability, officers should consider a medical or mental health referral as opposed to arrest.

- B. Use of Force:** In determining the appropriate level of force to be used to control a situation involving a person with a recognized or other disability, officers should consider whether the particular control or restraint tactic is more dangerous or unreasonable in light of the particular person's disability.
- C. In cases where an officer becomes aware, through information or observations, of a disability, officers should take steps to accommodate that disability where they are able to do so without jeopardizing the subject, the officer or any other person present.**
 - i. Handcuffing or other restraints-**where handcuffing or other restraints may cause further injury of an existing disability and there is no imminent threat, officers should seek assistance from a supervisor to determine if there is an appropriate method of restraint that will accommodate the disability without jeopardizing safety.
 - ii. Lock-up-** in cases where a person indicates that they have some recognized or other disability, officers shall call for a supervisor in order that steps may be taken to verify the disability and determine what steps can be taken to accommodate the disability without jeopardizing the safety of the individual, the officers and the institutional security of the jail.
- D. Mobility:** Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring them in or out of the vehicle.
- E. Visually Impaired:** When dealing with a person who is visually impaired it is important for officers to identify themselves verbally and state clearly and completely any directions or instructions including any information that is posted visually which cannot be seen by the person who is visually impaired.
 - i. Officers should fully read out loud any document that a visually impaired person is required to sign as the result of a law enforcement action.**
 - ii. Before taking photos or fingerprints of a visually impaired person, law enforcement personnel shall describe the activity to the visually impaired person so that they know what to expect.**
- F. Hearing Impaired:** Law enforcement is required by the ADA to ensure effective communication with the deaf or hearing impaired.
 - i. Agencies should have one person capable of sign language on call. In accordance with recommendations by the United States Department of**

Justice, this may be accomplished by contracting with a sign language interpreter for response on an as needed basis.

- ii. In jails, hearing impaired prisoners must have access to a TDD phone in the same manner as other persons in custody have access to telephone privileges.
- G. Other Disability: In any case where an officer becomes aware of an injury, illness or disability which may render the activity, tactic or restraint to be undertaken more dangerous to the individual, the officer shall notify a supervisor and in conjunction with supervisory support take reasonable steps to accommodate the injury or disability.**



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| Prescription Drugs | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** Law Enforcement is expected to be delivered by employees who are physically and mentally prepared for whatever might be required to satisfactorily perform assigned police duties. It is essential that all police employees who will or might be called upon to act in an enforcement capacity, control prisoners, or transport persons in a department vehicle be in a position to act in a professional and competent manner. It is well known that law enforcement employees may be taking prescription drugs which have been legitimately prescribed to them for medical/psychological needs. This policy is designed to ensure that the employee, the community, and other officers are not impacted by the effects of such medication.
- II. **Policy:** It is the policy of this department to require enforcement employees to report the use of prescription medication to their immediate supervisor when the use of such medication may cause drowsiness or in some other way may cause the officer to be unfit for duty.
- III. **Definitions:** Department employees are divided into two categories for purposes of this policy:
 - A. **Enforcement Employees:** those employees who are either in a direct enforcement capacity or who may be called upon to act in an enforcement capacity, are assigned to control prisoners, and employees who may be called upon to transport persons in department vehicles. This includes all sworn personnel unless the employee is on restricted duty and/or prohibited from carrying firearms. Non-sworn employees who fit in this category include employees who engage in some form of enforcement duty, detention duties, dispatchers, drive department vehicles or transport persons being detained.
 - B. **Non-Enforcement Employees:** The function of non-enforcement employees does not normally place them in a position where the use of prescription drugs will compromise their own safety, the safety of fellow employees, or the safety of

citizens. These employees are not subject to this policy and are not required to notify the department when they are taking prescribed medications.

IV. Procedure

- A. All Employees designated as Enforcement Employees are subject to the provisions of this policy.**
- B. Enforcement Employees** who have been prescribed drugs that indicate that the drug may make them unfit for duty shall report this fact to the department and provide a note from the prescribing medical professional indicating whether the officer is fit for duty. This note shall include:
 - i.** An express conclusion as to whether or not the officer is fit for duty.
 - ii.** The employee shall provide this notice from the professional resource who prescribed the medication and which includes a copy of the prescription drug label to their immediate supervisor.
- C.** The documentation of the “fitness for duty” must be placed in a medical file.



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| Property & Evidence Management | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes A.C.A. § 5-5-101 – 102 (2011) A.C.A. 5-5-201 – 204 A.C.A. § 5-5-301 – 306 A.C.A. § 12-12-301 A.C.A. § 5-5-401 – 405 A.C.A. § 12-15-30 (2011) A.C.A. § 12-15-301 A.C.A. § 12-12-104 (2012) | |
| CALEA Standard: 84.1.1, 84.1.2; 84.1.3; 84.1.4, 84.1.5; 84.1.6; 84.1.7; 84.1.8 | |
| Date Implemented: 08/01/2013 | Review Date: |

- I. **Purpose:** The purpose of this policy is to outline the procedure of this department with respect to property, contraband or evidence that is seized. All property, with the exception of vehicles, will be dealt with under this policy.
- II. **Policy:** It is the policy of this department to provide for the reasonable safekeeping of all property that comes into the possession of this department. With respect to evidentiary items, this department shall maintain a proper chain of custody and secure such items in a manner that will ensure that the evidence is available to be admitted at trial.
- III. **General Provisions Applicable To All Seized Items**
 - A. Members of this department shall only seize items under the following conditions:
 - i. Officer has probable cause to believe that an item is contraband (contraband is an item that by its very nature is illegal to possess (e.g. illegal narcotics).
 - ii. Officer has probable cause, at the moment of seizure, to believe that the item to be seized is stolen.
 - iii. Officer has probable cause, at the moment of seizure, to believe that the item is evidence of a crime.
 - iv. Officer has lawful reason to store items that have come into his possession until returned to rightful owner or otherwise disposed in accordance with Arkansas law.
 - B. The evidence custodian or case officer will return seized items (other than contraband or items required to be maintained for evidentiary purposes) to their rightful owner upon satisfactory proof of ownership and after meeting all needs of any potential criminal prosecution.

- C.** When seizing items of value (money/jewelry/precious metals), two officers shall inventory the items at the scene of the seizure, when feasible. The inventory will be documented via a police report, as well as the evidence management system.
- D.** In cases where professional expertise is required to make a proper accounting of the property, the Chief of Police or their designee shall be notified so that the services of an expert may be obtained.
- E.** Once an item is seized and inventoried, it shall be transported to the police department for processing.
- F.** The officer who has seized the property shall complete all appropriate forms/reports.
- G.** Items seized shall be properly marked and/or tagged with the report number, date of seizure, description of evidence, arresting officer's name, identification number, and suspect's name where applicable.
- H.** The item(s) shall be entered in the evidence management system and stored in temporary evidence/property storage designated by the Chief of Police or their designee. All temporary evidence/property storage will be locked, secured, and function in such a way as to ensure that once seized items have been deposited, only approved evidence custodians will have subsequent access to the items. In cases where the seizing officer is not the reporting officer, the seizing officer may turn over seized items to the reporting officer for temporary evidence/property storage and documentation in the evidence management and report management system. Otherwise, the seizing officer will ensure that all evidence processing is completed and the initial report is supplemented regarding the seizure.
- I.** Items secured in temporary evidence/property storage shall remain in this location until the items can be transferred to the permanent evidence/property storage area by assigned evidence custodians.
- J.** The Chief of Police or their designee shall designate evidence custodians who shall ensure that all seized items are properly packaged, documented, entered in the evidence management system, and delivered to the permanent evidence/property storage area.
- K.** Evidence custodian(s) shall be limited in number. Once approved, the evidence custodian will have sole access to the permanent evidence/property storage area as well as keys, pass cards, combinations, or any other mechanism required for entry. At no time will an evidence custodian permit any person (including the Chief of Police) to have access to any mechanism required to enter the permanent evidence/property storage area. At no time will any member of the department, other than approved evidence custodian(s), be permitted access to the permanent evidence/property storage area unless accompanied by an evidence custodian. Evidence custodians will immediately report any sign of unauthorized or attempted unauthorized entry, missing items, inventory discrepancies, violations of this policy, or any other matter of concern regarding the storage of seized items to the Chief of Police or their designee.
- L.** If any discrepancies are discovered between items listed on the property form and the items being delivered to the permanent evidence/property storage area, the evidence custodian shall ensure that all issues are resolved. In the event an issue

cannot be resolved, the evidence custodian shall report this discrepancy, in writing, to the Chief of Police or their designee.

- M.** In cases where a discrepancy has been reported, the Chief of Police or their designee shall cause an immediate investigation to resolve the discrepancy at issue.
- N.** Evidence custodians will ensure that appropriate entries are made to the evidence management system for all movements of seized items (i.e. court, crime labs, prosecutors review, etc) until such items are destroyed, returned to owner, or are otherwise lawfully disposed.
- O.** Any seized item released to the custody of its owner or other approved individual will be documented via a signed property release form and appropriate entries made to the evidence management system and/or report management system. Items returned should be particularly described including the status of their condition. The receiver will sign affirming the receipt and condition of items.
- P.** All firearms seized by this department that are no longer necessary for evidentiary purposes and are not returned to a rightful owner following a criminal history check, shall be disposed of in accordance with Arkansas Law.
- Q.** No items in the custody of this department will be disposed of in any manner contrary to law.
- R.** Evidence custodians should consider photographing seized items returned to owners or other approved individuals when there is a potential for disagreement regarding the state of the items returned.
- S.** The permanent evidence/property storage area will be locked and secured. An alarm and video surveillance system is recommended to be installed. In addition, narcotics, firearms, monetary items and other items deemed valuable by the Chief of Police or their designee will be secondarily locked within the permanent evidence/property storage area.
- T.** When evidence custodians are removed from their evidence function and replaced with new personnel, locking mechanisms, used for evidence storage for which only evidence custodians possess access, shall be reprogrammed, rekeyed and or replaced.

IV. Special Provisions Regarding Money

- A.** Monetary items may come into the possession of members of this department via confiscation for asset forfeiture, stolen property, found property, safe keeping, etc.
- B.** It is the goal of this department not to store monetary items in evidence/property storage areas unless no alternative to storage exists.
- C.** Monetary items related to asset forfeiture will comply with Arkansas Law concerning funds related to asset forfeiture and will typically provide a procedure for the maintaining of these monetary items that may differ from this policy.
- D.** Stolen monetary items, if at all possible, will be immediately released to the rightful owner or their designee following photographing and inventorying for police reports. A property release form will be executed particularly describing and accounting for denominations returned.

- E. In the event monetary items come into the possession of this department and no lawful alternative exists to storage, these items will be handled in accordance with the general procedures for the custody of evidence/property. All monetary items will be placed in a secondarily locked area of the permanent evidence/property storage area pending lawful disposition.

V. Special Provisions Regarding Narcotics

- A. Evidentiary narcotics should be field tested when possible. .
- B. Seized narcotics should be weighed. The drug weight, inclusive of original packaging, as well as a gross weight of drugs and evidence container should be recorded in the description area of the evidence tag.
- C. The evidence custodian shall ensure that a crime lab submission form is completed and submit evidentiary narcotics to the appropriate laboratory for toxicological examination. A member of the laboratory will sign a receipt for the evidence.
- D. The evidence custodian shall cause the receipt to be filed in the appropriate case file and make all appropriate entries into the department's evidence management system.
- E. Once a toxicology report is received, the evidence custodian and or receiving officer shall notify necessary and appropriate personnel of the results of the report and cause the report to be filed in the appropriate case file.
- F. The evidence custodian shall be responsible for ensuring that narcotics sent for toxicological testing are returned, properly documented, and stored in the designated area of the permanent evidence/property storage area.
- G. When large amounts of narcotics are seized and storage is impractical, the Chief of Police or their designee will contact the prosecuting attorney's office for authorization for immediate destruction of a substantial portion of narcotics seized. A representative sample as determined by the prosecuting attorney would be maintained for prosecution purposes. If the prosecuting attorney concurs with the request, a destruction order will be obtained. All evidence to be immediately destroyed will be photographed and otherwise described and documented in official reports.
- H. Narcotics that are abandoned or turned over to police as articles found are not used as evidence in criminal trials and therefore a toxicology exam is not required.
- I. Officers who initially take custody of non-evidentiary narcotics must complete an incident (found property) report documenting the facts and circumstances surrounding the seizure. Items obtained will be handled in accordance with the general provisions of this policy
- J. Non-evidentiary narcotics, in the discretion of the court (order required), may be maintained for lawful purposes (i.e. training or demonstrations). Such items shall be maintained in a secure manner and accessed only by authorized personnel as directed by the Chief of Police or their designee.

VI. Evidence Demanded in Court

- A. When evidence is needed for court, the officer assigned to the case shall notify the evidence custodian. The evidence custodian shall retrieve the evidence requested

by the court and provide it to the case officer. All appropriate entries will be made in the evidence management system documenting the transfer of evidence.

- B.** When evidence is returned from court, it shall be returned to the evidence custodian who shall complete all appropriate entries in the evidence management system and return the evidence to proper storage. If the evidence custodian is unavailable, the officer returning from court shall utilize the temporary storage procedures.
- C.** In cases where items of evidence are needed for court on several occasions but are not held by the court, officers must follow the above outlined procedure. In no case will evidence be stored in any other manner than outlined in this policy when held in the custody of this department and its members.

When a case is completed through a trial or plea, the officer handling the case shall notify the evidence custodian of the disposition of the case. The evidence custodian shall verify this disposition with the court so that a determination can be made regarding the continued custody or disposal of the evidence.

VII. Evidence/Property Disposal

- A.** Evidence/property disposal will adhere to procedures promulgated by the State of Arkansas and or this policy. Unless other disposition is specifically provided by law, when property seized or held is no longer required to be maintained, it shall be disposed of by the law enforcement department via a court order if applicable as follows:
 - i.** Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner;
 - ii.** Money shall be restored to the owner unless it was seized under laws pertaining to asset forfeiture. In such cases, money will be forfeited or returned to owner in the event of a negative finding.
 - iii.** Contraband shall be destroyed unless they may reasonably be returned to a condition or state in which such goods may be lawfully used, possessed, or distributed by the public. In such a case the item(s) must be disposed of by court order.
 - iv.** Firearms, explosives, ammunition, bombs, and like devices shall be destroyed. Firearms which may have a lawful use may be held without destruction and disposed of by way of a court order.
 - v.** Animals seized as evidence and are no longer required to be maintained, will be disposed of pursuant to a court order.
 - vi.** Any other property shall be disposed of in accord with a court order.
- B.** Evidentiary items not required to be maintained following criminal and or appellate process under Arkansas Law, will be returned to owner, destroyed pursuant to a destruction order, or otherwise lawfully disposed under Arkansas Law following the disposition of the criminal case and the statutory time for appeal.
- C.** In all subsequent court proceedings following the disposition of the case, all evidence presented at the original proceedings is admissible through introduction of the certified record of the case.

- D. It shall be the responsibility of the evidence custodian to perform periodic reconciliations between evidence/property in the custody of this department and the disposition of cases. The purpose of this reconciliation is to determine those cases where evidence/property is no longer required to be maintained. Reconciliation is recommended to occur on a monthly basis, but is required semi-annually. Items that are no longer required to be maintained will be disposed of in accordance with Arkansas Law and this policy.
- E. Destruction orders, when required, shall be prepared by the evidence custodian. This destruction order shall include the following information: PD case number, court case number; name of defendant; disposition of the case; description of evidence/property; and affiant information.
- F. Destruction orders will be reviewed by the Chief of Police or their designee who will verify the dispositions of the case and compliance with evidence procedures. Orders will be forwarded to the appropriate prosecuting officer for review and concurrence with destruction.
- G. If it is determined that the destruction order does not meet the criteria set forth in this policy, the designated officer shall direct the individuals responsible for compliance on what is necessary to correct the deficiencies. No evidence/property will be destroyed before there is complete compliance with destruction order procedures when such an order is required.
- H. Following approval of the destruction order by this department and the Prosecuting Attorney, the order will be presented to a judicial officer for authorization to destroy.
- I. Following judicial approval, evidence/property will be destroyed in accordance with the procedure set forth by the State of Arkansas and the procedures outlined in this policy. Evidence custodians in charge of the physical destruction will ensure that the date, time, and location of destruction as well as a minimum of two (2) witnesses to the destruction are entered in the evidence management system and or attached to the destruction order.

VIII. Arkansas Statute Regarding Physical Evidence in Sex or Violent Offense Prosecutions, Retention and Disposition

- A. Per ACA 12-12-104, in a prosecution for a sex offense or a violent offense, the law enforcement agency shall preserve, subject to a continuous chain of custody, any physical evidence secured in relation to a trial and sufficient official documentation to locate that evidence. **After a trial resulting in conviction, the evidence shall be impounded and securely retained by a law enforcement agency. Retention shall be the greater of:**
 - (A) Permanent following any conviction for a violent offense;
 - (B) For twenty-five (25) years following any conviction for a sex offense; and
 - (C) For seven (7) years following any conviction for any other felony for which the defendant's genetic profile may be taken by a law enforcement agency and submitted for comparison to the State DNA Data Base for unsolved offenses.
- B. After a conviction is entered, the prosecuting attorney or law enforcement agency having custody of the evidence may petition the court with notice to the defendant for entry of an order allowing disposition of the evidence if, after a hearing and a

reasonable period of time in which to respond, the court determines by a preponderance of the evidence that:

- (A) The evidence has no significant value for forensic analysis and must be returned to its rightful owner; or
 - (B) The evidence has no significant value for forensic analysis and is of a size, bulk, or physical character not usually retained by the law enforcement agency and cannot practicably be retained by the agency.
- C.** The court may order the disposition of the evidence if the defendant is allowed the opportunity to take reasonable measures to remove or preserve portions of the evidence in question for future testing.
- D.** It is unlawful for any person to purposely fail to comply with the provisions of this section. A person who violates this section is guilty of a Class A misdemeanor. As used in this section:
- i.** "Law enforcement agency" means any police force or organization whose primary responsibility as established by statute or ordinance is the enforcement of the criminal laws, traffic laws, or highway laws of this state;
 - ii.** "Sex offense" means:
 - (a)** Rape, § 5-14-103;
 - (b)** Sexual indecency with a child, § 5-14-110;
 - (c)** Sexual assault in the first degree, § 5-14-124;
 - (d)** Sexual assault in the second degree, § 5-14-125;
 - (e)** Sexual assault in the third degree, § 5-14-126;
 - (f)** Sexual assault in the fourth degree, § 5-14-127;
 - (g)** Incest, § 5-26-202;
 - (h)** Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;
 - (i)** Transportation of minors for prohibited sexual conduct, § 5-27-305;
 - (j)** Employing or consenting to use of child in sexual performance, § 5-27-402;
 - (k)** Producing, directing, or promoting a sexual performance by a child, § 5-27-403;
 - (l)** Computer child pornography, § 5-27-603;
 - (m)** Computer exploitation of a child in the first degree, § 5-27-605(a);
 - (n)** Promoting prostitution in the first degree, § 5-70-104;
 - (o)** Stalking, § 5-71-229;
 - (p)** An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in this subdivision (f)(2); or
 - (q)** A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision (f)(2); and
 - iii.** "Violent offense" means:
 - (a)** Capital murder, § 5-10-101, murder in the first degree, § 5-10-102, or murder in the second degree, § 5-10-103;
 - (b)** Manslaughter, § 5-10-104;
 - (c)** Kidnapping, § 5-11-102;
 - (d)** False imprisonment in the first degree, § 5-11-103;
 - (e)** Permanent detention or restraint, § 5-11-106;
 - (f)** Robbery, § 5-12-102;
 - (g)** Aggravated robbery, § 5-12-103;

- (h) Battery in the first degree, § 5-13-201;
- (i) Battery in the second degree, § 5-13-202;
- (j) Aggravated assault, § 5-13-204;
- (k) Terroristic threatening in the first degree, § 5-13-301;
- (l) Domestic battering in the first degree, § 5-26-303, domestic battering in the second degree, § 5-26-304, and domestic battering in the third degree, § 5-26-305;
- (m) Aggravated assault on family or household member, § 5-26-306;
- (n) Engaging in a continuing criminal gang, organization, or enterprise, § 5-74-104;
- (o) An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in this subdivision (f)(3); or a violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision (f)(3).

IX. Firearms

- A.** All firearms seized for evidentiary purpose pursuant to a criminal offense should be submitted to the appropriate crime laboratory for forensic testing of the weapon and entry in the National Integrated Ballistic Information Network (NIBIN) . Once the testing has been completed the firearm will be returned to the submitting officer. The chain of custody shall be properly documented and the weapon logged in and out of the evidence storage area.
- B.** All firearms should be stored with some type of protective covering (i.e. a gun box designed and manufactured for this purpose or some type of brown paper wrapping). Gun boxes are preferred over the wrapping. With DNA always an issue in criminal cases and the likelihood it could exist on a firearm, protection of that evidence should always be a consideration. Long guns, rifles and shotguns pose a storage problem due to their size. Long gun boxes are the recommended method of storage.
- C.** Safety procedures should be in place and require that any weapon seized by an officer is made “safe” and “inoperable” by physically inspecting the weapon to ensure that the weapon is unloaded and placing some type of device on the weapon to keep it from functioning as designed (i.e. This may be accomplished using a wire-wrap tie down secured through the breach of a firearm to prevent operation/discharge). These weapons should be placed in an individual gun storage box and sealed. Some means of visibly identifying the weapon as inoperable – “SAFE” would increase safety and ensure policy compliance.
- D.** No firearm held by the Department will be returned to the rightful owner with or without a court order until a criminal history check and other appropriate database checks have been completed to determine if the owner would be in violation of law to possess a firearm. No firearm should ever be returned to the owner who is prohibited from lawful possession. A note that appropriate checks were completed prior to return should be documented in the evidence management system.

X. Arkansas Statute Regarding Unclaimed Seized Property

- A.** Except as provided in subdivision (d)(2) of A.C.A. § 5-5-101 (contraband), unclaimed seized property shall be sold at public auction to be held by the chief law enforcement officer of the county, city, or town law enforcement department that seized the unclaimed seized property or the chief law enforcement officer's designee.

Disposition of unclaimed property shall be in accordance with A.C.A. § 5-5-101 (2011). The proceeds of the sale, less the cost of the sale and any storage charge incurred in preserving the unclaimed seized property, shall be paid into the general fund of the county, city, or town whose law enforcement department performed the seizure.

Unclaimed seized property that is a recreational item may be donated at no cost to a local or state department, a nonprofit organization, or an educational program designed to provide education, assistance, or recreation to children.

A "recreational item" means an item generally used for children's activities and play. "Recreational item" includes without limitation a bicycle but does not include a motor vehicle or motorcycle.

The time and place of sale of seized property shall be advertised:

For at least fourteen (14) days next before the day of sale by posting written notice at the courthouse door; and

By publication in the form of at least two (2) insertions, at least three (3) days apart, before the day of sale in a weekly or daily newspaper published or customarily distributed in the county.

Any seized property to be sold at public sale shall be offered for sale on the day for which it was advertised between 9:00 a.m. and 3:00 p.m., publicly, by auction, and for ready money.

The highest bidder shall be the purchaser.

The proceeds from any sale of seized property shall be delivered to the county, city, or town treasurer, as the case may be, to be held by him or her in a separate account for a period of three (3) months.

XI. Inspections/Audits

- A.** Inspections of the evidence/property storage areas will be conducted to ensure:

- i.** Storage areas are clean and orderly;
- ii.** Integrity of property is maintained;
- iii.** Provisions of agency orders and directives are followed;
- iv.** Property is protected from damage and deterioration;
- v.** Accountability procedures are maintained; and
- vi.** Property having no further evidentiary value is disposed of promptly.

- B.** Inventories, audits and Inspections will be conducted as follows:

- i.** Semi-annually, the primary property/evidence manager shall conduct an inspection to determine adherence to procedures used for the control of

property. This inspection shall be documented via memorandum directed to the Chief of Police.

- ii.** Whenever the primary property manager is assigned and/or transferred from the property and evidence control function, an inventory of all property/evidence will be conducted to ensure that records are correct and properly annotated. This inventory will be conducted jointly by the newly designated property manager and the outgoing primary property manager or other person as designated by the Chief of Police. This inventory shall be documented via memorandum directed to the Chief of Police.
- iii.** An annual inventory of property will be conducted by a supervisor not routinely or directly connected with property control. The supervisor will be accompanied by an evidence custodian. It is highly recommended that this inventory be inclusive of all property held by the department; however, it may include only a random sample of a sufficient number of property records to ensure proper accountability. This inventory shall be documented via memorandum directed to the Chief of Police or their designee.
- iv.** Annual unannounced inspections and random sample inventories of property storage areas are conducted as directed by the department's Chief of Police or their designee. Unannounced inspections shall be documented via memorandum directed to the Chief of Police or their designee.



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| Recording of Law Enforcement Activity | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Statutes: | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

I. **Purpose:** The purpose of this policy is to direct members of this agency with respect to the proper law enforcement response to citizens who are filming officers.

II. **Policy:** It is the policy of this agency to uphold the Constitutional Rights of all persons. This policy includes ensuring the First, Fourth, and Fifth Amendment rights of individuals to document the conduct of members of this agency through video and audio recording are facilitated.

III. **Definitions:**

A. **Legal Presence/Lawful Presence:** Any area where a person has the legal right to be thus, private property owned or occupied with permission of the property owner; public buildings such as stores, malls etc. and public areas such as streets, sidewalks etc.

B. **Recording Device:** Any device capable of recording audio or video to include but not limited to cameras (still and video); recorders; cellular devices, PDAs, tablets, or any other device capable of such recording.

C. **Enforcement Action:** includes but is not limited to arrest; detention; seizure of recording equipment; deletion of video/audio; damaging the equipment; threatening, intimidating, discouraging, or coercive conduct aimed at ending the recording; blocking or otherwise obstructing the ability to record without a proper law enforcement objective such as an open air crime scene where it is necessary to block the view for the integrity of the investigation;

D. **Designated First Amendment/Safety Zone:** A geographic area designated for demonstrations/protests balancing the right to protest with the right of citizens not involved in the protest to safely travel through the area. Such areas are sometimes designated for purposes of controlling the safety of all persons during large scale demonstrations/protests.

IV. Procedure:

- A.** Members of this agency shall not prohibit the recording of law enforcement activity or take enforcement action under circumstances where the person making the recording has legal presence in the area where they are standing.
- B.** Recording law enforcement action from an area where the subject is lawfully present does not constitute an offense.
- C.** Officers shall not take enforcement action by way of intimidation or coercion to end the recording; by obstructing the ability to record from an area of lawful presence; or by discouraging the person from continuing the recording.
- D.** Every person has a First Amendment right to observe and record law enforcement officers in the discharge of their public duties.
- E.** Recording law enforcement officers engaged in public duties is a form of speech through which private individuals may gather and disseminate information of public concern, including the conduct of law enforcement officers.
- F.** Members of this agency should be aware that the First Amendment gives no heightened protection to members of the press, thus, members of the public have the same rights to recording as would a member of the press.
- G.** If someone at a demonstration is filming officer conduct no enforcement action will be taken irrespective of pre-established demonstration/safety zones unless it can be established that they are a threat to security.
- H.** All persons also have a First Amendment right to verbally challenge and criticize an officer who is making an arrest. Such a challenge includes the right to document the officer's actions through audio and visual recording.
- I.** Obstruction/Hindering/Interference type charges against a person recording are generally inappropriate except:
 - i.** When the person, through their actions puts the officers' safety, the suspect's safety, or the public's safety at risk. Some court decisions have indicated that without physical action or a threat toward an officer no arrest will be justified.
 - ii.** The recorder enters a clearly marked crime scene without authorization.
 - iii.** The recorder enters an area which is closed to the public and clearly marked due to an ongoing emergency i.e. SWAT scene; fire scene etc.
 - iv.** The recorder enters private property which is not open to the public without the authorization of the owner/occupier of said property. In such a case, the officer should determine the wishes of the owner/occupier before taking significant enforcement action such as an arrest. Where an arrest is indicated, the officer must follow the legal mandates of arrest, for example a required warning in a trespass case.
- J.** When confronted with a person who the officer perceives as bordering on a lawful obstruction or hindering charge, the officer shall, where practical and feasible, inform the subject that their actions are interfering with the officer's duties and ask them to move to a less-intrusive position where they can continue to record but will not interfere.
- K.** When an officer is considering taking enforcement action such as an arrest or the seizure of a recording device, the officer shall call a supervisor for direction. If no supervisor is on-duty, the officer shall make contact with the on-call off-duty supervisor.
- L.** Seizing, Manipulating, Erasing, Deleting or Inspecting Devices or Recordings:

- i. Officers and supervisors are advised that there is a heightened reasonableness requirement when officers seek to seize items protected by the First Amendment as is the case when dealing with recordings under this policy. Thus, more facts and circumstances and a greater government interest must be present before officers and supervisors should consider such a seizure.
 - ii. Officers shall not erase, delete, or otherwise corrupt a recording held by an individual.
 - iii. The seizure of a recording device or the recording itself constitutes a seizure under the Fourth Amendment and unless one of the warrant exceptions i.e. consent or exigency apply, the seizure must be supported by a warrant.
 - iv. If the officer has reason to believe that the person intends to publicly broadcast the recording, the seizure of the equipment and the tape even with a warrant may violate the Privacy Protection Act. 18 U.S.C. 2000a which provides: 42 U.S.C. sec. 2000 (aa):..."Notwithstanding any other law, it shall be unlawful for a government officer or employee, in connection with the investigation or prosecution of a criminal offense, to search for or seize any work product materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication, in or affecting interstate or foreign commerce..."
 - v. In all cases prior to a lawful seizure, officers should consider seeking the consensual cooperation of the individual in possession of the recording and where possible record the consent.
 - a. Consent must be voluntary on the part of the individual and must not be the result of duress or coercion.
 - b. Officers should attempt to have the exchange in seeking consent recorded even if it is done on the recording device at issue.
 - vi. An officer considering such action shall notify a supervisor before such action is taken unless there is a life threatening emergency.
 - vii. Exigency for purposes of this section would include:
 - a. Recordings of violent criminal acts where the recording is essential to the identification and apprehension of the criminals and law enforcement has no other immediate means of making the identification and
 - b. The officer reasonably believes that a failure to immediately view or preserve the recording will lead to the destruction or loss of this evidence; and
 - c. Cooperation through consent cannot be obtained from the subject in possession of the recording.
- M. Supervisory Responsibility:** where resources allow a supervisor shall respond to the scene where an officer is considering taking significant enforcement action against a person in possession of a recording of a law enforcement event.
- i. As with an officer, a supervisor who reasonably believes that the person's conduct is approaching the level of a criminal offense, the supervisor shall seek the voluntary cooperation of the person to move to a location where their actions will not interfere but they will still be able to record the event.
 - ii. The supervisor will seek the consent of the individual holding the recording/recording device to obtain a copy of the recording or to allow law enforcement to otherwise preserve this recording.
 - iii. In cases where consent cannot be obtained and no life-threatening emergency is on-going, the supervisor shall contact the prosecutor for advice.

- iv. A warrant shall be obtained unless an exception to the warrant requirement can be met.
 - v. If the person holding a recording indicates an intent to publicly broadcast the recording, the supervisor, in consultation with the prosecutor should consider the impact of the Privacy Protection Act upon any seizure of the recording.
- N.** Where a seizure of the device or recording is authorized by law the agency shall:
- i. Only maintain custody of the device as long as necessary to seize the necessary recording from the device by a person who has the technical certifications to support the admissibility of the recording into evidence.
 - ii. The items shall be returned to its lawful possessor within 72 hours, unless otherwise ordered by the prosecutor's office and authorized by the court.
 - iii. Upon return of the device to its rightful possessor, the recording itself shall be left intact.
- O. Crimes Unrelated to Filming a Law Enforcement Event:** This policy does not impact the ability of officers to seize recordings of evidentiary value when conducting investigations of criminal activities. For example: A subject is arrested for rape where the victim indicates the crime was filmed and when arrested the suspect has a video camera in his backpack. The rules of search incident to arrest or warrant related searches of this camera are unaffected by this policy.



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| Response to Resistance | Related Policies: Electronic Control Devices; Reporting Response to Resistance. |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: A.C.A. § 5-2-610 | |
| CALEA Standard: 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6.; 1.3.7; 1.3.10; | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to direct officers in the appropriate use and reporting of force.
- II. **Policy:** In an effort to: protect and serve all citizens and visitors within this jurisdiction; respect the rights of suspects; and maximize officer safety in response to resistance events, it is the policy of this department that officers will only use reasonable force to bring an incident or event under control and that all response to resistance events directed against active resistance be reported and reviewed as outlined in this policy. All uses of force must be objectively reasonable.
- III. **Definitions**
 - A. **Deadly Force:** Any force that creates a substantial likelihood of causing serious bodily harm or death.
 - B. **Non-Deadly Force:** All uses of force other than those that are substantially likely to cause serious bodily harm or death.
 - C. **Imminent:** Impending or about to occur or circumstances are such that it is reasonable to believe it is impending or about to occur.
 - D. **Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances with which the officer using the force is presented.
 - E. **Reasonable Belief:** Reasonable belief means that the person concerned, acting as a reasonable person, believes that the prescribed facts exist.
 - F. **Serious Bodily Harm/Injury:** Serious bodily injury shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.
 - G. **Active Resistance:** a subject actively resists when they take affirmative action to defeat an officer’s ability to take them into custody.

- H. **Passive Resistance:** A subject who takes no affirmative action to defeat the member's ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
- I. **Electronic Control Device:** Electronic Control Devices, TASER™, or stun-guns (electronic control weapons) that disrupt the central nervous system of the body.

IV. **Response to resistance Procedure:**

- A. In determining the appropriate level of force officers should apply the levels of force under the department's trained response to resistance options , along with the following three factor test:
 - i. How serious was the offense the officer suspected at the time the particular force was used?
 - ii. What was the physical threat to the officer or others?
 - iii. Was the subject actively resisting or attempting to evade arrest by flight?
- B. **Arkansas statutory law provides:**
 - i. A law enforcement officer is justified in using non-deadly physical force or threatening to use deadly physical force upon another person if the law enforcement officer reasonably believes the use of non-deadly physical force or the threat of use of deadly physical force is necessary to:
 - a. Effect an arrest or to prevent the escape from custody of an arrested person unless the law enforcement officer knows that the arrest is unlawful; or
 - b. Defend himself or herself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
- C. **Deadly Force:** The use of deadly force is objectively reasonable when:
 - i. The officer is faced with an imminent threat of serious bodily harm or death to him/herself, or some other person who is present, or;
 - ii. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death AND by the subject's escape they pose an imminent threat of serious bodily harm or death to another.
 - iii. Officers should warn the subject prior to using deadly force where feasible.
 - iv. Under Arkansas Law: A law enforcement officer is justified in using deadly physical force upon another person if the law enforcement officer reasonably believes that the use of deadly physical force is necessary to:
 - a. Effect an arrest or to prevent the escape from custody of an arrested person whom the law enforcement officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; or

- b. Defend himself or herself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of deadly physical force.
- D. Once the subject's active resistance has ceased and control has been gained an officer is no longer authorized to use force. Officers should immediately provide any necessary medical assistance to the subject to the degree to which they are trained and/or provide for emergency medical response where needed and where reasonable to do so.
- E. **Force Options:** Officers have several force options that will be dictated by the actions of the suspect upon the appearance of the police officer. Officers may be limited in their options due to the circumstances and actions of the subject. In any given circumstance there will be a range of options that may be reasonable. At no time should these options be considered a ladder which must be attempted one progressive step at a time. For example, an officer who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options.
 - i. **Command Presence:** Visual appearance of the officer where it is obvious to the subject, due to the officer's uniform or identification, that the officer has the authority of law.
 - ii. **Verbal Commands:** Words spoken by the officer directing the subject as to the officer's expectations.
 - iii. **Soft Empty Hand Control:** Officer's use of hands on the subject to direct the subject's movement; techniques that have a low potential of injury to the subject.
 - iv. **Chemical Spray:** Where subject exhibits some level of active resistance/active aggression, officers may use chemical spray to temporarily incapacitate the subject.
 - v. **Electronic Control Devices:** Where subject exhibits some level of active resistance/active aggression an officer may use an electronic control device to temporarily incapacitate the subject.
 - vi. **Hard Hand Control:** Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating a stunned mental state and/or motor dysfunction.
 - vii. **Impact Weapons:** Batons, ASP/Expandable Batons, other impact weapons as allowed by departmental policy, or weapons of opportunity as may be dictated by the circumstances facing officers may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where based on the officer's belief at the time, the other options would not be successful in bringing the event to a successful conclusion.
 - viii. **Canine:** Use of canine to bite and hold subject to prevent escape or to gain control of a subject who is actively aggressing toward officer(s). Prior to deployment of a canine, a warning in the form of an announcement should be made when reasonable to do so.

ix. Deadly Force: Force that creates a substantial likelihood of causing serious bodily harm or death.

F. Firearms Restrictions:

- i. Warning Shots are prohibited
- ii. Discharge of firearms is prohibited when the officer is presented with an unreasonable risk to innocent third parties.
- iii. Discharging a firearm at an occupied vehicle is prohibited unless deadly force is justified.
- iv. Whenever possible, officers should avoid placing themselves in a position where use of deadly force is the only alternative.

G. Less Than Lethal Weapons/Tactics: Prior to deployment of any less than lethal weapon, officers must be trained and certified where applicable in the proper use of the weapon. All deployments must be consistent with departmental response to resistance training and policy.

i. Chemical Spray:

- a. Chemical Spray shall not be deployed as a compliance technique for a person who is passively or verbally non-compliant.
- b. Chemical Spray shall never be used as a punitive measure.
- c. Officers should never spray from a pressurized can directly into a subject's eyes from a close distance due to the potential for eye injury as a result of the pressurized stream. Officers should never spray directly into a subject's eyes from closer than three feet or the distance recommended by the manufacturer of the spray (whichever is shorter), unless deadly force would be justified.
- d. Officers should consider alternatives to chemical spray when attempting to control a subject in a crowded-enclosed area due to the innocent over-spray that may cause the onset of panic.
- e. Officers should consider alternatives to chemical spray when the event is inside a building, particularly where the building has a closed-ventilation system due to the potential impact on innocent persons who may have to be evacuated (temporarily) from the locations.
- f. Once control is gained, officers should immediately provide for the decontamination of the subject when reasonable and practical to do so.
- g. If the person shows any signs of physical distress or does not recover in a reasonable amount of time, officers should immediately direct an emergency medical response and render first-aid at the degree for which they are trained.

ii. Impact Weapons: Batons, ASP/Expandable Batons

- a. Impact weapons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control.

- b. Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
- c. Officers shall not intentionally strike a person with an impact weapon where it would create a substantial likelihood of causing serious bodily harm or death, unless the use of deadly force would be justified.

V. Reporting Response to Resistance

- A.** Whether on or off duty, Officers will report responses to resistance, via approved departmental response to resistance form, when one of the following force options are utilized in response to active resistance.
 - i. Chemical Spray
 - ii. Electronic Control Devices
 - iii. Hard Hand Control
 - iv. Impact Weapons
 - v. Pointing of Firearms: Any time a member points a firearm at an individual, notwithstanding the fact that deadly force is not ultimately deployed is a reportable event under this policy. This does not include drawing a firearm and maintaining at the low-ready position.
 - vi. Firearms discharges: Any intentional or unintentional discharge of a firearm, not inclusive of training scenarios or approved humane life terminations of injured animals.
 - vii. Canine use: Use of a Department canine will be reported on a special form to capture any form of use whether there is contact with a subject or not.
 - viii. Deadly Force
 - ix. Any incident, arrest, or circumstance, which in the officer's or supervisor's opinion involved a physical confrontation necessitating documentation of circumstances.
- B.** Officers involved in an incident where a reportable response to resistance did not involve death or serious bodily injury, the Officer will:
 - i. Notify their supervisor as soon as practical.
 - ii. Document the response to resistance via Police Report
 - iii. Complete the approved departmental response to resistance form and forward to their immediate supervisor prior to ending their tour of duty. The form will be completed in detail including a narrative account describing the following:
 - a. Actions of the subject that necessitated a response
 - b. Force utilized in overcoming the resistant subject
 - c. Injuries or complaints thereof sustained by the subject and/or Officer
 - d. Medical treatment received.

- C. Officers involved in an incident where a reportable response to resistance involved death, serious bodily injury, or the discharge of a firearm will notify the on duty and/or designated supervisor immediately.
- D. In the event of a reportable response to resistance involving death or serious bodily injury, the department will ensure that:
 - i. Criminal Investigation: A Detective/Investigator will respond to the scene, conduct investigation, and complete the initial police report. In the event a department has no available personnel for this purpose or a department believes it is in their best interest to request an outside department conduct the investigation, they may utilize an outside department (such as Arkansas State Police) for this purpose.
 - ii. Officers are reminded that a criminal investigation will be conducted and that criminal liability may attach to their actions. In order to ensure Officers 5th amendment protections are not violated the following procedure is established:
 - a. Officers will be removed from the scene as soon as practical.
 - b. Officers will be allowed time to reflect about their actions and speak with an attorney if they desire prior to any criminal questioning.
 - c. Officers are not required to submit to a criminal investigative interview and are subject to 5th Amendment protections if they so choose.
 - iii. Internal Investigation: Officers should understand that an Internal Affairs Investigation may begin at any time as determined by the Chief of Police or his/her designee. Internal Affairs Investigations will be separate and distinct from the criminal investigation. Prior to Internal Affairs interview, Garrity warnings will be issued and signed by the Officer(s) investigated. Involved Officers are required to provide truthful information to internal affairs investigators, are not afforded protection under the 5th Amendment to the United States Constitution, and therefore may not refuse to provide complete and truthful information. Internal Affairs Investigations will follow procedures established under separate policy.
- E. **Supervisory Responsibilities:**
 - i. If available, an on duty supervisor will respond to the scene of all incidents involving a reportable response to resistance.
 - ii. Irrespective of duty status, supervisory and investigative staff, delineated under separate policy or directive, will respond to all response to resistance events involving death or serious bodily injury (or the likelihood thereof).
 - iii. The ranking supervisor at the scene of an incident involving a reportable response to resistance will ensure that adequate investigation is conducted, forensic evidence is preserved, videographic evidence is obtained, case investigation is sufficiently reported, and that response to resistance forms are completed. In those cases where a supervisor is not present, the Reporting Officer will ensure that adequate investigation and all required reports are completed.

- iv. For all response to resistance events not involving death or serious bodily injury, the Officer's immediate supervisor or the Supervisor responding to the scene will review the response to resistance form and preliminary investigative information to determine policy compliance. The Supervisor will meet with the involved officer(s) to discuss the event, review policy, and clarify any matters of concern. The supervisor will forward the response to resistance form via the chain of command to the Chief of Police or their designee. Anytime during the supervisor's review he or she believes that a serious policy infraction or criminal act occurred, the supervisor will immediately cease investigation and forward all information to the Office of the Chief of Police or their designee. The designee responsible for the investigation will conduct logical investigation per departmental policy.
- v. All response to resistance events involving death or serious bodily injury will be reviewed for legal and policy compliance by the Chief of Police or their designee.



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| Returning Veterans | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

I. **Policy:** It is the policy of this department to be supportive of its personnel called to active duty service in the United States Military as well as provide uniform strategies to facilitate a smooth and beneficial transition when the veteran returns to resume their role in department operations. The Department believes an active role in the "reintegration" of veterans is vital to both the veteran's and department's success.

II. **Definitions**

A. **Veteran:** A member of the Department who separated from the department to serve on active duty for a period of more than 180 days and was discharged/released with other than a dishonorable discharge; was discharged/released from active duty because of a service-connected disability or as a member of a reserve component or national guard unit under an order to active duty; served on active duty for any length of time during a period of war or in a campaign or expedition for which a campaign badge is authorized; and was discharged/released from such duty with other than a dishonorable discharge.

B. **Reintegration:** The process of integrating and assimilating returning veterans into Department operations in a safe and comprehensive way.

III. **Procedure**

Each returning veteran will participate in the department's reintegration program for a time period to be determined by the Chief of Police or his designee. While time periods may differ depending upon the veteran's deployment time and military activities with which the employee participated during military deployment, a 30-day minimum reintegration period is recommended. .

IV. **Officer Reintegration Program**

Irrespective of job assignment or sworn or non-sworn status, the first line supervisor of the returning veteran will assign the veteran to work with a partner for a minimum of 30 days where feasible. Although not mandatory, it is recommended that the partner be a veteran, preferably with comparable military experience. It will be stressed to the partner that his/her job is not to act as a Field Training Officer, but rather as an

experienced officer working with a peer, mentoring and preparing them to resume their role following an extended absence from the department. Reintegration will include:

- A. All administrative and auxiliary tasks to assimilate the veteran into department systems and processes, and obtaining the necessary access to records, databases, and communication networks;
- B. Retraining and recertification with department issued weapons prior to performing any law enforcement function;
- C. The veteran's supervisor will advise the returning veteran of departmental resources available to them during and after the reintegration;
- D. A particularized audit of required training needs and certification requirements as well as a training plan will be created and or conducted to ensure necessary competencies and certifications are met or updated in a reasonable and timely fashion, to include compliance with all certifications required by the State of Arkansas to accomplish the returning veteran's job function;
- E. A review of use of force policy, options and concepts where applicable;
- F. The assigned partner will assist the returning veteran in relearning matters that pertain to their job function which may include: radio procedures, re-familiarization or familiarization with technologies, introductions to new personnel and or local officials where necessary, as well as legal and policy review with emphasis on new policies and procedures that may have been enacted during the veteran's separation from the department;
- G. The returning veteran will merely assist their assigned partner with law enforcement actions for a minimum of 20 days allowing the assigned partner to take the lead role unless this is otherwise not feasible;
- H. At the end of a minimum 20 day period or whenever the returning veteran feels comfortable returning to the primary law enforcement role, whichever is greater, the returning veteran will assume the lead law enforcement role for the remaining time period of the reintegration. During this time period, the first line supervisor will conduct weekly observations and performance evaluations;
- I. At the end of the reintegration period the first line supervisor will make recommendations concerning the veteran's return to full duty status. The veteran's assigned first line supervisor will continue to monitor job performance for any signs of distress and need for further reintegration intervention; and
- J. Additional training/re-familiarization may be required for returning Veterans assigned to a CID function such as raid planning, undercover operations, surveillance operations, use of Confidential Informants, etc.

V. First-Line Supervisors Responsibilities

During the reintegration period, the first line supervisor will meet with the veteran and assigned partner on a weekly basis and document the veteran's progress via memorandums to the Chief of Police or their designee. At the end of the reintegration period the first line supervisor will submit a request to restore the returning veteran to a full duty status or retain the veteran for a 2 week extended period of time in the reintegration program. All such requests will be made to the Chief of Police or their designee via memorandum. In cases where an extended period of time is requested

and approved, the first line supervisor will continue weekly meetings and observations and forward a request to return the veteran to full duty status when appropriate. The Chief of Police or their designee may grant additional extensions.



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| Ride-Along Policy | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: 12-6-402 | |
| CALEA Standard: 45.2.1 | |
| Best Practices: | |
| Date Implemented: 1/1/2014 | Review Date: |

I. Purpose: The purpose of this policy is to set forth the department’s mandates with respect to citizen ride-alongs and civilian passengers. (Sworn Police Officers are exempt from this policy. Officers of this department are prohibited from transporting civilian passengers unless such transportation is in the ordinary course of their law enforcement duties, in compliance with this policy, or otherwise approved by the Chief of Police or their designee.)

II. Policy: It is the policy of this department to establish a ride-along program in an effort to enhance the mutual respect of police officers and the community. This program will provide its participants with a greater understanding of law enforcement in our community.

III. Procedures

- A.** Who can participate in the ride-along program:
 - i.** All participants must be approved by the Chief of Police or their designee and be at least 18 years of age or have guardian approval.
 - ii.** All participants must complete an application and waiver of liability form.
 - iii.** Media representatives must complete all documents required of any other participant. In addition, members of the media must have express written authorization from the Chief of Police or their designee before recording, by any means (audio, video, film, photo), any portion of the ride-along.

B. Application Process:

- i. Applications and regulations for ride-alongs shall be available at the police department. Applications, along with photo identification, must be returned to the department once they are completed.
- ii. Completed applications shall be forwarded to the Chief of Police or their designee for review.
- iii. Application review will include a record check and NCIC inquiry. An applicant who has a felony record or a misdemeanor record that involves moral turpitude or dishonesty may be excluded from participation in this program.
- iv. Once approved, the applicant shall be notified and assigned a date for the ride-along.
- v. Participants shall only be allowed to participate in this program once every 12 months unless authorized by the Chief of Police or their designee.

C. Reporting for ride-along:

- i. The ride-along program shall be scheduled by the Chief of Police or their designee.
- ii. Participants should report to the police department 15 minutes prior to their scheduled participation.
- iii. The on-duty officer shall meet with the ride-along participant. The ride along participant and the officer shall review and sign the liability waiver form. The officer must sign as a witness. Any participant who decides not to sign the liability waiver form shall not be allowed to participate in the program.
- iv. The officer shall review the rules of the ride-along program with the participant. In this review, the participant should be reminded that they might be called as a witness in court, if they observe a police event that becomes subject to court action.
- v. The officer shall issue the participant a "ride-along" participant identification tag that the participant shall be required to wear on his or her outermost clothing.

D. Duties of the Participant:

- i. Participants shall play no active role in the police function. They must only act as an observer unless otherwise directed by their host-officer.
- ii. Participants shall not be allowed to operate any police equipment unless directed to do so by a police officer in an extreme emergency.
- iii. Participants must remain in the police vehicle at all times until directed otherwise by the host officer.
- iv. Participants must not speak to victims, witnesses, prisoners or other persons associated with a police event. Should a witness, prisoner, victim or other person speak to the participant, the participant should politely direct the person to speak to one of the officers present.

- v. Participants shall not bring cameras or any recording devices without the express written permission of the Chief of Police or their designee.
- vi. Participants shall not enter any person's home while participating in the ride-along unless the host officer has asked and has been granted express permission from the homeowner/occupant to allow the ride-along participant entry.
- vii. Participants shall follow the instructions of the host-officer at all times during the ride-along.
- viii. Participants shall not be allowed to carry any firearm or other weapon, even when otherwise authorized by law, while participating in the ride-along program.
- ix. Participants should be dressed in comfortable, casual, but conservative clothing during the ride-along. (Pants and shirt/jacket for men, Pants and blouse/jacket for women) Participants who are inappropriately dressed shall not be allowed to participate in the program on the assigned date.

E. Duties of Host Officer:

- i. Officers have a primary obligation to the welfare and safety of the ride along participant. Officers shall not respond to emergency calls until initial responding officers have determined the scene to be safe.
- ii. Host officers, in their discretion, may drop a participant off in an area of safety while responding to a dangerous police event in order to avoid exposing the participant to danger.
- iii. Distinguish civilian from news media, allowing the media to assume the risk of more dangerous activities.
- iv. Host officers may allow the participant to leave the police vehicle in order to better observe the police activity; however, where a participant has been allowed to leave the police vehicle, host officers shall maintain close supervision of the participant and not allow the participant to involve him or herself in the police activity.
- v. Host officers must never allow a participant to enter the home of any person unless the officer has first obtained the consent of the homeowner/occupant. In obtaining consent the officer must specifically notify the homeowner/occupant that the participant is a "ride-along participant" and there is "no legal obligation" to allow the participant inside the dwelling.



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| Search and Seizure Residences | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: Arkansas Criminal Procedure Rule §11.1 C; §13.2; §14.3 | |
| CALEA Standard: 1.2.3; 1.2.4 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to direct officers and supervisors with respect to home entries.
- II. **Policy:** The policy of this department is to protect and serve the constitutional rights of all citizens when conducting home entries while balancing the needs of law enforcement in solving crime for the protection of the community.
- III. **Definitions**
 - A. **Probable Cause:** (search): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
 - B. **Exigent Circumstances Entry:** Entry of a dwelling without a warrant due to some existing emergency that would not allow an officer time to get a warrant.
 - C. **Search Incident to Arrest:** A search of the arrestee and their immediate area of control that is allowed whenever a custodial arrest is made.
 - D. **Consent:** The voluntary granting of permission for an officer to enter an area that is protected by the 4th Amendment, by a person who has a reasonable appearance of authority over that area.
 - E. **Dynamic Entry:** The utilization of a special team i.e. SWAT, ERU etc. when executing a high-risk warrant, entering to control a barricaded subject, or similar high risk event.
- IV. **Procedure:** At the outset officers are directed that there are only three lawful methods upon which he or she may enter a person’s dwelling. These methods include a warrant (arrest or search-with differing rules for each), exigent circumstances, or consent.
 - A. **Risk Assessment Matrix:** Unless exigent circumstances exist officers shall compile a risk assessment matrix prior to planning any entry of homes or other buildings.

- B. Written Operations Plan:** Unless exigent circumstances exist officers shall complete a written operations plan prior to executing any warrant entry of a home or other building.
- C. Knock and Announce:** Prior to considering a forced entry into a dwelling, officers must knock at the entrance and announce their identity and purpose unless one of the following circumstances exist:
- i. The officer's purpose is already known to the occupant.
 - ii. When the personal safety of the officer or others would be jeopardized by the announcement.
 - iii. When the delay caused by the announcement may enable the suspect to escape.
 - iv. When a prisoner has escaped and retreated to his home.
 - v. When the announcement may cause evidence to be destroyed.
 - vi. **NOTE:** If officers believe that one of the above circumstances exist prior to obtaining the warrant, they should seek judicial approval for a "no-knock" warrant by outlining the factors believed to exist in their affidavit.
 - vii. In determining how long an officer must wait before forcing entry following the knock and announcement, officers should consider the nature of the item sought and how long it would take to destroy the item. The United States Supreme Court found 15-20 seconds to be a reasonable amount of time in a drug warrant case.
- D. Arrest Warrant-Felony or Misdemeanor:** An officer may enter the home of the subject of an arrest warrant in cases where the officer also has probable cause to believe the subject is home.
- i. Knock and Announce Rules Apply
 - ii. Search Incident to Arrest-3 Zones
 - a. Officers may, at the time of the arrest, search the arrestee's immediate area of control in the room of arrest at the time of the arrest.
 - b. Officers may, at the time of arrest, also look into, but not go into, areas adjoining the room of arrest, from which an attack could be launched.
 - c. Officers may conduct a protective sweep, limited to those places where a person could be, in cases where the officers have reasonable suspicion to believe someone else on the premises poses a danger to the officer.
 - d. Under Arkansas law these searches are limited to those events where at the time of the arrest:
 1. the accused is in or on premises all or part of which he is apparently entitled to occupy; and
 2. in view of the circumstances the officer has reason to believe that such premises or part thereof contain things which are:
 - subject to seizure; and
 - connected with the offense for which the arrest is made; and

- likely to be removed or destroyed before a search warrant can be obtained and served;
 - the arresting officer may search such premises or part thereof for such things, and seize any things subject to seizure.
- iii. Officers must obtain a search warrant before entering the residence of a third party in order to search for the subject of an arrest warrant unless exigency or consent exists.
- E. Search Warrants-** Officers must have probable cause to believe that evidence of crime exists and must have probable cause to believe it will be located at the place to be searched.
- i. Knock and Announce Rules Apply: All necessary and reasonable force may be used to effect an entry into any building or part thereof to execute a search warrant if, after verbal notice or a good faith attempt at verbal notice by the officer executing the warrant which states the officer's authority and purpose:
- a. He or she is refused admittance;
 - b. The person or persons on the premises refuse to acknowledge the verbal notice or the presence of persons inside the building is unknown to the officer; or
 - c. The building or property is unoccupied.
 - d. Note: where the officer has reasonable grounds to believe that the announcement will place the officer in greater peril or lead to the immediate destruction of evidence, the officer may dispense with the knock and announce requirement.
- ii. The court issuing the warrant may authorize the officer executing the warrant to make entry without first knocking and announcing his or her office if it finds, based upon a showing of specific facts, the existence of the following exigent circumstances:
- a. The officer reasonably believes that if notice were given a weapon would be used;
 - 1. Against the officer executing the search warrant; or
 - 2. Against another person.
 - b. That if notice were given there is an imminent danger that evidence will be destroyed.
- iii. Nighttime Searches (All searches which occur between the hours of 8:00 p.m. and 6:00 a.m.): The affidavit must set forth facts justifying a nighttime search-the affiant must articulate facts outlining why:
- a. The place to be searched is difficult of speedy access;
 - b. The objects to be searched are in danger of imminent removal; or
 - c. The warrant can only be safely or successfully executed at nighttime.

- iv. The search warrant itself must particularly describe the place to be searched and must also particularly describe the items to be seized.
 - v. The scope of a search warrant is limited by information (i.e. information developed indicates that items are stored in a specific location). Scope may also be limited by the size of the item; (i.e. if looking for a stolen piano, one would not open a bureau drawer).
 - vi. All search warrants must be executed in a reasonable manner.
 - vii. Detention and Search of Persons on the Premises: When executing a search warrant, the officer may reasonably detain, and in some cases frisk any person in the place at the time under the following limitations (these limitations apply even in cases where the warrant calls for the “search of any person present”):
 - a. Frisk-To protect him or herself from attack when the officer has reasonable suspicion, based upon specific facts, to believe that the individual present is armed and poses a threat.
 - b. Search: To prevent the disposal or concealment of any item particularly described in the warrant where there is probable cause, based upon specific facts, to believe that the person to be searched is in possession of said item.
 - c. Detain: Officers may detain any person who is present at the scene of a residence where officers are executing a search warrant. Where officers are executing a dangerous search warrant, all persons present may be handcuffed while officers conduct their search. If at anytime it is determined that the person restrained in handcuffs is not dangerous, the handcuffs should be removed.
- F. Consensual Entry-** Officers may, without reasonable suspicion or probable cause, enter a dwelling based upon the consent of a person who appears to have authority over the premises.
- NOTE: These provisions apply to Knock and Talk events**
- i. Consent must be voluntary
 - ii. When dealing with a residence the person granting consent must be told that they have the right to refuse consent.
 - iii. Consent need not be in writing but written documentation will assist officers in proving that the consent was voluntary.
 - iv. Officers may not enter a dwelling in a case where a co-occupant is present and objecting to the entry.
 - v. The scope of a consensual entry and search rests with the consenting party who controls both how long the entry and search may last as well as what locations within the residence may be searched.
 - vi. Officers should not rely on the consent of a juvenile under the age of 15.
- G. Exigent Entry-** An officer may enter a home based on emergency circumstances when any of the following circumstances exist:
- i. Hot pursuit of a fleeing felon.

- ii. Imminent destruction of evidence for any jailable offense.
 - iii. Need to prevent suspect's escape from a serious misdemeanor which is a jailable offense.
 - iv. Risk of danger to police or others inside or outside the dwelling.
 - v. Officers may enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such an injury.
 - vi. Once exigency has ended, officers should secure the scene and obtain a search warrant.
 - vii. The fact that an area is a crime scene does not create automatic exigency- There is no crime scene exception to the warrant requirement.
 - viii. Emergency Searches: An officer who has reasonable cause to believe that premises or a vehicle contain:
 - a. individuals in imminent danger of death or serious bodily harm; or
 - b. things imminently likely to burn, explode, or otherwise cause death, serious bodily harm, or substantial destruction of property; or
 - c. things subject to seizure which will cause or be used to cause death or serious bodily harm if their seizure is delayed;
 - d. may, without a search warrant, enter and search such premises and vehicles, and the persons therein, to the extent reasonably necessary for the prevention of such death, bodily harm, or destruction.
- H. Dynamic Entry:** Whenever entering a residence in a manner designed to anticipate a potential deadly force encounter, the specially trained team should be utilized to ensure the safety of all persons involved. This determination as to whether a dynamic entry is necessary is done through the completion of a risk assessment matrix.
- i. Due to the nature of executing this high-risk entry, extreme care must be utilized in order to ensure that only the proper residence is entered. When considering the use of a dynamic entry, the following precautions must be followed:
 - a. A supervisor must be present and take responsibility for reviewing and approving the warrant as well as the affidavit prior to the execution of the warrant.
 - b. If the warrant involves narcotics, ensure that a purchase has been made or contraband observed within a reasonable time period preceding the execution of the warrant.
 - c. If utilizing an informant for a narcotics purchase, an investigator must ensure that the informant has been observed at all possible times.
 - d. The officer supervising the special team will conduct a drive-by of the location with the lead investigator using the legal description on the warrant to locate the residence to ensure that the residence to be entered is verified with the warrant. If any discrepancies exist or if the house

cannot be located by the description on the warrant, the warrant shall not be served.

- e.** Prior to execution of the warrant, all available data bases will be checked (telephone, electric, real estate etc.) to ensure that the residence matches the suspect of the investigation.
- f.** A written operations plan will be prepared identifying the specific mission for the team, intelligence considered, a description of the targeted subjects and location, and the specific tasks assigned to each member of the entry team.
- g.** The lead investigator will accompany the special team during the execution of the warrant and direct officers to the doorway of the residence to ensure that the correct residence is entered.
- h.** Upon completion of the operation, photographs of all entry-ways into the building shall be taken to document both damage and lack of damage.



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| Applicable Arkansas Statutes: Arkansas Criminal Procedure Rule §11.1 C; §13.2; §14.3 Arkansas Code 16-93-107. | |
| CALEA Standard: 1.2.3; 1.2.4 | |
| Date Implemented: 1/25/16 | Review Date: |

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 - b. things imminently likely to burn, explode, or otherwise cause death, serious bodily harm, or substantial destruction of property; or
 - c. things subject to seizure which will cause or be used to cause death or serious bodily harm if their seizure is delayed;
 - d. may, without a search warrant, enter and search such premises and vehicles, and the persons therein, to the extent reasonably necessary for the prevention of such death, bodily harm, or destruction.
- H. Dynamic Entry:** Whenever entering a residence in a manner designed to anticipate a potential deadly force encounter, the specially trained team should be utilized to ensure the safety of all persons involved. This determination as to whether a dynamic entry is necessary is done through the completion of a risk assessment matrix.
- i. Due to the nature of executing this high-risk entry, extreme care must be utilized in order to ensure that only the proper residence is entered. When considering the use of a dynamic entry, the following precautions must be followed:
 - a. A supervisor must be present and take responsibility for reviewing and approving the warrant as well as the affidavit prior to the execution of the warrant.
 - b. If the warrant involves narcotics, ensure that a purchase has been made or contraband observed within a reasonable time period preceding the execution of the warrant.
 - c. If utilizing an informant for a narcotics purchase, an investigator must ensure that the informant has been observed at all possible times.
 - d. The officer supervising the special team will conduct a drive-by of the location with the lead investigator using the legal description on the warrant to locate the residence to ensure that the residence to be entered is verified with the warrant. If any discrepancies exist or if the house

cannot be located by the description on the warrant, the warrant shall not be served.

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 - f. A written operations plan will be prepared identifying the specific mission for the team, intelligence considered, a description of the targeted subjects and location, and the specific tasks assigned to each member of the entry team.
 - g. The lead investigator will accompany the special team during the execution of the warrant and direct officers to the doorway of the residence to ensure that the correct residence is entered.
 - h. Upon completion of the operation, photographs of all entry-ways into the building shall be taken to document both damage and lack of damage.
- I. Warrantless Search by Law Enforcement Officer for a Supervised Probationer or Parolee.
- i. A person who is placed on supervised probation or is released on parole is required to agree to a waiver as a condition of his or her supervised probation or parole that allows any certified law enforcement officer to conduct a warrantless search of his or her person, place of residence, or motor vehicle at any time, day or night, whenever requested by the certified law enforcement officer. A warrantless search that is based on a waiver shall be conducted in a reasonable manner **(16-93-106)**.
 - ii. Though Arkansas Law does not require an articulable suspicion that the person is committing or has committed a criminal offense, this agency requires that an officer have some articulable law enforcement concern, however slight, prior to conducting such searches without the direct assistance of a parole or probation officer, or that the parolee/probationer be a party to an otherwise lawful stop based on reasonable suspicion or probable cause.
 - iii. Examples of a law enforcement concern include but are not limited to: Anonymous tips/reports that would otherwise not be sufficient to conduct a search; parolee/probationer found in known crime areas or otherwise under suspicious circumstances less than reasonable suspicion for a terry stop; parolee/probationer is a party to a lawful traffic stop or other detention whereby a search would otherwise be unlawful.
 - iv. Officers are prohibited from using this statute to harass.
 - v. Prior to a 4th amendment seizure (detention or stop) and or search of a parolee/probationer based on the sole fact that the person is merely a parolee/probationer, a member of this agency shall verify the status of the person believed to be on supervised probation or parole and that a waiver exists prior to conducting a seizure and or search by one of the following methods:
 - 1. As part of a consensual contact, a person admits to being on probation or parole, admits that a waiver exists, and consents to search. Under this scenario, no seizure has occurred and the Officer is conducting a search under

the consent to search doctrine without having verified that a waiver exists via logical means.

2. Officer determines person is on probation/ parole via ACIC and confirms that a waiver is on file.
 3. Officer determines person is on probation /parole and that a waiver exists through personal contact with the Departments of Correction or Community Correction or by contacting a Community Correction Officer prior to any warrantless search being conducted.
- vi. The officer conducting the search must make a request to search the supervised probationer or parolee prior to search; however, obtaining consent to search is not required if it is determined through appropriate means that a waiver exists as a condition of release.
 - vii. Authority granted under this statute does not preclude other restrictions that may be applicable under law including 3rd party rights, co-occupants, etc.
 - viii. In the event a co-occupant or other lawful third party prevents the search of a residence where a parolee or probationer resides based on applicable law, Officer will advise the third party that the parolee/probationer may be in violation of his/her parole based on their lawful objection and the Officer will report the incident to Parole/ Probation for their consideration of enforcement.
 - ix. Officers will document all parole/probation searches or attempts to search in a manner approved by their agency. The report should document the date, time, location, parolee/probationer searched, scope of the search, the law enforcement concern that led to the search or an otherwise lawful stop, and the result of any such search.
 - x. In addition to typical enforcement that may occur, the discovery of any criminal violation will be immediately reported to the appropriate Parole/Probation Officer for further administrative consideration.



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| Secondary Employment | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: 22.3.4; 22.3.5 | |
| Date Implemented: 09/24/12 | Review Date: |

I. **Purpose:** The purpose of this policy is to establish guidelines governing Extra Duty Details and outside employment by employees of this department.

II. **Policy:** It is the policy of this Department to allow employees the opportunity to perform Extra Duty Details within the scope of their job classifications and to allow them to engage in outside employment which does not conflict with their official duties.

III. **Definitions**

A. **Extra Duty Details:** Performance of law enforcement duties not within regularly scheduled hours provided to any business, person, or enterprise which has made application to the Department and has been approved to secure the services of an employee of the Department. These services will be compensated according to an arrangement established by the Department.

B. **Outside Employment:** Employment of a non-police nature in which vested police powers is not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

IV. **Procedures**

A. **Approval Process:** The Department will establish an approval process that will ensure compliance with all elements of this policy concerning Extra Duty Details. The approval process must be completed prior to a member of this department accepting a detail and will include the following:

- i. A clearly established hourly rate with a two hour minimum;
- ii. The number of employees required to safely handle the detail; and
- iii. All fees will be paid as directed in the agreement.

B. **Compliance with department policies and procedures:** Employees shall comply with all department policies and procedures while employed in an Extra Duty Detail. Department provisions will supersede any of the entity hiring the employee. Employees shall comply with all departmental regulations concerning

uniform standards and personal appearance during any Extra Duty Detail and will carry all necessary equipment subject to the nature of the assignment.

- C. Schedule:** The Chief of Police or their designee will coordinate the Extra Duty Detail program. The Chief of Police or their designee will ensure that all employees interested in working are provided an equal opportunity for assignment via a rotating list or other mechanism to ensure fairness in the assignments.
- D. Limitations:** The following are examples of limitations upon Extra Duty Details, overtime, and outside employment that would not be approved:
 - i. Employees are not permitted to work more than 24 additional hours per week unless approved in writing by the Chief of Police or their designee.
 - ii. Officers shall not work more than 16 hours in a calendar day unless an emergency exists and the Chief of Police or their designee has authorized the emergency schedule.
 - iii. Employees shall not be eligible while on sick leave or within (8) eight hours of a sick leave.
 - iv. Employees who have received an unsatisfactory evaluation in the previous rating period may not be eligible for Extra Duty Detail assignment.
 - v. Employees who are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.
 - vi. Employees who have not completed the FTO program are not eligible for assignment.
- E. Prohibitions:** Extra Duty Details will not be approved for the following types of assignments unless approved by the Chief of Police:
 - i. Establishments where alcohol is served;
 - ii. Private Clubs requiring bouncers or related duties;
 - iii. Private security agencies or private investigation agencies;
 - iv. Body guard;
 - v. Adult entertainment establishments; and
 - vi. Any use of Departmental personnel that is not in the best interest of the Department.
- F. Outside Employment:** The Department will develop an Outside Employment Request Form which will be utilized whenever an employee seeks to engage in employment during their off duty hours. The form will at a minimum contain the following information:
 - i. Description of the type of work to be performed, (i.e. teaching, sales, construction, etc.) and information concerning the potential employer;
 - ii. Maximum number of hours per week employee will engage in the outside employment (no more than 24 hours should be approved);
 - iii. Statement indicating that no aspect of the employment could be considered questionable in nature such as placement in compromising situations, use of police powers, or have the potential to bring discredit to the Department; and

- iv. Statement indicating the services rendered will not be connected with security work, investigations, or collection or repossession of property and will not involve any law enforcement duties.
- G. **Approval:** Approval to engage in any outside employment will be submitted through the employee's chain of command, requiring final approval by the Chief of Police or their designee. Permission can be withdrawn at any time.
- H. **Annual Approval:** An employee who has obtained written approval for outside employment must re-submit application for re-approval on an annual basis.



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| Stop, Arrest, and Search of Persons | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: Arkansas Criminal Procedure §3.1; §4.1; §4.2; §4.3;§4.4; §12-62-40; §16-43-102;§16-81-102; Constitution Art 3 §4; Art. 11§3; Arkansas Code 16-93-107. | |
| CALEA Standard: 1.2.4;1.2.5;1.2.8; 1.1.4 | |
| Date Implemented: | Review Date: |

I. **Purpose:** The purpose of this policy is to direct the members of this agency on the lawful limits of authority with respect to contacts with persons.

II. **Policy:** The policy of this department is to protect and serve the constitutional rights of all citizens when stopping, arresting or searching individuals while balancing the needs of law enforcement in solving crime for the protection of the community.

III. **Definitions**

A. **Probable Cause: (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.

B. **Probable Cause: (arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.

C. **Reasonable Grounds:** As used in this policy reasonable grounds shall have the same meaning as probable cause.

D. **Reasonable Suspicion (temporarily detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

E. **Reasonable Suspicion (frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.

F. **Frisk (weapon):** A limited type of search where an officer may only conduct a search for weapons. With respect to a person such a search is limited to a pat-down of the subject’s outer-clothing.

- G. Strip search:** The removal or rearrangement of clothing that results in the exposure or observation of a portion of the genitals, the buttocks, or the breasts of a female.
- H. Consensual Contact:** An interaction between a member of law enforcement and the public that is voluntary in nature. The law enforcement member has shown no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the officer's efforts. Under this type of contact an officer has no power to detain an individual who chooses not to participate in the contact.
- I. Arrest:** An arrest is the taking of a person into custody so that he may be held to answer for the alleged commission of a public offense.
- J. Fresh pursuit** shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony in this state. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used here shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

IV. Procedures

- A. Consensual Contact** - An officer may approach anyone and attempt a consensual contact.
 - i.** Officers are not required to have reasonable suspicion for this type of contact.
 - ii.** Officers may not take any steps through words or conduct to stop the person's movement under this type of stop.
 - iii.** A person cannot be compelled in any way to participate in the stop.
- B. Reasonable Suspicion Based Stops/Terry Stops**-An officer who is aware of facts and circumstances that would lead a reasonable police officer to conclude that criminal activity is afoot, may stop a person, using reasonable force short of deadly force, and detain the person for a reasonable amount of time to investigate further.
 - i.** A law enforcement officer lawfully present in any place may, in the performance of his duties, stop and detain any person who he reasonably suspects is committing, has committed, or is about to commit (1) a felony, or (2) a misdemeanor involving danger of forcible injury to persons or of appropriation of or damage to property, if such action is reasonably necessary either to obtain or verify the identification of the person or to determine the lawfulness of his conduct. An officer acting under this rule may require the person to remain in or near such place in the officer's presence for a period of not more than fifteen (15) minutes or for such time as is reasonable under the circumstances. At the end of such period the person detained shall be released without further restraint, or arrested and charged with an offense.
- C. Reasonable Suspicion Based Frisk** - An officer may conduct a limited frisk/pat-down of a person's outer clothing when the officer has reasonable suspicion to believe that a person who has been lawfully stopped is in possession of a weapon that poses a danger to the officer or others present.

- i. Items that may support reasonable suspicion:
 - a. The type of crime for which the stop is based is one that would lead a reasonable officer to conclude generally involves a weapon.
 - b. The officer observes a bulge in the subject's clothing that has the appearance of a weapon.
 - c. The officer has information (anonymous tip merely providing description and location is not enough) indicating that a person is armed.
 - d. The officer is aware of the subject's history of carrying weapons.
 - e. The officer observes the subject reach as if reaching for, or reaching to hide a weapon (furtive movements).
 - ii. Plain feel: an officer may retrieve items which the officer feels during the frisk under the following circumstances:
 - a. The officer is conducting a valid frisk; and
 - b. The officer feels an item which the officer knows is not a weapon;
 - c. The officer immediately recognizes the item as evidence or contraband without making a further intrusion. Squeezing or manipulating the item during the frisk would constitute a further intrusion under this section and would therefore invalidate the seizure.
 - iii. The frisk is limited to a pat-down of the outer-clothing and does not include reaching into pockets etc. unless the officer feels an item during the frisk that the officer reasonably believes is a weapon.
- D. Arrest:** An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established an officer may take custody of the subject and involuntarily transport the subject.

NOTE: If the person to be arrested is in a dwelling-refer to Home Search Policy/ If the person to be arrested is in a vehicle-refer to vehicle search policy.

- E. Under Arkansas Law:**
- i. Procedure on Arrest: Upon making an arrest, a law enforcement officer shall
 - a. identify himself as such unless his identity is otherwise apparent;
 - b. inform the arrested person that he is under arrest; and
 - c. as promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest.
 - ii. Authority to arrest without warrant. A law enforcement officer may arrest a person without a warrant if:
 - a. the officer has reasonable cause to believe that such person has committed a felony;
 - b. the officer has reasonable cause to believe that such person has committed a traffic offense involving:

- c. death or physical injury to a person; or
 - d. damage to property; or
 - e. driving a vehicle while under the influence of any intoxicating liquor or drug;
 - f. the officer has reasonable cause to believe that such person has committed any violation of law in the officer's presence;
 - g. the officer has reasonable cause to believe that such person has committed acts which constitute a crime under the laws of this state and which constitute domestic abuse as defined by law against a family or household member and which occurred within four (4) hours preceding the arrest if no physical injury was involved or 12 (twelve) hours preceding the arrest if physical injury, as defined in Ark. Code Ann. § 5-1-102, was involved;
 - h. The officer is otherwise authorized by law.
- iii. Arrest with Warrant:
- a. Any law enforcement officer may arrest a person pursuant to a warrant in any county in the state.
 - b. A law enforcement officer need not have a warrant in his possession at the time of an arrest, but upon request he shall show the warrant to the accused as soon as possible. If the officer does not have the warrant in his possession at the time of the arrest, he shall inform the accused of the fact that the warrant has been issued.
- iv. Authority to Arrest Outside of this Department's Jurisdiction: It is the policy of this department to assist local, state and federal law enforcement agencies in their legitimate law enforcement operations when requested. To provide such assistance, members of this department may travel outside this jurisdiction when requested by another law enforcement agency; under the terms of a mutual aid agreement; or when acting pursuant to applicable law.
- a. An officer of this department may make an arrest outside of this department's jurisdiction within the State of Arkansas under the following circumstances:
 - 1. Fresh Pursuit; (16-81-301)
 - 2. Warrant for Arrest; (16-81-104; ARCP 4.2)
 - 3. When requested by the local law enforcement agency for assistance and the officer requested is from an agency that has a written policy covering arrests outside of his jurisdiction; (16-81-106 (c) (3)(4))
 - 4. When a county sheriff requests or grants permission for an officer from a contiguous county to come into the sheriff's county for purposes of investigating and making arrests for violation of controlled substances laws. (12-12-102)
- F. Search Incident to Arrest of a Person:

- i. When an officer arrests a person on the street, the officer may conduct a thorough search of the subject's person (not strip search) and the subject's immediate area of control.
- ii. When possible and practicable, cross-gender pat-downs and searches will be conducted by an authorized person of the same sex as the arrestee.
- iii. The purpose of this search is the following:
 - a. Protecting the officer from attack;
 - b. Preventing the person from escaping;
 - c. Discovering or seizing the fruits of the crime for which the person has been arrested; or
 - d. Discovering or seizing any instruments, articles, or things that are being used or which may have been used in the commission of the crime for which the person has been arrested.
- iv. This search may include the subject's pockets as well as any items they are in possession of at the time of the arrest. (For search incident to arrest in home-see home search policy-for incident to arrest search in vehicle see motor vehicle contacts policy)

G. Privilege from Arrest:

- i. Diplomatic and Consular Immunity
 - a. Background. Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities. It should be emphasized, however, that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming with national and local laws and regulations.
 - b. Categories of persons entitled to diplomatic immunity are as follows:
 - 1. Diplomatic Agent: Enjoys the highest degree of privileges and immunity. Diplomatic Agents may not be handcuffed (except in extraordinary circumstances), arrested or detained for any criminal offense. Generally, they are immune from any civil suits, but are not immune from receiving a citation/summons. Family members of these persons enjoy the identical privileges and immunity.
 - 2. Diplomatic Administrative and Technical Staff: Enjoy privileges and immunity similar to Diplomatic Agents. Diplomatic Administrative and Technical Staff may not be handcuffed, arrested or detained for any criminal offense. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for a motor vehicle violation. Family members enjoy identical privileges or immunity.
 - 3. Diplomatic Service Staff: They are accorded few privileges and immunities. Diplomatic Service Staff may be arrested or detained for criminal offenses. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may

issue a citation for traffic violations. Family members enjoy no privileges or immunities.

4. **Consular Officers:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Officers may be arrested or detained, pursuant to an arrest warrant, for felony offenses. They may be prosecuted for misdemeanors, but may not be arrested or detained prior to trial or other disposition of charges. Officers may issue a citation for traffic violations. Generally, family members enjoy no privileges or immunity.
5. **Consular Employees:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Employees may be arrested or detained for criminal offenses. Officers may issue a citation for traffic offenses. Family members enjoy no privileges or immunity.
6. **Honorary Consuls:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Honorary Consuls may be arrested or detained for criminal offenses. Officers may issue a citation for a traffic offense. Family members enjoy no privileges and immunity.

ii. Procedure for Notification When a Foreign National is Arrested.

- a. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
- b. All foreign nationals must be told of their right to Consular notification.
- c. If the foreign national's country is not on the mandatory notification list:
 1. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
 2. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
- d. If the foreign national's country is on the list of mandatory notification countries:
 1. Notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification
- e. Keep a written record of the provision of notification and actions taken.

iii. Arkansas Exemptions from Arrest:

- a. The organized militia shall be privileged from arrest during their attendance at muster and attendance at drills and in going to and returning from attendance at muster and drills in all cases except treason, felony, and breach of the peace.

- b. The volunteer and militia forces shall in all cases (except treason, felony and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.
 - c. All witnesses shall be privileged from arrest in all cases except treason, felony, or breach of the peace during their attendance on any court where their attendance is required by subpoena, and going to and returning from the place where they may be required to appear to testify, allowing one (1) day for every twenty-five (25) miles from their residence.
 - d. The members of the Senate and House of Representatives and the clerks, sergeants-at-arms, and doorkeepers of each branch of the General Assembly shall be privileged from arrest during the session of the General Assembly and for fifteen (15) days before the commencement and after the termination of each session.
 - e. All persons qualified to vote for representatives in the General Assembly shall be privileged from arrest during their attendance at any election and while on their way going to and returning from the election.
 - f. No person shall be arrested while doing militia duty under the order of his commanding officer or while going to or returning from the place of duty or parade.
 - g. No person shall be arrested in the Senate chamber or House of Representatives during their sitting, or in any court of justice during the sitting of the court.
 - h. Nothing contained in this section shall be so construed as to extend to cases of treason, felony, or breach of the peace or to privilege any person named from being served at any time or place specified in this section with a summons or notice to appear.
 - i. Electors shall, in all cases (except treason, felony and breach of the peace,) be privileged from arrest during their attendance at elections, and going to and from the same.
- H. Strip Search:** In order to conduct a strip search of an individual two threshold issues must be met:
- i. The person must first be arrested based upon probable cause to believe that person has or is committing a crime.
 - ii. Field: The officer must have probable cause to believe that the arrestee is concealing evidence, contraband or weapons on their person. These searches shall be conducted at the police station or jail, unless exigent circumstances exist that make the search necessary to protect the officer or others from serious bodily harm or death. In such a case, the officer shall obtain supervisory authorization before making this search, unless no supervisor is available. In all cases the officer must seek a private area to conduct the search which is out of view of the public and other persons.

- I. Booking: Strip searches during the booking process may only be conducted when officers can articulate reasonable suspicion to believe that the subject is concealing weapons or contraband.
 - i. All strip searches conducted shall be performed by persons of the same sex as the arrested person, in a professional manner, and on premises where the search cannot be observed by persons not physically conducting the search.
 - ii. Officers performing strip searches must obtain authorization from a supervisor for the purpose of authorizing the strip search.
 - iii. In all cases where a strip search has been conducted, the officer will document the following:
 - a. The name of the person searched;
 - b. The person who conducted the search;
 - c. The supervisor who authorized the search;
 - d. The offense the suspect was arrested for;
 - e. Facts and circumstances that led the officer to believe that the suspect was hiding weapons or contraband on his or her person;
 - f. The manner in which the search was conducted;
 - g. The persons who were present during the search;
 - h. The location where the search occurred;
 - i. The items that were recovered as a result of the search.
- J. Body Cavity Searches: No search of any body cavity other than the mouth shall be conducted without a duly executed search warrant. Any warrant authorizing a body cavity search shall specify that:
 - i. The search must be performed under sanitary conditions;
 - ii. The search must be conducted by or under the supervision of a physician or registered nurse licensed in this state.
- K. Warrantless Search by Law Enforcement Officer for a Supervised Probationer or Parolee.**
 - i. A person who is placed on supervised probation or is released on parole is required to agree to a waiver as a condition of his or her supervised probation or parole that allows any certified law enforcement officer to conduct a warrantless search of his or her person, place of residence, or motor vehicle at any time, day or night, whenever requested by the certified law enforcement officer. A warrantless search that is based on a waiver shall be conducted in a reasonable manner **(16-93-106)**.
 - ii. Though Arkansas Law does not require an articulable suspicion that the person is committing or has committed a criminal offense, this agency requires that an officer have some articulable law enforcement concern, however slight, prior to conducting such searches without the direct assistance of a parole or probation officer, or that the parolee/probationer be a party to an otherwise lawful stop based on reasonable suspicion or probable cause.

- iii. Examples of a law enforcement concern include but are not limited to: Anonymous tips/reports that would otherwise not be sufficient to conduct a search; parolee/probationer found in known crime areas or otherwise under suspicious circumstances less than reasonable suspicion for a terry stop; parolee/probationer is a party to a lawful traffic stop or other detention whereby a search would otherwise be unlawful.
- iv. Officers are prohibited from using this statute to harass.
- v. Prior to a 4th amendment seizure (detention or stop) and or search of a parolee/probationer based on the sole fact that the person is merely a parolee/probationer, a member of this agency shall verify the status of the person believed to be on supervised probation or parole and that a waiver exists prior to conducting a seizure and or search by one of the following methods:
 - 1. As part of a consensual contact, a person admits to being on probation or parole, admits that a waiver exists, and consents to search. Under this scenario, no seizure has occurred and the Officer is conducting a search under the consent to search doctrine without having verified that a waiver exists via logical means.
 - 2. Officer determines person is on probation/ parole via ACIC and confirms that a waiver is on file.
 - 3. Officer determines person is on probation /parole and that a waiver exists through personal contact with the Departments of Correction or Community Correction or by contacting a Community Correction Officer prior to any warrantless search being conducted.
- vi. The officer conducting the search must make a request to search the supervised probationer or parolee prior to search; however, obtaining consent to search is not required if it is determined through appropriate means that a waiver exists as a condition of release.
- vii. Authority granted under this statute does not preclude other restrictions that may be applicable under law including 3rd party rights, co-occupants, etc.
- viii. In the event a co-occupant or other lawful third party prevents the search of a residence where a parolee or probationer resides based on applicable law, Officer will advise the third party that the parolee/probationer may be in violation of his/her parole based on their lawful objection and the Officer will report the incident to Parole/ Probation for their consideration of enforcement.
- ix. Officers will document all parole/probation searches or attempts to search in a manner approved by their agency. The report should document the date, time, location, parolee/probationer searched, scope of the search, the law enforcement concern that led to the search or an otherwise lawful stop, and the result of any such search.
- x. In addition to typical enforcement that may occur, the discovery of any criminal violation will be immediately reported to the appropriate Parole/Probation Officer for further administrative consideration.



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| “T” “U” Visa Certifications | |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable State Statutes: Ark. Code: 12-19-104 | |
| CALEA Standard: | |
| Date Implemented: | Review Date: |

I. PURPOSE

T and U visas can greatly benefit law enforcement, as they encourage immigrant victims to work with law enforcement, prosecutors and courts to investigate and prosecute human trafficking and other serious crimes.

A victim applying for a T visa or a U visa can help law enforcement by providing information about a crime and assisting in an investigation or prosecution of serious criminals, making the entire community safer.

The purpose of this directive is to establish guidelines and procedures for officers who receive requests for a U-Visa Certification (Form I-918, Supplement B). This Directive also specifies the certifying officer who will sign Form I-918, Supplement B.

II. POLICY

It is the policy of this agency to review all “T” Visa and U-Visa Certifications to determine if a qualifying crime has occurred and that the victim was helpful, is being helpful, or is likely to be helpful in the detection, investigation or prosecution of criminal activity.

An applicant for a T visa or a U visa must demonstrate assistance to law enforcement. The applicant will submit a law enforcement declaration or certification along with the T- or U-visa application. This document serves to inform USCIS about assistance the applicant provided toward an investigation or prosecution of the crime. A certifying official must sign the law enforcement declaration or certification.

III. DEFINITIONS

- A. **“T” Visa:** The T nonimmigrant status visa (also known as the T visa) provides immigration protection to victims of severe forms of human trafficking who assist law enforcement in the investigation or prosecution of human trafficking cases.
- B. **“U” Visa:** The U nonimmigrant status visa (also known as the U visa) provides immigration protection for victims of qualifying crimes who are helpful to law enforcement in the detection, investigation or prosecution of the criminal activity.
- C. **918B Form-** the form that must be filled out by the law enforcement officer for certification of the victim’s/witness’ assistance to law enforcement. (See attached).
- D. **Helpfulness** means the victim was, is, or is likely to be assisting law enforcement in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. This includes being helpful and providing assistance when reasonably requested. This also includes an ongoing responsibility on the part of the victim to be helpful. Those who unreasonably refuse to assist after reporting a crime will not be eligible for a U visa. The duty to remain helpful to law enforcement remains even after a U visa is granted, and those victims who unreasonably refuse to provide assistance after the U visa has been granted may have the visa revoked by USCIS. Law enforcement agencies should contact and inform USCIS of the victim’s unreasonable refusal to provide assistance in the investigation or prosecution should this occur.
- E. **“Qualifying criminal activity”** under federal law is defined by statute to be “activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law.” The statute also includes the attempt, conspiracy, or solicitation to commit any of the crimes listed below:
 - a. Abduction
 - b. Incest
 - c. Rape
 - d. Abusive sexual contact
 - e. Involuntary servitude
 - f. Sexual assault
 - g. Blackmail
 - h. Kidnapping
 - i. Sexual exploitation
 - j. Domestic violence
 - k. Manslaughter
 - l. Slave trade
 - m. Extortion
 - n. Murder
 - o. Torture
 - p. False imprisonment
 - q. Obstruction of justice
 - r. Trafficking
 - s. Felonious assault
 - t. Peonage (Forced Labor-exploitation)

- u. Perjury
- v. Unlawful criminal restraint
- w. Female genital mutilation
- x. Witness tampering
- y. Being held hostage
- z. Prostitution
- aa. Other related crimes- “Any Similar Activity” refers to other criminal activity when the similarities are substantial and the nature and elements of the criminal activity are comparable.

IV. Procedure

- a. A law enforcement certification is required evidence of a victim’s cooperation; it **must** be submitted in support of a U-visa application. Without a law enforcement certification, the U-visa application will be denied.
- b. For a T-visa the law enforcement declaration is evidence of a victim’s cooperation; it **may** be submitted in support of a T-visa application. The declaration is not required for a T visa, but it is an important piece of evidence submitted by the applicant.
- c. Any supervisor is designated to issue U-Visa Certification on behalf of the chief of police by completing Form I-918, Supplement B.
- d. By signing a law enforcement certification, the law enforcement agency is stating that a qualifying criminal activity occurred, that the victim had information concerning the criminal activity, and that the victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the qualifying crime. In addition, law enforcement may report information about any harm sustained by the victim that law enforcement has knowledge of or observed.
- e. The certification process must be completed within (30) days after the receipt of the request for certification.
- f. Eligibility:
 - i. He/she is the victim of qualifying criminal activity.
 - ii. He/she has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity.
 - iii. He/she has information about the criminal activity. If under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next friend may possess the information about the crime on the individual’s behalf.
 - iv. He/she was helpful, is being helpful, or is likely to be helpful to law enforcement in the investigation or prosecution of the crime. If under the

age of 16 or unable to provide information due to a disability, a parent, guardian, or next friend may assist law enforcement on behalf of the individual.

- v. The crime occurred in the United States or violated U.S. laws
 - vi. He/she is admissible to the United States. If not admissible, an individual may apply for a waiver on a Form I-192, Application for Advance Permission to Enter as a Non-Immigrant.
- g.** Before completing a Form I-918, Supplement B (a request for a U-visa certification), the certifying official shall have verified the following:
- i. The noncitizen was or is victim of a qualifying criminal activity that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or
 - ii. The spouse or under-21-year-old child of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or
 - iii. The parents and unmarried under-18-year-old siblings of an under-21-year-old victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated.
 - iv. The noncitizen has been, is being, or is likely to be helpful to the investigation.
 - v. Note: The certification of a T or U visa does not require the initiation of a law enforcement investigation or a successful prosecution.
 - vi. A current investigation, the filing of charges, a prosecution or conviction is not required to sign the law enforcement certification. Many instances may occur where the victim has reported a crime, but an arrest or prosecution cannot take place due to evidentiary or other circumstances. Examples of this include, but are not limited to, when the perpetrator has fled or is otherwise no longer in the jurisdiction, the perpetrator cannot be identified, or federal law enforcement officials have deported the perpetrator. There is no statute of limitations on signing the law enforcement certification. A law enforcement certification can even be submitted for a victim in a closed case.
- h.** The certifying official may contact the VAWA Unit of the U.S. Citizenship and Immigration Services to report the U-visa applicant's failure to continue cooperating with the department only when the failure to cooperate is considered unreasonable. To determine whether failure to cooperate is unreasonable, officials should review and consider the victim's history of abuse and victimization, and any threats the victim has experienced or is experiencing.

- i.** Written notification regarding withdrawal or disavowal should include:
 - i.** The agency's name and contact information (if not included in the letterhead);
 - ii.** The name and date of birth of the individual certified;
 - iii.** The name of the individual who signed the certification and the date it was signed;
 - iv.** The reason the agency is withdrawing/disavowing the certification including information describing how the victim's refusal to cooperate in the case is unreasonable;
 - v.** The signature and title of the official who is withdrawing/ disavowing the certification; and
 - vi.** A copy of the certification the agency signed (if a copy was retained by the agency).
 - vii.** The letter should be either scanned and emailed to the Vermont Service Center at LawEnforcement_UTVAWA.vsc@uscis.dhs.gov, or mailed to: USCIS—Vermont Service Center ATTN: Division 6 75 Lower Welden Street St. Albans, VT 05479.

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| Take Home Vehicles | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
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| CALEA Standard: | |
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| Date Implemented: 01/25/16 | Review Date: |

- I. **Purpose:** The take home vehicle program will provide a better maintained fleet of department vehicles. This program also provides a crime deterrent as the vehicles are seen out in the community and shortens the response time when officers are called out while off duty.
- II. **Policy:** It is the policy of this department to provide take home vehicles to sworn officers as assigned by the Chief of Police or their designee. To qualify for a take home vehicle, an officer must be employed for more than 90 days and reside within 20 miles of the city. Time spent at the academy is excluded from the 90 days. The take home vehicle program is a benefit and an added responsibility to sworn officers of this department. Therefore, the Chief of Police or their designee will investigate any circumstance wherein an officer is deemed to have been neglectful or abusive in the use of their assigned vehicle and may take administrative action including but not limited to removing the officer from the take home vehicle program, should the investigation reveal a violation of this policy.
- III. **Procedures:**
 - a. Off-Duty Employment
 - i. Any time an officer from this department is on-call, they shall not work an off-duty job. Otherwise, take home vehicles may be used as transportation to places of employment by off-duty officers who are privately employed if the employment is within the corporate limits of the city.
 - ii. Should a take home vehicle be used for transportation to an off-duty job, it should not be used for patrolling or for any

other purpose. The take home vehicle should be used for transportation to and from the job site only.

b. General Requirements

i. Any time an officer is off-duty and in the vehicle, the officer should:

1. Be armed with an agency approved firearm.
2. Maintain radio contact with dispatch by having the radio on at all times. It is not necessary to notify dispatch of your status.
3. Provide aid to disabled motorists.
4. Provide back up to on-duty personnel in need of assistance.
5. Communicate with dispatch any minor incidents encountered, such as minor traffic accidents and request that an on-duty officer be dispatched to handle the situation.
6. Communicate with dispatch and take immediate action concerning any incident that requires immediate attention.
7. Have proper identification.
8. Have necessary citation books and forms.
9. Have other necessary equipment such as handcuffs and flashlight.
10. Drive the vehicle in a safe manner, obey all traffic and parking codes and exercise good judgment in driving to avoid causing unfavorable comment or reflect discredit on the department.
11. Dress in an appropriate manner.

c. Passengers in Police Vehicles are authorized pursuant to the following procedures:

- i. Passengers allowed pursuant to the "Ride Along" policy are permitted if abiding by that policy.
- ii. Off-duty officers who are transporting passengers and must respond to a serious offense or an emergency call should have the passengers exit the vehicle at a safe and secure location for their safety, and then proceed to the call.
- iii. No emergency call will be ignored due to the officer having passengers in the vehicle.

- iv. Passenger appearance and conduct are the officer's responsibility.
- v. Passengers must wear seat belts.
- vi. Passengers are not allowed to operate the vehicle.
- vii. Family members are allowed as passengers when traveling to departmental events (ie. Appreciation dinner at a church or Night Out) or as authorized by the Chief of Police or their designee.
- viii. Officers who are on-call may have family member passengers while conducting personal business inside the city limits. In the event the officer has to respond to a call, the passenger should be left at a safe location prior to responding to the call.
- ix. On occasion officers are near a family member's place of employment or school, and have the opportunity to give them a ride home without making an extra trip. Also times will arise when a family member is ill or has a doctor appointment, may be in need of a ride, and the officer can expedite them getting to a doctor or home to recuperate in a more timely manner if they use their assigned unit.
 - 1. This is not to allow for daily, or routine use, but rather occasional, rare instances when the use of the assigned vehicle saves an extra trip to the officer's home to trade vehicles.

d. Vehicle Inspections

- i. The immediate supervisor of the officer assigned to a take home vehicle should conduct vehicle inspections monthly.
- ii. An officer assigned to a take home vehicle should be responsible for keeping it clean, inside and out. This may be accomplished, by arranging for and utilizing city and county trustees to wash and clean the vehicle when available. Trustees will not clean privately owned vehicles.
- iii. Failure to maintain vehicle appearance as required (neat and clean depending on weather conditions) may result in removal of the officer from the program and disciplinary action.
- iv. The supervisor should keep a log of all vehicle inspections.

e. Vehicle Maintenance

- i. An officer assigned to a take home vehicle will be responsible for its maintenance and care. An officer should assure that the proper levels of oil, coolant, fuel, and air in the tires are maintained and that all equipment is operable.

- ii. If an officer becomes aware of needed maintenance/repair to the vehicle they should report this to their immediate supervisor and make arrangements to have the vehicle repaired.
 - iii. Any maintenance should be completed at an approved facility.
 - iv. Officers assigned a take home vehicle should report fuel usage and vehicle maintenance.
 - v. Officers assigned a take home vehicle will be responsible for scheduling routine maintenance (i.e. Oil Changes)
 - vi. Additional equipment should not be installed in or attached to any department vehicle without approval of the Chief of Police or their designee.
 - vii. Firearms and removable equipment should be removed from the vehicle when left for maintenance or repair.
- f. Unsafe Vehicles
- i. An officer may refuse to operate a vehicle that is not in safe operating condition. The officer shall notify their immediate supervisor to arrange to have the vehicle repaired.
 - ii. If the supervisor determines that an alleged unsafe vehicle is in safe operating condition, they may direct the officer to continue driving the vehicle. The officer may appeal the decision up the chain of command if necessary.
- g. Accidents
- i. Anytime an officer is involved in an accident while operating a departmental vehicle, they should immediately report the accident to the department.
 - ii. If an officer is involved in an accident in another jurisdiction, a report should be made to the proper authority and the accident reported to the department as soon as possible.
 - iii. An officer involved in an accident as a result of negligence or unlawful operation may be subject to disciplinary action, including but not limited to removal from the take home vehicle program.
- h. Other restrictions
- i. Take home vehicles should not be used for towing.
 - ii. If the take home vehicle is used to jump start another vehicle, all radio and auxiliary equipment should be turned off.

- iii. A take home vehicle shall not be operated by an officer who has consumed any quantity of alcohol.
- iv. A take home vehicle shall not be operated by an officer who is taking medication which may impair the ability to operate the vehicle.
- v. A take home vehicle should not be parked in front of liquor stores, bars, or locations where alcoholic beverages are primarily sold unless on an official call.
- vi. Unattached equipment should not be left in the vehicle when it is parked for extended periods.
- vii. Take home vehicles should be left at the department when the officer is out of town for an extended period. For the purpose of this policy, extended period of time is three (3) or more days the officer is away from their residence.
- viii. Officers who have take home vehicles and live inside the city limits may use the vehicles while off duty to conduct personal business while inside the city limits.
- ix. Officers who have take home vehicles and live outside the city limits may use the vehicle for commuting to and from work, vehicle maintenance, and work related activities only (i.e. court and training).



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| Training Directive | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes § 12-9-101 through § 12-9-603 | |
| CALEA Standard: 33.5.1; 33.6.1 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to direct continuous training for the members of this department as well as the essential documentation of said training.
- II. **Policy:** It is the policy of this department to provide officers with continuous training on the recurring, high risk, critical tasks that an officer will face.
- III. **Definitions**
 - A. **High Risk Critical Tasks:** These tasks include:
 - i. Tasks that the final policy maker of the department knows to a moral certainty that officers will face;
 - ii. The task is made easier with training or the policy maker knows that officers have historically made mistakes; and
 - iii. The wrong decision with respect to the task will lead to a physical or a constitutional injury.
- IV. **Procedure: Each member of the department will receive an annual block of training on each of the high-risk critical tasks in law enforcement including:**
 - A. Annual Training
 - i. Use of force (Response to Resistance) to include qualification/certification of any weapons or special equipment the officer may utilize.
 - a. Firearms training must be conducted, at a minimum, once per year.
 - b. Firearms training must include low-light shooting as well as decision-making scenarios.
 - c. Firearms training must meet all other requirements promulgated by Arkansas Law Enforcement Officers Training and Standards Commission.
 - ii. Motor Vehicle Pursuit Training for each sworn officer and dispatcher under the control of the department

- iii. Emergency operation of vehicles
- iv. Search and seizure/arrest
- v. Care, custody, restraints and transportation of prisoners
- vi. Domestic violence & Department Employee involved Domestic Misconduct
- vii. Off-duty conduct of officers/ Off-duty paid details
- viii. Sexual harassment/ External Sexual Misconduct by Officers
- ix. Complaints and internal affairs investigations
- x. Special Operations: SWAT; Narcotics, High Risk Warrants Service (For Personnel who may be faced with this issue)
- xi. Dealing with the disabled including the mentally ill, emotionally disturbed persons, and persons with diminished capacity/excited delirium.
- xii. Biased based policing

B. Specialized Training

- i. All officers who are promoted or receive a functional re-assignment shall receive training related to skill development for their new position

V. Documentation: All training shall be documented in the following manner:

A. Each officer shall have a training file that indicates the training programs received by the officer to include:

- i. Subject matter of the training
- ii. Date of the training
- iii. Number of hours
- iv. Proficiency scores where applicable

B. Department files will contain a lesson-plan and outline of each in-house training session which indicates the following:

- i. Subject matter
- ii. Lesson plan
- iii. Course objectives
- iv. Course content
- v. Handout materials
- vi. Dates training was given
- vii. Instructor of training

C. Department will also retain as part of department records, documentation relating to any external program an officer attends as part of continued training.

D. The department will maintain a file on all training required by state mandate and shall document that training in accordance with this policy.



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| Transportation & Restraint of Prisoners | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: 70.1.1; 70.1.2; 70.1.3; 70.1.4; 70.1.7; 70.2.1; 70.3.1; 70.3.2; | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** To establish guidelines for the reasonable and safe transportation and restraint of prisoners.
- II. **Policy:** It is the policy of this department to establish uniform procedures that provide adequately for the safety and security of prisoners, transporting officers, and the public during prisoner transport. Transportation and restraint by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity.
- III. **Definitions**
 - A. **Contraband:** Articles or substances prohibited from the possession of prisoners.
 - B. **Handicapped Prisoner:** A prisoner with an anatomical, physiological, or mental impairment that hinders mobility.
 - C. **Prisoner:** A person who has been arrested and taken into custody.
 - D. **Proper Search:** The physical inspection of a prisoner's person, clothing, and effects for weapons or potentially hazardous articles to be used against law enforcement personnel. This search shall also have consideration for contraband, such as narcotics, narcotic paraphernalia and implements which may facilitate an escape from custody or confinement. A proper search shall be conducted in accordance with federal and state constitutions and statutes and be consistent with this department's policy on searches.
 - E. **Restraining Devices:** Equipment such as handcuffs, flex-cuffs, leather restraint belts, leg irons, hobble devices, and maximal restraint tools, used to restrain the movement of the prisoner.
 - F. **Security Hazard:** Any threat to the security of the prisoner, to the facility in which he/she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by department personnel to provide proper protection for and security of the prisoner.

- G. Transporting Officer:** A department employee who is responsible for transporting a prisoner from one point to another.

IV. Procedures

A. Vehicle Inspection

- i. At the beginning and end of each shift, all vehicles regularly used for prisoner transport, shall be inspected by the department member assigned to that vehicle to determine that all safety devices are in working order and that the interior is free of weapons and contraband.
- ii. Prior to placing a prisoner in a vehicle for transport or detention, the officer shall inspect the interior for weapons and contraband. An additional inspection shall be conducted after the prisoner has been delivered to the detention facility or other destination.
- iii. Officers should utilize their in-car audio and video recording devices throughout the entire transport where such equipment is available.

B. Restraining Devices

- i. Officers shall use only those restraining devices for which they have been trained.
- ii. With few exceptions, all prisoners shall be handcuffed, double locked and checked for proper application, with their hands behind their back.
- iii. Officers shall document in their report that “subject was handcuffed, checked for fit and double-locked.”
- iv. Officers may use discretion in restraining persons or using other restraining devices in specific cases such as:
 - a. Obvious state of pregnancy;
 - b. Prisoner has a physical handicap;
 - c. Prisoner has injuries that could be aggravated by standard handcuffing procedures;
 - d. Elderly and very young persons; and
 - e. All prisoners shall be secured with seatbelts. No prisoner shall be handcuffed to any part of the police vehicle.

C. Where feasible and practical, a supervisor shall be notified when:

- i. The officer is transporting a person who is handicapped;
- ii. The officer is transporting a person known to be mentally ill;
- iii. The officer is transporting a person with an injury; and
- iv. The officer is transporting a person known to have a communicable disease.
- v. All transports involving the special circumstances outlined above shall be documented via police report as to the occurrence as well as the action taken.

D. Escape: In the event of an escape during transport:

- i. The transporting officer shall:

- a. Immediately notify the dispatcher and supervisory personnel;
 - b. Immediately coordinate with responding officers to establish a perimeter; and
 - c. Brief responding supervisory personnel.
- ii. The responding supervisor shall:
- a. Take command of the perimeter and search operation
 - b. Determine the need for additional department/inter-department resources
 - c. Ensure that all proper notifications are made up the chain of command
 - d. Ensure that the events surrounding the escape and search operation are properly documented.

E. Transport

- i. Prior to transport, the officer shall thoroughly search all prisoners for any weapons, tools of escape, or contraband.
- ii. In the event that the transporting officer and prisoner are of the opposite sex, a search will be conducted prior to transport for the purpose of seizing any weapons, tools of escape or contraband. This search should be observed, if possible, by a witness or in front of the vehicle video camera, and the officer will use the back of his/her hand on or around sensitive areas of the body. When possible and practicable, an authorized person of the same sex as the prisoner should be requested for these types of searches.
- iii. Any search shall be documented by the transporting officer.
- iv. Prior to transporting a prisoner, the transporting officer shall notify the dispatcher of:
 - a. Identity of the prisoner;
 - b. Arrest location and destination;
 - c. Vehicle odometer mileage; and
 - d. Vehicle odometer mileage at time of arrival at the intended destination.
- v. Prisoners shall be transported in the following manner:
 - a. If the transport vehicle is equipped with a safety barrier, the prisoner should be placed in the rear, right-side seat.
 - b. If the transport vehicle is equipped with a safety barrier, and two prisoners are being transported, then two officers shall make the transport where feasible. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.
 - c. Up to three prisoners may be transported in a vehicle equipped with a safety barrier, provided that two officers make the transport. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.

- d. A prisoner may be transported in a vehicle not equipped with a safety barrier Under the following circumstances:
 - When transported by one officer, the prisoner must be appropriately handcuffed and seat belted in to the front passenger seat. Only one prisoner may be transported in this scenario.
 - When transported by two officers, one officer shall operate the vehicle while the second officer is seated in the rear seat, directly behind the operator of the vehicle. The prisoner shall be seated in the rear, right-side seat. If transporting two prisoners, the second prisoner may be placed in the front passenger seat.
- e. All prisoners being transported shall wear properly fastened seat belts. Officers will not place an arrested person in a reclined position inside a police vehicle prior to transportation.
- f. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of the prisoner.
- g. Prisoners shall not be left unattended while being transported.
- h. Unless approved by a supervisor, no stops will be made while transporting a prisoner.
- i. A transporting officer shall not respond to the need for law enforcement services or back-up unless the risk to other citizens or law enforcement officers is both clear and serious and the risk to the prisoner(s) is minimal.
- j. Prisoners of the opposite sex shall not be transported in the same vehicle unless approved by a supervisor.
- k. If a prisoner is to be transported to court or any other facility and the prisoner is believed to be a security hazard, the transporting officer(s) shall inform the receiving law enforcement personnel in order that they may prepare to accept custody of the prisoner.

vi. Special Transport Situations

- a. Use of restraints when dealing with persons of diminished capacities: These types of persons may present officers with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting officers. In some cases an ambulance may be required
- b. If a prisoner becomes sick or injured incidental to arrest, the transporting officer, when possible, shall summons emergency medical support to examine the prisoner prior to transport.
- c. If emergency hospital treatment is necessary, the prisoner shall be transported to the hospital accompanied by at least one officer. The officer shall remain with the prisoner (unless prevented by emergency circumstances or treatment needs) until the hospital personnel release the prisoner or until appropriate security can be arranged.

- d. If emergency hospital treatment is not necessary, and a reasonable request is made by the prisoner to go to the hospital, the prisoner shall be transported in a department vehicle.
1. Prisoners with physical handicaps may be transported in department vehicles. All reasonable precautions shall be taken by the transporting officer to ensure the security and reasonable comfort of the prisoner, without compromising the safety of the transporting officer(s).
 2. Appropriate measures for the security and control of prisoners in medical facilities shall be taken. Whenever an officer transports a prisoner or is transported with a prisoner to a medical facility, the officer shall:
 - Maintain a constant view of the prisoner;
 - Ensure that proper restraints are applied to the prisoner until the medical staff needs them removed for medical treatment. Once treatment is completed, proper restraints shall be reapplied;
 - Guard against any injury to the officer and all medical staff;
 - If required to guard the prisoner, and when possible, rotate guarding assignments at regular intervals to avoid complacency;
 - Ensure that the prisoner does not have contact with visitors;
 - Notify hospital security, if available.
 - If the prisoner is admitted to the medical facility, and cannot be arraigned by a magistrate or appropriate official, or issued a summons, notify the Shift Commander to arrange for 24 hour guard coverage;
- e. Upon the prisoner's release from the medical facility, and prior to transport, the prisoner shall be thoroughly searched; and
1. Upon the prisoner's release from the medical facility, the transporting officer shall ensure that all medical records and instructions for future treatment are in the prisoner's possession and are provided to the detention facility.
- f. Special safety considerations shall be adhered to when a prisoner being transported has been involved in the following types of incidents:
1. A violent struggle during apprehension;
 2. Subjected to the use of a chemical agent, Taser, neck restraint hold, multiple body weight control, or impact strikes to the body;
 3. Is highly intoxicated on either alcohol or drugs or a combination; or
 4. Is secured by maximal restraints, four point restraints, TARP devices, or a hobble tool.
- g. **Special safety considerations include:**
1. Ensure that the prisoner remains in a seated, upright position;

2. Personnel shall maintain constant visual and audible observation of the prisoner;
3. If there is any indication that the prisoner is in medical distress the officer(s) shall administer emergency medical attention consistent with his/her level of training and shall immediately summon emergency medical support; and
4. Shall advise the detention staff accepting the prisoner of all of the above circumstances.
5. In all cases of restraint, once the restraint is accomplished officers will ensure that the person is turned on their side or in an upright position so as to facilitate the subject's ability to breathe.

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| Uniforms/Grooming | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: | |
| Date Implemented: 04/22/2014 | Review Date: |

- I. **Purpose:** The purpose of this policy is to provide all employees with guidelines concerning proper clothing, uniform and grooming requirements when on duty or when representing this agency in any manner.
- II. **Policy:** It is the policy of this agency that all employees will consistently maintain a neat and clean appearance at all times during the performance of official duties or at any time they are representing this agency in any manner.
- III. **PROCEDURES:**
 - A. **Grooming:**
 - i. Employees will keep their persons clean and sanitary by practicing the following:
 - a. Bathing daily and practicing good hygiene.
 - b. Wearing clean clothes that are free from unpleasant odors.
 - B. **Facial Hair**
 - i. The face shall be clean shaven, with the exception that the wearing of a neatly trimmed mustache is permitted. The downturned ends of the mustache will extend no farther than the lowest point of the bottom lip.
 - ii. Sideburns may extend downward to the bottom of the lowest part of the ear, but not below.
 - C. **Hairstyle**
 - i. Hair will be neat and clean in appearance at all times.
 - ii. Conspicuous pins, barrettes, and combs are not authorized.
 - iii. Hair will not be of a style, length or artificial color which is offensive to the public or detrimental to department objectives.
 - D. **Uniforms and equipment:**
 - i. All personnel will be held personally accountable for the return of all department issued uniform items. No issued item is to become the property of any individual; all remain the property of the department.
 - ii. Items lost or damaged during law enforcement activities will be reported to the Chief of Police or their designee as soon as possible.
 - iii. Replacement of items of personal purchase which are lost or damaged in law enforcement activities will be determined on a case-by-case basis.

- iv. Property lost or damaged as a result of law enforcement activities in connection with the arrest of an individual will be promptly reported, replacement costs determined and the officer involved will include, during prosecution of the individual, a request to the courts that any sentence include reimbursement of costs to the department.

E. Uniform Requirements:

- i. Uniforms will be the type and color provided by the department.
- ii. The use of long sleeve and short sleeve shirts will be seasonal, coinciding with the change to standard/daylight savings time in the spring and fall.
- iii. Nameplate, badge and rank insignia will be worn on the outer most garment.
- iv. All uniform clothing items will be clean and pressed
- v. All uniform clothing items will not be torn, frayed or patched.
- vi. All leather items, belt, holster, handcuff case, etc. will be the appropriate color and style as determined by the Chief of Police or their designee.
- vii. All silver or brass items will be clean and properly polished.
- viii. When in uniform, all pieces of the uniform and all uniform equipment will be worn.
- ix. Shoes or boots will be the appropriate color and styles as determined by the Chief of Police or their designee.
- x. All leather gear will be shined/polished appropriately on a regular basis.
- xi. Socks that are exposed will be an appropriate color that matches the uniform.

F. Bullet Resistant Vests

- i. The wearing of bullet resistant vests is required for all uniformed officers during field operations. Exempted personnel will wear vests when conducting tactical operations. The vest is optional above 85° Fahrenheit.

G. Court Appearances:

- i. The police uniform is authorized dress for any court appearance.
- ii. Male officers may substitute a suit for the uniform when appearing in court. Requirements for non-uniform court attire include:
 - a. Dress slacks
 - b. Dress shirt
 - c. Tie
 - d. Suit jacket or sports jacket
 - e. Dress shoes or boots.
 - f. Socks that are exposed will be an appropriate color that matches the clothing.
- iii. Female officers may substitute conservative business suits or ensembles for the uniform when appearing in court.

H. Non-uniform appearance:

- i. Any officer authorized to dress in plain clothes shall wear conservative attire when on duty.
 - a. Male officer's attire will consist of shirt with a collar, slacks and tie (seasonal).
 - b. Female officer's attire will consist of conservative business casual clothing.
- ii. These requirements may be relaxed for specific circumstances as determined by the Chief of Police or their designee.

I. Non-sworn personnel:

- i. All non-sworn employees will dress casually, as directed by the Chief of Police or their designee and depending on the type of work performed.
- ii. Any non-sworn employee required to appear in court shall dress appropriately as outlined in section **(G)** above.

J. Exemptions:

- i. Any employee whose current assignment may require any deviation from the above procedures, such as plain clothes undercover work, may make a request to the Chief of Police or their designee for approval of an exception. The said approval will automatically expire upon completion of the assignment.



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| Vehicle Pursuit & Emergency Vehicle Operation | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: §27-51-901; 27-49-109; §27-49-219; §27-51-202, §27-51-204; | |
| CALEA Standard: 41.2.2, 41.2.3, 41.3.1, | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the safe operation of police vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.
- II. **Policy:** The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions. Officers operating under pursuit conditions shall be constantly aware that no assignment is too important and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public.
- III. **Definitions**
 - A. **Authorized Emergency Vehicle:** As defined by ACA 27-36-303 and 27-37-202, vehicles designated emergency police vehicles will be equipped with: blue rotating or flashing emergency lights and a siren, bell or whistle capable of emitting sound audible under normal conditions from a distance of not less than 500 feet .
 - B. **Discontinue the pursuit:** the law enforcement officer ends his or her involvement in the pursuit by slowing down to the posted speed limit and turning off his or her emergency light and siren..
 - C. **Authorization to continue pursuit:** verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgment by the dispatcher and the officer driving the primary unit.
 - D. **Boxing-in:** surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.

- E. **Channelization:** a technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- F. **Caravan:** operating emergency vehicles in a line or alongside each other in a pursuit.
- G. **City vehicle:** any motor vehicle that is owned, leased, or borrowed by the city.
- H. **Code-three emergency call:** a request for police service that presents an actual and immediate danger of death or serious bodily injury.(Should be adapted for local terminology.)
- I. **Deadly force:** force which creates a substantial likelihood of death or serious bodily harm.
- J. **Emergency operation:** driving an emergency vehicle according to state law and this procedure in response to a code-two or code-three (department coding as applicable) call or in pursuit of a fleeing vehicle.
- K. **Inter-Jurisdictional Pursuit:** Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.
- L. **Marked police vehicle:** a police vehicle displaying the emblem and marking of the police department equipped with emergency lights and audible warning devices per Arkansas statutes.
- M. **Paralleling:** operating an emergency vehicle on streets or a route parallel to the pursuit route.
- N. **Police vehicle:** a city vehicle assigned to the police department.
- O. **Primary unit:** The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- P. **Secondary unit(s):** Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- Q. **PIT (Precision Immobilization Technique) :** a controlled deliberate contact with the rear of a fleeing vehicle by a marked police vehicle with the intention of spinning the vehicle in a predetermined direction to bring it to a stop.
- R. **Ramming:** deliberate contact with a violator's vehicle by a marked police vehicle to force the violator's vehicle off the roadway.
- S. **Roadblock:** a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- T. **Stop Stick/Spike Strip:** a rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- U. **Supervisor:** the supervisor assigned or assuming control of a pursuit situation.
- V. **Terminate the Pursuit:** The decision to discontinue the pursuit.

- W. Unmarked police vehicle:** a police vehicle not displaying the emblem or marking of the police department and not having emergency warning devices to include emergency lighting and siren.
- X. Vehicle Pursuit:** an active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
- Y. Violent felony:** a serious felony that involves an actual or threatened attack that the officer has reasonable grounds to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.)
- Z. Mobile Video Recording: (MVR):** a recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.

IV. Emergency Vehicle Operation:

- A.** The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past the red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.
- B.** No driver of any authorized emergency vehicle shall assume any special privilege under the law except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.
- C.** The driver of an emergency vehicle is not held to the prima facie speed limit or the maximum/minimum speed limits on the highway while on an emergency call. For purposes of this section, "emergency calls" means legitimate emergency situations which call for the operation of an emergency vehicle, including a police vehicle.
- D.** This law does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any emergency vehicle from the consequence of a reckless disregard of the safety of others.
- E.** Officers will not engage in emergency vehicle operation when transporting prisoners, witnesses, suspects, complainants, or any person who is not a member of this department.

V. Procedure

A. Pursuit Restrictions

- i.** Only two emergency vehicles, -- a primary unit and a secondary unit, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the managing supervisor.
- ii.** Mobile Video Recordings: In emergency vehicles equipped with mobile video recorders, officers shall ensure that the equipment is activated during the pursuit and remains running in accordance with the MVR policy.
- iii.** Roadblocks are prohibited. Use of tire deflation devices requires supervisor approval.
- iv.** Ramming, Boxing-In, or driving alongside a fleeing vehicle is prohibited.

- v. Pursuits shall not be undertaken where the officer is operating a two-or three-wheeled police motorcycle unless the officer has reasonable grounds to believe that the suspect has been or is involved in a violent felony. Once a police vehicle becomes available, the motorcycle shall discontinue its involvement in the pursuit.
- vi. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers shall discontinue the pursuit.
- vii. Only emergency vehicles or marked police vehicles with emergency warning devices shall initiate a pursuit.
- viii. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
 - a. Parallel the vehicle in the correct lane of traffic;
 - b. Notify dispatch of a wrong way driver;
 - c. Request assistance to shut down vehicular traffic on the highway coming in the fleeing subject's direction; and
 - d. Consider having communications notify Department of Transportation to activate reader boards to advise motorists of a wrong way driver where appropriate.
- ix. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.

B. Environmental Considerations: Officers shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:

- i. Time of day and day of the week;
- ii. Lighting conditions;
- iii. Vehicular and pedestrian traffic;
- iv. Type of roadway;
- v. Condition of the roadway (e.g. dry, wet, paved, gravel, icy);
- vi. Weather conditions (e.g. clear, overcast, rain, fog);
- vii. Condition of the emergency vehicle and the condition and type of the fleeing vehicle;
- viii. Driving ability of the officer; and
- ix. Speeds of the emergency vehicle and the fleeing vehicle.

C. Pursuits will not initiate under the following conditions:

- i. When the danger created by the pursuit outweighs the necessity for immediate apprehension;
- ii. The officer knows the suspect's identity and knows that the suspect is wanted only for a traffic violation, misdemeanor, or nonviolent felony; or
- iii. The pursuing officer knows, or has reason to believe, that the fleeing vehicle is being operated by a juvenile who has committed a traffic violation, misdemeanor or nonviolent felony, and who is driving in such an unsafe manner that it is obvious he does not have the maturity to deal with the danger involved.

D. Responsibilities of the Primary Vehicle Driver

- i. At the earliest possible moment, activate the vehicle's emergency warning devices from the point of initiation to that of completion.
- ii. Immediately notify communications of:
 - a. His or her unit number
 - b. The location
 - c. Direction of travel
 - d. Speed
 - e. Reasons for the pursuit
 - f. The description of the vehicle being pursued
 - g. The number of occupants
 - h. The presence of other law enforcement agencies
 - i. Location at the time the pursuit is discontinued
- iii. Provide updated information regarding direction of travel, speed, and other pertinent details;
- iv. Allow the secondary vehicle driver to assume all communications;
- v. Abandon the pursuit if any mechanical problems develop in the primary vehicle;
- vi. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

E. Responsibilities of the Secondary Vehicle Driver

- i. The first officer arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver;
- ii. This officer shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume the radio communications for the primary vehicle driver;
- iii. This officer shall become the primary vehicle driver if the primary vehicle abandons the pursuit, or shall abandon the pursuit if any mechanical problems develop in the secondary vehicle.

F. Responsibilities of the Supervisor

- i. Assert control over the pursuit.
- ii. Continuously review the incoming data to determine whether the pursuit should be continued or terminated.
- iii. Order units to clear intersections in the likely path of the pursuit where appropriate.
- iv. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked police vehicles are required based on the following circumstances:
 - a. The severity of the offense;
 - b. The number of occupants in the suspect vehicle;
 - c. The likelihood of the suspects being armed; or
 - d. Other relevant circumstances.
- v. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved tactics.
- vi. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
- vii. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety; and
- viii. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene where practical.

G. Responsibilities of the Communications Center:

- i. Assure that a supervisor is notified of the pursuit;
- ii. Assure that all critical information is received from the officers involved and relayed to other units;
- iii. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit;
- iv. Record all information received from the pursuing officer;
- v. Clear the radio channel;
- vi. Conduct an inquiry of the license plate through ACIC/NCIC;
- vii. If appropriate, notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction; and
- viii. Continue monitoring the pursuit.

H. Termination of Pursuit

- i. Remember that roadblocks, the PIT maneuver, and Stop-Sticks or spike strips as well as the firearm, constitute seizures (i.e. a stopping of movement by a means intentionally applied). Roadblocks, the PIT maneuver, and tire deflation devices constitute a use of force. In using these tactics officers should consider:

- a. How serious is the offense that the officer suspects at the time they use the tactic?
 - b. Is there a physical threat to the officer or any other person and how significant is that threat?
 - c. Is the suspect actively resisting or attempting to evade arrest by flight?
- ii. Use of firearms:
- a. The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
 - b. Officers shall not shoot at or from a moving vehicle unless:
 - 1. The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious bodily injury to the officer or another person, or
 - 2. The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
- iii. Roadblocks are prohibited.
- iv. PIT Maneuvers are prohibited.
- v. Stop Sticks/spike strips:
- a. Only officers trained in the use of Stop Sticks/spike strips shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if at all possible.
 - b. Officers deploying spike strips should be mindful of their own safety during deployment and not take unnecessary risks in their attempt to lay out the spike strip.
- I. Officers should employ felony/high risk traffic stop techniques at the end of pursuits when circumstances warrant.
- J. **Reasons for Discontinuation of Pursuit:** Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:
- i. When ordered by a supervisor, or any other higher-ranking member of the department;
 - ii. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension;
 - iii. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension;

- iv. When the location of the pursued vehicle is no longer known;
- v. Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment.

K. Inter-jurisdictional Pursuits:

- i. Pursuits from this jurisdiction into another jurisdiction:
 - a. Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
 - b. Agencies in close proximity to State borders who pursue across state lines may not have the same privileges afforded to peace officers within the State of Arkansas.
- ii. Pursuits from another jurisdiction into this jurisdiction:
 - a. The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested;
 - b. Supervisors will only approve assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit. If the pursuit does not conform to this policy, officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity;
 - c. When feasible, a supervisor from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible; and
 - d. The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.

L. Report and Review Process

- i. The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit. The departmental Pursuit Report Form (or State designated pursuit form) shall be completed after any pursuit. The Police Incident Report will be attached to the Pursuit Report Form. The Pursuit Report Form will be forwarded via the chain of command to the Chief of Police or their designee.
- ii. The Chief of Police or their designee will determine compliance with all statutes and policies.

M. Training

- i. Officers shall not participate in a pursuit unless they have received specialized pursuit driving training.
- ii. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.
- iii. Officers and dispatchers shall receive annual training on this policy.

- VI.** The Department shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training and field implementation of the Department's pursuit policy.



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| Volunteers in Policing Service | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: §21-13-101 through §21-13-110 | |
| CALEA Standard: 16.4.1; 16.4.2; 16.4.3 | |
| Date Implemented: 09/24/12 | Review Date: |

- I. **Purpose:** The purpose of this policy is to set forth guidelines and mandates with respect to the use of volunteers to assist the department in providing for the public safety of the community.
- II. **Policy:** It is the policy of this department to maintain an active group of civic-minded individuals who may serve as volunteers to assist this department in providing for the public-safety and welfare of the community. This department shall utilize volunteers in a capacity that diminishes risk to the volunteers and does not place the volunteer in a law enforcement function.
- III. **Definitions**
 - A. **Volunteer Coordinator:** A paid member of this department designated by the chief of police to manage the volunteer services.
 - B. **Volunteer:** A non-salaried individual over the age of 18 who offers his or her time for the benefit of this department, willingly and of his or her own accord for a limited time and without promise, expectation or receipt of any type of compensation.
- IV. **Procedure**
 - A. **Selection Process:**
 - i. **Application:** Each person who seeks a position as a volunteer with this department must complete an application. This application shall include all information as well as confidentiality waivers such that a proper background examination of the individual may be conducted. Each applicant must supply the names of three non-related references who may be interviewed during the background examination. The applicant must also provide an employment history for review.
 - ii. **Background Examination:** The department shall conduct a thorough and documented background examination of any person seeking to become a volunteer. This examination will be conducted by a sworn member of this

department and shall include a criminal history check, traffic records check, employment history check and references interview.

- iii. **Status:** Once selected, volunteers must recognize that their status is “at-will” and that they may be dismissed at anytime without cause. Volunteers are non-salaried and have no benefits or labor relation rights.

B. Maintaining Good Standing as a Volunteer:

- i. **Confidentiality:** Volunteers must maintain confidentiality in the business of this department. Volunteers shall not release any information concerning any police event or make any public representation of the department without the express authorization of the Chief of Police or their designee.
 - a. Non-disclosure: each volunteer should not disclose any confidential information coming into the volunteer’s knowledge through their position as a volunteer with this department.
 - b. Any request for information from the media or from the public regarding confidential information should be courteously directed to the office of the chief of police or their designee.
 - c. At no time shall a volunteer appear in the media or in the public as a representative of this department without the express permission of the Chief of Police or their designee.
- ii. **Time Requirements:** This program requires a two-way commitment between the department and the volunteer. The department invests in the volunteer while the volunteer invests time in the department. Volunteers should complete four hours of volunteer time in the department per month in order to maintain their status as a volunteer.
- iii. **Training:** Volunteers shall be trained in accordance with the functions they will be expected to fulfill within the department. Training shall include:
 - a. Overview of the Justice System: familiarization of the agencies within the justice system to include law enforcement, corrections and the courts.
 - b. Department orientation: familiarization with the department organization and structure as well as facilities and public resources.
 - c. Department reports and records management.
 - d. Being a good witness: The premise of this program with respect to volunteers who are placed in any public situation on behalf of the department is that volunteers do not take action when there is a law enforcement need, but rather, volunteers observe and report. With this in mind, volunteers should be made aware of the needs of law enforcement with respect to being a good witness. Training shall include: taking note of descriptive factors; direction of travel; and the actions of the suspect during the event.
 - e. Traffic and Crowd Management: At times, volunteers may be utilized to assist sworn personnel at special events. During such events, volunteers may be utilized to assist with traffic and crowd management. Training in this area should include instruction on the proper methods of traffic and crowd management.

- iv. Use of Equipment:** Volunteers shall utilize equipment belonging to this department only when authorized to do so by the Chief of Police or their designee. At no time is a volunteer authorized to use any type of weapon belonging to this department.
- a. Vehicles:** Volunteers who are authorized to drive a vehicle belonging to this department are not authorized to drive the vehicle as an “emergency” vehicle as defined under Arkansas law. As such, any volunteer driving a vehicle belonging to this department shall obey all traffic laws.
 - b. Vehicles:** No volunteer shall drive a vehicle belonging to the department unless it has been verified that the volunteer has a valid driver’s license. Any volunteer who becomes aware of a change of their license status, shall immediately notify the department.
 - c. Vehicles:** Vehicles that may be used by volunteers should be distinctively marked as volunteer vehicles or unmarked. This is necessary to ensure the safety of the volunteers who may be at risk if the public or persons who would harm an officer were to mistake a volunteer for an officer. Additionally, the expectations of the public upon seeing a marked vehicle belonging to this department may expect certain actions by law enforcement personnel that they would not expect from non-law enforcement personnel.
 - 1. Seat belts shall be worn at all times while the vehicle is in motion.
 - 2. Department vehicles shall be locked at all times when left unattended.
 - 3. Department vehicles shall not be operated off paved roadways unless directed by a supervisor for special assignments or functions.
 - 4. Department vehicles shall not be used for any purpose other than an assigned duty without permission of the Chief of Police or their designee.
 - 5. No statements relating to a vehicle accident involving a department vehicle shall be made except that the volunteer shall provide information to the officer or supervisor investigating the accident.
 - d. Lighting Equipment:** Vehicles that may be driven by volunteers may be equipped with “amber” emergency lighting to distinguish these vehicles from law enforcement vehicles. Volunteers shall not operate the lighting equipment while the vehicle is in motion. Emergency lighting shall only be used when the vehicle is in a stationary position and where said use is necessary for public safety.
- v. Damage or Loss of Department Property:** Volunteers shall not maliciously or unreasonably damage any department equipment or property. Any damage to department equipment or property should immediately be reported to a supervisor.

- vi. **Uniforms:** Volunteers shall wear the uniform prescribed by the Chief of Police or their designee, unless authorized to wear plainclothes. In such cases, the volunteer shall wear proper attire meeting the professional standards of this department.

C. Standards of Conduct

- i. **Expectations of Volunteers:** Volunteers, like any member of this department, are expected to maintain the ethical standard of conduct demanded by this department. In all conduct relating to this department, volunteers are expected to act professionally and courteously to the public as well as to other department members. The role of a police volunteer does not include the duty to investigate crimes, pursue, apprehend or prosecute law breakers. Volunteers shall not go beyond an “observe and report” function.
- ii. **Representations:** Volunteers shall not, at any time, represent themselves in any manner as a sworn member of this department. They shall make it clear that they are volunteers of this department.
- iii. **Weapons:** Volunteers shall not be in possession of any weapon when acting in their capacity as a volunteer for this department.
- iv. **Alcoholic beverages:** Volunteers shall not report for an assignment after consuming any quantity of alcoholic beverages or while any quantity of alcohol is present in their system. If the volunteer is scheduled for an assignment, they shall notify on-duty department personnel that they are unable to fulfill their allotted assignment. Volunteers are prohibited from drinking alcoholic beverages while identified as a volunteer of this department irrespective of their duty status.
- v. **Prescription medications:** Volunteers who are prescribed medications that may cause drowsiness or in some other way hamper their ability to function as a volunteer, shall report this fact to the department and should not be assigned volunteer duties.
- vi. **Arrest or investigation:** Any volunteer who becomes aware that they are the subject of an investigation by a law enforcement agency or who has been arrested, shall immediately report this fact to the department.

D. Duties and Limitations: Duties of the volunteers shall be directed by the Chief of Police or their designee.

- i. **Administrative Duties:** Assist with report taking function and other administrative duties deemed appropriate by the Chief of Police or their designee.
- ii. **Search and Rescue.**
- iii. **Citizens on Patrol** shall be limited to high-visibility, non-confrontational assignments where the overall objective is to deter crime through visibility. Where observations are made with respect to suspected criminal activity, volunteers are to observe and report and shall not take action. Volunteers utilized in this capacity shall be issued a police radio while on patrol in order to allow for immediate response to a volunteer’s observation and report.

- iv.** Community education programs- assist the department with crime prevention surveys and crime prevention education as well as other community education functions.
- v.** Special events: Volunteers may be utilized as directed by the Chief of Police or their designee to assist with special events to include traffic and crowd management. Such assignments shall be limited to non-confrontational positions and functions.
- vi.** Interpreter functions: In order to be utilized for this function, the volunteer must be certified as an interpreter unless such interpretation is for an emergency circumstance.
- vii.** Special Skills: In cases where a volunteer has a special skill that may be utilized for the good of the department, the Chief of Police or their designee may assign the volunteer to this special function. Under no circumstances shall the special function include one which involves confrontation or foreseeable danger to the volunteer.

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| Wrecker Use Policy | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: 27-50-1207(a)(1); 27-50-1208(b)(2) | |
| CALEA Standard: | |
| Date Implemented: 09/24/12 | Review Date: |

I. Purpose: The purpose of this policy is to establish guidelines governing the use of towing services needed during the daily operations of the department.

II. Policy: It is the policy of this department to utilize qualified local towing services on a rotational basis to provide the services needed by the department and citizens of the community.

III. Definitions:

- A.** Towing Rotation List is a list of approved tow services for call by members of this department.
- B.** Owner Preference is the privilege of the owner or operator of a disabled or inoperative vehicle to request some responsible and reasonable person, gratuitous bailee, or bailee for hire of his or her choosing to take charge and care of said vehicle.

IV. Procedure

A. MINIMUM REQUIREMENTS FOR PLACEMENT ON ROTATION LISTS

- 1.** Any towing business that wishes to be placed on a Towing Rotation List shall meet the following requirements before being placed on a Towing Rotation List:
 - i.** Each towing business shall be approved by the Arkansas Towing and Recovery Board and be licensed to engage in the non-consent towing business. Each tow vehicle must have a current "Tow Vehicle Safety Permit" (decal issued by the Arkansas Towing and Recovery Board) affixed to the windshield.
 - ii.** Each tow vehicle shall display a current vehicle license plate indicating the vehicle is properly registered for gross weight as set forth under Arkansas law.

- iii. The towing business shall be willing to provide towing, storage, or other related services at all hours.
- iv. The towing business shall have a phone number listed in the name of the towing business, and in addition, have a phone number at which the towing business can be contacted after business hours. During normal business hours, Monday through Friday, the towing business shall have someone at the business that will be available for administrative matters, and for the release of motor vehicles or other related items stored at the request of the department. After normal business hours, a person shall be on-call to provide said services.
- v. The towing business shall provide the department a complete schedule of all fees for the services it performs or may perform related to the towing and storage of any vehicle for the department. The fee schedule should be on the form provided by the police department and signed by a representative of the towing business. The towing business shall be responsible for updating the list before fees change by submitting a new fee schedule which contains the date when new fees will take effect. The fee schedule should be updated a minimum of once per year. The towing business shall not exceed the fees on file with the department for services performed at the request of the department. A separate fee schedule should be submitted for Medium Duty and Heavy Duty Tow Vehicles.
- vi. The towing business understands these prices will be provided to citizens needing a tow service, and will be subject to public release under the Arkansas Freedom of Information Act.
- vii. The towing business shall provide reasonable accommodations for after-hour release of stored vehicles or the release of personal property in stored vehicles or other related storage. Once the police department releases any hold on personal property not affixed to the towed vehicle, the towing company, unless they can show just cause, shall release personal property to the rightful owner. Nothing herein shall be construed to require a towing business to forfeit or relinquish its possessory lien as established under Arkansas law.
- viii. The towing business shall maintain a reasonably secure area for the safe storage of motor vehicles or other items stored at the request of the department. Storage facilities shall be clearly marked as belonging to that particular towing business.
- ix. Each storage facility must have adequate lighting to illuminate the fenced-in area.
- x. Fencing shall be adequate to reasonably secure the storage facility and prevent unauthorized entrance. The towing business shall maintain a sufficient amount of insurance to cover loss or damage to stored vehicles or property.

- xi.** Any tow vehicle being utilized by the towing business shall have the name of the towing business permanently affixed to the vehicle. Magnetic signs shall not be used.
- xii.** Each towing business shall maintain tow and hook, liability, and garage-keepers insurance in an amount not less than that designated under Arkansas law. In addition, each towing business on the Heavy Duty Towing rotation shall maintain adequate tow and hook, liability, and garage-keepers insurance to cover any substantiated claim involving a large vehicle or cargo. A copy of a certificate of insurance must be provided to the department annually. When a new tow vehicle is put in service, an amended certificate of insurance shall be provided to the department, prior to use of that vehicle.
- xiii.** Towing operators that respond to the department calls shall not have a felony conviction; or a theft related Misdemeanor within the last (3) three years. Prior convictions will be considered on a case-by-case basis. The Chief of Police or their designee will have complete discretion when weighing the desire of the towing company to be placed on the list against public confidence in the police department's tow list.
- xiv.** Towing businesses should remove any glass, vehicle parts, or other substances dropped or spilled prior to leaving the incident scene.
- xv.** Towing businesses will not operate satellite stations on the Towing Rotation List. The towing business will only be placed on a rotation list once, unless the satellite station is a separate independent business and meets all the requirements set forth in these rules.
- xvi.** If a towing business becomes unavailable to take calls for any period of time, it should notify the Bella Vista Dispatch Center. That towing business should be removed from the rotation list for the requested period of time.
- xvii.** Towing businesses will cooperate with the police department and allow the inspection of records or equipment associated with compliance of this policy.
- xviii.** Towing businesses shall be located in such proximity to the city of Bella Vista that allows for reasonable response to calls for service and convenience to the residents of Bella Vista.
- xix.** A towing business shall accept calls on a 24 hour a day basis.
- xx.** Towing businesses on a Towing Rotation List should not respond to the scene of an accident unless requested by the department or a person in control of a vehicle involved in the accident.
- xxi.** If a towing business is unable to provide the equipment required for a particular call, or provided such equipment in a timely manner, the next available towing business having such equipment should be called and the towing business not providing such equipment should forfeit that particular call rotation.

- xxii.** The owner, or owners, and any employee of the towing business who operate a tow vehicle, shall comply with all federal and state laws.
- xxiii.** If the towing operator requires additional response vehicles, they should be approved by the owner of the vehicle or the department.
- xxiv.** The towing operator shall notify Department within three (3) business days of any complaint to the Towing and Recovery Board that results in a formal hearing being set or any disciplinary action against that company by the Towing and Recovery Board.
- xxv.** Towing businesses on a Towing Rotation List shall use an invoice for each vehicle towed, each invoice should explain how all charges were calculated, separately itemizing all fees and charges to owner(s) and lien holders pursuant to A.C.A. 27-50-1208(b)(2) and should furnish, upon request, the owner of the towed vehicle, lien-holder, and/or their agent(s) with a duplicate of the itemized statement, bill, or invoice of all charges incurred.
- xxvi.** Before utilizing the Towing Rotation List, "owner's preference," should be offered by Department to the registered owner, driver, or any competent occupant, if available, of any disabled or inoperative vehicle, except in those circumstances when an emergency exists or where the immediate clearing of a public thoroughfare mandates that a tow operator be requested on an expedited basis, or when the occupant(s) have been physically arrested. A list of currently approved wreckers along with fee schedule will be available when asking for owner's preference. Note that this list does not limit the owner's preference.

2. RATES AND CHARGES REQUIREMENTS

- i.** Towing businesses receiving calls from Department shall not charge fees in excess of those provided in writing by the towing business to the police department, nor shall a towing business charge for the use of equipment and/or personnel not reasonably necessary to perform the requested services in a timely and professional manner.
- ii.** Storage fees should be reasonable, as determined by industry standards. A list of fees and how those fees are calculated shall be given to the department in accordance with Section IV, subsection A (1) (v) of this policy. Consumer charges shall not deviate from the list provided.
- iii.** Any towing business found to have exceeded its posted prices, using unnecessary services to increase its fee, or engaging in unethical business practices will be subject to removal from the Towing Rotation List by the Chief of Police or their designee.

3. COMPLAINT AGAINST TOWING BUSINESS AND LIST REMOVAL GROUNDS

- i.** Complaints made against a towing business on a Towing Rotation List should be handled as any other complaint for a service provided by the department. The complaint may be referred to the Arkansas Towing and Recovery Board when it is a complaint relating to licensing.

- ii.** Any towing business receiving calls from a Towing Rotation List maintained by Department shall be subject to removal for:
 - (a)** Failing to follow the requirements of this policy.

 - (b)** Failing to meet the rules established for non-consent towing by the Arkansas Towing and Recovery Board;

 - (c)** Substantiated complaint; or

 - (d)** Dishonest, fraudulent or false statements made to the department.

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**APPROVING A REVISED POLICY AND PROCEDURE MANUAL FOR
THE BELLA VISTA POLICE DEPARTMENT**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

Section 1: The City Council of the City of Bella Vista, Arkansas hereby approves the revised Bella Vista Police Department revised Policy and Procedure Manual dated January 2016.

ADOPTED THIS _____ DAY OF _____, 2015.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

Requested by: Mayor
Prepared by: Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 25, 2016

AGENDA ITEM: Resolution 2016-

ITEM TITLE: Approving Contract Amendment #2 with Crafton Tull and Associates for On-Call Engineering, Planning Review, and Surveying Services

SUBMITTED BY: Jennifer Bonner, Senior Planner

SUMMARY: The City entered into a master agreement with Crafton Tull and Associates in early 2014 by which the administration could issue task orders to the firm for particular projects. During calendar years 2014 and 2015, the Planning, Building, and Code Enforcement Department (now known as the Department of Community Development Services) utilized this contract to have the firm perform engineering reviews of private development projects undergoing planning review.

The master agreement contained provisions to extend the contract's time frame for two (2) periods of one-year increments. The contract was extended for one (1) period of one-year in 2015. The attached Resolution would authorize the administration to extend the contract for its final period of one-year for calendar year 2016 and set the not-to-exceed amount at \$20,000.00. This contract was budgeted for in the Department Budget for 2016.

ATTACHMENT: Ordinance Resolution Other

RECOMMENDATION: Staff is recommending approval of the attached resolution for continuity of services for planning review services.

ACTION REQUESTED: Motion to adopt

RESOLUTION NO. R2016-___

CITY OF BELLA VISTA, ARKANSAS

**APPROVING CONTRACT AMENDMENT #2 WITH CRAFTON
TULL & ASSOCIATES, INC. FOR ON-CALL ENGINEERING,
PLANNING REVIEW, AND SURVEYING SERVICES**

WHEREAS, the City of Bella Vista entered into a contract for on-call engineering, planning review, and surveying services that expired on December 31, 2014;

WHEREAS, the contract contained provisions to extend its term for two (2) periods of one-year increments;

WHEREAS, the contract was extended for one (1) period of one-year for calendar year 2015

WHEREAS, the City has utilized the on-call services contract to perform various engineering, planning review, and surveying tasks, which includes conducting reviews of private developments for the planning process; and

WHEREAS, the City may encounter engineering and surveying needs over the course of calendar year 2016.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BELLA VISTA, ARKANSAS:**

Section 1: The City Council of the City of Bella Vista, Arkansas hereby approves a contract amendment, a copy of which is attached to this Resolution as Exhibit "A", with Crafton Tull & Associates, Inc. for on-call engineering and surveying services in an amount not to exceed \$20,000.

Section 2: Said amount shall be paid from previously approved funds in the Department of Community Development Services' Budget Account #15-57000 (Contracts: Professional Fees), as provided for in the 2016 Adopted Budget.

Motion to adopt made by _____ and seconded by _____.

Ayes: _____ Nays: _____ Motion was passed by a majority vote.

Passed this _____ day of _____, 2016.

ATTEST:

Wayne Jertson, City Clerk

APPROVED:

Peter Christie, Mayor

APPROVED AS TO FORM:

Jason Kelley, Staff Attorney

Prepared by: Jennifer Bonner, Senior Planner

AMENDMENT NO. 2 TO OWNER-ENGINEER AGREEMENT

Subject of Amendment: Contract Renewal

1. **Background Data:**

- a. Effective Date of OWNER-ENGINEER Agreement: June 1, 2014
- b. OWNER: City of Bella Vista
- c. ENGINEER: Crafton, Tull & Associates, Inc.
- d. Project: General Engineering Services by Task Order

2. **Nature of Amendment**

- Additional Services to be performed by ENGINEER
- Modifications to Payment to ENGINEER

3. **Description of Modifications**

See Attachment 1, "Modifications"

OWNER and ENGINEER hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is January 1, 2016 .

OWNER:

CITY OF BELLA VISTA

ENGINEER:

CRAFTON, TULL & ASSOCIATES, INC.

By: _____

Title: Mayor

Date Signed: _____

By: William C. Burnett

Title: Vice President

Date Signed: 01/08/16

ATTACHMENT 1

MODIFICATIONS

Additional Services to be performed by ENGINEER:

1. The Agreement is hereby renewed under this Amendment No. 2 for the period of January 1, 2016 through December 31, 2016. Contract may be renewed thereafter for each subsequent calendar year as agreed to by the OWNER and ENGINEER.

Modifications to Payment to ENGINEER:

The OWNER shall pay ENGINEER for the Additional Services set forth above an amount equal to the cumulative hours charged to the Project by each class of the ENGINEER's employees times Standard Hourly Rates for each applicable billing class for all services performed on the Project, plus Reimbursable Expenses charged at cost times a 1.15 multiplier and ENGINEER's consultants charged at cost times a 1.05 multiplier, if any consultants are included. Standard Hourly Rates shall be those shown in the attached Exhibit "B". Prior compensation called for under the original Agreement expired on June 1, 2012. The compensation for the Additional Services for the newly specified period of January 1, 2016 through December 31, 2016 as described herein shall not exceed \$ 20,000 without prior written authorization from the Owner.

This is Task Order No. 6,
consisting of 4 pages.

Task Order

In accordance with paragraph 1.01 of the Master Agreement between Owner and Engineer for General Professional Engineering Services by Task Order, dated June 1, 2014, ("Agreement"), Owner and Engineer agree as follows:

1. Specific Project Data

- A. Title: Planning Support and Review Services
- B. Description: Assist the Community Development Services Department to complete reviews of private development proposals including engineered drainage solutions; traffic study analyses; floodplain development review of hydraulic and hydrological analyses; and construction observation of public improvements proposed or required by private developments, AND, assist the Community Development Services Department by completing reviews of engineering design of public improvements prepared in-house by City of Bella Vista staff members.

2. Services of Engineer

Engineer shall have those responsibilities set forth in the Agreement and in Exhibit A, subject to the following:

- A. *Review of Private Development Engineering / Planning Proposals.* On a monthly basis, the Engineer shall review private development proposals in accordance with the City's Zoning and Subdivision Codes, Flood Damage Prevention Code, and other applicable documents as may be adopted or revised over the term of the Agreement and as may be applicable to generally accepted engineering practice and principles. The reviews performed by the Engineer will be for general compliance and will not warrant the design nor relieve the designer of record or "applicant" from responsibilities to comply with federal, state, county, city, local, or other codes and criteria.
 - 1. *Technical Review Comments.* The Engineer shall prepare a preliminary report to be provided to the applicant outlining any inadequacies of application materials that must be revised in order to proceed to Planning Commission review (Technical Review Comments).
 - 2. *Technical Review Meeting.* The Engineer shall attend monthly Technical Review meetings, scheduled for the second (2nd) Friday of each month, and present any Technical Review Comments to the Department and other City Staff.
 - 3. *Conditions of Approval Comments.* The Engineer shall review any resubmitted application materials for conformance with Technical Review Comments. Any outstanding inadequacies in applications materials shall be transmitted to the Department in written

TASK ORDER No. 6

form for incorporation into the Department's staff report to the Planning Commission as Conditions of Approval.

4. If necessary and mutually agreed by the Department and Engineer, the Engineer shall attend the Planning Commission work or agenda setting meeting for discussion of Conditions of Approval Comments with the designer of record or applicant, Department Staff, and the Planning Commission.
 5. *Building Permit Review.* Upon approval or conditional approval of the Planning Commission and an applicant's submission for a building permit, the Engineer shall review application materials for conformance with Conditions of Approval. Building Permit Review Comments shall be transmitted to the Department in written form and provided to the applicant by the Department.
- B. *Review of Engineering Designs for Public Improvements Prepared by City of Bella Vista staff.* On an as-needed basis, the Engineer shall review engineering designs of public improvements prepared in-house by City of Bella Vista staff members in accordance with the City's Zoning and Subdivision Codes, Flood Damage Prevention Code, and other applicable documents as may be adopted or revised over the term of the Agreement and as may be applicable to generally accepted engineering practice and principles. The reviews performed by the Engineer will be for general compliance and will not warrant the design nor relieve the designer of record or the City of Bella Vista from responsibilities to comply with federal, state, county, city, local, or other codes and criteria.
- C. *Traffic Study Analyses.* In conjunction with services covered under 2.A, above, the Engineer shall review traffic analyses submitted by applicants and provide the Department written opinions on whether such analyses are conducted in accordance with generally accepted engineering practice and principles. In addition, the Engineer shall review any suggested public intersection or road design improvements proposed by applicants for safety and efficiency. The Engineer shall provide review written comments to the Department for deficiencies in said analyses in accordance with the review schedule outlined in 2.A, above.
- D. *Floodplain Development Review.* On an as-needed basis or in conjunction with services covered under 2.A, above, the Engineer shall review private or public development projects located within FEMA designated floodplains. Said review shall be limited to hydraulic and hydrological modeling and engineering assumptions thereof, based on generally accepted engineering practice and principles. The Engineer shall provide review written comments to the Department for deficiencies in said analyses in accordance with the review schedule outlined in 2.A, above, or in a timely manner designated by the Department if the private and public development project under the scope outlined in 2.A, above.
- E. *Construction Observation.* On an as-needed basis, the Engineer shall observe the construction of public improvements built by private developers. Such observation will be limited to occasional on site visits, review of testing lab results provided by the contractors, etc. to ensure compliance with approved plans and City standards. Engineer will perform such duties with the limitations noted in sections 6.01 G - J of the Master Agreement. Engineer may use a Resident Project Representative to perform such duties in accordance with Exhibit D of the Master Agreement.

F. The above services will be performed on an hourly rate basis as requested by the Owner until the total billings reach the not-to-exceed amount listed in Section 5, and the Engineer will cease work at that time. If additional hours are required to complete any of the above services, this Task Order shall be amended to increase the Engineer's fees accordingly.

3. **Owner's Responsibilities**

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B, subject to the following:

- A. Owner shall provide the Engineer with latest effective copies of the City's Zoning Code, Subdivision Code, Flood Damage Prevention Code, Drainage Manual, Master Street Plan, and Future Land Use Plan.
- B. On a monthly basis, Owner shall notify the Engineer of any projects that will require review under Section 2.A, above. If needed, Owner shall transmit to the Engineer all application materials requiring review.

4. **Times for Rendering Services**

| <u>Phase</u> | <u>Completion Date</u> |
|--------------------------------------|------------------------|
| Planning Support and Review Services | December 31, 2016 |

5. **Payments to Engineer**

A. Owner shall pay Engineer for services rendered as follows:

| <i>Category of Services</i> | <i>Compensation Method</i> | <i>Lump Sum, or Estimate of Compensation for Services</i> |
|--|---------------------------------|--|
| <i>Basic Services (Study and Report, Preliminary Design, Final Design, Bidding or Negotiating, Construction Phase)</i> | B. <i>Standard Hourly Rates</i> | <i>Not to Exceed \$20,000.00 for period of January 1, 2016 through December 31, 2016</i> |

C. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

TASK ORDER No. 6

Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is January 1, 2016.

OWNER: CITY OF BELLA VISTA

ENGINEER: CRAFTON, TULL, &
ASSOCIATES, INC.

By: _____

By: William C. Burnett

Name: Peter A. Christie

Name: William C. Burnett, P.E.

Title: Mayor

Title: Vice President

Engineer License or Firm's
Certificate No. 109
State of: Arkansas

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK
ORDER:

Name: Christopher Suneson, RLA

Name: Zak Johnston, P.E.

Title: Director of Community
Development Services

Title: Project Engineer

Address: P.O. Box 5655 Bella Vista, AR
72715

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72756

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E-Mail
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Phone: 479-876-1255

Phone: 479-878-2432

Fax: 479-876-1734

Fax: 479-631-6224