Bryant Police Department

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September 26th, 2023

TO: All Members of the Bryant Police Department

The **Uniform Standards of Conduct for Member Performance** represent a change in the approach to organizational rules and regulations. The intent is to state the expected standards for member behavior and performance in positive terms in a manner that communicates management's desired outcomes and business necessity rather than attempting to create an exhaustive listing of all required and prohibited acts.

The **Uniform Standards of Conduct** consist of twenty-one standards each accompanied by a stated business necessity. Non-exclusive illustrative statements of violations and non-violations are provided in separate sections to explain the member behaviors and performances expected by management. Although the Introduction and Orientation section of the document provides an excellent explanation of the Standards, the associated illustrative statements must be read along with each standard to facilitate a full understanding.

The **Uniform Standards of Conduct for Member Performance** are hereby adopted as the authority governing the behavior and performance of all members of the Bryant Police Department effective September 26th, 2023. All rules, regulations, or other directives in conflict are superseded and repealed on the above effective date.

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Carl Minden
Chief of Police

INTRODUCTION AND ORIENTATION

Notice to Members

This version of our Uniform Standards of Conduct is presented to you for your information and safekeeping. **It may not be reproduced in any form and remains the property of the Bryant Police Department.**

The manual contains our current 21 standards of conduct for each member. Each member is responsible for knowing about and complying with these standards and for directing any questions or misunderstandings about them to an appropriate supervisor.

The manual is divided into the following parts:

1. Introductory and orientation information concerning the standards of conduct and the need for the standards.

2. The 21 standards describing the behavior or conduct expressly required or prohibited. The format for each statement contains a standard referral number for reference purposes and a statement of business relationship to help members understand why the standard is necessary.

3. General enforcement guidelines.

4. Illustrative examples of what management would normally consider to be non-violations and violations of each standard.

The guidelines are subject to periodic revision (with notice to the membership) as are the examples. While studying the examples associated with each standard, **it is important to keep in mind that no attempt is being made to provide an exclusive listing of all possible examples that may or may not constitute a violation.** Others may exist and may periodically be added to these listings. **Examples communicate the intent**, which is as important as the wording of the standard itself. Members who have a problem understanding this format have an affirmative duty to bring their questions to the immediate attention of management.

Over the years, organizational rules evolve into an accumulation of several administrative decisions. It is good practice for management to periodically audit these rules to ensure they are still relevant to the needs of the Bryant Police Department and that members know what is expected of them in terms of their conduct and performance. When this occurs, employer-member relations and member morale is improved and the potential for quality performance is enhanced. History has shown that

each year thousands of tax dollars could be saved by reducing the potential for valid and frivolous complaints alike caused in part by unclear work standards.

No Change in Existing Relationships

These standards do not establish an implied or written contract or change existing relationships with members, or applicants for a job or position or continued job or position within the Bryant Police Department. Rather, their intent is to communicate reasonably to members the Department's desire in decisions affecting employment, continued employment, and termination. These standards may change in the future to reflect changes in laws, work environment, operations and other circumstances affecting this Department's operational needs.

The publication of these standards does not change the existing rights of the Department to make all employment, retention and termination decisions. These standards are not intended to provide an exhaustive list of the situations that could lead to discipline or termination. Some additional considerations that may affect a member's employment include:

1. The business necessity of the Department as permitted by equal employment opportunity and fair employment practices.

2. The economic necessity of the Department as determined by budgetary considerations existing at the time.

3. The performance necessity of the Department as determined by its mission and the member's ability to accomplish satisfactory performance results.

The following factors are not intended to be included in management's decisions in disciplinary or termination cases:

1. Illegal discrimination as defined by law and national and state fair employment practices.

2. Violations of public policy as defined by current trends in employment laws.

3. Violations of agreed upon collective bargaining contracts with this Department and its organized members.

Management's Rights to Establish Standards of Conduct

Management has the unilateral right to establish this agency's directives, as defined in General Policy. This authority extends to the periodic auditing and clarification of its existing standards of conduct as well as to the addition of new standards that relate to

the effective, efficient and safe performance of its members. Directives may be oral or written as long as they fundamentally propose to:

1. Provide order.

2. Establish predictability in performance results.

3. Provide direction to members.

4. Create a sense of purpose and fairness in management procedures.

5. Assure the public that the Department's mission will be achieved.

When it becomes necessary to modify its rules, management will make a reasonable effort to notify members of such changes when such changes will affect their work positions. Normally, such notices occur through normal channels of communications. In turn, members are expected to self-initiate individual efforts to keep themselves abreast of such changes.

The Bryant Police Department's Uniform Standards of Conduct are based on the expectations that members accomplish the following:

1. Be at work on time and be available for work.

2. Give a full day's work and be productive during work.

3. Respond in a positive manner to management's directives.

4. Learn present job as well as new jobs.

5. Adjust to change.

6. Get along with others.

7. Know and follow the rules, policies, practices and procedures of the Department.

8. Be physically and mentally fit for work.

In publishing the uniform standards manual, management recognizes that members too have a need for job security and to be treated fairly in administrative decisions affecting their employment status, particularly in discipline and termination actions. Therefore,

when members perform in a manner contrary to the Uniform Standards of Conduct, they can expect that management will:

1. Provide consistent and predictable responses to violations of standards.

2. Provide fair discipline based on facts.

3. Allow members a reasonable chance to question facts and present a defense.

4. Provide progressive discipline, unless infractions result in serious consequences that call for more serious action.

5. Use sound management practices to ensure reasonable job security for those who satisfy the performance standards of their job responsibilities, duties and tasks.

6. Provide responsible and humane supervision.

7. Set performance standards and be recognized for consistent achievement of those standards.

8. Provide reasonable training and direction on how to successfully achieve competent performance results on new tasks or old tasks that are not performed on a regular basis.

Procedural Justice

The Uniform Standards of Conduct promote the concept of procedural justice. This concept requires that management follow its own policies, procedures and practices when exercising its rights, particularly in disciplinary and termination procedures. While these elements require no specific policies, procedures or practices, they do incorporate the principle that members be treated fairly in an employment situation. In understanding procedural justice, it is helpful to think of it as an agreement between management and its members that, in cases of disciplinary or termination actions, management will follow its own processes, and in return members will affirmatively work to promote the Bryant Police Department's image, mission, goals and objectives.

Procedural justice requires that:

1. Members be aware of what they can be disciplined for.

2. That evidence used to prove a case is substantially credible.

3. That members know all the facts of discovery at the appropriate time and in an appropriate manner.

4. That members have an opportunity to defend themselves.

5. That no elements of surprise exist.

For purposes of the Uniform Standards, cause to discipline or terminate is established when a member fails to comply with any of management's lawful directives, whether such directives be in writing or made verbally.

In a disciplinary or termination case, cause is established when:

1. Members receive advance notice of the possible or probable disciplinary consequences of their conduct.

2. A reasonable relationship exists between the rule and the safe and efficient operation of this agency.

3. Fact-finding efforts were made before disciplinary or termination action was imposed.

4. A fair and objective investigation was held.

5. Substantial evidence exists to prove the member is guilty as charged.

6. Discipline or removal actions are applied without unlawful discrimination. (Namely, demographic characteristics of the member)

7. The degree of discipline is reasonably related to the seriousness of the offense as well as the member's service record as a cooperative and productive member.

Policy versus Standards

Policy is one type of directive outlining management's intent or position on a given topic. Policies may be written or established by practice. They are designed to cover not every situation but the majority of situations expected to occur. Policies are most useful when they clarify management's intent, help improve decision making, and establish overall operational consistency. Policies are <u>not</u> rules.

Violations of the Standards call for mandatory sanctions, regardless of circumstances. Unlike in cases where deviation from policies because of circumstances can work to remove the possibility of sanction, circumstances can only work to mitigate the degree of sanction when the Standard is violated.

When sanctions are imposed, the concepts of progressive discipline will normally be followed if two circumstances exist. First, a review of the member's work history provides substantial evidence that the member will learn from the experience and future performance will improve. Second, the violation was not of sufficient nature or did not result in serious damage to this Department's business purposes, or retaining the member would not create an unreasonable risk to this Department's business needs.

Level of Proof in Violations of the Uniform Standards of Conduct

Violations of the Uniform Standards of Conduct are handled in administrative proceedings. The appropriate level of proof in such proceedings is "substantial." Under the substantial proof rule, all evidence is competent and may be considered, regardless of its source and nature, if it is the kind of evidence that a reasonable mind might accept as adequate to support a conclusion.

Fair Enforcement

The performance requirements of the Uniform Standards of Conduct shall apply to all members, whether full-time, part-time, volunteer, auxiliary or temporaries. The standards provide members with sufficient notice about:

1. The conduct expected of them.
2. How discipline will be used to enforce such standards.
3. How positions can be terminated.
4. The fair manner in which management will make decisions relevant to these standards.

When Enforcement is Appropriate

The purpose of disciplinary action is to correct improper performance after establishing that the member knew what was expected (or should have known) but failed to comply. Discipline is appropriate when other, less severe measures have failed to work. Likewise, discipline is applicable when the nature and the results of the improper performance are too serious to correct with lesser means of management action. Examples include instances where:

1. The Department's public image has been seriously damaged.
2. Serious risks of liability have been created.
3. Member safety has been seriously compromised.

4. The member has demonstrated, directly or constructively, that less severe corrective action did not change performance significantly.

Member culpability is also an important element in decisions to use disciplinary action. Culpability means the member violated the directive knowingly, purposefully, recklessly or negligently. Performance deficiency caused by culpability shows lack of regard for management's mission or priorities. Thus, it is a more serious performance problem than is performance error due to ignorance or lack of competency, even though the performance results are the same or similar.

When member culpability is shown or the elements of culpability have met the substantial evidence rule, discipline is appropriate if the member's evaluation and performance history demonstrate that the member's job is worth saving. In different situations, termination is appropriate.

This Department intends to enforce violations fairly and consistently. That means management will strive to treat all members equally when making decisions about the appropriate type of intervention to use in correcting a performance deficiency. Solutions include training, discipline, reassignment, demotion or termination. Whatever the management action, though, its amount and degree must be based on equity. As the term is used in the Uniform Standards of Conduct, equity means that management reviews each member's performance deficiency on a case-by-case basis. The following priority will help determine the nature and degree of management action that will be taken:

1. The seriousness of the deficiency or offense.

2. Management's expectation that the type and level of management action will facilitate or deter the conduct, work proficiencies or behaviors of others.

3. The member's overall conduct, work productivity, time between other violations (if other offenses have occurred) and behavior record.

4. Management's expectation based on the member's overt behavior, that the type and level of management action will improve the member's future performance. In other words, does the member respond positively to discipline?

5. The member's seniority.

When imposing discipline, infractions of the Standards that occurred more than two years beforehand will not be the determining factor in the final decision to discipline. That does not mean that this Department limits its right, power and authority to take

whatever disciplinary or termination action it feels is appropriate under given circumstances.

Specific Notice to Members

Whenever disciplinary action is used, the member is informed in writing of the following specific elements:

1. The exact offense violated.

2. How the violation affects this Department's ability to be an effective, efficient or safe employer.

3. What the member must do to avoid future disciplinary action.

4. How much time the member has to correct the problem.

5. What further disciplinary action, possibly including termination, will occur if performance does not improve.

In the Event Termination is Recommended

If a member's performance requires an inquiry or an investigation, the member may be placed on suspension. Depending on the findings, the member may be recommended for termination. If this occurs, the member will be provided with information that includes:

1. The reasons for the recommendation or termination.

2. The effective date of termination.

3. Whom to contact regarding status of fringe and retirement benefits.

4. A statement that the content of the member's appointment record relating to the termination will be made available to the member according to law.

The Uniform Standards of Conduct

Unlike policies and practices, these standards are performance mandates. They do not permit deviation. When members violate standards they should expect to be disciplined or terminated according to the established policies of this agency.

Violating a standard of conduct has serious consequences for members. It is important, therefore, that members interpret the spirit of the standards and their literal meaning uniformly. Standards are concepts and are often subject to individual interpretation, which in turn is heavily influenced by individual motives and desires. Therefore, the examples of violations and non-violations contained in this manual should help those members with the ability and desire to understand and follow the rules. Members who do not understand the standard's meaning or management's intent are responsible for contacting a supervisor for clarification. Members who fail to clarify any agency directives after they are published may not use lack of understanding as a defense if charged with violating the directive.

Like all agency directives, these standards are subject to change with appropriate notice as conditions warrant.

Twenty-One Uniform Standards of Conduct

01 Affirmatively Promoting a Positive Public Image

Members shall conduct themselves (on duty as well as off duty) in a manner that does not damage or have the probable expectations (in the mind of a reasonable person) of damaging or bringing the public image, integrity or reputation of the Bryant Police Department into discredit or disrepute.

Business necessity for this standard

Members shall accept full responsibility for their behaviors and the results of their behaviors on duty as well as off duty. Behavior that may not be considered wrong in private employment could be wrong in the public sector because of the nature of the public service mission. Historically, citizens are quick to criticize and require that public safety members be right as well as look right in their conduct and behavior. Management recognizes its responsibility to balance standards of conduct designed to promote public trust while at the same time to avoid unnecessary infringements on the member's rights to privacy. At the same time, members who wish to hold the honor of a public position and enjoy the privileges of public trust share an affirmative responsibility to conduct themselves (on duty as well as off duty) in a manner that does not bring public image or trust into question. The member's right to privacy does not create an obligation on management to finance those rights at the expense of effective, efficient, or safe operations of this agency.

02 Aiding Other Members

Members shall, during the line of duty, come to the aid of another member when a request or need is made known.

Business necessity for this standard

The nature of public safety work frequently requires the support, assistance and safety of other members. Knowing this support will be rendered in time of need promotes and maintains morale and a sense of well-being among all members.

03 Alcohol Use and Related Conduct

Members shall not possess or consume alcoholic beverages on duty or while in uniform on duty or off duty. Nor shall any member consume alcoholic beverages in proximate time to his or her reporting time for duty or report to duty with evidence of having consumed any alcoholic beverage.

Business necessity for this standard

The consumption or possession of alcoholic beverages by public officials is highly scrutinized by the public. Improper and excessive uses of such chemicals lead to severe criticisms of this agency and of all its members. Because a large portion of public safety work depends on the member's ability to evaluate critical situations and make judgments that often affect public confidence, life, liberty, and safety, it is critical that judgments be as unimpaired as practicable. The effects of alcoholic beverages interfere with this decision-making ability.

04 Maintaining an Acceptable Level of Availability for Work

Each member must maintain a level of availability for work during any regular reporting period that is at least that of the work unit's calculated average for the reporting period.

Business necessity for this standard

Public safety work requires team effort, and each member plays an important part as a member of the team. Unless members are regularly available for duty, work cannot go on effectively or efficiently. Excessive absenteeism causes unnecessary increases in official operating expenses. Members who are excessively unavailable for work (regardless of cause) force others to carry their extra loads as well as tie up job opportunities and positions for more available personnel.

05 Committing or Condoning Illegal or Forbidden Harassment

Illegal or forbidden harassment (e.g., sex, race, religion, national origin, ethnic, disability or age) are prohibited as a basis for conduct, behavior, or decisions affecting another member's or potential member's terms or conditions of employment. Members shall not use sex, race, religion, national origin, ethnic background, disability or age in their words, actions, gestures, conducts or behaviors that could reasonably be construed or perceived by another member or potential member as hostile, offensive or intimidating.

Business necessity for this standard

It is management's right and responsibility to channel, control, and otherwise prohibit member behavior or conduct that has the potential to cause employer liability or disruption in the work force or to subject management to civil liability for violations of a member's civil rights. On-the-job or job-related sexual, ethnic, racial, national origin or religious harassment is a serious violation of a member's, or potential members, civil rights. Civil courts hold employers and members highly accountable and liable for controlling behavior and conduct in these areas.

06 Committing Unsafe Acts or Endangering Self or Others

Members shall not unlawfully commit acts or behave in such a manner that has the potential for endangering or injuring themselves, property, or another person.

Business necessity for this standard

Safe behavior in public service work is paramount due to the level of public trust and the nature of the equipment involved (e.g., firearms, motor vehicles, impact tools, chemicals, etc.). Unsafe behavior and unsafe use and handling of equipment significantly increases the risk of injuries to citizens and personnel plus increases the risk of potential liability for this agency.

07 Conflicts of Interest

Members shall not create conflicts of interest or potential conflicts of interest with the duties and obligations of their positions within this agency.

Business necessity for this standard

Public service work requires that members do not compromise the authority, integrity, trust, or confidence inherent in their offices.

Public safety officials have easy and often uncensored and unquestioned access to people, information, resources and positions of trust not easily available to the general citizen. This "freedom of office" must be governed and controlled if the public trust is to be preserved. Failure to do so will severely restrict the ability of this agency to provide its services in an effective and efficient manner. When conflicts of interest occur between the member's private rights as a citizen and the privileged rights attributed to the member's position with this agency, management attempts to bring about a reasonable balance, if possible. When this balance cannot be made and the members' interests are in promoting their own personal interests, management must initiate action designed to promote the mission of this agency.

08 Cooperation with Members and Other Officials

Members are required to seek affirmative ways to cooperate and work with other members, other public officials, and members of any organization with whom the member or this agency needs to have a good working relationship in order to deliver lawful, effective, efficient, and safe services.

Business necessity for this standard

The need to work in a cooperative manner with members of other agencies and public officials is self-evident. In today's society, the effective, efficient and safe delivery of public services requires a coordinated effort of all members and public service agencies.

09 Supervisors Shall Display Respect Towards Subordinate-Ranked Personnel

Supervisors shall treat subordinates with the same courtesy and respect that is required of subordinates to display to supervisors. Criticisms of a member or a member's performances will be made directly to the subordinate and, when practicable, in a private setting.

Business necessity for this standard

Members who are treated with respect, concern, and courtesy are typically better performers and have higher morale. Supervisors who respect subordinates and limit criticisms to unsatisfactory work performances obtain higher levels of member cooperation than those who direct their criticisms at the member's person.

Because supervisors are management's representatives, higher levels of performance are expected of them in this area; and they are expected to set a positive example for others to follow.

10 Discriminating or Establishing Patterns of Discrimination in the Performance of Duties

In words, deeds, gestures, performance of jobs, duties, tasks and delivery of services, members shall not discriminate; nor shall they establish a pattern of adverse impact in the delivery of services when such discrimination has a basis in such areas as a person's sex, ethnic background, race, color, national origin, lifestyle, preferred sexual orientation, religion, criminal history, age, disability or social status.

Business necessity for this standard

Public members must strive to maintain neutrality in the performance of duties and delivery of services to all persons regardless of their personal characteristics, social status, or work conditions. Discriminatory services and treatment of all citizens creates a serious threat to the well-being of all as well as exposes this agency to the possibility of civil and/or criminal action.

11 Dishonesty or Untruthfulness

Members shall not lie, give misleading information, or falsify written or verbal communications in official reports or in their actions with another person or organization when it is reasonable to expect that such information may be relied upon because of the member's position or affiliation with this agency.

Business necessity for this standard

Public work is based on public trust and confidence. Performance standards in this area are much higher for public members than for the ordinary citizen. History has shown that having lost trust in its elected or appointed officials, the public is quick to react, often resulting in reductions in operating budgets, external review boards, replacement of officials, and in some cases abolishment of the organization.

12 Displaying Competent Performance and Achieving Competent Performance Results

Members shall willfully display competent performance and consistently achieve competent performance results on all assigned or assumed job responsibilities, duties and tasks

Business necessity for this standard

In a public safety organization where much of the work effort involves citizens' liberties and physical safety, incompetent performance cannot be tolerated. When incompetent performance is discovered, its source must be dealt with effectively and efficiently or the potential of damage or injury exists. When this potential occurs, the organization runs

the risk of incurring severe criticism, the loss of public trust, and the creation of civil liability.

NOTICE: As the term is used here, competency is a characteristic of a performance outcome, not a characteristic of an individual. Members are hired to achieve results; and if a member brings about an acceptable performance outcome, he or she has displayed the ability to apply his or her combination of knowledge, skill, and attitude within the context of the situation to bring about a useful outcome for the organization. Knowledge, skill, and attitude are useless to the organization if the member is unable to apply them in a productive manner.

13 Establishing Patterns of Absenteeism

Members shall not establish patterns of absenteeism. Establishing a pattern of absenteeism is a violation of official standards regardless of whether any part of the absenteeism within the pattern has been approved or disapproved by management.

Business necessity for this standard

All absenteeism affects the effective, efficient, and safe operations of this agency. The nature of public safety/security work requires a cadre of workers capable and ready to handle any established or expected service demanded by the public. Public personnel have specialized and specific training that cannot be easily replaced or substituted by other persons, and replacement or substitutions are usually difficult for management

Management accepts the fact that a certain amount of "planned absenteeism" will occur in any organization, and in many cases the causes are justified by the nature of the individual and specific circumstances existing at the time. However, when a member establishes patterns of absenteeism, management interprets this as substantial evidence of abuse and violation of this standard.

14 Physical and Mental Readiness to Perform Primary Duties and Tasks

Members shall report to work and while working remain mentally, physically, and emotionally ready to assume and competently perform all their responsibilities, duties, and tasks.

Business Necessity for this Standard

Effective, efficient and safe public service depends on members being ready to perform competently and effectively at a moment's notice. Public trust and quite often threats to member safety can occur in a public safety organization if management had to wait for nonperformance to occur before testing and monitoring for readiness. It is reasonable

and logical to assume that members who are physically and mentally ready to perform will be better performers than those who are not as physically and mentally prepared.

Members who lack the physical and mental capabilities to assume the responsibilities and duties expected of their jobs create a public safety hazard for themselves as well as others who may depend on their performance to provide an effective, efficient and safe protective service.

It will be job tasks that are performed on a regular basis that are used to determine in part the expected level of the member's fitness and mental and emotional readiness. For example, it is reasonable to expect a uniformed member who encounters physical exertion on a regular basis to maintain a higher level of physical and mental readiness than perhaps an administrative member whose regular duties are more sedentary in nature

Conversely, the non-uniformed member who deals daily with administrative decisions is expected to be able to handle higher levels of administrative stress than perhaps the patrol officer. It is reasonable to expect differences in their levels of performance because of the priority and repetitive nature of their daily tasks.

15 Giving a Full Day's Work for a Full Day's Pay

Members shall give a full day's work for a full day's pay and not establish patterns of non-productive work time.

Business Necessity for this Standard

The concept of expecting members to give a full day's work for a full day's pay is heavily imbedded in American labor management. Although public work is typically reactive in nature, a large portion of non-responsive work time can be spent performing self-initiated work. It is during self-initiated work periods that the preventive and deterrent nature of protective and safety services is achieved and provides the greatest opportunities to effectively and efficiently deliver services. The concept of a full day's work for a full day's pay does not mean members are expected to have identical levels of work from one day to the next. However, work patterns do exist and an analysis of data on a monthly, quarterly, semiannual, or annual period provides a descriptive picture of the amount and type of work that can be reasonably expected from members who are truly giving a full effort.

16 Insubordination

Members shall willfully observe and obey the lawful verbal and written rules, duties, policies, procedures, and practices of the Bryant Police Department. They shall also

subordinate their personal preferences and work priorities to the lawful verbal and written rules, duties, policies, procedures and practices of this agency, as well as to the lawful orders and directives of supervisors and superior command personnel of this agency. Members shall willfully perform all lawful duties and tasks assigned by supervisory and/or superior-ranked personnel. Direct, tacit or constructive refusal to do so is insubordination

Business necessity for this standard

Employment is a mutual exchange of interests and benefits between management and its members. In exchange for the privilege of employment and paid compensation, management has the right to expect members to willfully perform the duties and tasks of their positions or any other task lawfully assigned and achieve effective and efficient performance results. It is reasonable to expect members to obey operational directives and the orders of the agency's supervisors. When disagreements between management and members occur, management has the right to expect members to follow the accepted labor principle of "obey now and grieve later."

Insubordination and insubordinate behavior are recognized by labor practices to be among the most serious offenses. If insubordination is allowed to go unchecked, management loses control and authority over its work force

17 Knowing, Observing, and Obeying All Directives, Rules, Policies, Procedures, Practices and Traditions

Members shall display an affirmative, consistent effort to observe and comply with the directives, rules, policies, procedures, practices and traditions established for the effective, efficient, and safe operations of this agency. This standard applies to policies, procedures, and practices that are written as well as those established by past patterns or practices.

Affirmative effort as the term is used here means to self-initiate acceptable ways to comply. In other words, look for ways to comply with the standard and not look for the exceptions to the standard.

Business Necessity for this Standard

Policies, procedures, and practices are management's tools to achieve overall official efficiency and effectiveness in day-to-day operations and decision making. They are designed to communicate management's intent and to help management focus its resources.

18 Observance of Criminal and Civil Laws

Members shall obey the constitutional, criminal and civil laws of the city, county, state, and federal government.

Business necessity for this standard

Service and protection of the public, impartial administration and carrying out of duties, observing and obeying the very laws sworn to uphold, and providing equal service to all are covenants public officials have with citizens and are bound to honor if they wish to remain in public office. Officials who violate those very laws that they are sworn to uphold and observe destroy public faith and respect for this agency and weaken this agency's ability to perform its service mission.

19 Courteous and Respectful Behavior Toward Positions of Authority

Members shall be subordinate and display courtesy and respect in words, deeds, gestures, and actions towards personnel holding higher levels of official authority.

Business Necessity for this Standard

The purpose of supervisory positions is to ensure reasonably that the mission, goals and directives of this agency are carried out in an efficient, effective, and safe manner as well as to provide accountability for the performance of the work unit.

Management requires subordinates to display respect and courtesy to higher positions because it provides a sense of order as well as serves as a tangible indication that subordinates are willing to subordinate personal priorities, goals, and objectives to the needs and mission of this agency. In addition, the willingness and ability of a member to subordinate personal interests and to display respect and courtesy to a supervisor is a reasonable assessment of the member's capabilities to set aside personal feelings and priorities when dealing with citizen

20 Use or Unlawful Sale or Possession of Illegal or Unauthorized Drugs

Members shall not unlawfully possess, sell, consume, use or assist in the use of any illegal or unauthorized drugs or medications on duty or off duty. Nor shall any member consume any unauthorized drug or medication in proximate time to his or her reporting time for duty, nor shall he or she report to duty with evidence of having consumed such drugs or medication

Note: Unauthorized means any substance, drug or medication that is illegal to possess as well as any legal substance, drug or medication that is used without medical approval in violation of Policy.

Business Necessity for this Standard

The illegal and improper use of drugs is a national problem. Public officials who are known to use illegal drugs or use authorized drugs in an improper manner subject this agency to severe public criticism and damage the image of the total agency. By its very nature, public safety work depends on the member's ability to evaluate critical situations and make judgments that affect public confidence and often citizen's lives, liberties and safety. It is critical that judgments be as unimpaired as practicable and free from the adverse effects of any drugs

21 Use and Care of Property and Equipment

Members are accountable for the proper use and care of any property or equipment assigned to them, used by them, or under their direct or constructive care.

Business necessity for this standard

Constructive care means caring for equipment not being used, found, left unattended, or unsupervised. All members are accountable for assuming the care for such equipment and are required to take action affirmatively to return it to its place of proper storage.

Property means tangible and intangible ownership of goods, rights, or privileges of this agency (e.g., tools, weapons, copyrights, logos). Equipment is the tool by which this agency is able to accomplish its objectives and mission and represents a capital investment of public resources.

Management has the specific right and inherent interest in assuring the public that its equipment will be cared for and used in an effective, efficient and safe manner. Part of this responsibility includes designating what equipment will be used, how it will be used, who shall and shall not use Departmental equipment or property, and how it shall be cared for while entrusted to a member.

ILLUSTRATIVE EXAMPLES OF NON-VIOLATIONS

On the next several pages are non-exclusive listings of what management considers being illustrative examples of non-violations of the Uniform Standards of Conduct. A non-exclusive listing means that management, by publishing these listings, is not attempting to state all possible examples. Others may be applied, and the list is subject to periodic revision as deemed necessary by management.

These examples are provided for the sole purpose of assisting member understanding of the types of actions that management intends to prohibit or command.

Each member is required to review the Uniform Standards of Conduct and these examples periodically. If questions remain concerning what behaviors or conduct could be construed to be non-violations, members have an affirmative duty to bring their questions to management to avoid the potential of violating a standard.

Important notice, employees must read: By providing these examples, management does not intend to create an exclusive listing of all possible examples of non-violations of its standards. Examples are used to promote the connotative meaning of standards and other examples may apply. Standards and examples are subject to periodic change as deemed necessary by management.

Uniform Standards of Conduct
Non-Exclusionary Listing of Non-Violations

01 Affirmatively Promoting a Positive Public Image

Conduct off duty outside the community when the employee is not identified with this Department may be an exception if the conduct is not discovered by the general public or does not appear on the record associated with this department.

Off-duty conduct or behavior (non-criminal in nature) that has no impact or probable impact on the effectiveness or efficiency of this agency.

On-duty conduct or work behavior that is questioned by any person and through a formal administrative response can be honestly explained and justified by the business necessity of the situation existing at the time.

02 Aiding Other Members

Attempting to avoid responding to a call (giving a supervisor the reasons) if a prisoner is in the vehicle or under escort within a detention facility.

Attempting to avoid responding to a dispatched emergency call when the vehicle has insufficient fuel to respond appropriately and the deficiency is not the responsibility of the employee involved.

Being injured to such an extent that physical assistance would be impossible or impractical.

Not responding to situations in which a similarly trained and experienced member (based on the facts known at the time) would not suspect or be led to believe that assistance was necessary.

Refusing to assist another in what would amount to a violation of law.

03 Alcohol Use and Related Conduct

Lawful possession through duty necessity is not a violation of this standard.

Off-duty consumption within the privacy of the employee's residence, or in a cafe or tavern when the conduct has no probable adverse impact on the department's image.

Special events (out of uniform) when no reasonable expectations of assuming active duties exist, and the purpose is to establish work contacts or promote public relations (e.g., social events or gatherings).

04 Maintaining an Acceptable Level of Availability for Work

Approved bereavement leave.

Approved time in training, special work, or educational assignments.

Earned vacation time.

Minimal required military commitment time as permitted by law.

Personal days when used according to policy.

Time off for jury duty.

Time off on approved disability (e.g., serious injuries in the line of duty, pregnancy).

05 Committing or Condoning Illegal or Forbidden Harassment

Language (not slang) in reports or other communications that provides standard descriptions of witnesses, suspects, and others; for example, three black males, one white female.

The telling of stories or jokes that do not have an illegal basis (such as sex, race, ethnic, national origin, religion, sexual preference, age, handicap).

06 Committing Unsafe Acts or Endangering Self or Others

An act where risks occur because the employee has not received training comparable to that of others.

Assigning a member to perform a task or duty for which he or she has received the reasonable training or to assign equipment to use that is considered adequate under a reasonable standards rule is not a violation of this standard.

Equipment malfunctions when such malfunctions are beyond the control of the member.

Life-threatening situations where the probable consequences or actual consequences (as judged by a reasonable member) of committing the unsafe act are less dangerous than the actual or probable consequences of failing to perform.

07 Conflicts of Interest

Authorized off-duty employment that does not have a reasonable potential of interfering with work schedules, performance of job tasks, or the department's mission.

Freedom of speech and associated issues, provided the exercise of such rights does not conflict with this agency's business necessity (the member must establish the elements of "public concern").

Refusal to follow management's request to discontinue a conflict of interest situation is not a violation of this standard; these incidents are violations of the insubordination standard.

Responding to an emergency, while on duty, of a personal nature (e.g., plumbing leak at home) if the supervisor verifies and approves the necessity and another's safety or public services are not at issue.

The right to associate with any person whose reputation, criminal history, moral character, or vested interest is not in conflict with the goals, objectives, ethics, or mission of this agency.

The right to join any group or association that does not have as its political doctrine the unlawful overthrow of the United States government or does not advocate unlawful criminal or civil actions against any individual or social group.

The right to vote in public elections, primaries, or referendums.

08 Cooperation with Members and Other Officials

Directing requests through the established Chain of Command when their approvals are necessary.

Members are not required to compromise professional integrity to gain the cooperation of another individual or organization.

Supervisors who use legitimate supervisory authority to direct and inform members of the consequences of their failure to comply with management's lawful directives is not a violation of this Standard, provided comments are directed at the member's performance shortcomings and not at the employee's persona.

09 Supervisors Shall Display Respect Towards Subordinate-Ranked Personnel

Humor, of a non-offensive manner, to relieve tension or stress, is not intended to be a violation of this standard. (NOTE: Should a particular member become the victim of targeted harassment, a violation of this standard exists).

Performing supervisory duties with respect to reprimands, counseling, etc., is not a violation of this standard as long as it conforms to good personnel relations practices.

Reacting during the excitement stage of an emergency to a subordinate without courtesy when the member initiates disrespectful, offensive, or threatening behavior towards the supervisor.

10 Discriminating or Establishing Patterns of Discrimination in the Performance of Duties

After a crime involving a black man, woman, Hispanic, etc., with personal identifying characteristics, the officer stops suspects with similar characteristics.

Segregation of known gang members, witnesses and others within the public safety facility for safety and business necessity.

Concentrated enforcement activity because of previously established violation patterns.

Selective enforcement programs for specific violations of law, codes, or ordinances.

11 Dishonesty or Untruthfulness

Filing information that proves to be wrong when the member can provide substantial evidence that he or she had no intent to be in error.

Minor omissions or errors on reports or cases that have no significant impact on outcome and when the member has not been working with or has not worked with such reports or cases for a period of time.

Redirecting a criminal suspect or detainee's, or a potentially dangerous suspect or detainee's attention or focus in order to reduce the threat of injury, disruption of order, or jeopardizing of an important investigation is not a violation of this standard.

12 Displaying Competent Performance and Achieving Competent Performance Results

A member who asks questions and is not able to competently perform a duty or task because he or she has not had the training or experience available to the typical successful performer who does similar duties or tasks.

This standard is not intended to include those times when productive performance drops for a short period of time because of personal problem provided the employee recovers in a reasonable period of time (e.g., a few days or weeks).

13 Establishing Patterns of Absenteeism

Absenteeism due to restricted or light duty because of job-related injuries provided the associated time off does not establish an approved attachment pattern with regularly scheduled time off.

Annual pre-planned vacation time in accordance with leave policy.

Attendance at periodic training or special details that are prearranged, recognized, and approved by management.

Observance of scheduled days off.

Sick time used by members who have a serious (life-threatening) illness or injury to self or immediate member of the family shall not be calculated into any pattern as long as such illness or injury is properly documented, the nature of the injury or illness is certified by a licensed physician approved by the department and such use is approved by management. (NOTE: All such approvals are subject to management audit and change).

14 Physical and Mental Readiness to Perform Primary Duties and Tasks

Failing to occasionally perform at peak performance, especially after a recent shift change is expected. However, the member never relinquishes the responsibility for adequate performance regardless of conditions.

15 Giving a Full Day's Work for a Full Day's Pay

Low productivity of a short-term nature (e.g., a day, week and perhaps even month) when atypical work conditions or situations exist.

Members given compensated time for the interruption of time off for such things as testifying in court, coming out to work early, etc., are not in violation of this standard.

Short-term (not exceeding 30-45 days) situations where the member has undergone a traumatic personal event (e.g., death in the family, divorce, severe injury on the job, involvement in the taking of a life, etc.).

16 Insubordination

Leaving an assigned area in situations where duty requires it and a reasonable effort to contact the supervisor has failed.

Refusing to obey unlawful (criminal or unconstitutional) directives. Mere belief on the part of the member that a directive was criminal or unconstitutional will not protect a member's job if such belief fails to be established in a later hearing.

Refusing to perform tasks that create an unreasonable safety hazard for which a member has not been trained or adequately equipped to handle safely.

17 Knowing, Observing, and Obeying All Directives, Rules, Policies, Procedures, Practices and Traditions

Deviations from policies, procedures, and practices (but not rules) may be permitted provided the member can provide (in writing) substantial proof that such deviations were necessary to business necessity.

Members who by virtue of inexperience (e.g., probationary or totally new job assignment) could not be reasonably expected to know the directives associated with the performance.

18 Observance of Criminal and Civil Laws

A minor infraction of a law (e.g., the failure to renew a license plate, motor vehicle inspection), would not normally be considered a violation of this Standard, provided they do not thwart management's goals to promote a positive public image.

Legislated exemptions (e.g., the operation of emergency vehicles under emergency conditions, the right to use force to effect a lawful arrest or detention, emergency medical response or hazardous materials spill).

19 Courteous and Respectful Behavior Toward Positions of Authority

Going to a federal, state, or local court or civil rights commission to report a legitimate violation of civil rights without going through the Chain of Command.

Merely asking questions concerning a supervisor's directions is not a violation; however, consistently challenging management's directions does display disrespect for authority.

Not following the Chain of Command when the immediate supervisor is part of the problem (particularly in cases of harassment), provided the member follows established procedures to bring his/her problem to the attention of another management member.

20 Use or Unlawful Possession or Sale of Illegal or Unauthorized Drugs

Prescription medicine permitted for use by an approved physician and management and that is used in the manner in which it is prescribed.

21 Use and Care of Property and Equipment

Any equipment damaged, torn loose, or damaged as a result of an altercation that was properly placed, secured, stored, or handled is not a violation of this standard. Unique uses of equipment in an emergency situation to save a life or prevent the potential of serious life-threatening injury is not a violation of this standard.

Unique uses of equipment under abnormal or emergency conditions to facilitate the saving of a life or prevention of further injury or serious damage to another person or property.

ILLUSTRATIVE EXAMPLES OF VIOLATIONS

On the next several pages are non-exclusive listings of what management considers to be illustrative examples of violations of the Uniform Standards of Conduct. A non-exclusive listing means that management, by publishing these listings, is not attempting to state all possible examples. Others may be applied, and the list is subject to periodic revision as deemed necessary by management.

These examples are provided for the sole purpose of assisting member understanding of the types of actions that management intends to prohibit or command.

Each member is required to review the Uniform Standards of Conduct and these examples periodically. If questions remain concerning what behaviors or conduct could be construed to be violations, members have an affirmative duty to bring their questions to management to avoid the potential of violating a standard.

Important notice, employees must read: By providing these examples, management does not intend to create an exclusive listing of all possible examples of violations of its standards. Examples are used to promote the connotative meaning of standards and other examples may apply. Standards and examples are subject to periodic change as deemed necessary by management.

Uniform Standards of Conduct

Non-Exclusionary Listing of Violations

01 Affirmatively Promoting a Positive Public Image

Causing a scene in a restaurant when a discount on meals is not given. (NOTE: This may also be a conflict of interest; see STANDARD 07.)

Consistent complaints from the member's neighbors concerning the member's behavior as it relates to violations of law.

Controversial conduct displayed on or off duty that brings public criticism and causes management or supervisory personnel to spend an atypical amount of time and management cost to investigate or respond to the criticism.

Failing to identify self, badge, and identification card and number to any member of the public. (NOTE: This does not include identifying self if working undercover or when the member's safety would be endangered.)

Failing to keep equipment clean and in proper order.

Failing to speak courteously to members of the public or treat them courteously (e.g., failing to give badge number when requested to do so, not letting a violator(s) ask questions about points of law or about the nature of the offense.

Failure to present proper grooming, uniform or dress appearance while on duty or representing this agency.

Loud and crude language in front of the public when such language has a direct and detrimental impact on public image.

Public criticisms of departmental operations when such actions cause the department to suffer the public's loss of faith and being unable to provide substantial evidence those actions were in the public's best interest.

Use of tobacco products in any form while meeting the general public on duty or in uniform, particularly while conducting official agency business.

Smoking in any place where smoking is prohibited.

Taking criticisms of the agency's operations to the general public when such actions cause the department to suffer the public's loss of faith and when the member cannot show that such actions were in the public's best interest.

Using profane or abusive language in front of members of the public.

02 Aiding Other Members

Establishing a pattern of being habitually not available or unable to respond to a request for assistance or to take a call

Failing to self-initiate an immediate and appropriate response in an emergency situation where another comparably trained employee with similar job responsibilities would self-initiate an immediate response without waiting to be told to do so by a supervisor, peer or dispatcher.

Responding to a request for assistance and then not seeking ways to provide such assistance.

The failure to conduct an inspection for another member or in another member's area when requested to do so.

The failure to participate as a backup for another member or the repeated dependence on another member to take the lead in potentially injurious or dangerous situations.

The failure to respond when a request for a backup is made by another member, or division, particularly if the failure was due to an unauthorized absence from duty or being out of an assigned work area.

The failure to respond when a request for a service is made by another member or division, particularly if the failure was due to an unauthorized absence from duty or being out of an assigned work area.

Through lack of self-preparation, failing to know enough about what is going on to do a job efficiently or effectively, or cause others to be inefficient or ineffective in the performance of duties.

03 Alcohol Use and Related Conduct

Alcohol consumption during assignments or authorized social events when the blood alcohol level exceeds the state's presumptive level or the member's behavior indicates that the member is under the influence of alcohol.

Consumption of alcohol during off duty while on work standby and, if called out, not being able to report to duty without violating this standard.

Reporting to or remaining on duty with the smell of an alcoholic beverage on one's breath or emitting erratic behavior that would indicate the member was under the influence or effects of an alcoholic beverage.

04 Maintaining an Acceptable Level of Availability for Work

All unauthorized absences.

Consistently scheduled personal appointments that coincide with scheduled duty time.

Failing to attend a scheduled training course or being absent for any period of time from a scheduled training course without direct approval from appropriate authority.

Reporting late for duty after receiving notice to correct; habitually unavailable, more so than the typical employee, for the assignment of overtime.

Time lost because of reporting to duty unfit or not ready for duty. This includes physical or mental fitness, and the failure to bring or wear necessary equipment or uniform.

Time lost doing re-work because such work was not completed properly the first time.

Time lost sleeping, loafing or watching television during restricted times on the job.

Time spent conducting personal business on work time.

Time spent correcting deficient work after receiving notice to improve.

Time spent on unauthorized tasks.

Time spent on extended lunch or work break after receiving notice to correct.

05 Committing or Condoning Illegal or Forbidden Harassment

A supervisor giving an atypical amount of preferential or non-preferential job assignments or favorable or unfavorable considerations to an employee with whom he or she currently has or has had a personal relationship.

Repeatedly asking an employee for dates once that employee has expressed no interest in starting or continuing a personal relationship.

Fails to demonstrate positive efforts to get along with a member of another race, sex, religion, national origin or refusing to work with such persons.

Inability to get along with an employee of another race, sex, religion or national origin, or refusing to work with such persons.

Making slurs based on sex, race, religion, national origin, age, physical disabilities, sexual preference or ethnic background to or about employees.

Posting derogatory graffiti, cartoons, or script on bulletin boards, chalkboards, walls, locker rooms, or vehicles, or failing to remove, or arrange for the removal of such prohibited graffiti, cartoons, or illustrations.

Telling sexual, racial, ethnic, national origin or religious, sexual preference, age or handicap jokes or stories.

06 Committing Unsafe Acts or Endangering Self or Others

All behaviors regulated or prohibited by specific guidelines, policies, procedures and practices that are designed to prohibit unnecessary risk to all persons' safety.

Allowing untrained or inexperienced employees or civilians to use equipment that has the potential of being damaged or injuring any person.

Being assigned to assist as a backup and habitually failing to be able to provide support or assistance is substantial evidence that the member is violating this standard.

Being on duty and failing to keep aware of events and circumstances ongoing during the shift that have reasonable expectation of causing a safety concern or others or self.

Failure to properly search prisoners.

Failure to properly restrain prisoners during transport.

Continuing a chase for a minor violation once a license number and driver identification are known and substantial evidence exists to indicate the person can be apprehended later on with less public endangerment.

Failing or refusing to wear a seat belt properly.

Failing to drive defensively, resulting in a chargeable motor vehicle accident or in the department's receiving a substantiated complaint.

Failing to notify the dispatcher of a location, particularly on a traffic stop or encounter with a suspicious person and during any prisoner transport.

Failing to provide known information or withholding information that results in another member or person being injured or subject to an unnecessary safety or health risk.

Failing to report damaged or dysfunctional equipment that has the probability of endangering self or others.

Handling, aiming, firing, unloading or loading a weapon contrary to established policies or procedures (includes accidental discharges of firearms, drawing weapons on citizens without reasonable cause to believe that the citizen is life-threatening).

Horseplay (e.g., the use of equipment for purposes not specifically designed or pranks that create the possibility of injury).

Leaving security doors open, ajar, or defeating the locking mechanism.

Leaving unsecured or improperly stored a weapon or potential weapon.

Introducing any weapon, chemical agent, or unauthorized device into a detention facility (Exception, e.g. authorized use during an emergency).

Making oneself unavailable for duty (e.g., leaving the station without notifying the dispatcher and immediate supervisor, not answering a radio when called, or unplugging the telephone to avoid taking a call, consistently taking longer than normal comfort breaks).

Purposefully going out of service (e.g., not answering a radio when called, unplugging the telephone to avoid taking a call, logging out of service) when substantial evidence indicates another member or person needs assistance.

The unauthorized and unnecessary divulging of information, communications or correspondence that identifies an investigative official.

Unauthorized as well as unnecessary divulging of information, communications, or correspondence that identifies or suggests the identification of an informant or undercover member of this agency or any other investigative official.

Failing to provide prisoner information upon detention pertaining to known, but unrecognizable facts (e.g., medical, suicide or security risk).

Unsafe and/or improper handling of equipment that carries a reasonable risk of endangering persons or property.

07 Conflicts of Interest

Accepting gratuities or rewards from any person or business without the authorization of the Police Chief.

Soliciting gratuities or rewards from any person or business.

Engaging in an illegal work slow-down, sit-down, or strike.

Failing to perform a duty because of personal interests.

To influence or arrange the outcome of any citation or prosecution by unlawful means.

Giving out unauthorized information or information in violation of policy to any person (e.g., news media, attorneys, bondsmen, parents).

Having a substantial interest in a business that does business with the employing governing body, without exposing such interest to the governing body.

Incurring financial liability or obligations for the department without job authority or written permission to do so.

Owning a business in whole or part that provides a service or product that conflicts with or jeopardizes the mission, goals or objectives of the department.

Performing a secondary job or private work while on duty (such as making business contacts, conducting follow-ups on outside work, delivering correspondence, selling).

Performing substandardly and holding a secondary job is substantial evidence that the secondary job is a conflict of interest in part or in whole.

Providing a secondary employer or employees of a secondary employer with special governmental services or treatment.

Purchasing from or for a prisoner or giving or accepting gifts from or for a prisoner.

Recommending a contractor, engineer, builder, architect to disaster victims.

Recommending the private or professional services of an attorney, bondsman, wrecker driver, etc., to a citizen, victim or prisoner.

Releasing or providing access to administrative or public information and/or documents or records without complying with established administrative procedures or laws governing the release or controlled release of such information.

Soliciting for any purpose on public premises without proper authorization.

Supervisors who place themselves in a financial obligation to a subordinate violate this Standard if the subordinate attempts to use such circumstances to gain special favors.

Using information gained from professional duties for personal gain.

Working for an individual or establishment that has a community or departmental reputation for violence, crime, vice, illegal drug trafficking, etc.

08 Cooperation with Members and Other Officials

Failing to seek affirmative ways to establish a working relationship with a member, or a member of another organization when it is found that such failure resulted in ineffective, inefficient or unsafe performance of the member's duties and responsibilities.

Failing to seek affirmative ways to establish a working relationship or share work-related information with a member of another section, division, bureau or work unit when it is found that such failure resulted in ineffective, inefficient, or unsafe performance of any member's duties and responsibilities.

Refusing to turn over a scene or incident to another agency that has greater or more appropriate jurisdiction.

Refusing to turn over care of an injury victim to certified emergency medical personnel when no substantial evidence exists to doubt the personnel's ability to handle the victim competently.

Threatening, intimidating, coercing or interfering with the work performance of another.

09 Supervisors Shall Display Respect Towards Subordinate-Ranked Personnel

A supervisor discusses a private conversation with another individual who has no business necessity to know about the conversation. (NOTE: The supervisor is required to inform the member prior to engaging in such a conversation whether or not the conversation will be relayed to other parties as well as the business necessity for such action.)

Criticisms directed at the member and not the member's performance or performance results (e.g., "there is no place in public service for your kind," etc.).

Failing to find a private place to speak with a member about performance problems or criticizing the member or the member's performance in front of others who have no need to know about the problem.

Gossiping or condoning continued gossip by others, about a member to other members or supervisors.

Having a problem with a subordinate and not coming to him/her to deal with it directly, using another person to convey dissatisfaction with the subordinate's performance.

Supervisor consistently admonishes the subordinate without full knowledge of the situation or circumstances of the situation or problem.

Using group meetings to criticize other members. (NOTE: This does not prohibit discussing important information of a performance nature when others at the meeting need to know the information to perform their jobs.)

10 Discriminating or Establishing Patterns of Discrimination in the Performance of Duties

Not patrolling in select neighborhoods compared to other members responsible for patrol of a particular neighborhood provides substantial evidence that this Standard is being violated.

Failure to remain impartial when handling disputes.

Exercising favoritism, as evidenced in the selection of work assignments and schedules for a specific individual or group of individuals.

The activities of an officer when compared to the typical activities of the work unit show a disproportional impact on a specific demographic group or against a specific individual or group of individuals.

11 Dishonesty or Untruthfulness

Conducting a performance evaluation in a manner that does not comply with the policies governing performance evaluations or does not comply with the spirit or intent of the evaluation process.

Covering up or purposefully failing to report damage or loss of equipment.

Failing to conduct a professional investigation and, because of it, an innocent person is prosecuted. (NOTE: This may also be a violation of STANDARD 12, the competency standard.)

Falsifying a job application, activity records, activity reports, attendance records, certification records, public documents, etc.

Falsifying a sick leave report, workers compensation or accident claim.

Falsifying any report in part or whole or failing to provide a complete and accurate report or account when it is evident to a reasonable and prudent person that a complete report would lead to a different conclusion.

Giving untruthful or misleading statements or partial truths during a legal proceeding, agency investigation, or administrative proceeding.

Intentionally claiming higher than appropriate damage to property on an official report to boost higher insurance payments. (NOTE: When intent is not an element, this behavior is an example of STANDARD 12 competency.)

Intentionally claiming higher than appropriate damage to property on an official report to render a structure dangerous or condemnable. (NOTE: When intent is not an element, this behavior is an example of STANDARD 12, competency.)

Making untruthful or misleading statements or partial truths about any employee, supervisor, command staff or their operations.

Providing any person with misleading or false information to avoid performance of duties or delivery of an expected service.

Requesting others to change or withdraw a report or notice, or causing the delay of any official communications.

12 Displaying Competent Performance and Achieving Competent Performance Results

A regular member having to be repeatedly told how to do the routine tasks of the job.

A supervisor violates this standard when he or she fails to correct a subordinate's infraction when such infraction is first made known or when the supervisor could have been expected by management to be aware of the problem.

Accepting and/or reporting information related to duties as true or factual without taking reasonable steps to verify the correctness and accuracy of the information.

Consistent failure to appear in full uniform or turn out gear.

Consistent failure to enter accurate report data on reports or into information storage files.

Consistent failure to pass regular qualifying exams or tests within the established time periods (e.g., firearms, emergency medical, knowledge of policies or procedures, certification examinations).

Consistent inability to comprehend or understand supervisory instructions, explanations, or directions for work performance through the normal communication channels or communications flow of the organization.

Consistently taking work breaks at times when it fails to promote the most effective and efficient flow of work going on at the time.

Failing to achieve consistently a minimum level of typical productivity on assigned tasks or management's chosen priority work tasks for the member or the members of the work unit.

Failing to conduct a performance evaluation according to procedure provided the failure is not due to actual or constructive intent (i.e., an act of insubordination).

Failing to demonstrate competent performance results on any assigned or assumed duty or task after receiving comparable training and experience as the typical member.

Habitually making the same types of mistakes and being defensive about accepting constructive criticism of performance.

Lacking purposeful intent, a member who consistently fails to respond to calls in a normal and timely manner displays in competency in his or her ability to manage autonomous work time and workloads.

Losing temper or composure and overreacting to another's verbal comments.

Not being equipped with proper tools, forms, or equipment to perform expected job duties and tasks when such items are available.

Repeated failure to complete reports when necessary information is available, after receiving notice to correct.

Taking frustrations out on others or failing to prevent such frustrations to lead to injury or damage to persons or property.

The failure to appear for hearings or trials without good cause and without giving advance notice to court officials.

Absences beginning or ending with specific shifts or time periods (e.g., preceding holidays, sports events, seasonal events).

13 Establishing Patterns of Absenteeism

Absences of short duration (less than three days) due to alleged sickness that are attached to scheduled days off or other scheduled absenteeism.

Establishing a pattern of scheduling doctor's appointments during busy or critical work times without displaying substantial written evidence that other times could not have been more appropriately arranged.

Consistently using sick leave hours within a short period of time in which they are earned.

Use of sick leave at a rate that consistently leaves the employee at or near zero (less than 16 hours).

14 Physical and Mental Readiness to Perform Primary Duties and Tasks

Behaving in a manner that would lead a reasonable person to suspect that the member's mental ability, attitude, or demeanor were atypical (e.g., hostile or offensive behavior, profuse anger beyond normal agitation).

Excessively using sick leave or time off taken due to illness or injury is direct evidence of the member's unreadiness to assume the duties, tasks and performances of the job.

Failing to pass any test or examination (e.g., fitness, drug, psychological) that is directly associated with the nature of the member's job tasks is substantial evidence of a state of unreadiness to assume the duties and responsibilities of the member's position.

Failing to perform an assigned task and an investigation into the matter reveals a lack of physical or mental readiness. This is substantial evidence of a violation of this standard.

Sleeping on duty. (NOTE: Acts of this nature usually violate other rules; e.g., STANDARD 04 Unavailable for Work, STANDARD 16 Insubordination).

15 Giving a Full Day's Work for a Full Day's Pay

Acting or behaving in such a manner that it unnecessarily disrupts the member's own performance or the performances of other members of the work force.

An analysis of a member's work record shows an established pattern of work productivity or non-productivity that is consistently associated with specific periods of time.

Consistently taking a longer than normal time on a task or job assignment which results in others having to handle the extra work load is "milking" the job to avoid carrying a fair share of the work load.

Failing to commence productive work at the beginning of the shift or stopping productive work prior to the end of the shift.

Failing to immediately resume normal duties (e.g., continuing to hang around for an additional period of time) after completing a call, normal break or other assigned detail.

Member consistently fails to self-initiate designed priority work during time not committed to demand tasks (e.g., dispatched calls, supervisory requests for sudden need-to-do work).

Non-productivity work period grouped around pay days; the last day of the work week; the first day back from normal weekly time off; days proceeding, following or in between holidays, etc.

Parking or hiding in out-of-the-way locations from the eyes of the public or supervisors when not on declared surveillance. (NOTE: Declared surveillance means the surveillance was prearranged with the supervisor or dispatcher has been notified.)

Productivity patterns that are grouped around the first hours of work and the rest of the work period show significant declines in work output.

Spending an atypical amount of time on station, leaving the field work for others to do.

Spending an atypical amount of time out of station, leaving the house-work for others to do.

The habitual non-productive member who consistently performs substandard work or performs below expectations, the member who works "hot" for a month or two and then works "cold" for a month or two.

16 Insubordination

Being absent without leave (AWOL) for a scheduled reporting time or from an assigned duty. (NOTE: See STANDARD 04 for a nonexclusive listing of examples that constitute AWOL)

Deliberate defiance of management's legitimate exercise of its rights.

Inciting others to react negatively to a lawful management directive or running management's decisions down behind management's back, causing disruption of the work force or creating a substantial risk of disrupting the work of another or affecting other's morale.

Leaving an assignment or assigned duty area without permission of the supervisor in charge.

Not responding to a call or delaying response to a call that has a history of false alarms.

Refusal to accept (directly or constructively) management's lawful directives or decisions (e.g., sign for the mission, code of ethics, oath of office, standards, policies or procedures). [NOTE: This Standard does not require that the member agree with management's directives. However, it does require that members comply.]

Refusing to comply positively (directly or constructively) with the lawful rules, policies, procedures, practices or directives of management.

Refusing to follow the requirements for the use of light duty or sick leave (NOTE: If sick leave is abused, the employee may expect to face departmental charges as well as criminal charges for theft in public office).

Refusing to perform assigned work duties or tasks for the position being held.

Refusing to perform the assigned work duties or tasks performed by the typical member in like or similar positions.

Refusing to report to a place of duty at the designated time and location.

Refusing to sign a performance evaluation review.

Refusing to submit to a lawful examination of body fluids or a chemical test when directed to do so by a supervisor.

Refusing to subordinate personal preferences to a supervisor's lawful directives or work instructions.

Refusing to turn in a report as specifically directed to do so by a supervisor or by a member in a superior-ranked position.

Refusing to work reasonable amounts of overtime or refusing to work overtime in an emergency situation. (NOTE: Having an established pattern of sick use and suddenly calling in sick prior to such assignments is substantial evidence of a violation of this rule.

Repeatedly being unable to be contacted for call-out when given standby notice.

Using the tactic of habitually asking for specific clarification of rules or directives that have the effect of slowing down work or frustrating supervisors or other members of the work unit. (NOTE: If circumstances indicate other conditions, STANDARD 12 may be used.)

17 Knowing, Observing, and Obeying All Directives, Rules, Policies, Procedures, Practices and Traditions

Consistent failing to know information in operational manuals, files, and agency directives.

Being the member who consistently gives the excuse, "I did not know it or see it," when no such problem exists for other members.

Using any firearms that are unauthorized by policies or procedures, or using any authorized firearms in a manner that is not authorized by policy or procedures.

Establishing a pattern of deviation from directives that is significantly different from the compliance rates of other members.

Failing to care for or protect the rights of all prisoners whether such prisoners are in the member's custody or when it is known or should be known that such rights are not being observed by others.

Habitually challenging policies, procedures, or practices without providing objective and documented facts (in written form) to support justification for such deviation.

18 Observance of Criminal and Civil Laws

Committing an unlawful search, seizure, or detention of another person or person's property.

Committing non-exempted infractions of traffic laws (e.g., driving over the speed limit, failing to observe traffic control devices, parking in unauthorized locations, failing to wear seat belts, etc.).

Inflicting punishment or mistreatment (includes both physical as well as mental) upon any person.

Non-exempted violations of any local, state, or federal criminal or civil codes or ordinances.

Refusing or failing to protect any person's civil rights when such need is made known or would have been known by a competent deputy.

Unprivileged publication of a false statement intending to harm the reputation of another member of this agency or any person in general (slander if done verbally and libel if put in written form.

Using excessive force to hold, affect an apprehension, arrest or detain any person.

Using prohibited devices, procedures, tactics or techniques to affect a holding, apprehension, arrest or detention of another. Members will be acting out of color of office without agency protection from civil liability in such independent actions.

19 Courteous and Respectful Behavior Toward Positions of Authority

After being instructed to do so, not addressing a superior-ranked member by his or her title, particularly while in public.

Failing to follow the designated Chain of Command to achieve work goals, objectives, mission, or otherwise resolve individual work-related differences (NOTE: Does not apply when the person in the member's Chain-of-Command is violating the employee's civil rights).

Failing to keep a superior in the direct line of supervision informed of pertinent information that affects or has the probability of affecting the effectiveness, efficiency or safety of any member, including self.

Using abusive language or gestures at, towards, or about a superior-ranked member this is particularly serious if committed in the presence of other members or made. Known to other members, or members of the public.

20 Use or Unlawful Possession or Sale of Illegal or Unauthorized Drugs

Involvement, either directly or indirectly, in the sale or distribution of any illegal drug, substance of abuse or related paraphernalia.

Not being able to account (through proper documentation) for any drugs or substance handled by the member.

Possession of illegal drug or substances of abuse, or using a substance in an abusive manner.

Reporting to duty or remaining on duty while displaying erratic behavior or actions that would lead a reasonable and prudent supervisor to believe the member was under the influence of drugs or medication.

The continued taking of a prescribed drug once the medical reason is no longer valid.

Use or possession of any unapproved drugs while on duty.

21 Use and Care of Property and Equipment

Failing to avoid damaging or purposefully damaging equipment.

Failing to perform routine and regular maintenance on assigned equipment.

Waste, misuse or indifference to the recommended application of any product or item supplied by the department.

Failing to report damaged or dysfunctional equipment. (NOTE: If the failure to report results in injury or high-risk danger to another person, or self, STANDARD 06 is the better charge.)

Leaving a departmental vehicle running and unsecured.

Misuse of radios by transmitting slang or other non-official communications

Private use of equipment without the approval of appropriate supervisory personnel.

Purposefully disabling or damaging equipment or equipment used by another without authorized cause.

Testing or using equipment in an unauthorized manner that results in damage.

Use of another's equipment without gaining the other member's prior approval.

Using special or restricted equipment without gaining proper supervisory authorization.

ADDRESS AND TELEPHONE NUMBERS	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **Purpose:** For the purpose of emergency notification.

II. **Policy:** All department employees shall submit their residence address and telephone number to the office of the chief of police. Any change in residence location or telephone number shall be reported within twenty-four (24) hours to the office of the Chief of Police.

III. **Procedure:** Employees shall submit their residence address and telephone number in email format to their immediate supervisor. It will be the supervisors' responsibility to forward/cc the address and telephone numbers up the chain of command to include the human resources department at city hall.

IV. No persons shall release the phone numbers or address of any employee, to persons outside of this department without permission of that person.

Active Shooter-Killer	Related Policies: **Response to Resistance**
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 office for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Policy: This department in order to save innocent lives recognizes the need for officers to act swiftly and decisively during active shooter-killer events. Responding officers are authorized to take immediate action to contain and if necessary, neutralize active shooter-killers.

II. DEFINITIONS:

A. **Active Shooter-Killer** An active shooter-killer is an armed person who has used deadly physical force on other persons and continues to do so while having potential access to additional victims in what is commonly referred to as a target-rich environment.

B. **Immediate Action Rapid Deployment** - The swift and immediate deployment of law enforcement personnel and resources to ongoing, life threatening situation where delayed deployment of personnel could otherwise result in death or great bodily injury to innocent persons. *Immediate action rapid deployment tactics* are not a substitute, nor the same as conventional response tactics to a barricaded gunman.

C. **Soft Targets** - For example, a soft target would be an automobile, a house or assembly of people. Hardening a soft target can be achieved by employment of active security elements such as the presence of armed security or law enforcement officers; or passive elements such as Crime Prevention Through Environmental Design [CPTED], physical barriers, and locking systems. Soft targets selected by active shooter-killers most often include public schools, colleges and universities, malls and major retail.

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D. **Suicide-by-COP** - Is a suicide method in which a criminal actor deliberately acts in a threatening or destructive way towards a law enforcement officer or others, with the intent of provoking a lethal response, such as being shot to death. Similar phrases include death-by-cop, suicide-by-police, and officer-assisted-suicide.

E. 540 Degrees of Awareness - A tactical deployment concept where officers are aware of the necessity to observe their surroundings 360° horizontally, and 180° overhead. Having the effect of observing to their front, sides, rear, and overhead as they move tactically.

IV. DISCUSSION: It is not unusual for tactical teams to arrive at the scene of a barricaded incident and find that patrol personnel have contained the suspect within a secure perimeter. There is generally time for the tactical team to deploy their personnel without serious concern of the suspect(s) escaping. Once the incident has been isolated, time enables patrol and/or tactical personnel to formulate a structured and deliberate plan.

However, there are scenarios that require immediate action and rapid deployment of patrol personnel prior to the arrival of the tactical team. In these cases, delayed deployment could have catastrophic consequences. These scenarios often involve an ongoing . . . shots fired or downed officer/citizen rescue. It may also necessitate the immediate and rapid deployment of armed personnel to contain or prevent the escape of an armed and dangerous person(s).

Over the past several years the world has experienced a growing trend of mass homicide violence committed by individuals. These episodes have come to be termed active shooter-killer incidents and are unique in that the behavior of the suspects is very different from that typically associated with other violent behaviors. Suspect(s) generally begin to shoot at numbers of people without warning. In planning their attack, the active shooter-killer will select soft targets. The motives for these behaviors include political and religious agendas, rage, vengeance for perceived wrongs, and mental dysfunction.

The incidents experienced across the country suggest that the typical law enforcement response involving containment, isolation, and negotiation is not adequate. Unlike most criminals, active shooter-killers are likely to continue to use deadly physical force until intervention occurs or until the shooter-killer decides to stop.

Unlike most law enforcement calls for service, an active shooter-killer calls and response, requires rapid response, quick evaluation of the situation, formulation of a plan, and tactical response to locate and contain the shooter-killer. Initial officers arriving at the scene, will most often move to locate and contain the shooter-killer, and rely on other arriving officers to rescue, move, and treat victims. The goal of intervention in active shooter-killer incidents is to:

a. Neutralize the threat(s) by neutralizing the shooter-killer;

b. Limiting access to potential victims; &

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c. Rescuing injured persons or potential victims.

These goals can be achieved by various means, up to and including, the timely and effective use of deadly physical force.

The active shooter-killer response concept represents a shift in patrol response tactics, equipment needs, and command protocol. These situations require the initial officer responders arriving on the scene to have the authority and the capability to take aggressive action without waiting for command staff or for the arrival of specialty units such as ERT or Crisis Negotiators.

V. CHARACTERISTICS OF AN ACTIVE SHOOTER-KILLER:

A. The following is a list of characteristics commonly associated with active shooter-killer suspects. This list was compiled from descriptions of past active shooter-killers and not meant to be a comprehensive list describing all active shooter-killers. Each active shooter-killer- situation is unique, however, it is helpful to know that an active shooter-killer:

a. Prepared for the event.

b. May be prepared for a sustained confrontation with law enforcement or security officers.

c. Choose soft targets where there is a perception that people are disarmed and cannot effectively respond.

d. Choose locations where potential victims are close at hand, such as schools, colleges, shopping malls, churches, theaters, and concerts,

e. Is intent on killing a number of people as quickly as possible.

f. Present a first indication of their presence when they begin to assault victims.

g. May act in the manner of a sniper, assaulting victims from a distance.

h. May also engage multiple targets while remaining constantly mobile.

i. Are not deterred or susceptible to containment or negotiation tactics.

j. Typically continue their attack despite the arrival of emergency responders.

k. Are often better armed and prepared than security and law enforcement officers.

l. Are not limited to the use of firearms in accomplishing their attacks on victims. They may use bladed weapons, vehicles, explosives, booby traps, body armor or any tool that, in the circumstance in which it is used, constitutes deadly physical force.

m. Historically have not attempted to hide their identity or conceal their attacks.

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n. May employ some type of diversion.
o. May be indiscriminate in their violence or they may seek specific victims.

p. Usually have some degree of familiarity with the building or location they choose to occupy. In the case of school and college shootings, almost always attack fellow classmates.

q. Active shooter-killer events are dynamic and may go in and out of an "active" status; a static incident may turn into an active shooter-killer event or an active shooter-killer may go "inactive" by going to a barricaded status without access to victims.

r. Escape is usually not a priority of the active shooter-killer.

s. Active shooter-killers may be suicidal, deciding to die in the course of their actions either at the hand of others or by self-inflicted wound. The original plan contemplates . . . suicide-by-COP.

IV. TACTICS:

The following tactical tenets set general tactical response guidelines for an active shooter-killer incident. Again, these incidents are sufficiently unique such that their effective handling cannot be totally reduced to step-by-step procedures. This tactical discussion is not meant to limit conventional tactics which might be appropriate to a crisis situation. The significant factors regarding these that they represent a means of intervention available to officers when there is an elevated risk to bystanders and officers. The risk is acceptable in light of the potential these tactics have for saving lives.

Another significant aspect of the active shooter-killer tactical doctrine is that officers arriving at the scene of an active shooter-killer incident are authorized to intervene immediately, prior to the arrival of command personnel or special units.

a. Goals - The overall purpose of these tactics is to save lives and limit serious injuries. Important goals for law enforcement response to an active shooter-killer event are neutralization of the attacker, denying access to additional victims, and rescuing injured victims and potential victims.

b. Assume Tactical Responsibility – Upon arrival the first officer at the scene must take charge of the incident. If more than one officer arrives simultaneously, or as the scene develops, tactical responsibility may be based on rank, expertise, or seniority. However, it must be made imminently clear to both communications centers and other officers, who are in-charge. An officer of superior rank who is on scene and fully briefed may ultimately assume incident command. Any change in incident command will be made known to dispatch and others immediately.

c. Situational Analysis - The officer taking charge must, based on what information is available, make a rapid situational analysis. The analysis will be continuous, taking into account new information as it is received. The first decision is whether the situation is an active shooter-killer event, whether an opportunity exists for immediate intervention leading to

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accomplishment of one of the goals listed above, and how responding resources should be employed at the scene. By their very nature, these decisions will need to be made within a few seconds or minutes, with incomplete data, and often unreliable and confusing facts. Officers placed in such a position, are simply expected to do the best they can with what is handed to them.

d. Incident Command - The first officer arriving on scene will initiate incident command. He/she will initiate the situation analysis and determine initial deployment of responding resources. This may involve deployment of resources as they arrive, by radio. Command personnel en route to the incident will monitor the radio to gain information, but shall not obstruct ongoing intervention. Any command personnel must be on scene and fully briefed before assuming responsibility of incident command.

e. First Responder Tactical Intervention - When responding to active shooter-killer incidents, the concept of first responder tactical intervention applies. It is critical that all officers, supervisors, and command personnel are familiar with the definition of an active shooter-killer as well as the tactics deemed appropriate for active shooter-killer response and intervention. The traditional uniform responses of contain, isolate, evacuate, and wait for ERT and crisis negotiators is not adequate in an active shooter-killer incident. The first officer on scene will need to consider the following:

f. Containment - First responder intervention is based on opportunity. Tactical intervention is the primary component of an active shooter-killer response. Individual action is discouraged, as it is usually counterproductive to a coordinated, focused response to an active shooter-killer event. However, in instances where officers are arriving at intervals, individual deployment and coordination via radio is the only practical option.

g. Rescue/Contact Team - Rescue teams are usually in the form of officers with an identified element leader. Team movement will be in a controlled and disciplined tactical action under the control and direction of the element leader.

h. Active Shooter-killer Site Security - No location associated with an active shooter-killer will be considered secure until the incident commander declares it is so. Officers assigned to security functions will maintain positions until properly relieved.

i. Emergency Response Team (ERT) - When ERT units are prepared to deploy, the initial responding officers may be relieved or redeployed by ERT.

V. DEPLOYMENT CONSIDERATIONS – *ACTIVE SHOOTER-KILLER VS. HOSTAGE/BARRICADE EVENT*:

Attempt to distinguish the difference between an active shooter-killer and a hostage/barricade situation. At first glance, a hostage/barricade and an active shooter-killer call may look and feel very similar, but there are distinct differences for responding officers.

The main difference is that victims are currently being killed or attacked during an active shooter-killer event, while a hostage/barricade event is more static. Take care, as an active shooter-killer situation can become a hostage/barricade event quickly and without warning

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and vice-versa. Here are some tactical considerations, if and when the situation changes:

A. Hostage/Barricade Patrol Response:
A practical patrol response to a barricade/hostage situation is defined with the 5-Cs:

- **C**ontain;
- **C**ontrol;
- **C**ommunicate;
- **C**all ERT and negotiators; &
- **C**reate an Immediate action plan.

Time is also a critical factor. When dealing with a barricaded suspect or hostage taker elongating the event can increase the chances of a negotiated settlement.

Once this is accomplished, gather intelligence and prepare for transition to tactical operations. In such operations with good organization, time is generally on your side.

B. Active Shooter-Killer Patrol Response:
The concepts and principles of patrol response to an active shooter-killer (homicides in progress), are based around the concept of inserting a team into a hostile environment with limited to no intelligence, and getting the team to the exact location of the shooter-killer(s) as soon as practical. The team must thereby insert itself and move past un-cleared areas while providing team security from counter strikes. Guiding principles during these operations are based upon the following team movement axioms:

- Stay together as much as possible;
- 540º of coverage around the team;
- Communication;
- Work the angles;
- Threshold evaluations; &
- Move only as fast as you can shoot accurately and think

The rapid response of patrol officers to an active shooting has several advantages. By overwhelming the suspect(s) with effective tactics, the first responder(s) can:

- Isolate the suspect(s) from additional victims;
- Distract the suspect's attention away from innocent victims, & place the suspect under duress; &
- Neutralize the suspect(s) as a threat.

The first responding patrol officers to an active shooter-killer scene realize that it is not a realistic objective to save everyone trapped inside. The number one goal must be to mitigate the damage and save as many lives as possible.

The initial response of 2 or 3 officers to the scene to form a single Contact Team to enter the structure, must understand the inherent risks of doing so. Although this should not be your first typical response, first responders should be empowered to make the decision based upon the information available to them at the time.

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The minimum number of officers to form a Contact Team is two (2). The recommendation is to have a back-up, make sure that the 540° of coverage is secured. The maximum number of officers on a Contact Team should not normally exceed five (5). If there are more than 5 officers on scene, then there should be an additional Contact Team or Rescue Team formed.

All Teams consist of forward and rear security at all times, to support the 540° coverage concept.

C. Team Movement:

a. Speed of Movement (Dictates Formation Used)

b. Stealth/Deliberate - There are two scenarios in which this speed is useful:

- First responders do not know the location of the suspect(s) and are conducting a deliberate search.
- First responders start to get close to the area where the suspect(s) may be located but the exact location is still unknown.

Stealth/Deliberate speed in not used when shots can be heard or the team has specific intelligence about the location of the suspect(s).

c. Dynamic/Direct to Threat - This speed of movement is used when the team has information as to the location of the suspect(s). Move as fast as you can shoot accurately and think, as a unit. The team must get to the shooter-killer- killer quickly to stop the killing.

d. Putting It All Together:

- Marshall available resources for rapid deployment to stop the killing;
- If neutralization of the threat is impossible, move to contain and isolate;
- Control the Scene and Gather Information;
- Communicate your actions and information gathered to all parties involved; &
- Direct responding officers to aid in rescue of wounded victims and hostages.

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Audits and Inspections	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard: 53.1; **53.2.1**	
Date Implemented:	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:

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

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iv.	Pursuit Reports	Annual Report
v.	Property/Evidence (Narcotics, Money, Guns)	Annual Report
vi.	SWAT equipment and training	Annual Report
vii.	Crowd control contingency plans and equipment	Annual Report
viii.	Less 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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Bloodborne Pathogens	Related Policies: **COVID 19**
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **Purpose:** It is the intent of this Department to minimize the risk of exposure to blood borne pathogens and other infectious diseases through the establishment and maintenance of recognized protocols and safety procedures.

II. **Policy:** The transfer of disease by exchange of bodily fluids is a serious occupational health risk to peace officers and other emergency personnel. Officers and employees of this Department will follow recognized protocols and safety procedures in order to minimize this risk. When in doubt, officers and employees of the Department must seek professional assistance before knowingly exposing themselves to a known serious risk of infection.

III. **Definitions:**

A. **Bodily Fluids** - Blood, semen and vaginal fluids or other secretions that might contain these fluids such as saliva, vomit, urine, or feces.

B. **Exposure Control Plan** - A written plan developed by this department and available to all employees that details the steps taken to eliminate or minimize exposure and evaluate the circumstances surrounding exposure incidents.

C. **Personal Protective Equipment** - Specialized clothing or equipment worn or used by members for protection against the hazards of infection. This does not include standard issue uniforms and work clothes without special protective qualities.

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D. **Universal Precautions** - Procedures promulgated by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that all blood and bodily fluids are potentially infectious

E. **Bloodborne Pathogens**- Pathogenic microorganisms that are present in human blood and can cause disease in humans. The pathogens include but are not limited to hepatitis B virus (HBV) and human immunodeficiency virus (HIV)

F. **Tuberculosis [TB] -** A common and deadly infectious disease that is caused by mycobacteria, primarily *mycobacterium tuberculosis*. Tuberculosis most commonly affects the lungs (as pulmonary TB) but can also affect the central nervous system, the lymphatic system, the circulatory system, the genitourinary system, bones, joints, and even the skin. Other mycobacteria such as *Mycobacterium bovis*, *Mycobacterium africanum*, *Mycobacterium canetti,* and *Mycobacterium microti* can also cause tuberculosis, but these species do not usually infect healthy adults. Over one-third of the world's population now has the TB bacterium in their bodies and new infections are occurring at a rate of one per second.

IV. Procedure:

A. AIDS, HIV, hepatitis B (HBV), hepatitis C (HCV), and other serious diseases can be contracted through exposure to infected blood and several types of bodily secretions. Employees of this department are continuously provided with information and education on prevention of these diseases, provided up-to-date safety equipment and procedures that minimize their risks of exposure and to institute post-exposure reporting evaluation and treatment for all members exposed to these diseases.

B. Tuberculosis (TB) is again becoming more prevalent in our society and the newer strains are more drug resistant making them more difficult to treat. TB is spread through the air from one person to another. The bacteria are put into the air when a person with active TB disease of the lungs or throat coughs or sneezes. People nearby may breathe in these bacteria and become infected. Practicing good hygiene, Universal Precautions, use of PPE, and use of masks will greatly reduce the chance of contracting TB.

C. In the interest of the health and safety of all employees of this department, all needle-stick, puncture wounds and exposure to mucocutaneous blood and/or body fluid must be reported immediately.

D. Employees may be reluctant to report occupational risk exposures for a variety of reasons; however immediate medical management is vital for the following reasons:

1. Immediate reporting allows time for you and your physician to discuss anti-viral treatment risks/benefits.

2. Anti-viral treatment has been shown to decrease the rate of HIV seroconversions following occupational exposures by 79% if initiated within 1-2 hours. As time goes by, the potential effectiveness of anti-viral medications preventing HIV infection decreases.

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3. If after 24 - 36 hours anti-viral medications have not been initiated expert consultation for HIV post exposure prophylaxis (PEP) is advised. Information and advice can be sought either with local infectious disease specialist or by contacting the National Clinicians/ Post Exposure Prophylaxis Hotline (PEPline), telephone **888-448-4911.**

4. Reevaluation is strongly encouraged within 72 hours post exposure, especially as additional information about the exposure or source person becomes available.

5. Post exposure prophylaxis management for Hepatitis B is also available, and should be considered.

6. The appropriate forms are required to claim worker's compensation benefits for the post exposure follow up. These benefits may include potential medical benefits.

All forms should be returned to the department Bureau of Human Resources.

A. Disease Prevention and Control Guidelines:

A. This Department subscribes to the principles and practices for prevention of HIV and HBV exposure as detailed in the "universal precautions" prescribed by the CDC and the federal regulations of the Occupational Safety and Health Administration. Where otherwise not detailed in this policy, officers are guided by those practices and procedures.
B. Officers should assume that all persons are potential carriers of HIV or HBV.
C. No officer may refuse to arrest or otherwise physically handle any person who may carry the HIV or HBV virus when appropriate protective equipment is available.
D. Officers must use protective gear under appropriate circumstances unless its use would prevent the effective delivery of health care or public safety services or impose an increased hazard to the officer's safety or the safety of others.
E. Leather gloves or their protective equivalent must be worn when searching persons or places or when working in environments such as accident scenes where sharp objects and bodily fluids may be expected.
F. Searches of automobiles or other places should be conducted using a flashlight, mirror, or other devices where appropriate. After a cautious frisk of outer garments, suspects should empty their pockets or purses and remove all sharp objects.
G. Needles must not be recapped, bent, broken, removed from a disposable syringe, or otherwise manipulated by hand.
H. Needles must be placed in, puncture-resistant, leak proof containers provided by the department that are designated for biohazardous materials when collected as evidence, disposal or transportation purposes.
I. Officers must not smoke, eat, drink, or apply makeup while on active crime or accident scenes where bodily fluid spill could be expected.
J. Any evidence contaminated with bodily fluids must be completely dried, double bagged, and marked to identify potential or known communicable disease contamination.
K. Officers must not pick their noses, rub their eyes, or place their fingers in their

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mouth or ears, until after they've washed their hands.

B. Custody and Transportation of Prisoners:

A. When appropriate protective equipment is available, no officer may refuse to interview, assist, arrest, or otherwise physically handle any person who may have a communicable disease. Should an officer be involved in an incident where proper safety materials are not available; the officer should immediately contact his or her supervisor and request assistance.
B. Officers must not put their fingers in or near the mouth of any conscious person. Officers utilizing protective gloves can, in life threatening situations, insert their finger into the mouth of an unconscious person to attempt to clear a blocked airway. This action should be performed in accordance with prescribed foreign body airway obstruction procedures.
C. When possible, persons with body fluids on their body or clothing are transported in separate vehicles from other individuals. The individual may be required to wear a suitable protective covering if he is bleeding or otherwise emitting bodily fluids.
D. During a transfer of custody, officers must discreetly notify support personnel that the suspect/victim has body fluids on the person or that the suspect/victim has said that he or she has a communicable disease. Care must be taken to insure that the information is given only to those who have a need to know.
E. When possible, suspects taken into custody with body fluids on their body or clothing, and not in need of medical attention, must be isolated from other persons in a designated holding area posted with an "Isolation Area-Do Not Enter" sign until clean up has been completed and a change of clothes has been provided.
F. Officers will document on the appropriate arrest or incident form when a suspect taken into custody has bodily fluids on his person, or has stated that he has a communicable disease.

C. Housekeeping:

A. Supervisors and their employees are responsible for the maintenance of a clean and sanitary workplace and shall conduct periodic inspections to ensure that these conditions are maintained.
B. Supervisory personnel will determine and implement written schedules as appropriate for cleaning and decontamination based on the location within the facility or work environment, the type of surface or equipment to be cleaned, the type of soil present and the tasks and procedures to be performed in the area.
C. All equipment and environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious materials. protective coverings used in laboratory, evidence custody, or enforcement operations for covering surfaces or equipment are removed or replaced as soon as possible following actual or possible contamination.
D. Bins, pails, and similar receptacles used to hold actual or potentially contaminated items are labeled as BIOHAZARD. These receptacles are decontaminated as soon as feasible following contamination and then inspected and decontaminated on a regularly scheduled basis.
E. Broken and potentially contaminated glassware, needles, or other sharp instruments

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must not be retrieved by hand but by other mechanical means and may not be stored in a manner that requires that they be retrieved manually.

F. Officers must remove clothing that has been contaminated with bodily fluids as soon as practical and with as little handling as possible. Any contacted skin area must be cleansed in the prescribed fashion.

G. Contaminated laundry and personal protective equipment must be bagged or containerized at the location where it is used in department approved leak proof containers.

H. Personnel working in or supporting a criminalistics laboratory adhere to department policy and procedure as well as the laboratory's policy and procedures.

I. Only employees specifically designated by the Chief of Police may discard actual or potentially contaminated waste materials. Disposals conform to established federal, state, and local regulations.

D. Disinfection of Skin Surfaces:

A. Any unprotected skin surfaces that come into contact with bodily fluids must be thoroughly washed as soon as possible with hot running water and soap for at least one [1] minute then rinsed with an antiseptic solution before drying.

B. Alcohol or antiseptic towelettes or anti-bacterial gel may be used when soap and water are unavailable.

C. Disposable gloves should be removed inside out, with the contaminated side not exposed, and then the hands and forearms washed.

D. Skin surfaces are washed, showering if necessary, and mucous membranes flushed as soon as feasible following the removal of any clothing.

E. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.

F. All open cuts and abrasions must be covered with waterproof bandages before reporting to duty.

G. Other items such as handcuffs, etc., should be disinfected with a bleach solution (1 part bleach to 9 parts water), rubbing alcohol, or commercial disinfectant.

H. Contaminated shoes and boots, including soles, should also be disinfected with an approved disinfectant. Extreme care should be taken to assure that contaminated footwear is not worn home or taken into a work area.

E. Disinfection of Vehicle Surfaces:

A. Vehicle surface areas must be disinfected whenever bodily fluids are spilled or after individuals with bodily fluid contamination are transported in an department vehicle.

B. A supervisor shall be notified and the affected areas should be disinfected using an approved disinfectant.

C. Non-disposable equipment and areas upon which bodily fluids have been spilled must be disinfected as follows:

a. Excess bodily fluids should be wiped up with approved disposable absorbent materials.

b. An approved disinfectant must be used to clean the area or equipment.

D. Supplies:

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This department is responsible for purchasing, storing, and issuing communicable disease prevention supplies to all personnel. Officers are responsible for notifying their supervisor for the replacement of any item. The department will make available the following protective equipment to all officers:

A. Disposable gloves;
B. Puncture resistant containers and sealable plastic bags;
C. Surgical face masks;
D. Disposable towelettes (70% isopropyl alcohol);
E. Waterproof bandages;
F. Absorbent cleaning materials;
G. Biohazard disposal bags;

E. Vaccination, Exposure, Evaluation and Treatment:

B. Any person who has unprotected physical contact with blood or other bodily fluids of another person while in the line of duty is considered to have been potentially exposed to HBV and/or HIV.
C. In cases of exposure, a supervisor will be contacted who will complete appropriate on duty injury and medical forms and take appropriate steps to document the means and circumstances under which the exposure occurred.
D. Immediately after exposure, the officer will proceed to the designated health care facility for tests of evidence of infection and treatment of any injuries.
E. This Department ensures continued testing of the member for evidence of infection and provides psychological counseling as determined necessary by the health care official.
F.The officer will receive a copy of the health care provider's written opinion within 15 days of the evaluation and information on any conditions resulting from the exposure that require further evaluation or treatment.
G.Unless disclosure to an appropriate department official is authorized by the officer or by state law, the officer's medical evaluation, test results, and any follow-up procedures remain confidential.
H.Any person responsible for potentially exposing a member of this department to a communicable disease is encouraged to undergo testing to determine if the person has a communicable disease.
I.The person is provided with a copy of the test results and a copy is provided to the exposed department officer. The officer is informed of applicable state laws and regulations concerning the disclosure of the identity and infectious status of the source individual.
J.Criminal charges may be sought against any person who intentionally exposes a member of this department to a communicable disease.
K.Officers who test positive for HIV or HBV may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or other members of this department .
L.This Department makes all decisions concerning the employee's work status solely on the medical opinions and advice of the department 's health care officials.

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M.The Department may require an employee to be examined by the department health care officials to determine if he is able to perform his duties without hazard to himself or others.
N.All members of this Department treat employees who have contracted a communicable disease fairly, courteously and with dignity.

F. Supervisory Responsibilities: In accordance with

A. Without delay – If a significant blood borne exposure has occurred, get the exposed individual to the nearest emergency room for evaluation. Supervisor should call the emergency room and inform them that they are sending an employee to the emergency room for evaluation and follow-up to a blood borne exposure.

B. Report exposure to your next level supervisor.

G. Training:

A.The training coordinator will ensure that all members of this Department with occupational exposure are provided with a complete course of instruction on prevention of blood borne diseases prior to their initial assignment.
B.Affected employees will receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure.
C.Trainees will have access to applicable federal and state regulations pertaining to the regulation of blood borne pathogens.
D.The training coordinator will complete records on member training to include dates and content of training sessions, names and qualifications of persons conducting the training and names of those persons successfully completing the training.

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Body Armor	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **Purpose:** The purpose of this policy is to provide law enforcement officers with guidelines for the proper use and care of body armor.

II. **Policy:** It is the policy of this department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

III. **Definitions:**

A. **Field Activities:** Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

IV. **Procedure:**

A. **Issuance of Body Armor**

a. All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.

b. All officers shall be issued agency-approved body armor.

c. Body armor that is worn or damaged shall be replaced by the agency. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer.

B. **Use of Body Armor:**

a. Officers shall wear only agency-approved body armor.

b. Officers that are assigned to the uniformed function are required to wear body armor during their shift while engaged in field activities. In addition, all officers must

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wear protective vests during high risk and/or tactical situations. Examples of "high risk" or "tactical" situations include but are not limited to, search warrant executions, drug raids, initial crime scene response, and serving felony warrants.

c. Body armor shall be worn by officers while engaged in field activities both on duty and during off duty employment unless exempt as follows:

i. When an agency-approved physician determines that an officer has a medical condition that would preclude wearing body armor;

ii. When the officer is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor; or

iii. When the department determines that circumstances make it inappropriate to mandate wearing body armor.

C. Inspections of Body Armor:

a. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections.

b. Annual inspections of body armor shall be conducted for fit, cleanliness, signs of damage, abuse and wear.

D. Care, Maintenance and Replacement of Body Armor

a. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.

b. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.

c. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.

d. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.

e. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

E. Training

a. The training officer shall be responsible for:

i. Monitoring technological advances in the body armor industry that may necessitate a change in body armor.

ii. Assessing weapons and ammunition currently in use and the suitability of approved body armor to protect against those treats.

iii. Provide training programs that demonstrate body armor's stopping power under actual firing conditions and that emphasize its safe and proper use

iv. Maintaining statistics on incidents where armor has or has not protected officers from harm, including traffic accidents.

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Body Worn Video Recording (BWV)	Related Policies: Duty to Disclose; Mobile Video Recorder
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 Office for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **Purpose:** The purpose of this policy is to direct Officers and Supervisors in the proper use and maintenance of **Body Worn Video Recorders (BWV)** as well as directing how video will be utilized as a quality control mechanism and evidence.

II. **Policy:** It is the policy of this department to provide officers as designated by the Chief of Police with BWV devices as feasible. Officers shall activate the BWV when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations or in-car-video covered under separate policy or directive.

III. **Definitions:**

A. Law Enforcement Contact: A law enforcement contact within the meaning of this policy is any contact or activity whereby an Officer stops a person's movement by a means intentionally applied or conducts any activity requiring probable cause, reasonable suspicion, or consent to form the legal basis for the conduct. A law enforcement contact or activity does not include mere conversation or other contact outside the scope of a law enforcement purpose when such contact does not require any legal basis.

IV. **Procedure:**

A. Members performing in a patrol function, or an assignment, permanent or temporary (i.e. overtime), that consist of answering calls for service, conducting traffic enforcement, investigative stops, proactive patrolling and/or frequent contacts with citizens must utilize a BWV.

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B. Any member assigned to a non-uniformed position is not required to use a BWV but may elect to use a BWV pursuant to the needs of a specific investigation or job duty or when directed by a supervisor.

C. Officers using BWV equipment shall be trained in its use, maintenance, and required documentation and storage of such recordings.

D. Officers using BWV equipment will test such equipment at the beginning of each tour of duty or special event to ensure proper operation and required battery life. Improperly functioning equipment shall be reported to the immediate supervisor or other reporting mechanism established by this department for purpose of replacement or repair.

E. Officers assigned BWV are required to wear such devices unless otherwise directed by the Chief of Police or their designee or other unforeseen circumstances prevent the wearing of the device. BWV will be worn on the officer's body in a manner that will optimize the recording of events.

F. BWV activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations. Officers are authorized to record events when the officer is a party to the conversation, or when an individual is in custody and there is generally no expectation of privacy. Officers will audibly and video-graphically record, as feasible, the following events, including but not limited to:

a. When responding to calls for service in which citizen contact is made. Officers should activate the body worn camera immediately after receiving the call for service and prior to arrival on scene;

b. Traffic stops;

c. All transports excluding ride-alongs;

d. Investigative stops;

e. Foot pursuits;

f. Arrests, Searches, Seizures;

g. Consensual encounters;

h. Verbal Witness/Suspect Statements;

i. Miranda Warnings, Arrestee Interviews;

j. When arriving at law enforcement events and/or citizen contacts initiated by other Officers, and;

k. Other incidents the officer reasonably believes should be recorded for law enforcement purposes.

G. Officers will make reasonable efforts to ensure the BWV recording equipment is accurately capturing events. Officers are prohibited from turning off the BWV during any citizen contact or law enforcement event unless otherwise authorized by this policy, and Officers shall not erase, alter, modify or tamper with BWV recordings.

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H. Recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or the officer discontinues his or her participation in the law enforcement event or citizen contact by leaving the scene.

I. In the event an officer deems it necessary to stop recording or becomes aware that a recordable event was not recorded, the officer will document such event.

J. A police officer may review a recording from his or her body-worn recording equipment in order to assist such officer with the preparation of a report or otherwise in the performance of his or her duties.

IV. Issues Related to Privacy:

A. BWV should not be activated when: the officer is on break, engaged in personal activities, involved with citizen encounters outside the scope of a law enforcement contact or purpose, or when the officer is in a location under circumstances requiring a respect for an expectation of privacy such as a restroom, locker room, or other area when people are in an exposed or otherwise compromised state. However, should exigent circumstances develop where the need to record an event outweighs any privacy concern, the officer will activate the device where feasible to do so.

B. BWV will not be activated when encountering undercover officers or confidential informants and such encounters should not be recorded.

C. When entering a residence that requires the consent of the resident, Officers will inform the resident that he or she is wearing an activated recording device and request permission to continue recording the encounter. If the resident wishes not to be recorded in the interior of their home, Officers will document that desire via the BWV and turn off the device for the remainder of the contact. However, should exigent circumstances develop where the need to record the event outweighs any privacy concern, the officer will reactivate the device where feasible to do so irrespective of the resident's desire.

D. When legally entering a residence without the consent of the resident, such as serving a warrant or exigent circumstances, or undercover operations, recordings will be made of the incident until its conclusion.

E. The BWV will not be activated during personal or administrative conversations between officers, or between officers and supervisors.

V. Electronic storage

A. Original digital files from a BWV will be downloaded and stored on a designated network server or other electronic network storage.

B. Officers will make reasonable attempts to download video/audio files before the end of each shift.

C. Non-evidentiary video/audio recordings will be maintained in electronic storage or the network server for a period of time as directed by the Chief of Police or their designee but in no case will be held less than any required amount of time pursuant to the Arkansas Freedom of Information Act or court decision related thereto.

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D. Video/audio recordings determined to be evidentiary in any criminal or civil proceeding shall be copied to DVD or other media and handled in accordance with departmental regulations regarding electronic evidence or work product. Recordings will be maintained in accordance with Arkansas law related to police municipal records as outlined in ACA 14-2-204.

E. All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the department for reasons other than criminal prosecution is strictly prohibited without specific authorization of the Chief of Police or designee.

F. Malicious destruction or deletion of video and audio files is prohibited.

G. All video and audio files are subject to open records request as allowed by Arkansas law.

H. Electronic media will be stored in a manner designated by the agency.

I. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.

J. Electronic Media is subject to review by the Chief of Police or their designees.

K. Video shall not be reproduced without the express authority of the Chief of Police or their designee.

L. First line supervisors shall review a recorded event of each officer under his or her supervision at least twice per month. The supervisor will log this review in the "video review database" (database to be implemented by Data Processing under the officer's name). Thus, each officer will have at least two notations of review in any given (30) thirty-day period.

M. Supervisors will use these reviews as a quality control measure. Following such a review, the supervisor will hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism with respect to the stop reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues or legal issues related to the stop as well as any other supervisory observation relative to performance.

N. If upon review, the supervisor finds that corrective action is necessary regarding an officer's conduct, the direct supervisor may take the necessary action and bring the matter to the attention of his direct supervisor. In such cases, a special BWV review schedule should be implemented with respect to that particular officer for a set duration in order to ensure compliance with the corrective action.

O. In cases of median and serious infractions requiring disciplinary actions, the Chief of Police or their designee, after review of all information regarding the incident, shall determine the proper disciplinary action. In such cases, special BWV review schedule shall be implemented with respect to the particular officer for a set duration in order to ensure compliance with the corrective action.

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VI. BWV Evidentiary/Administrative Procedures:

A. When an officer becomes aware that a BWV recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this department.

B. When a BWV related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server or other electronic media and disseminated per department procedures.

C. Where there is any indication that the BWV may contain "*Brady*" material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the "Duty to Disclose" policy of this department.

D. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or F.O.I.A. request.

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Policy # **Bomb Threat and Searches**	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: It is the purpose of this policy to provide officers with a protocol for dealing with threatened bombings to include response, deployment, search, evacuation and assistance to specialized units.

II. Policy: While many bomb threats are later determined to be hoaxes, they all present particularly serious response requirements for law enforcement agencies. It is the policy of this department that all responses to bomb threats or emergencies be conducted systematically, efficiently and in a manner that gives primary consideration to the protection of human life.

III. Definitions:

A. **Bomb Threat:** A bomb threat condition exists when an explosive device has been reported or is suspected to be at a given location.

B. **Bomb Emergency:** A bomb emergency exists when a suspected or actual explosive device has been located or has been detonated.

IV. Procedures:

A. Communications Responsibilities:

a. keep the reporting party on the line;
b. identify the location of the device with as much precision as possible and determine when it will be or if it has been detonated;
c. determine what type of explosive device is involved;

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d. attempt to determine;
   i. what the device looks like;
   ii. the type of bomb involved;
   iii. what will make it detonate, (e.g., radio signal, time delay fuse); and
   iv. why it was placed

e. be alert to
   i. exact wording of the threat;
   ii. estimate of the sex, race and age of the caller;
   iii. nature/character of the caller's voice;
   iv. nature of any background noises; and

f. dispatch appropriate field units and other emergency service personnel.

B. Communications: personnel receiving reports from individuals or organizations that have received bomb threats shall:

a. alert the communications OIC or officer in charge on duty
b. determine the location, time of detonation, appearance and any other available information concerning the nature of the threat or the identity of the perpetrators;
c. if no explosive device has been identified, ask that the caller alert employees and others to unusual parcels or items on the premises;
d. dispatch requisite patrol units and emergency personnel;
e. where appropriate, notify other local, state or federal law enforcement agencies; and
f. notify a field supervisor to respond if available.

C. Based on the nature of the threat, the officer in charge will, as required, alert this agency's

a. authorized bomb disposal unit;
b. authorized fire and rescue units;
c. HAZMAT units;
d. canine team(s);
e. Police chief / Sheriff or designee
f. agency's public information officer.

D. Responding Officers' Responsibilities

a. Responding patrol units shall not use radio communication within 300 feet of the location in question. (Some explosive devices may be detonated by stronger radio signals.)
b. If applicable, contact the individual who received the threat to obtain additional information, to include:

   i. whether previous threats have been received;
   ii. possible motives and/or suspects;
   iii. vulnerabilities of equipment and personnel; and
   iv. exploration of any basic information provided to communications

c. Notify and provide all relevant information obtained to supervisory officer and maintain information exchange until his or her arrival at the scene.

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d. In **bomb emergencies when a device has been located** establish and secure a suitable perimeter.

E. Searching for Explosive Devices

a. If an explosive device is alleged to be within a building but has not been located, the OIC will contact building owners/management or other responsible persons to determine if a search of the facility is desired.

b. **The decision to search, evacuate or reenter a structure/location during a bomb threat will be the responsibility of the individual in charge of the property.**
   i. The OIC at the scene shall provide information as available to the responsible parties in order to assist them in making decisions on searching, evacuation or reentry.
   ii. If management or the responsible agent does not wish that a search be conducted, no further action of this department is warranted with the exception of standardized department reporting requirements.
   iii. Only in cases where a real or suspected explosive device has been detected shall an evacuation be conducted regardless of the desires of building management.

c. Searches of target buildings shall be conducted only with the direct assistance of employees or others knowledgeable of the contents and layout of the building.
   i. The OIC may request the assistance of a bomb detection canine and/or bomb disposal personnel in order to assist in conducting the search.
   ii. A search plan shall be developed identifying the extent of the search depending upon the type of establishment, the motivation of the perpetrator and accessibility of the building.
   iii. A floor plan shall be obtained whenever possible, and a systematic search organized by the OIC.
   iv. In no case shall department personnel declare that no bomb is present or in any way make the representation that the building is safe to occupy, no matter how thorough the search.

d. When conducting a search without the assistance of bomb disposal personnel, officers should be particularly alert to the following items that may be considered as common indicators that there may be explosives at the location: (Officers should be cautioned that absence of the following does not assure that no bomb is present)
   i. Explosives-related pamphlets, periodicals and books;
   ii. Excessive amounts of galvanized or PVC pipe nipples and end caps, especially if they have drill holes in the nipple or cap;
   iii. Low-explosive powders or other incendiary mixtures;
   iv. Fuses of any type to include homemade burning fuses, such as string soaked in a burning powder;
   v. Electrical switches; and
   vi. Electrical matches, blasting caps or similar initiators.

F. Located Explosive Devices

a. If a real or suspicious device has been located, or paraphernalia identified (such as noted in item 4 above), officers should

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i. **not attempt to move or otherwise disturb the device(s),**
ii. not use walkie-talkies for communication within 300 feet of the device(s);
iii. proceed with immediate evacuation of the structure and/or the area to a point consistent with the threat but not less than 300 feet from the device(s);
iv. define and secure the perimeter;
v. notify emergency services personnel; and
vi. contact communications by telephone and request assistance of the designated bomb disposal unit.

b. The OIC is responsible for command of the scene and briefing of investigators and ordinance specialists as appropriate.

c. The bomb disposal commander shall have functional authority at any bomb emergency to direct department personnel in a manner necessary to accomplish its mission in a safe and efficient manner.

G. Post-Explosion Investigation. This agency's designated bomb disposal unit shall have primary responsibility for investigating bombing incidents, to include

a. checking the site for unconsumed explosives or secondary devices;
b. supervising evidence recovery in accordance with department guidelines;
c. requesting the assistance of other agencies to determine the nature and construction of explosives and the identification of perpetrators;
d. coordination with intelligence operations of this agency, and those of state and federal sources; and
e. assisting in the evaluation of evacuation procedures, area and perimeter security, the availability of emergency services and coordination with the incident commander.

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Canine Policy	Related Policies: Response to Resistance Vehicle Searches
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.	
Applicable Arkansas Statue	
CALEA Standard: 41.1.4	
Date Implemented:	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**

1. The canine handler will maintain control of the canine at all times while on-duty and off-duty.
2. 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.
3. Members who are selected for a position as a canine handler have the responsibility of caring for their assigned canine. Handling and care include:

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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

1. 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.

2. 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.

3. 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

1. 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.

2. First responders should be specifically instructed not to enter the area.

3. First responders shall exhaust all reasonable efforts to determine if innocent persons, including officers, are within the area to be searched.

4. Canine handlers shall give a warning anytime the canine is going to be used and the possibility exists that the canine will bite anyone.

5. 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."

6. Canine warning announcements shall be made in a loud and clear voice, by methods deemed appropriate for the circumstances by the handler. Such

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warning may be made by loud voice or by PA system depending on the circumstances with which the canine team is confronted.

7. After giving the announcement in search cases, the handler shall wait a reasonable amount of time to allow the subject to peacefully surrender. The amount of time will vary depending on the search area as well as any articulable exigent circumstances that may exist at the time.

D. Deployment as Response to Resistance

1. The use of a canine for purposes of apprehension is non-deadly force.
2. Handlers should recognize that due to the distinct ability to recall the canine and terminate the apprehension command, there is the ability to de-escalate this type of force option.
3. If a suspect surrenders or discontinues resistance, the canine apprehension will be terminated.
4. A fleeing or hiding suspect creates a potentially dangerous circumstance for pursuing or searching officers since the suspect's intent is unknown. It may also be unknown as to whether or not the subject has access to weapons. Thus, use of a canine under these circumstances would normally be reasonable for:
   a. The protection of the handler;
   b. Protection of the officers and others;
   c. Apprehension of a suspect who continues hiding after a warning or who continues to flee after a lawful show of authority to stop; and

E. Authorization, Deployment, and Uses of Law Enforcement Canines

1. Criminal Apprehension: Handlers must recognize that all uses of force, including the use of a canine must be objectively reasonable under the circumstances. Under the law, as well as this department's response to resistance policy, handlers should consider
   a. The seriousness of the offense for which the subject is suspected at the time the canine is used;
   b. Whether the subject poses a physical threat to the officer or others and what degree of threat does the subject pose;
   c. and Is the subject actively resisting or attempting to evade arrest by flight.
2. If a suspect surrenders or discontinues resistance the canine apprehension will be terminated.
3. Criminal apprehension will generally be accomplished off-lead, but it may also be accomplished on-lead.
4. Warning (physical threat): A warning shall be given in accordance with the provisions of this policy.
5. No one, other than the handler should interfere with the canine once the dog is committed to make the apprehension, unless specifically directed by the handler.

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6. The handler should continue to instruct the suspect to stop resisting during the canine apprehension.
7. 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.
8. 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.
9. 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.
10. 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.

F. Evidence Searches

1. Canines may be utilized in an attempt to recover items related to crime which may be needed as evidence for criminal prosecution;
2. All searches will be systematically conducted as determined by the handler; and
3. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.

G. Building Searches

1. 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:
   a. The officer(s) have probable cause to arrest the subject for a criminal offense.
   b. The use of a canine as force must be objectively reasonable.
2. 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.
3. Prior to use of the canine, the handler shall make an announcement in keeping with this policy.
4. 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.

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5. 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.
6. All searches will be systematically conducted as determined by the handler.
7. 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.

H. Open Field Searches:

1. 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:
   a. 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.
   b. Handlers shall also consider ambient noise in the area which may limit the subject's ability to hear the warning;
2. All searches will be systematically conducted as determined by the handler;
3. 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.

I. Tracking

1. Tracking is utilized in a multitude of law enforcement events including missing persons, suspects who have fled, lost children, etc.
2. The initial responding officers shall be directed to immediately establish a perimeter.
3. 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.
4. 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.

J. Tactical Deployment

1. 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:
   a. Perimeter Control
   b. Target Disruption
   c. 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

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order deployment where the handler determines that such deployment is inappropriate.

K. Scent Searches

1. To the extent that such specialized trained canines are available, canines may be used for conducting scent searches for such items as:
   a. Explosives
   b. Cadavers
   c. Narcotics
   d. Accelerants (Fire Cases)
2. All searches will be systematically conducted as determined by the handler.
3. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.
4. Motor Vehicle Narcotics sniffs will be conducted in accordance with the provisions of this department's motor vehicle search policy and the following:
   a. 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.
   b. 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.

L. Public Disturbances:

1. 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.
2. 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.
3. 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.
4. Canines shall not be used for crowd control or as a deterrent effect at the scene of a peaceful protest

M. 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.

1. Handlers conducting demonstrations shall ensure that their appearance, as well as that of the canine and the equipment utilized, reflects professionally upon the department
2. Handlers shall maintain control of the canine at all times.

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3. 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

4. Handlers shall not demonstrate force or criminal apprehension without express authorization from the Chief of Police or their designee.

5. 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.

N. Emergency Circumstances

1. 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.

O. Veterinary Care:

1. 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.

2. 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.

3. 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.

4. 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.

P. Certification and Training

1. All canines and handlers assigned by this department shall, at a minimum, meet all certification requirements as required by the State of Arkansas.

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2. 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.

Q. Documentation of Canine Usage and Training

1. 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.
2. All canine usage related to response to resistance shall be the subject of a response to resistance report which includes all required documentation.
3. All training must be documented in a training log and forwarded to the canine's administrative file.

R. Medical Care

1. A canine has the potential to injure persons in a number of ways. The injury may occur during a criminal apprehension when the canine bites the subject. Injury may also occur when a canine knocks a person to the ground. These contacts may be intentional or unintentional.
2. When an in-custody suspect has been bitten by a canine, the handler or another officer on scene shall render aid. In the case of a bite wound, the subject shall be transported to the nearest hospital for medical evaluation and treatment. If the in-custody suspect refuses treatment that refusal shall be documented in the police report.
3. When a canine injures any person, who is not in custody, the handler will render aid and request a medical response by an EMT. If the injured person refuses medical treatment by the EMT it shall be documented in the police report.
4. A supervisor will be notified when an injury occurs and will respond to the scene. Photographs of the injuries will be taken and preserved. An investigation shall be initiated by the supervisor.
5. Where the injury is the result of an intentional use of force, the Department Response to Resistance form will be completed and an after-action review conducted in accordance with policy.

S. Housing

1. Members who are selected for a position as a canine handler have the responsibility of caring for their assigned canine.
2. All handlers are to ensure that the general health, hygiene, and care of their assigned canine is properly maintained and that periodic veterinary exams are provided in accordance with appropriate schedules.
3. Handlers shall conduct daily physical examinations of their canine when practical to determine any injuries, health issues, ticks, or flea infestations.
4. The canine shall be housed in a secure area such as a fenced and gated yard or crate.

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5. A department supervisor, designated by the Chief of Police shall make periodic visits to the handler's home to inspect health, sanitation, and security conditions for the canine.
6. In cases of extended absence of the canine handler where the handler is unable to provide the basic care for the canine, another handler may be assigned to care for the canine. The canine may also be kenneled at a facility approved by the Chief of Police or their designee.
7. 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.

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Civil Repossession	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **Discussion:** Law enforcement officers are often called to conduct "standbys" for repossession agents ("repo-agents") as they conduct self-help repossession of behalf of creditors. Self-help repossession is simply repossession of collateral based on terms of a contract rather than a court order. This is often allowed pursuant to state law.

Typically, law enforcement officers are called to the scene of self-help repossessions in order to prevent violence or to keep the peace. However, law enforcement officers must be mindful that it is very easy for them to overstep the permissible or constitutional limits of their authority in these incidents.

II. **Definitions: Breach of Peace means:** A breach of the peace includes any conduct violating any statute or ordinance. Attempting to repossess property over the objection of a person at the scene with a possessory interest in the property or entering into private dwellings or enclosed structures is sufficient to constitute a breach of the peace.

III. **Procedures:**

A. No matter who calls the police – the borrower or the repo agent – the officers who respond to the scene of the repossession are there to keep the peace and make sure that everyone is safe from harm.

B. Officers encountering incidents relative to repossessions of property will:

a. Activate their body worn camera and record the event.

b. Establish the identity of the person taking possession of the property and that person's authority to repossess it.

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c. Establish the identity of any person at the scene disputing the taking of the property and that person's possessory interest in the property. (Possessory interest includes that of the actual buyer who is allegedly delinquent in payments or a third person who is legitimately and actually in possession of the property as authorized by the buyer.)

d. If a person with a possessory interest is at the scene objecting to the repossession, i.e., before repossession has been completed, advise the repossessor that they should resort to legal process to enforce his right to repossession. (Repossession can be properly completed only if the property can be successfully removed from the scene of the repossession without objection by a person at the scene with a possessory interest, without entering into private dwellings or enclosed structures, and without violating any statute or ordinance.)

e. If the person with a possessory interest had to pursue the repossessor and the property from the scene of the repossession in order to voice his objection (providing no objection was made at the scene of repossession), advise the buyer or other person with a possessory interest that he should seek legal advice for any further action.

f. If other property is attached to or contained within the property legally repossessed, advise the owner to seek legal assistance to recover that property through civil remedies.

g. Officers normally will not interfere with the civil aspects of repossessions and will confine their activities to keeping the peace.

h. Officers shall not order the borrower to turn over the keys, "step aside" while the repo agent takes the car, or threaten arrest.

i. Officers shall prepare a written report.

j. Where necessary request the on-duty supervisor respond to the scene.

C. When a repossessor has resorted to legal process to enforce his right to repossession, a member of the Police Department, will enforce any court order.

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Policy # **Manufactured Tourniquets**	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **Purpose:** The purpose of this policy is to establish guidelines for the use of the manufactured tourniquet as an option to control severe limb/extremity bleeding, and to prevent loss of life.

II. **Policy:** It shall be the policy of this department to ensure that its officers are equipped with and trained in the use of manufactured tourniquets. Traumatic wounds to arms and legs, such as those caused by gunshots, explosions, and automobile collisions, can result in severe bleeding that if not immediately controlled, may result in loss of life. In tactical situations or instances where advanced medical care is not immediately available, the officers' best option to quickly control profuse limb/extremity bleeding may be the manufactured tourniquet.

III. **Definitions:**

A. **Tourniquet:** Any limb/extremity constrictive device, whether improvised or manufactured, that is used in an attempt to stop limb/extremity bleeding.

B. **Manufactured Tourniquet:** A commercially produced tourniquet designed for simple, fast and effective application, typically with one hand. Also referred to as combat or tactical tourniquet.

C. **Universal Precautions:** The practice of considering all blood and certain bodily fluids potentially infectious for blood-borne pathogens, whereby the use of protective barriers (gloves, masks, etc.) is highly recommended when treating or handling injured or ill persons.

IV. **Procedures:** The Police Chief shall designate an officer-in-charge of the Department's tourniquet program, who shall ensure that officers receive appropriate training in the use of the manufactured tourniquet, be responsible for issuance and replacement of

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tourniquets, and monitor all reports of tourniquet use to determine effectiveness and further training needs.

A. **Training:** Officers shall be trained in the use of the manufactured tourniquet prior to issuance and carrying, consistent with the manufacturer's recommendations. Training shall include use of the tourniquet as part of the overall sequence for treatment of hemorrhage control (direct pressure, pressure bandages, etc.).

B. **When to Apply Tourniquet:** Generally, a tourniquet will more likely be required for arterial bleeding rather than for venous bleeding. Arterial blood is oxygenated blood that is being pumped from the heart and is characterized by bright red blood spurting from the wound. Venous blood is deoxygenated blood that is returning to the heart and is characterized by a steady flow of dark red blood from the wound. In either case, a tourniquet should be applied in the following situations:

   a. Uncontrollable hemorrhage from a limb/extremity (not controlled by direct pressure) resulting from some type of penetrating wound, such as a gunshot or stab wound, blast injury, and/or partial or complete amputation;

   b. Multiple wounds on the same victim, where severe loss of blood takes priority. Applying a tourniquet quickly and effectively to stop severe bleeding will allow the officer to address other potential issues, such as restricted airway, etc.;

   c. Multiple victims in a mass casualty incident. A tourniquet can be quickly applied to a victim with severe bleeding, before moving on to assist other victims;

   d. Active threat situation, where the officer needs to protect him/herself and/or others with a firearm, and is not able to hold direct pressure.

C. **Application of Tourniquet:** Always follow universal precautions for blood-borne pathogens and follow specific training guidelines and manufacturer's instructions when applying a manufactured tourniquet. General guidelines are as follows:

   a. Place tourniquet around the limb, as high as possible above the wound. Whenever possible, do not place the tourniquet over a joint, clothing, or rigid object(s);

   b. Insert strap end through buckle, pull tight and secure;

   c. Turn (tighten) windlass rod gradually until bleeding stops, and secure. If bleeding does not stop, tighten or reposition tourniquet as appropriate;

   d. Record the time that tourniquet was applied. The time should be marked in a conspicuous location on the victim, such as the victim's skin near the tourniquet or other exposed area, or on the tourniquet itself. Alternatively, the time may be communicated to dispatch personnel for documentation.

D. **Post-Application Considerations:**

   a. The tourniquet should only be removed by a physician in a medical facility, not by law enforcement in the field;

   b. The tourniquet should be left uncovered so the site can be monitored for recurrent bleeding. If active bleeding returns, tighten the windlass rod until bleeding stops, and re-secure;

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c. Ensure that receiving EMS personnel are aware of tourniquet placement and application time;

d. In the case of severed limbs/extremities, the limbs/extremities should be transported to the hospital with the wounded person whenever possible. Though the severed limbs/extremities may appear unsalvageable, the tissue may be used for skin cover and reconstruction of the severed limb/extremity.

E. **Reporting Tourniquet Use:** Any officer who applies a manufactured tourniquet during the course of his/her duties, excluding training, shall document such use in a corresponding incident report. The officer shall forward a copy of the incident report to the officer-in-charge of the tourniquet program.

F. **Equipment Maintenance:**

a. Officers shall be responsible for inspecting their issued tourniquets prior to their shifts, to ensure they remain in a state of operational readiness.

b. Officers shall document and report damaged or used tourniquets to the officer-in-charge of the tourniquet program, as soon as feasible.

c. The officer-in-charge of the tourniquet program shall replace damaged or used tourniquets, as needed.

V. **Provision:** If a department-issued, manufactured tourniquet is not available, the use of improvised or other tourniquets is permissible to prevent loss of life in extreme circumstances.

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Community Engagement	Related Policies:
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Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: It is the shared responsibility of law enforcement agencies and the communities they serve to work together to build relationships based upon trust and mutual respect. A strong relationship between law enforcement agencies and the community will improve public safety and allow communities to thrive and prosper.

The intent of this policy is to establish department accountability for the community involvement function in writing.

II. Policy: This agency has adopted a community engagement strategy with a primary focus on improving Police – Community relations.

III. Procedure:

A. This agency shall utilize proven strategies and develop new strategies that are focused on community engagement. Strategies may address any or all of the following or other related areas:

a. youth programs,

b. citizens police academy

c. educating the community on police policy and procedures,

d. understanding the community this agency serves,

e. sharing, receiving and providing information to the public,

f. jointly identifying areas of concern,

g. communicating, when appropriate, significant changes in department operations

h. attending community meetings and gatherings

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i. enhancing transparency of police and citizen encounters

B. The Chief of Police shall designate an employee of the department, sworn or civilian, to develop and document the strategies and programs used by the department to engage the community. An annual report will be prepared and approved by the Chief of Police.

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Confidential Informants	Related Policies:
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.	
Applicable Arkansas Statute:	
CALEA Standard: 17.14.2; 43.1.3	
Date Implemented:	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

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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?

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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

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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.

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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.

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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.

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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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Criminal Investigations	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **PURPOSE:** It is the purpose of this policy to provide officers and other crime scene personnel with guidelines to document, collect, package, and preserve evidence.

II. **POLICY:** Documentation, collection, and preservation of evidence are crucial steps in criminal investigation and often provide the basis for effective identification, documentation, prosecution, and conviction of perpetrators. Crime scene personnel should take all care reasonably possible to ensure the integrity of evidence collected at crime scenes by adherence to this policy and associated department training.

III. **DEFINITIONS:**

A. **Crime Scene:** The location(s) at which a crime has been committed and/or where evidence of a crime is located or presumed to be located, and the site(s) of accidents and suspicious incidents where foul play could be involved.

B. **Testimonial Evidence:** Evidence collected through interviews or interrogation.

C. **Real or Physical Evidence:** Any material collected at a crime scene for examination and analysis.

IV. **PROCEDURE:**

A. **Crime Scene Initial Response:** The first responding officer at the crime scene will ensure that the following tasks are performed as appropriate and in the order deemed necessary:

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a. Make a careful and limited walk-through of the crime scene first to secure the location from the threat of perpetrators. Thoroughly assess the crime scene for hazards, to include blood-borne pathogens, explosives, firearms, gasoline, natural gas, chemicals, and other toxic substances. Relay information on the nature of any dangerous situations to communications.
b. Assist the injured, call for medical assistance if required, and request other appropriate police backup such as a supervisor, criminal investigator, or evidence technician.
c. Take all measures reasonably possible not to disturb potential sources of evidence, such as footprints or tire marks, or cross contaminate potential sources of DNA evidence. Identify paths of entry and retrace that path when exiting.
d. Be aware of persons and vehicles in the vicinity. Record vehicle license plate numbers in close proximity to the crime scene. Assess the overall extent and severity of the incident; note the location of evidence in plain view and the location of weapons in particular.
e. Where human bodies are encountered, make a direct approach to the victim, assess their condition, request medical assistance, and provide emergency first aid if feasible.
f. Where dead bodies are encountered, do not move the victim, but do request assistance from the coroner and criminal investigator. Retrace the path of entrance when exiting the crime scene, and document the original position of the victim(s). Attempt to secure a "dying declaration" if there is a chance a victim may die.
g. Create a log to record the identities of any persons (including EMTs or other emergency service responders) who access the scene before or after the first officer's arrival. All persons irrespective of rank who wish to enter the crime scene are required to secure approval of the officer in charge and log in.
h. Direct emergency service providers into the scene, pointing out potential sources of evidence. Remind medical technicians to preserve items of clothing. Record their activities and the victim's condition and position when found. Instruct medical personnel not to unnecessarily alter the scene or clean it up.
i. If a victim or suspect is transported to a medical facility, send an officer for security, to document any comments, and to preserve clothing and related evidence.

B. **Secure and separate suspects and witnesses.** Take steps to prevent the movement of family, friends, or bystanders into the crime scene. Secure a perimeter for the crime scene with identified points of entry and exit. The perimeter should be expansive enough to reasonably ensure that evidence of the crime will be contained and protected.

a. Protect the crime scene using physical barriers (e.g., crime scene tape, rope, cones, vehicles, and personnel) or existing boundaries (e.g., doors and gates) as appropriate, and ensure that only persons with a need and right to enter the scene are permitted inside.
b. Take appropriate steps to protect the crime scene from degradation due to weather conditions, such as rain, snow, or wind, or the intrusion of other devices, such as vehicles.

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c. Keep persons other than those directly involved in the investigation and other essential first responders outside the crime scene perimeter. Keep any pets or other animals outside the perimeter as well.

C. If victims, firearms, or other items at the scene must be touched for safety or related reasons, put on latex gloves.

D. Ensure that persons do not smoke, chew tobacco, use the telephone or bathroom at the scene, eat, drink, move any items, adjust windows, doors, or thermostats, reposition anything, or discard items other than those related to medical service providers.

E. Consider obtaining a search warrant or obtaining consent to search before processing the crime scene.

F. The scope of crime scene processing is dictated by the seriousness of the crime and complexity of the crime scene. For crimes that do not require the assistance of a crime scene technician or criminal investigator, or where exigent circumstances demand that immediate steps be taken to preserve evidence, first responders shall be prepared to do the following:

a. Locate and preserve items of evidence.
b. Photograph, videotape, and/or sketch the crime scene to include measurements where warranted.
c. Collect and preserve evidence in plain view.
d. Transport and submit evidence for storage or for laboratory examination.

G. Brief arriving supervisors or investigators if summoned to the crime scene, review actions taken thus far by all first responders, evidence located, witnesses identified, victims or perpetrators located or identified, and provide the supervisor with any other pertinent information.

H. Prepare the initial offense report unless otherwise directed by a supervisor. Record, at a minimum, information on the time of arrival, appearance and conditions upon arrival, any items at the scene that are known to have been moved, modified, or touched; personal information on witnesses, victims, suspects, and any statements or comments made; and actions taken by yourself or others at the scene.

I. Crime Scene Assessment The criminal investigator or on-scene supervisor in charge shall develop an investigative plan and specific responsibilities for processing the crime scene. First responders shall be aware of what to look for while initially assessing (how to collect DNA samples, evidence) the crime scene before crime scene investigators are on the scene.

a. Evaluate measures and steps that have been taken, to include safety procedures, perimeter security and access control, the adequacy of investigative resources, whether witnesses and suspects have been identified, and the degree to which preliminary documentation of the crime scene has been made.

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b. Conduct a crime scene walk-through in cooperation with the first responder and individuals responsible for processing the crime scene to identify any threats to crime scene integrity and conduct an initial identification of evidence.
c. Assess the overall crime scene prior to evidence collection in order to develop a plan for working within the crime scene without unnecessarily destroying or contaminating evidence.
d. Identify evidence collection and documentation team members to include specialists such as, bomb technicians, arson investigators, fingerprint technicians, department armorer, or others.
e. Identify protective equipment and clothing that are required to safely process the crime scene.
f. Identify a separate area if necessary, for equipment and personnel staging and for gathering and sanitizing tools, equipment, and personal protective gear between evidence collections.
g. Assign one officer primary responsibility for recording and collecting items of evidence. This will increase efficiency, establish the chain of custody, help prevent loss, and reduce the number of officers who must appear in court.
h. Determine the evidence search method to be used and the point(s) at which the search will begin, and establish a working route around the scene to minimize disruption and contamination.
i. Develop, in cooperation with crime scene technician(s) or other trained personnel, a collection plan for identified items of evidence detailing the process and the order of collection.

J. Evidence Collection

a. The location and condition of all items of evidence shall be documented in an evidence log and by means of photographs, sketches, and, where deemed necessary and appropriate, videotape.
b. Photographs and/or videotape of the overall crime scene shall be considered. Where indicated, individual photographs shall be taken of items in the position found prior to collection.
c. Photographs shall also be taken of tool marks, footprints, tire marks, blood spatter, serial numbers, latent fingerprints prior to being lifted, and any other related items of potential evidentiary value where possible. Two photographs of sufficient quality to serve as permanent record shall be taken in series, the first in its true or natural state and the second to scale. A ruler or other appropriate measuring instrument shall be used for scaled photographs.
d. All personnel handling evidence of any kind shall wear latex or other nonporous gloves. Individual items of evidence shall be examined carefully for trace evidence prior to being moved or packaged.
e. Some items of evidence may require special handling and packaging and should be examined for trace evidence prior to packaging. When in doubt concerning appropriate collection or packaging procedures, officers shall request assistance from a crime scene technician, criminal investigator, or supervisor.
f. Evidence containers shall be marked when collected. The evidence technician or collecting officer shall fully describe each item, package each item of evidence separately and place his or her initials, date of discovery, and case or exhibit number on the sealed container and the tape used for closure. Large items shall

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be packaged with butcher paper or other suitable packaging. Such items shall be marked by scribe or other instrument but with care not to damage the item's evidentiary value.

g. The collection of firearms and related evidence shall be conducted in a manner that will ensure the safety of all personnel involved and the integrity of evidentiary items.

h. If a firearm must be moved to protect it as evidence or because it cannot be safeguarded, its location and position shall be accurately marked and photographed where found if possible. The condition of the weapon, the number of cartridges contained, and the position of the safety shall be recorded.

i. If moving the weapon, lift it by grasping gently on the serrated surface of the handle.

j. Fired bullets and cartridge cases shall be protected and photographed, and their relative positions from each other and from fixed locations sketched and photographed before being bagged.

k. Bullets shall not be pried from objects or surfaces. Portions of the objects in which they are embedded shall be removed with the bullet intact.

K. DNA

a. Evidence suitable for DNA analysis can be found at many crime scenes and is a powerful investigative tool for linking suspects to crimes, eliminating suspects, and identifying victims. All officers shall be aware of common sources of DNA evidence, ways to protect against contamination of samples, and basic collection and packaging guidelines.

b. Wear a mask to avoid contamination through talking, sneezing, and coughing over evidence.

c. Blood and semen are the two most common sources of DNA evidence. However, other body tissues and fluids can be used for analysis even in microscopic quantities.

d. DNA is particularly sensitive and subject to contamination. Therefore, first responders in particular must be familiar with situations that will degrade, destroy, or contaminate DNA evidence and shall observe the following precautions.

e. Change gloves between collections of samples in different areas.

L. Serious Crimes - Detective Response

a. The following offenses are of a nature requiring the immediate assignment of a

b. Detective to assume responsibility and are in charge for the completion of the

c. preliminary investigation, and to begin a follow-up investigation:

d. Death of a violent or suspicious nature

a. Rapes or suspected rapes
b. Assaults, serious injury or death to the victim
c. Armed robberies
d. Burglaries where there is excessive or unusual loss (high Dollar value, negotiable, cash, jewelry, silver, etc.)
e. Any major disaster (where investigators can assist in Identification of victims)
f. Hostage situations
g. Kidnappings

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h. Extortion
i. Bombings
j. Any fatality or likely fatality motor vehicle accident or pedestrian accident.
k. A Detective of this agency will be available 24 hours a day and will be contacted to conduct an investigation of offenses listed above.
l.

M. Follow-up Investigation:

The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to affect the arrest of an offender and/or recover stolen property. Patrol Officer or Detective responsibilities of the follow-up investigation include:

a. Identification and apprehension of the offender
b. Collection of additional evidence and arrangements for the analysis and evaluation of the evidence. If evidence was sent to lab, on its return review lab results.
c. Recovery of stolen property
    a. Conduct any additional interviews of victims and witnesses as
d. 3
e. required
    a. Conduct any additional interrogation of suspects as required
    b. Seek other information from law enforcement officers and
f. informants
    a. Review department records and coordinate with adjoining
g. agenciespertaining to other similar offenses to determine if the
h. suspects may have committed other crimes. Review all
i. information contained in case file (preliminary investigation and
j. earlier follow-up reports) concerning this offense.
    a. Recording of information obtained and preparing
k. supplementary reportsas required.
    a. If necessary, plan, organize, and conduct searches
    b. Prepare case file folder on suspect for court
    c. Check suspect's local police record and criminal histories
    d. Prepare case and assist in prosecution
l. In assigning investigators for follow-up, the Division Commander will
m. normally consider the following guidelines:
    a. Patrol officers will conduct and complete the investigation of
n. all non- criminal calls for police service and for misdemeanor
o. or felony crimes not appropriate for referral to the Detective.
    a. A Detective will conduct the follow-up investigations when one
p. or more of the following conditions exists:
        i. The offense appears to be part of a pattern of
q. such offenses.
r. (2) When the follow-up is required in widely
s. separated locations outside this jurisdiction.
t. E. Relationships with Prosecuting Attorney.
u. All personnel are required to coordinate appointments in advance, be on time,
v. have subject for discussion planned in advance and keep conversations brief.
w. In every known contested case, misdemeanor or felony, the officerinvolved will

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make an appointment with the Prosecuting Attorney or his deputy to discuss the case prior to trial.

During any law enforcement investigation (or during prior planning for arrest or pretrial stages), any questions of law or criminal procedure will be addressed to the Prosecuting Attorney or deputy. Questions on law enforcement regulations will be addressed to the Chief of Police.

Any criminal cases referred to the Prosecuting Attorney which result either in a decision of declined to prosecute or dismissed, due to law enforcement mishandling, must be carefully reviewed and appropriate corrective action taken. The Prosecuting Attorney has been asked to call such cases to the attention of the Chief of Police

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Critical Incident Investigation & Review	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	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.**

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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.

V. 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.);

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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;

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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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Death / Serious Injury Notification	Related Policies: Line of duty deaths
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. I. **PURPOSE:** Death or serious injury notification will be accomplished in a manner consistent with professionally accepted crisis intervention techniques.

II. **POLICY:** This department requires all officers become familiar with the concepts and procedures set forth in this policy so as to provide surviving family members with sufficient useful information and support in a manner consistent with professionally accepted crisis intervention techniques.

III. **DEFINITION:**

A. **Next of Kin -** For purposes of this policy, the closest relative of the deceased—for example, spouse, parents, siblings, partner, significant others, and children.

IV. **PROCEDURES:**

A. **Information Gathering and Preparation:** All death notifications are the responsibility of this department and shall be delivered in person except, in rare circumstances, when exigency or other factors dictate notification by telephone. The reason for any telephonic notifications shall be explained in the case file or incident report.

B. Officers shall be prepared and are granted liberal discretion to determine the amount of time necessary to provide survivors with assistance as authorized by this policy.

C. Prior to contacting next of kin, notifying officers shall:

a. gather and familiarize themselves with essential details concerning the deceased, to include full name, age, race and home address, as well as details of the death, location of the body and personal effects and other pertinent information;

b. ensure that the deceased has been positively identified; and

c. identify the next of kin of the deceased for purposes of notification, giving specific care to locate the closest relative starting with a spouse and followed by parents, siblings, and then children.

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d. Other relatives should be contacted only when substantial delays would be required to make contact with next of kin. Officers should contact a supervisor for guidance when in doubt concerning next of kin or delays in notification.

e. When next of kin are located in another state or locality, officers should contact the appropriate police department and request that they conduct the notification in person and provide timely verification when the notification has been completed.

f. Whenever reasonably possible, officers should gather readily available information concerning the survivors may aid in the notification. This includes, but is not limited to, whether survivors are elderly, disabled, visually or hearing impaired, have medical problems, or do not speak English, in which case a translator or officer who speaks the particular language should be provided. If possible, officers should obtain the names of the survivor's closest relative, friend, family doctor, and clergyman.

g. Officers should not use the police radio to convey information concerning the deceased or related information about the incident or circumstances surrounding the death. Such information shall be conveyed by a secure means of communication, such as cellular phone or land line, and only to those with a need and a right to know.

h. The name of the victim shall not be released to the media or other outside sources until the next of kin is notified. If the media has already obtained information related to the death, they should be asked to withhold the information until after the notifications have been completed.

i. Where possible, at least two officers (preferably a male and female team) should be assigned to conduct the death notification.

j. Assigned officers should also request the assistance of the office on-call chaplain. An annual on-call list is available from the shift supervisor.

k. Prior to making the notification, assigned officers should ensure each is familiar with all pertinent information and decide who will be the primary spokesperson.

l. Personal effects of the deceased shall not be delivered to survivors at the time of death notification.

D. Making Notification: Upon arrival at the residence or place of business, officers shall check the accuracy of the location;

a. Identify themselves by name, rank, and department affiliation;

b. Ask permission to enter the residence or, in the case of a business or other location, move to a place of privacy

c. Request to speak to the immediate survivor; and

d. Verify the relationship of the survivor to the deceased.

e. Every reasonable effort shall be made to make the death notification in the privacy of the survivor's home or in another location away from public scrutiny.

f. Prior to making notification, officers should determine if other members of the family are in the residence. Officers may wish to bring them together for the notification, but should defer to the wishes of the immediate survivor.

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g. Officers should address the survivor(s) in a straightforward manner and use easy-to-understand language to briefly explain the circumstances of the incident and the fact that the individual is dead;

h. Officers should not provide graphic aspects of the incident or the individual's death. Police jargon should be avoided.

i. Officers should refer to the deceased in terms reflecting the deceased's relationship to the survivor (e.g., son, daughter).

j. Officers should be prepared for unexpected responses from survivors to include fainting, hysteria, and possible verbal or physical assault.

k. Officers should provide survivors with sufficient time to regain composure following delivery of the death notice.

l. When the death occurs in the hospital and the next of kin or other family members are already present, it is the responsibility of the attending physician or other hospital designee to deliver the death notification. Officers should be available to provide basic information regarding the circumstances surrounding the death.

m. Survivors should be informed that other law enforcement officers may need to question them at a future time. If it is imperative that the survivors be questioned immediately after notification, questioning should be conducted compassionately.

E. Providing Assistance and Referral: Officers shall not leave upon completion of the notification until reasonably assured that the survivor has adequate personal control, family or close friend(s) readily available to provide support, or both. In gauging the need for assistance, Officers shall also consider;

a. the emotional reaction and physical condition of the survivor;

b. the availability of other adults in the home;

c. responsibility for infants or small children and the elderly or infirm;

d. home environment (e.g., evidence of excessive alcohol or drug use, lack of means of financial support, shortage of food, problem with shelter); and

e. availability of a support system, including friends, family, close neighbors, access to clergy, means of transportation, etc.

f. Officers should provide any additional information on the incident requested by survivors. While graphic details are not appropriate, officers should provide information if asked specifically concerning the cause of death, or other general details of the fatality.

g. Officers should remain alert to the possible need for medical assistance. When officers are aware of serious medical conditions in advance of notification, they should place a local medical response unit on alert.

h. Officers should be aware of confusion on the part of survivors and should therefore speak slowly and deliberately and write down any pertinent information that the survivor may need. This includes the following;

a. Disposition of the body

b. Location of personal effects

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c. Identification requirements/procedures

d. Notifying Officers' names, department, and telephone numbers

e. Officers should assess the physical and emotional well-being of the survivors before departing. Officers should be reasonably assured survivors can take care of themselves and those for whom they may be responsible. In addition to concerns noted above, Officers should be able to answer "yes" to the following types of questions:

1. Is the survivor thinking clearly? That is, does the individual seem to be aware of the Officers' presence?

2. have some grasp of place and time?

3. demonstrate a progressive ability to express himself or herself? And

4. begin to demonstrate some grasp of the reality of the death?

5. Does the survivor have reasonable control over his or her emotions; or does the individual display shock, no apparent emotion, furious hostility, or the desire to commit suicide?

6. Can the survivor cope physically? For example, has the survivor fainted or displayed debilitating weakness or emotional collapse?

7. Does the survivor have an adequate support system that can be relied upon?

8. Officers should not leave a lone survivor unattended until all reasonable efforts have been made to garner first-hand support from the survivor's family, friends, co-workers, neighbors, family clergy, department chaplains, crisis counselors, or other community social service office. Officers should provide or arrange for transportation of essential individuals where necessary.

9. Notifying Officers should conduct a follow-up within 24 hours with any survivor when there is concern for the survivor's well-being.

10. If the deceased's family lives outside the City, request that the law enforcement department in that area relay the notification. Furnish them with a telephone number the family can call for information. Make sure the other department notifies us when the notification has been made.

11. If an outside department requests an officer to deliver a death notification, the on-duty officer will perform the task. Unless requested specifically by the other department, do not simply give the family a phone number to call and leave. Explain to them what you know and offer to stay while the call is made.

12. All death notifications should be done promptly to prevent the media from broadcasting the information first. Because this will be very stressful to the family, all such sensitive information should be tendered in person.

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De-Escalation	Related Policies: Use of Force Persons of Diminished Capacity
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. PURPOSE: The purpose of this policy is to provide law enforcement officers with guidelines on the mindset of de-escalation as it relates to all interactions that an officer may have.

II. Policy: It is the policy of this department to use de-escalation skills, techniques, and tactics in all law enforcement operations, where doing so does not compromise the safety of officers, other persons, or where there is danger of significant property damage.

III. Definitions:

A. De-Escalation: The mindset whereby officers, through tactics create a safe environment so that communication and the art of persuasion may be used to elongate time and minimize the need for physical force.

IV. Procedure:

A. First Consideration in any event is to consider whether Immediate Intervention or Action is Necessary.

B. Officers should treat every contact as an opportunity to show professionalism and care for the persons they serve.

C. When time and circumstances reasonably permit, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

a. Medical conditions

b. Mental impairment

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c. Developmental disability

d. Physical limitation (deafness, mobility, blind etc.)

e. Language barrier

f. Cultural Barrier

g. Situational Stress

h. Drug interaction

i. Behavioral crisis

D. Tactical Options for Mitigating the Immediacy of Threat include:

a. Officer should always consider safe positioning.

b. Placing barriers between an uncooperative subject and an officer.

c. Pre- Plan Escape Route.

d. Calling for additional resources, including specialty units.

e. Containing a threat.

f. Moving from a position that exposes officers to potential threats to a safer position.

g. Creating distance to include retreating to a safer distance.

h. Cover.

i. Concealment.

j. Less-Lethal Options.

k. Short-term disengagement to elongate time for observation and planning.

l. Complete disengagement due to no law enforcement necessity.

E. Officer Conduct

a. Calm Appearance: Calm is Contagious. (Body-Language and Demeanor)

b. Non-Threatening.

c. Avoid yelling and profanity.

d. Don't invade personal space unless necessary to protect an officer or others.

e. Don't bluff with a threat that the officer lacks the authority or would not be justified in carrying out.

f. Maintain Personal Self-Control-Do not act out of emotion.

g. Allow subject the opportunity to speak and tell their story.

h. Consider any available steps that would not compromise law enforcement safety or priorities but would elongate time.

F. Communication from a safe position intended to gain the subject's compliance, using:

a. Introduce Yourself.

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b. Communicate with Empathy.

c. Active Listening.

d. Verbal persuasion.

e. Building Rapport.

f. Allowing Subject time to Vent Frustration.

g. Advisements.

h. Warnings

i. Try to determine cause of agitation and remove or distract the subject from the cause.

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Officer-Department Wellness	Related Policies: Critical Incident Early Intervention Post Officer Involved Incident
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.	
Applicable Arkansas Statutes:	
IACP Officer Safety and Wellness Guide	
Date Implemented:	Review Date:

I. I. **PURPOSE**: This department has an obligation to ensure the mental and physical health and safety of all personnel. Officer wellness is not only an individual issue-- it is also an department issue and a public issue, as the negative consequences of poor mental and physical health can impact officer performance and affect community relationships. This department strives to address issues of officer stress and trauma, to reduce the stigma of seeking help and to create an environment of support.

The purpose of this policy is to focus on the physical and mental wellness of department personnel. The policy addresses the following areas:

A. Education of officers and executive-level staff on issues of physical health, including the importance of exercise and nutrition as a way of reducing stress and improving overall health outcomes.

B. Education of officers and executive-level staff on issues of mental health, to include suicide prevention and the range of possible reactions to trauma.

C. Access to multiple resources for mental and physical support to officers and their families, such as:

a. Employee Assistance Program resources, such as in-house and/or external clinicians, and other wellness staff who have knowledge of the law enforcement experience.

b. Peer support teams to augment (not replace) EAPs or in-house/external clinicians.

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c. Department chaplain.

d. Non-clinical interventions that promote mental and physical well-being, such as physical exercise, dietary guidance and sleep hygiene.

D. This department strives to be fair, transparent, and supportive of all personnel. Supportive supervision includes encouraging health and wellness through policies, practices, and programming, empowering formal and/or informal peer support, and providing quality leadership and supervision.

II. Discussion: Healthy officers create healthy agencies. The mental and physical health and welfare of officers is often overlooked, yet it is a vital consideration, not only to the officer, but also to the officer's family and loved ones, to the department in which the officer is employed, and even to the community in which the officer lives and works. Investing in officer wellness is a significant step that we can take to positively impact our officers' overall well-being and, as a result, to improve the community's trust and perceptions of legitimacy in this department.

Despite the potential for critical incidents to have a significant impact on officers, officers encounter such situations relatively infrequently. In contrast, chronic stressors can be just as, if not more, damaging to an officer than a single traumatic incident. Studies show the connection between the daily stressors of police work and physical and psychological ailments. Officers often bear witness to the pain of those victimized and are present in the moments soon after a dangerous and traumatic event. Research also demonstrates the strong association between chronic stress and organizational climate. That is why this department strives to be procedurally fair, allowing for effective and open communication, involvement in decision-making, and equitable treatment with a desired outcome resulting in greater officer well-being.

Officers play the role of being the helpers, not looking to others for help. One of the primary barriers to officers seeking help is the stigma associated with needing such treatment. This department encourages and supports officers to seek assistance and to provide assistance when needed. Regularly-occurring communication with officers about mental health signs and symptoms, wellness strategies, and available resources will de-stigmatize mental health discussions and reinforce our commitment to employees' overall health and wellbeing.

Prior to retirement, this department shall make available wellness resources to help an officer prepare, as the transition for those who separate or retire from active duty can be difficult.

III. Directives:

A. It is the policy of this department to work collaboratively with sworn officers, civilian personnel, family members and the community to improve and maintain officer wellness. The Chief of Police or his designee will establish a working relationship with the following persons or organization in fulfillment of this objective:

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a. Police Department - Human Resource Office

b. City - Human Resource Office

c. Medical Providers as per county or department contract

d. Local Mental Health Providers

e. Local Clergy / Chaplin's

f. Department Peer Support Officers or Partner Department Peer Support Team

g. Physical Fitness Facilities in the community

h. Local Dietician

i. Local Nutritionist

B. The department should adopt and train to the following **LLRMI** policies related to officer wellness and safety.

a. Early Intervention: 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.

b. Post Officer Involved Critical Incident: One of the most critical investigations in any law enforcement department is that of an officer-involved shooting. These shootings bring media attention; citizen inquiries; liability issues; and, if handled incorrectly, irreparable damage to the department's reputation and the officer's well-being. It is widely accepted that officers involved in shootings or other significant critical incidents require immediate support. The policy of this department is to provide the services, to prepare and respond to the health and well-being of law enforcement personnel following an officer-involved shooting or critical incident.

c. Critical Incident Review: In all cases, the Chief of Police or 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. <u>This section does not relieve the involved department of its responsibility to conduct an administrative investigation</u>

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of the critical incident and review the event for a determination as to the whether or not Office issues including policy and training issues are indicated by the action.

C. Education of physical health, exercise, nutrition, reducing stress and improving overall health. [1]

a. Officers can enhance their physical health through diet, exercise, and adequate sleep. Maintaining good physical health can reduce officers' risk of developing hypertension, heart disease, cancer, degenerative joint diseases, and diabetes. Those who maintain a healthy weight, or an active lifestyle, can reduce their risk and severity of injury.

b. While sleep deprivation is not exclusive to law enforcement, it is often amplified due to the unique stressors of the job and shift work. Sleep is essential to maintain and repair bodily functions and systems. Sleep, or lack of, has effects on all functions of the mind and body, which not only affects an officer's job, but also family wellness.

c. Be mindful of the connection between stress—work and life—and the food you consume. Choose healthy food options in times of stress to lead to clearer thinking, increased energy, and better overall health. Eating healthy while on the job can be particularly challenging given the unpredictability of law enforcement duties. Advance planning and thoughtful discussion of the realities of shift work can assist in better eating habits while on the job.

d. Fitness and wellness are important aspects of every officer's job. A properly maintained program will help keep personnel healthier, happier, and less prone to injuries. A successful program is beneficial to the individual officers, the department as a whole, and the community the department serves.

D. Education of officers and executive-level staff on issues of mental health, to include suicide prevention and the range of possible reactions to trauma.

a. Officers experience job-related stressors ranging from interpersonal conflicts to traumatic events. This cumulative exposure may affect officers' mental and physical health, contributing to problems such as post-traumatic stress symptoms, substance misuse, depression, and suicidal ideation. One officer suicide is one too many.

b. This department is committed to preventing officer suicide and supports the culture change required to provide help to officers who may be struggling. Browse through available resources and tools to raise awareness of and prevent officer suicide.

1. https://suicidepreventionlifeline.org/ 1-800-273-8255

2. Crisis Text Line: Text HOME to 741741

[1] IACP Officer Safety and Wellness

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3. The International Association for Suicide Prevention

E. Access to multiple resources for mental and physical support to officers and their families, such as:

a. Police Chaplain: This department provides officers with access to police chaplains. A police chaplain provides emotional, moral, and spiritual support to officers, staff, and their families. Although police chaplains may be of one denomination or religion, they provide support to all officers, even if that means locating resources for individuals who do not share the same belief system. A strong chaplaincy program can support a culture where officers feel comfortable seeking help and finding support. Police chaplains provide confidential support in several key areas of law enforcement and the communities they serve. These areas include but are not limited to officer wellness and support, spiritual support, and community-police engagement. Additionally, chaplains provide counseling and referrals to mental health services or other faith leaders for officers in need of help and confidentiality. Officers of this department are encouraged to visit the police chaplain.[2]

b. Peer Support: Many officers are more comfortable talking to fellow officers than with mental health professionals about stressful or traumatic situations. They feel that only another law enforcement officer can really understand their experiences and stresses. Officers are also often wary of using any mental health services that might appear on their employment or medical record. Well-trained peer support officers can offer confidential support and education, providing officers easy access to help they can trust. Some peer support programs also offer help lines to provide support for day-to-day stresses and teams that can be deployed to the scene of a critical incident.[3] This department provides access to Peer Support officers and encourages officers to reach out to the department designated officers.

c. Work-life Balance: focuses on managing time and energy while on- and off-duty. Having a healthy work-life balance ensures that officers perform effectively, reduce stress, avoid burnout, and enjoy their career.[4]

1. REFOCUS ON YOUR PURPOSE to help avoid burn out. This can be accomplished by assessing the impact of your daily routines.

2. TAKE CARE OF YOUR BODY by maintaining healthy exercise, nutrition, and sleep habits.

3. CONNECT WITH OTHERS by maintaining social relationships with those close to you. Activities to stay connected and improve your work-life balance.

4. AVOID OVEREXPOSURE to social media and the news. While staying informed is important, too much information can become overwhelming.

[2] IACP Officer Safety and Wellness
[3] IACP Officer Safety and Wellness
[4] IACP Officer Safety and Wellness

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5. SEEK HELP WHEN NEEDED by talking to those around you such as your fellow officers, command staff, executive leadership, chaplains, family, psychologist, or others you can confide in. Remember that you are not alone.

F. An annual review of this policy, and an assessment of the effectiveness of the department's wellness programs, with adjustments as needed based on feedback and/or other outcomes.

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Driver Privacy Protection	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The purpose of this directive is to establish Department policy on obtaining and/or disclosing personal information of drivers or other individuals derived from the state department of motor vehicles. Compliance with this directive will ensure that the Department is in compliance with the Federal Driver's Privacy Protection Act, 18 U.S.C.S. § 2721.

II. Policy: This Department recognizes the right of drivers and other individuals to have their personal information retained by the state department of motor vehicles to remain private, unless that privacy interest is superseded by a legitimate law enforcement necessity. The department recognizes that this right to privacy applies both to the obtaining of personal information by law enforcement officers, as well as the public disclosure thereof. It is the policy of the department to ensure that its employees obtain and/or disclose information derived from the state department of motor vehicles only when necessary to law enforcement functions.

III. Definitions:

A. Motor Vehicle Record: Any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the state department of motor vehicles.

B. Person: Any individual, organization or entity, not including a State or agency thereof. This includes employees of the department.

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C. Personal Information: Information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.

D. Express Consent: Consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106-229 [15 U.S.C.S. § 7006(5).

IV. Procedure:

A. Obtaining personal information from the state department of motor vehicles:

a. Obtaining personal information from the state department of motor vehicles is prohibited unless doing so is necessary:

i. To the carrying out of law enforcement functions, or

ii. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

b. All employees are expected to have an articulable rationale for obtaining personal information from the state department of motor vehicles.

B. Public disclosure of personal information obtained from the state department of motor vehicles:

a. Public disclosure of personal information obtained from the state department of motor vehicles is prohibited without the express consent of the person or persons in question, unless doing so is necessary:

i. To the carrying out of law enforcement functions, or

ii. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

b. When police records are requested without the express consent of the person or persons named therein, personal information as defined by Section III(C) of this policy shall be removed prior to disclosure.

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c. Public disclosures include, but are by no means limited to, parking tickets and other citations which are placed in public view.

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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)
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.	
Applicable Arkansas Statutes:	
CALEA Standard: 42.2.2	
Best Practices: "*Brady* Disclosure Requirements," policy and paper, IACP National Law Enforcement Policy Center, 2009	
Date Implemented:	Review Date:

I. Purpose: A department 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 department 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.

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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 department 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:
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.	
Applicable Arkansas Statutes:	
CALEA Standard: **35.1.9**	
Date Implemented:	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;

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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
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.	
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

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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

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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.

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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
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.	
Applicable Arkansas Statutes: A.C.A. § 27-51-1504 (2011)	
CALEA Standard:	
Date Implemented:	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 a department 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 a department vehicle while using an

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electronic device. Unless faced with such an emergency, all calls shall be made from a stationary position.

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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Use of Email Policy	Related Policies: Social Networking Policy
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The purpose of this email policy is to ensure the proper use of Bryant Police Department email system and make users aware of what Bryant Police Department deems as acceptable and unacceptable use of its email system. This policy outlines the minimum requirements for use of email within the Bryant Police Department network.

II. Policy: It is the policy of this department to set forth the department rules and regulations regarding the appropriate use of any email sent from a Bryant Police Department email address and applies to all employees, vendors, and agents operating on behalf of the Bryant Police Department.

III. Procedure: Use of email:

A. All use of email must be consistent with Bryant Police Department policies and procedures of ethical conduct, safety, compliance with applicable laws and proper business practices.

B. Bryant Police Department email accounts should be used primarily for Bryant Police Department business-related purposes; personal communication is permitted on a limited basis, but non- Bryant Police Department related commercial uses are prohibited.

C. All Bryant Police Department data contained within an email message or an attached must be secured according to the data protection standard.

D. Email should be retained only if it qualifies as a Bryant Police Department business record. Email is a Bryant Police Department business record if there exist a legitimate and ongoing business reason to preserve the information contained in the mail.

E. Email that is identified as a Bryant Police Department business record shall be retained according to the Bryant Police Department record retention schedule.

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F. The Bryant Police Department email system shall not be used for the creation or distribution of any disruptive or offensive messages, including offensive comments about race, gender, hair color, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, or national origin. Employees who receive any emails with this content from any Bryant Police Department employee should report the matter to their supervisor immediately.

G. Users are prohibited from automatically forwarding Bryant Police Department emails to a third party email system. Individual messages which are forwarded by the user must not contain Bryant Police Department confidential or above information.

H. Users are prohibited from using third-party email systems and storage servers such as Google, Yahoo, and MSN Hotmail etc. to conduct Bryant Police Department business, to create or memorialize any binding transactions, to store or retain email on behalf of Bryant Police Department. Such communications and transactions should be conducted through proper channels using Bryant Police Department approved documentation.

I. Using a reasonable amount of Bryant Police Department resources for personal emails is acceptable, but non-work related email shall be saved in a separate folder from work related email. Sending chain letters or joke emails from a Bryant Police Department email account is prohibited.

J. Bryant Police Department employees shall have no expectation of privacy in anything they store, send, or receive on the Bryant Police Department email system.

K. Bryant Police Department may monitor messages without prior notice. Bryant Police Department is not obligated to monitor email messages.

L. Bryant Police Department employees shall not email Criminal Justice Information (CJI) to anyone outside of the Bryant Police Department network or to anyone inside of the network that isn't CJIS Online certified with a finger-print based background check.

IV. Policy compliance

A. The Bryant Police Department admin will verify compliance to this policy through various methods, including but not limited to; periodic walk-throughs, video monitoring, and business tool reports, internal and external audits, and feedback.

B. Any exception to the policy must be approved by the Bryant Police Department admin in advance.

C. An employee found to have violated this policy may be subject to discipline action, up to and including termination of employment.

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Employee Nepotism and Fraternization	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	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

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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 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

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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
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.	
Applicable State Statutes:	
CALEA Standard: 41.2.7	
Date Implemented:	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

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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.** **C**ontainment: Ensure the subject is contained and controlled in a manner which protects all persons including the officer(s).
  - **ii.** **A**nnouncement: Broadcast that the officer believes he/she is dealing with an excited delirium subject.
  - **iii.** **L**ots of Backup: Seek extra officers to enable the officers to more effectively deal with the subject.
  - **iv.** **M**edical Attention: Notify Emergency Medical Services (EMS) as soon as practical.
  - **v.** **S**low 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).

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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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Policy # **Fentanyl: Preventing Exposure**	Related Policies: **Naloxone policy**
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.	
Applicable Arkansas Statutes	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The purpose of this policy is to provide first responding officers and other members of the department with guidelines, instructions and procedures to prevent exposure to fentanyl and fentanyl related substances.

II. Discussion: Fentanyl-related substances are designed to be absorbed into the body by all means, including injection, oral ingestion, contact with mucous membranes, inhalation, and via transdermal transmission (through the skin). As such, accidental exposure by first responders is a real danger.

Accidental exposure can occur under a number of circumstances, including during the execution of search or arrest warrants, the purchase of fentanyl during undercover operations, the processing of drug evidence containing fentanyl or fentanyl-related substances, or the processing of non-drug evidence (e.g., drug proceeds, pill presses, scales, or drug paraphernalia) which may be contaminated with these substances.

Due to the high potency of fentanyl and fentanyl-related substances, exposure to small quantities can cause serious negative health effects, respiratory depression, and even death.

However, fentanyl can be handled safely with proper training and equipment to include hazard recognition and use of personal protective equipment (PPE).

III. The following job categories have been identified as positions where responders might come into contact with fentanyl or its analogues.

A. Pre-Hospital Patient Care: Emergency medical services (EMS) providers, including first responders, fire department, Police Officers and private companies who attend to individuals with suspected fentanyl overdose. Responders may encounter drugs or drug paraphernalia on or near the patient.

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B. Law Enforcement: Law enforcement officers who perform day-to-day law enforcement duties. Law enforcement officers may come into contact with fentanyl during the course of their daily activities such as traffic stops, apprehending and searching subjects, and responding to fentanyl overdose calls.

C. Investigation and Evidence Handling: Law enforcement personnel who conduct investigations related to fentanyl. Activities may include executing search warrants and collecting, transporting, and storing evidence. Evidence collection activities in the field have the potential to aerosolize powders. Also, law enforcement personnel who handle evidence in the chain of custody have the potential to come into contact with fentanyl unless controls are in place to prevent exposures.

D. Special Operations and Decontamination: Workers who conduct special operations where exposure to large amounts of fentanyl are expected. Examples include hazardous material incident response teams responding to a release or spill, and law enforcement officers executing search warrants on opioid processing or distribution sites or participating in other tactical operations. These activities may aerosolize powders.

E. Jails and Booking Officers: Arrestees who are transported to jails and booking stations pose a threat to the officer if these arrestees have been in contact with or using fentanyl.

IV. Procedures: Due to the hazardous nature of the synthetic opioids law enforcement personnel, Jail and correctional officers or any first responders, who encounter fentanyl or fentanyl-related substances should NOT take samples or otherwise disturb any powdered substances without employing proper PPE, as this could lead to accidental exposure. Officers should follow established work practices as well as the following recommendations when fentanyl or related substances are known or suspected to be present.

If the presence of fentanyl or any synthetic opioid is suspected, personnel should immediately contact the appropriate officials within this department who have been trained to handle hazardous materials or contact the nearest DEA field office for assistance. Having specially trained law enforcement (or hazardous materials “HAZMAT” incident response team) professionals equipped with the necessary equipment, to include Level “A” PPE, on-site to assess the situation prior to exposure or contamination is recommended. This includes situations involving unknown powdered substances and/or pill milling or encapsulating operations.

When encountering unknown powders, personnel should use, at the minimum, Personal PPE to include nitrile gloves, N-95 dust mask, eye protection, disposable paper suit, or paper coveralls, and shoe covers. Naloxone should also be readily available for administration. **SEE Department stand-alone Naloxone policy.**



As matter of reference it has been determined that it would only take 2-3 milligrams of fentanyl to induce respiratory depression, arrest and possibly death (see photo of penny). When visually

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compared, 2 to 3 milligrams of fentanyl is about the same as five to seven individual grains of table salt[1]

V. General Precautions:

A. Do not eat, drink, smoke, or use the bathroom while working in an area with known or suspected fentanyl.

B. Do not touch the eyes, mouth, and nose after touching any surface potentially contaminated with fentanyl.

C. Field testing of fentanyl or its analogues is not recommended due to an increased risk of exposure to responders performing field testing. However, if detection and identification of fentanyl is critical to the incident response, develop an incident specific plan to perform the field testing in accordance with this department's policies and procedures. Personnel specifically trained to perform the field testing should perform the field testing in the appropriate **personal protective equipment** (PPE). **Never** handle fentanyl or its analogues without the appropriate PPE.

D. Avoid performing tasks or operations that may aerosolize fentanyl due to increased exposure risks. Activities that aerosolize fentanyl require higher levels of PPE and should be conducted by appropriately trained personnel and in accordance with department policies and procedures.

E. Wash hands with soap and water immediately after a potential exposure and after leaving a scene where fentanyl is known or suspected to be present to avoid potential exposure and to avoid cross contamination.

F. Do not use hand sanitizers or bleach solutions to clean contaminated skin.

G. Officers who come into contact with fentanyl should immediately use soap and water to thoroughly wash and rinse contaminated skin. They should take care not to break the skin during the decontamination process and to cover all open wounds. Do not use hand sanitizers or bleach solutions to clean contaminated skin.

H. All contaminated clothing should be removed and laundered, being careful not to disturb any areas of contamination.

I. Shower immediately after a potential exposure.

J. Decontamination of **reusable** PPE and equipment should be done according to the manufacturer's recommendations.

K. Contaminated **single use** PPE should be placed in labeled durable 6 mil polyethylene bags and disposed of appropriately.[2]

VI. K-9 Working Dogs:

A. Police K-9s performing detection activities, are also at risk of exposure to fentanyl and its analogues. Working dogs should be removed from an area where suspect synthetic opioids are encountered. If exposed, residual drug powder might remain on the dog's body; therefore, the proper precautions and procedures mentioned above should be employed by those handling the dog.

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[1] U.S. Department of Justice Drug Enforcement Administration Fentanyl, A briefing Guide for First Responders.
[2] NIOSH Fentanyl: Preventing Occupational Exposure to Emergency Responders

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Policy **Firearms Range Safety**	Related Policies: Response to Resistance, Training, Safe Storage of Firearms, AR-15
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	

I. Policy: It is the policy of this Department that all members of this department and outside agencies authorized to utilize the firing range facilities will act in accordance with the universal firearms safety policies and procedures and follow the rules and regulations of the range and comply with orders and instructions of the Range Safety Officer at all times.

II. Purpose: The purpose of this policy is to address the safety rules and regulations of the department's Firing Range. Firearms instructors will be assigned a variety of duties and responsibilities. The primary responsibility is to create and maintain a safe range environment for the shooters, the instructors, and the community. Instructors must constantly evaluate the range for potential safety problems such as visual obstructions, ricochets, a sufficient bullet impact area.

III. Procedures:

A. Firearms Instructors:

a. All firearm Range Instructors will be up to date with their Firearm Instructor certification

b. Range Instructors will be First Aid and Trauma trained

c. Firearm instructors will wear ear protection and eye protection when either shooting and or instructing individuals on a hot line.

d. The firearms instructor is designated the officer in charge of the range. The firearms instructor has the authority to direct and give orders to any officer regardless of rank when those orders are directed toward range and safety issues.

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e. Firearm Instructors will make themselves known to all individuals entering the firearms facility.

f. All range rules and regulations will be read to each individual before the individual participates in any firearm instruction and or any firearms shooting are performed. The safety rules will include but be limited to:

i. Treat every firearm as if it were loaded.

ii. "Condition Check Rule": Whenever you pick up a firearm that has been out of your direct control (even for an instant), open the action and check to make sure the firearm is unloaded and safe

iii. Point the muzzle in a "safe direction." Safe Direction is defined as an area where, if an accidental or negligent discharge occurs, only minor property damage and no human injury will result.

iv. Keep your finger off the trigger and outside the trigger guard until ready to shoot

v. Know your target, what's in line with your target and what's behind your target.

vi. If you experience trouble with your weapon that you can't fix yourself, then raise your hand, keep facing down range, firearm pointed down range and wait for the instructor to approach from behind

g. If inspected the instructor shall complete a Firearms Assignment, Usage, and Maintenance Record form, establishing that the weapon has passed inspection. The form shall be maintained in the Training Division. The instructor will document the serial number of the officer's department issued weapon and compare it to the serial number of the weapon issued to the officer.

h. During times of annual qualification, with each officer present, the Range Officer will review the Department's Use of Force / Response to Resistance policy and have each officer sign a form documenting the training. These records will be maintained with the Training Division.

B. Instruction:

a. All officers are to be informed of the Range address and directed to landlines which can be used to call for medical assistance in case of an emergency.

b. A first aid kit and gunshot wound kit will be on site. Officers will be directed to that emergency equipment.

c. In the event of an emergency, one individual will respond to the entrance of the range and await rescue personal.

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d. All shooters will wear eye and ear protection while downrange, whether or not they are shooting.

e. Officers will be informed of the hazards and dangers of lead contamination on the range.

C. General Safety Guidelines:

a. Safety glasses and hearing protection are required at all times

b. All shooters will shoot while on the SAME yard line. No shooter will shoot when any individual is downrange.

c. No individual will proceed past others downrange while any individual is shooting or while any individual has a firearm, loaded or not, pointed downrange.

d. Officers will not clean, repair, cycle the slide, assemble or disassemble, or load firearms at the range facility unless authorized to do so by the Range Instructor. Loading and unloading of firearms will be accomplished through the use of the clearing device / barrel and firearms will be inspected for clearance of ammunition.

e. Officers are responsible for the care and cleaning of Department issued firearms, as well as personally owned firearms which have been authorized to be carried both on and/or off-duty. Weapons shall be clean and lubricated at all times, and cleaned as soon as practical following a qualification.

f. Food, chewing gum and drink are not allowed on the firing line.

g. Smoking and smokeless tobacco products are prohibited on the firing line

D. General Safety Guidelines of Lead Effects on the Body: Do's and Don'ts

a. The **EPA** classifies lead as a highly toxic heavy metal with no beneficial biological use. In law enforcement, officers entering a firing range and/or cleaning a weapon, are exposed to a higher risk of lead poisoning, a higher risk of eye damage due to blunt trauma, and a greater exposure level to high pressure noise, than the average citizen. Officers must understand these dangers and take appropriate steps to prevent injury or illness.

i. **Don't** eat on the range! Dust on hands and face can be ingested through contact with food. Airborne lead can contaminate the food.

ii. **Don't** collect fired brass in baseball caps! Caps become contaminated with lead particles and be absorbed into the skin.

iii. **Do** be aware that face, arms and hands are covered with lead. Wash with cold water and soap. Cold water is preferred since warm water enhances the absorption of lead by opening the pores. If no water is available, utilize hand wipes.

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iv. **Do** be aware that hair and clothes are still contaminated. Shooters and instructors should either wear an outer garment, such as a jumpsuit, or change clothes before going home. To prevent cross-contamination, range clothes should be washed separately from family's regular laundry.

v. **Do** avoid physical contact with family members until after a shower, shampoo and change of clothes. Lead can be transferred by casual contact.

E. Qualification:

a. Firearms training must be conducted, at a minimum, once per year.

b. Officers should wear their duty equipment and train the way they expect to perform in the streets

c. Firearms training must include low-light shooting as well as decision-making scenarios.

d. Officers must qualify annually with the department issued firearm and any firearm authorized by the Chief of Police carried as an off-duty weapon or authorized on duty back-up weapon.

e. Firearms training must meet all other requirements set forth by Arkansas Law and Regulations.

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Foot Pursuit	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date: January 2022	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: Whenever an officer decides to engage, or continue a foot pursuit a quick and continuous risk assessment must take place. The officer must evaluate the risk involved to themselves, the suspect and the community versus the benefit of continuing

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.

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:

a. Area Containment

b. Additional officers

c. Surveillance until additional resources become available

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B. Factors to Consider in Conducting the Risk Assessment:

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

C. Pursuing Officer Responsibilities:

- **a.** 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 and others are exposed to as a result of the pursuit.
- **b.** Once an officer decides to engage in a foot pursuit, the officer must immediately relay the following information to communications:
  - **i.** Officer identifier
  - **ii.** Location (continuing responsibility)
  - **iii.** Direction of travel
  - **iv.** Description of suspect
  - **v.** Whether suspect is armed
  - **vi.** Reason for foot pursuit
  - **vii.** Coordinating with other officers to establish perimeter for containment.
- **c.** The primary officer should maintain sufficient tactical gap between him or herself and the suspect to allow time for maintaining cover and allow for the arrival of backup officers before engagement.

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d. An officer should not enter a building, structure or area of limited or no cover without a backup officer present.

e. An officer should not continue a foot pursuit if the officer has lost their firearm.

f. 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: A supervisor on duty shall:

a. Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the suspect.

b. Terminate any foot pursuit where the risk to the officer, the public, or the supect outweighs the need for the foot pursuit.

c. Consider the use of specialized units/personnel to aid in the apprehension i.e. canine, SWAT following containment etc.

E. Communications Responsibility:

a. Maintain open communications with involved officer.

b. 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:

a. If ordered by a supervisor

b. If the officer believes the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the suspect.

c. 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.

d. 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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Harassment, Discrimination	Related Policies:
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.	
Applicable Federal and Arkansas Statutes	
CALEA Standard:	
Date Implemented:	Review Date:
Note: This policy is to be read in conjunction with the applicable City policy covering harassment/discrimination.	

I. **Purpose:** The purpose of this policy is to prohibit harassment and discrimination within this department. The policy also provides for the reporting and department response to harassment or discrimination.

II. **Policy:** This department is committed to providing equal opportunity to all applicants for employment and to all employees. Recruitment, hiring, assignment, promotion, compensation, training, discipline, termination, and all other terms, privileges, and conditions of employment shall be administered in a manner that does not discriminate on the basis of any protected class including race, color, religion, ancestry, sex, gender identity or expression, age, disability, pregnancy, national origin, sexual orientation, veteran status, domestic partnership, genetic information, political affiliation, membership in the Arkansas National Guard, or any other class that becomes protected by federal and/or state law. This department will take action to prevent and correct discriminatory behavior/conduct in violation of these policies. Members who engage in prohibited conduct are subject to disciplinary action up to and including termination of employment. It is the policy of this department to prohibit harassment or discrimination in any form and to provide employees with a mechanism for reporting and resolving allegations of harassment and discrimination.

III. **Definitions:**

A. **Discrimination:** Discrimination is defined as making, directly or indirectly, any distinction in applicant selection procedures, or in the terms, conditions or privileges of employment on the basis any protected class. No employee shall discriminate against any applicant for employment or employee in any term, privilege, or condition of employment on the basis of protected status. Moreover, discrimination or harassment

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will not be tolerated from any nonemployee including, but not limited to, vendors, contractors, or applicants for employment. Note however, that all persons hired for employment shall demonstrate their eligibility for employment in the compliance with the hiring policy of this department.

B. Harassment: Every employee has the right to work in an environment free from hostile, offensive or intimidating behavior/conduct. Harassment is any unwelcome advances, requests for favors, and other verbal or physical conduct of a prohibited nature when: submission to such conduct is made, either explicitly or implicitly, a term or condition of a member's employment; or, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such member; or, such conduct has the purpose or effect of interfering with a member's work performance, or creating a hostile, intimidating, or offensive working environment.

C. Quid Pro Quo Harassment: A circumstance by which an employee is afforded a favorable employment action in exchange for a favor, or an unfavorable employment action for refusal of the favor.

D. Hostile Work Environment: A circumstance by which an employee is confronted with an environment involving explicit language, photos, or conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

E. EEO Officer: Equal Employment Opportunity Officer: A member of the Professional Standards Unit who is knowledgably about harassment and discrimination in the workplace, who is designated by the Chief of Police to receive complaints and has a working relationship with the Human Resources personnel of the department and City.

IV. Procedures

A. Employees with Disabilities: This department is committed to making reasonable accommodations for qualified applicants and employees with disabilities in accordance with state and federal law, and department policies. Each situation will be handled on a case-by-case basis. Employees shall contact the City Human Resources Section to request information on reasonable accommodation.

B. Confidentiality: To the extent permitted by law or policy, the identity as well as all oral or written contacts between the Human Resources Section, the Office of Internal Affairs and any employee or applicant for employment concerning this policy and/or its application will be treated as confidential.

C. Chief of Police: Ultimate responsibility for implementation of these policies is vested in the Chief of Police. Chief of Police shall ensure that all Equal Employment Opportunity (EEO) policies, and all prohibitions against discrimination, are aggressively implemented throughout the department by all levels of management.

D. City Human Resources Department: Is responsible for monitoring EEO programs and ensuring department compliance with all relevant federal and state laws, City ordinances, and department policies and rules in hiring and other personnel practices. Human Resources will report to the Chief of Police, on EEO matters and participating in the development and implementation of training and educational programs for employees.

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E. Management Employees:

a. Management employees are required to ensure that personnel practices within their organizational entities are in full compliance with all federal and state laws, City ordinances, and department policies governing non-discrimination.

b. Specifically, Management employees are to ensure that all their employees who supervise, promote, assign, recruit, interview, train, evaluate, or discipline other employees utilize only job-related standards in their personnel actions and contribute to the attainment of department EEO principles.

c. When made aware of a potential or current EEO problem or complaint, Management employees shall:

i. Take action to deter any future prohibited behavior.

ii. Notify EEO Officer and the Chain of Command and initiate an investigation.

iii. Cooperate with EEO Officer / Professional Standards Unit and any other department in any investigation and/or resolution of the problem or complaint.

iv. Management employees have all the responsibilities covered in the Supervisors responsibilities below.

v. In addition, Management employees are to personally monitor and evaluate the personnel actions of subordinate supervisors to ensure compliance with this policy. Management employees are required to take immediate action to prevent discriminatory behavior/conduct from continuing or recurring. Failure to take prompt appropriate action may subject the Management employee to disciplinary action.

F. Supervisors:

a. Regardless of whether the employee involved is in the supervisor's chain of command and regardless of how they became aware of the alleged prohibited behavior/conduct(s), all supervisors must immediately report all allegations or complaints or observations of such conduct to the designated EEO Officer or Chief of Police. Supervisors shall be responsible for encouraging employee support for equal employment opportunity by demonstrating commitment to EEO in the following ways:

i. Becoming thoroughly familiar with the department prohibitions against harassment and discrimination and acquainting subordinate personnel with these guidelines.

ii. Promoting positivity when discussing these policies with other staff.

iii. Requiring all subordinate personnel to demonstrate respect for the diversity of their coworkers and members of the community.

iv. Taking immediate action when any violations of this policy are observed or reported.

v. Supervisors shall notify their chain of command in writing of all potential or current policy violations, so that immediate action can be taken to remedy the situation. The information reported must include:

- The person(s) involved, including all witnesses;

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- A written record of specific conversations held with the accused and any witnesses; and
- All pertinent facts, including date(s), time(s), and location(s).

vi. Ensuring compliance of subordinate personnel with this policy.

vii. Supervisors are required to take immediate action to prevent prohibited behavior/conduct from continuing or recurring. Failure to take prompt appropriate action may subject the supervisor to disciplinary action.

G. All Employees:

a. Every employee of the department, including unpaid volunteers, is responsible for creating and maintaining a professional working environment free from harassment and discrimination. Employees shall:

i. Demonstrate sensitivity to and respect for differences of all employees.

ii. Comply with all equal employment laws, City policy and specific policies of this department.

iii. Confront disrespectful or discriminatory behavior/conduct when they see it.

iv. Immediately notify their chains of command of any suspected policy violations that they experience or observe.

b. Employees who believe they personally are being or have been subjected to prohibited behavior/conduct and/or are the target of any form of prohibited behavior/conduct, or have witnessed any other employee being subjected to these behaviors, should immediately:

i. Identify the offensive behavior/conduct to the alleged harasser and request that the behavior/conduct cease. Note: An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is critical, however, that the employee contact one of the individuals listed in below if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited behavior/conduct directed to or committed by another employee(s), client(s), customer(s), vendor(s), volunteer(s), contractor(s), etc.

c. Reporting: If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited behavior/conduct to cease, but the request did not produce the results desired, the employee should report the behavior/conduct as soon as possible to:

i. any supervisor or,

ii. management employee or,

iii. the department's designated EEO Officer.

d. Alternative EEO Officer: Where feasible the department should identify an alternate EEO officer for those employees who may feel uncomfortable or reluctant reporting to the primary EEO Officer.

e. Employees who believe the EEO Officer has engaged in prohibited behavior/conduct should bring such concerns to the attention of Human Resources (the alternate EEO Officer) or the Chief of Police. An employee who

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witnesses or obtains information regarding prohibited behavior/conduct by his/her immediate supervisor is required to report the incident to the EEO Officer or the Chief of Police.

f. All employees are required to fully cooperate in any investigation of an EEO violation.

H. Prohibited Behaviors/Conduct: The following is conduct that is specifically prohibited under the department Harassment/Discrimination policies. This list is in addition to other prohibitions already covered in department and includes, but is not limited to, conduct for which disciplinary action may be taken.

a. Workplace Bias: Expressing bias in the workplace, including any behavior that is potentially offensive to any employee on the basis of his or her protected status is prohibited. Examples include, but are not limited to:

i. Using degrading words, offensive slang labels or names, or profanity describing a person's protected status.

ii. Sexually suggestive, obscene or lewd jokes; jokes or any comment about a person's protected status.

iii. Posting or display of inappropriate posters or jokes in the workplace.

b. Sexual Harassment in the Workplace: Examples of conduct that may be deemed sexual harassment and is prohibited in the workplace include, but are not limited to:

i. Sexually suggestive, obscene, or lewd comments or invitation.

ii. Gender related labels such as "honey," "sweetie," "cutie," "boy," and "girl."

iii. Asking for sexual favors and implying there will be economic or employment benefits.

iv. Leering, ogling, or drawing attention to a person's body.

v. Unwanted sexual advances.

vi. Sexual Assault – Attempted Sexual Assault

vii. Introduction into the workplace of pornographic pictures or written material, except in the course of official police investigations.

viii. Expectation, requests, demands or pressure for sexual favors.

c. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted advances, invitations, or degrading or suggestive words or comments.

d. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.

e. Offensive gestures, expressions and graphics including leering, obscene hand or finger gestures, explicit drawings, derogatory poster, photographs, cartoons, drawings or displaying suggestive objects or pictures.

f. Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement.

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i. **Retaliation Prohibited:** Retaliation is an adverse employment action taken against an employee as a result of opposing prohibited behavior/conduct., The employer will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated against, or discriminated against in any manner 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 EEO Officer or alternative EEO Officer. The employer will promptly investigate and deal appropriately with any allegation of retaliation. Retaliation is prohibited conduct, and, if engaged in, may result in disciplinary action, up to and including termination of employment.

I. Discrimination - Harassment Complaint Procedure:

a. Employees who believe they have been treated unfairly in any employment practice because of their protected class status may file a complaint with a supervisor or the EEO Officer.

b. Employees who believe they have been retaliated against because they filed a complaint, challenged a prohibited behavior/conduct, participated in any way with these procedures, or served as a witness may file a complaint.

J. Receiving a Complaint Procedures: The department shall promptly receive and investigate all complaints regarding harassment or discrimination regardless of their origin.

a. A supervisor or EEO Officer upon being notified of a complaint shall schedule to meet with the complainant the same day. If that is not possible, the supervisor or EEO Officer will make themselves available to the complainant within the next 24 hours.

b. Provide copy and review harassment-discrimination policy with complainant.

c. Determine if there is a threat to the employees' safety and take action to remove threat.

d. Forward the written complaint up the chain of command.

K. Separation: Once an allegation is made, steps should be taken to separate the involved employees while an investigation into the allegation is conducted. The separation should be undertaken in an equitable manner which is non-punitive in nature. In no case will the complaining employee be forced to change assignments against his/her choice. The supervisor is required to immediately take appropriate action to stop any conduct which might continue or aggravate the allegation(s).

L. The complainant shall be kept informed of the progress of the investigation.

M. At the conclusion of the investigation, the complainant and the accused employee will be will be made aware that the investigation is completed and appropriate action, if any, has been taken.

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N. Where evidence is established to sustain a violation of this policy, immediate disciplinary action shall be taken against the offending employee, up to and including termination from employment with this department.

O. Confidentiality Required: All matters pertaining to EEO issues are highly confidential. All participants in a report or investigation are strictly prohibited from discussing the matter outside of formal channels throughout the course of the investigation. Information concerning such issues will be disseminated on a need-to-know basis only. Such confidentiality, however, in no way diminishes the necessity of keeping the Chief of Police informed.

P. Withdrawal of Complaints: Members filing EEO complaints may withdraw the complaint or any part thereof, at any time. Despite the withdrawal request, however, the department still has an obligation to investigate the allegation. The department shall become the complainant.

Q. Training: Officers of this department shall receive annual harassment – discrimination training.

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Hiring Practices	Related Policies: Social Networking – Internet Use
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.	
Applicable Arkansas Statutes §14-51-101 through §14-51-311	
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:	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.

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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 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.

K. 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.

L. Selected applicants will proceed to the background examination process. This process shall include:

- **a.** Verification of applicant's responses in the written application.
- **b.** Applicant's driving history.
- **c.** Criminal History check of applicant including checks in all former states of residency.
- **d.** 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.
- **e.** Credit History report.
- **f.** Check of National Database that registers officers who have been de-certified by a state POST or Training Board.
- **g.** 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).
- **h.** All former employers, to the extent possible, must be interviewed.
- **i.** Un-named persons known to the applicant, such as neighbors, former neighbors, school officials, etc. should be sought out and interviewed.
- **j.** 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.

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k. 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.

M. No member of this department 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 department from viewing information about a prospective employee that is publicly available on the Internet.

N. 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.

O. 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.

a. Medical Examination: A licensed medical practitioner who is familiar with the job tasks of a law enforcement officer will conduct this exam.

b. 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.

c. 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.

P. 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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Policy # **Hostage – Barricaded Persons**	Related Policies: Active Shooter, Response to Resistance, Persons of Diminished Capacity
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 office for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **Policy**: The purpose of this policy is to provide guidelines for situations where officers have legal justification to contact, detain, commit or arrest a person, and the person refuses to submit to the lawful order of the officers by remaining in a structure or vehicle and/or by taking a hostage.

II. Definitions:

A. Barricade Subject: A person who maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

B. Hostage: Any person held by another against their will by force or threat of force, expressed, or implied.

C. Active Shooter: A person who is actively attempting to fire upon or otherwise seriously injure or kill one or more hostage(s), citizen(s), or deputy(s).

III. Objectives:

A. Consider the lives and safety of officers, hostages, the barricaded suspect, other involved civilians, and by-standers

B. Peacefully resolve the incident through communication with the subject if possible;

C. Make every reasonable effort to affect the safe release of the hostages.

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IV. Initial Response:

A. Patrol officers responding to hostage or barricaded subject incidents generally may not initiate tactical actions other than those necessary to protect the lives and safety of themselves or others. The exception is in instances where an active shooter is encountered. In such cases the necessity for immediate action to protect innocent life is paramount. As with any life-threatening situation, the level of force employed must be consistent with the department response to resistance policy.

B. Where feasible the initial responding officers should attempt to communicate with a barricaded person or hostage-taker. On scene officers should gather information regarding number of persons involved, victims and suspects, any physical injuries that have been sustained and medical services that are required and attempt the calm and de-escalate the situation while awaiting support officers and supervisors.

C. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

V. Barricaded Subject - No Hostage:

A. Officers of this department who respond to a barricaded subject situation should attempt to control the event by containment and communication until the arrival of a specialized unit such as a SWAT team or Crisis Intervention Teams with trained negotiators arrive. It is recognized that these events can rapidly evolve and change and become violent at any time requiring officer to take immediate actions to bring the event under control. This field tactical response can be segmented into four (4) distinct tactical responses: **Containment, Coordination, Communication and Time.**

a. Containment: Before any reasonable control and defusing techniques can be used, the subject must be contained. Officer should avoid compressing the subject.

i. The officers shall devise a plan that separates 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.

ii. It is important for officers to ensure that on-lookers and family members are not in a position to become involved either verbally or physically in the control methods.

iii. 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

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

iv. Officers should move slowly.

v. Officers should utilize all available tactics to de-escalate the situation where possible, however if a officer is faced with a dynamic and violent situation which 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 shall be determined to ensure that outside persons and/or family members don't become involved.

iii. Officers shall limit observable indications of force. If firearms are drawn, they should be maintained in the low ready position and not displayed by officers who are attempting to establish communications with the subject.

iv. The lead officer shall 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 person will designate the location for a command post and staging area. This should be out of sight of the location of the subject encounter.

c. Communication: Contact with the person of diminished capacity should be planned and controlled:

i. 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 shall be designated as the command voice and other officers shall refrain from becoming involved.

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iii. Verbal communication should be non-threatening. Officers should attempt to calming words and attempt to de-escalate the situation. 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 command voice and determine whether that might be beneficial.

iv. Sharp, authoritative commands should be avoided.

v. Be truthful at all times.

vi. 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.

vii. Normally, family members should not be used in an attempt to establish communications. This frequently exacerbates the situation.

d. Time: 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 command voice.

VI. Hostage Situations:

Officers of this department who respond to a hostage situation should attempt to control the event by containment and communication until the arrival of a specialized unit such as a SWAT team with trained hostage negotiators arrive. It is recognized that these events can rapidly evolve and change and become violent at any time requiring officers to take immediate actions to bring the event under control.

As discussed in this policy the concept of **Containment, Coordination, Communication** and **Time** must be considered. Officers and supervisors should consider the following tactics while attempting to resolve the event.

A. The officer-in-charge at the scene shall be in command of all law enforcement operations and make all decisions regarding law enforcement action to be taken. The officer-in-charge at the scene shall:

a. Establish a command post and inner and outer perimeters;

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b. Obtain as much information as possible about the hostage-taker and hostages;

c. Call for assistance from other agencies as necessary.

d. The officer in charge shall summon medical personnel and advise them to stand by at a pre-determined location.

e. Before taking direct law enforcement action, make an effort, if possible, to persuade the hostage-taker to surrender;

f. Determine the necessity for any special equipment, including body armor, special weapons or specially trained law enforcement units;

g. Coordinate the actions of hostage negotiations personnel;

h. Every effort shall be made to keep the hostage confrontation from becoming mobile because it would become much more difficult to contain and control.

i. Assign an officer to address media inquiries.

j. The officer-in-charge at the scene shall utilize the services of a trained hostage negotiator when one arrives.

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Identification Process	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard: 42.2.11; 42.2.12	
Date Implemented:	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

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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

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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. Officers shall complete the eyewitness identification form prior to the identification procedure.

ii. Include only one suspect in each identification procedure;

iii. Select fillers who generally fit the witness' description of the perpetrator;

iv. 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;

v. Include a minimum of five fillers (non-suspects) per identification procedure;

vi. 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;

vii. 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;

viii. 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;

ix. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness;

x. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness;

xi. View the spread, once completed, to ensure that the suspect does not unduly stand out;

xii. Preserve the presentation order of the photo lineup. In addition, the photos themselves should be preserved in their original condition;

xiii. All photos must include persons of the same race and sex as the suspect;

xiv. 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));

xv. **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;

xvi. **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

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the suspect in the case. The witness should be told the officer conducting the photo-array does not know who the suspect is;

xvii. 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;

xviii. Witnesses should be segregated before, during and after the procedure and instructed not to discuss the identification process with each other;

xix. During the identification process, officers shall not, in any way, prompt the witness toward a particular photo;

xx. 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;

xxi. 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

xxii. 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.

xxiii. If an independent administrator is not available, the investigative officer shall follow the following procedures:

a. Place the suspect photo and filler photos in separate folders. Include four (4) blank folders that contain no photograph for a total of ten (10).

b. Shuffle the folders before giving them to the witness.

c. The officer administering the array should position himself or herself so that he or she cannot see inside the folders.

d. Allow the eyewitness to open the folders one at a time to view the single photograph.

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. Officers shall complete the eye witness identification form prior to the identification procedure.

ii. 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. facial hair, glasses, general age etc.

iii. All persons in the line-up must be of the same race and sex of the suspect.

iv. Double-blind presentation: The officer who conducts the line-up shall be someone who is not aware of which person in the line-up is the suspect in the

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case. The witness should be told the officer conducting the Line-up does not know who the suspect is.

v. Because line-ups will be administered by an officer who does not know the identity of the suspect, the fillers selected should not be known to the officer administering the line-up. In selecting line-up fillers, abide by the guidelines for photo array fillers as described above.

vi. All persons in the line-up should carry cards that identify them only by number and should be referred to only by their number. As with photo arrays, each witness must view the line-up independently, out of the presence and hearing of the other witnesses.

vii. The investigating officer should explain to the witness that a second officer (the line-up administrator) will be conducting the line-up, and that he/she does not know the identity of the people in the photographs.

viii. The investigating officer should carefully instruct the witness by reading from a departmental Line-up Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The officer should also sign and date the form.

ix. The investigating officer should leave the room while the line-up administrator conducts the line-up.

x. The line-up should be conducted so that the suspect and fillers do not actually line up, but rather so that they are displayed to the witness one at a time. This can be accomplished either by having them stand with their back to the witness and then face the witness one at a time, or by having them enter the room individually and leave before the next one enters.

xi. The procedure for showing the participants to the witness and for obtaining a statement of certainty is the same as for photo arrays. If practicable, the officer should record the procedure through the use of audio and video.

xii. During the process officers/deputies in any way, shall not, prompt the witness toward a particular subject in the line-up.

xiii. 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.

xiv. Suspects may be required to speak during a line-up for comparison purposes only. If officers/deputies are going to require a suspect to speak, they must require all persons participating to speak the same words in turn.

xv. Suspects may be required to put on clothing recovered from the crime for identification purposes. If officers/deputies 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.

xvi. All line-ups must be documented by photographing or video-taping the line-up as presented to the witness. The photo will document positions of the participants as well as the inclusion of the participants.

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xvii. 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.

xviii. The witness' selection of a person 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.

F. 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:
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.	
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:	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;

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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. Complaint Form: 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

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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 Complaint Form and explain the complaint process; and

iv. Upon completion of the Complaint Form, 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;

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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 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

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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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Interview and Interrogation	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. PURPOSE: Purpose: The purpose of this policy is to guide officers in the tasks of interview and interrogation while protecting the constitutional rights of persons who are subjected to custodial interrogation and non-custodial interviews by officers of this department.

II. Policy: The policy of this department is to safeguard all constitutional rights afforded citizens who are subject to custodial interrogation by the members of this department who are tasked with conducting criminal investigations, interviews and interrogations. All statements must be obtained voluntarily.

III. Definitions:

A. "Custodial Interrogation" "Questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of their freedom of action in any significant way."[1]

B. Interview: A non-custodial conversation between persons who may have knowledge of the incident being investigated and the officer posing the questions.

IV. Procedure:

A. In Miranda v. Arizona, 384 U.S. 436 (1966), the Court established certain procedural safeguards designed to protect the rights of an accused, under the Fifth and Fourteenth Amendments, to be free from compelled self-incrimination during custodial interrogation. The Court specified, among other things, that if the accused indicates in any manner that he wishes to remain silent or to consult an attorney, interrogation must cease, and any statement obtained from him during interrogation thereafter may not be admitted against him at his trial. The Court declared that whenever a person is taken into police custody, before being questioned he or she must be told of the Fifth

[1] Miranda v. Arizona, 384 U.S. 436 (1966).

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Amendment right not to make any self-incriminating statements. When a person is subjected to "**Custodial Interrogation"** as defined in **section III. A.** of this policy, the person must be advised of the following:

a. You have the right to remain silent

b. Anything you say can and will be used against you in a court of law

c. You have the right to an attorney during questioning

d. If you cannot afford a lawyer, one will be appointed to you

e. Do you understand the rights I have just read to you?

B. Giving the Warnings: Miranda applies: no matter the seriousness of the offense – whether the custody is for an arrestable violation, a misdemeanor or for a felony.

a. When an interrogation is done while the person is in coustody the **Miranda Warnings** should be read from a Miranda Warnings form containing a signature line indicting the person understood their rights and a second signature line indicating the persons chooses to waive or invoke their rights. Ideally, a waiver should be written, signed and witnessed, but that is not always possible.

b. When the interrogation is conducted in a place other than a police station or detention facility the officer should read the Miranda Warnings from a pre-printed card.

c. Where written warnings are not available (printed forms or card) to the officer he may recite the warnings from memory that adequately convey the four warnings.[2]

d. When the person invokes their right to counsel by written signature or spoken word, no questioning will take place.

e. When a person indicates by signature or spoken word that they understand their rights and waive their right to silence and waive their right to counsel, by signature or spoken word, the questioning of the person may begin. The person must voluntarily, knowingly and intelligently waive their rights. All statements must be obtained voluntarily.

f. If at any time during questioning the person invokes their right to counsel or their right to silence, the questioning will stop.

g. When a person indicates through signature or spoken word that they understand their rights, but refuses to indicate through signature or spoken word to either invoke their rights to silence & counsel to waive their rights to silence & counsel the officer may initiate questioning. [3] An invocation of the right to remain silent under Miranda must be clear and unambiguous.

h. Invocation of Right to Counsel: The interrogating officer or any other officer may not reinitiate interrogation of a suspect once the suspect has invoked his or her

[2] Powell v. Florida, 130 S.Ct. 1195 (2010).

[3] Berghuis v. Thompkins, 130 S.Ct. 2250 (2010). A suspect's silence during interrogation is not an invocation of their right to remain silent. An invocation of the right to remain silent under Miranda must be clear and unambiguous.

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right to counsel. No interrogation may take place unless counsel is present at the interrogation even if the suspect has had an opportunity to speak with counsel.[4]

i. **Police Re-Initiating Contact**: **Fourteen Days (14)** after a break in Miranda-based custody, investigators may re-initiate questioning of a subject who had previously invoked his right to counsel for the same investigation.[5]

j. **Police Re-Initiating Contact:** Interrogation following an invocation of the **"right to remain silent"** is permissible under certain circumstances[6]. An officer may reinitiate discussion, at least to the extent of asking if a suspect is willing to continue an interrogation when:

   i. The suspect did not invoke the right to counsel, but did invoke the right to remain silent.
   ii. The suspect's right to remain silent was clearly honored in the first interrogation.
   iii. A significant amount of time has passed between the first and second interrogation.
   iv. The suspect was given a fresh set of warnings before the second interrogation and waived their rights.
   v. No pressure tactics or illegal tactics were used to get the suspect to relent.

k. **Suspect Re-Initiating Contact**: Police may question a suspect who has previously invoked his right to counsel in cases where the suspect has reinitiated the conversation with officers. Officers must prove that, in addition to re-initiation by the suspect, there was also a valid and knowing waiver of rights prior to the second interrogation therefore, fresh Miranda warnings and a valid waiver must be obtained before questioning begins. [7]

l. **Public Safety Exception**: In certain circumstances, a failure to give Miranda warnings or a continuation of interrogation after Miranda had been given and rights invoked may be excused by a concern for public safety. This type of interrogation may be allowed if the law enforcement officers can show that the "paramount reason that the information is being sought is to save a life. In 1984, the Supreme Court carved out an exception to the Miranda rule in its decision New York v. Quarles which determined that if there's an imminent threat to public safety, suspects can be questioned about the threat before they are read their rights and their statements can still be used against them.[8] Where is the bomb? Where is the kidnapped girl hidden?

m. **Non-Custodial Interviews:** A suspect who voluntarily comes to the police station at the invitation of an officer and is told prior to questioning that he is not under arrest and free to go, need not be given warnings since he or she is not in "custody."[9] The person being interviewed should not be placed in a locked interrogation room and restraints cannot be applied.

[4] Edwards v. Arizona, 451 U.S. 477 (1981).
[5] Maryland v. Shatzer, 130 S.Ct. 1213 (2010).
[6] Michigan v. Mosley, 423 U.S. 96 (1975).
[7] Oregon v. Bradshaw, 462 U.S. 1039 (1983).
[8] New York v. Quarles, 467 U.S. 649 (1984).
[9] Oregon v. Mathiason, 429 U.S. 492 (1977).

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n. In order for the requirements of Miranda to be met, the suspect must be able to understand their rights. Possible barriers to understanding include:

i. subnormal intelligence,

ii. extreme intoxication,

iii. hearing difficulty,

iv. language difficulties.

Officers must ensure the person about to be interrogated understands their rights. Using an interpreter, a sign language expert, waiting for the person to sober up or slowing explaining in detail and answering questions can help to ensure the person understands their Miranda rights.

C. Interview Room General Guidelines:

a. Where audio and video equipment are available officers should utilize it. The entire interrogation to include the reading of Miranda warnings and the persons waiver or invocation of rights shall be recorded.

b. Items in the interview rooms should be limited to a table and enough chairs to accommodate the individuals in the room. Any other items brought into the room shall be at the discretion of the officer/investigator conducting the interview.

c. The number of people present while conducting an interview/interrogation should be kept to a minimum. Typically, this should be no more than two officers/investigators and the person being interviewed. Special circumstances may require a parent, guardian, or legal representative. Ultimately, it will be up to the primary officer/investigator on a case-by-case basis to make up the decision as to who may be present.

d. All individuals are afforded an opportunity to address their personal needs during an interview/interrogation. It will be at the officer/investigator's discretion when a break is conducted. All individuals being interviewed who wish to utilize the facilities (restrooms, water, etc.) shall be escorted by an officer/investigator at all times within any secured area of the building. Officers should document what transpired while out of view of the camera.

e. Prior to usage of the interview room, officers/investigators shall search the room for weapons and/or contraband that may pose a threat to not only the officer/interviewer but also the subject being interviewed.

f. Once the interview has been completed, the officer/investigator will again search the room prior to exiting.

D. Juveniles-Discussion: The courts have stated children generally are less mature and responsible than adults, they often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them. They are more vulnerable or susceptible to outside pressures than adults. In determining whether or

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not a juvenile is capable of waiving their rights under Miranda, a totality of circumstances approach will be taken,[10] which considers the:

a. **Age of the person**: In determining whether a juvenile is "in-custody" for purposes of requiring Miranda warnings, an officer must take into account the juvenile's age. In making this determination the officer should consider: whether a person of the suspect's age faced with the circumstances the suspect is facing, would believe they were formally arrested or that their freedom of movement was restrained to the degree normally associated with formal arrest.[11]
b. **Educational level:** Including last grade completed
c. **Experience:** Prior contacts and arrests with the police and interaction with the courts
d. **Background**
e. **Intelligence**
f. A juvenile's request for someone other than an attorney is not an invocation of Miranda but may be considered as part of the totality of circumstances approach.

[10] Fare v. Michael C. , 442 U.S. 707 (1979).
[11] J.D.B. v. North Carolina, 131 S. Ct. 502 (2010).

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Less-Lethal Impact Munitions	Related Policies: Response to Resistance
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. PURPOSE: The purpose of this policy is to provide guidelines for the use of the less lethal "bean bag" shotgun and impact munitions.

II. POLICY: This department has issued less lethal "bean bag" shotguns and impact munitions to select trained officers, to provide those officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of this department that personnel may use the less lethal bean bag shotgun when warranted, but only in accordance with the guidelines and procedures set forth in this directive and in the department's response to resistance/use of force policy.

III. PROCEDURE:

A. The department will issue dedicated less lethal shotguns for the sole purpose of discharging less lethal impact munition projectiles. All less lethal shotguns will be distinctively marked with an orange stock and orange fore end.

B. Only agency issued and dedicated 12-gauge shotguns and agency issued less lethal "Super Sock" shells are authorized for use. The shotgun shall be clearly marked with an orange stock to distinguish its purpose.

C. Only officers who have been trained and demonstrated proficiency are authorized to use the less lethal "bean bag" shotgun and impact munitions. Initial training for impact munitions and the "bean bag" shotgun is a course provided by a certified instructor and approved by the head of this agency. Proficiency must be demonstrated annually during a re-certification course and be monitored by a certified impact munitions instructor. Those officers failing to demonstrate proficiency will be given remedial

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training and must successfully complete the re-certification course to continue to carry the shotgun.

D. Officers who carry a less lethal "bean bag" shotgun are prohibited from carrying another shotgun or lethal shotgun ammunition.

E. Deployment: Officers, who are properly trained, are authorized to use agency issued less-lethal "bean bag" shotguns as an alternative to resolve incidents in a less-lethal manner, to protect officers and other persons from harm, to protect a suspect / subject from self-inflicted injury, or to end incidents involving combative, armed / believed to be armed, or violent suspects. Officers shall not interpret this policy to mean that a bean bag shotgun replaces the use of deadly force when deadly force is justified. These weapons may be deployed (consistent with training) in circumstances including, but not limited to, the following:

- **a.** Suicidal subject (where a weapon is displayed)
- **b.** Subject armed with a knife or other weapon (not firearm).
- **c.** Subject violently resisting arrest, where the use of other defensive weapons or tactics would place officers at risk by being in contact range of the suspect.
- **d.** Hostile or aggressive animals where the discharge of a firearm would be inappropriate.

F. Weapon Discharge: Prior to discharging a less-lethal shotgun for a law enforcement purpose, the operator will identify himself/herself and state their intention to shoot, when feasible. The operator will also announce his/her intent to discharge the weapon by stating "bean bag," to warn other officers. The officer deploying the weapon should ensure that notification is given and acknowledged. Once the operator has stopped firing the weapon, the operator should announce that he/she has ceased firing, by stating "all clear." This will allow other officers to effect an arrest, when practical.

G. Targeting: All rounds fired with the less lethal weapon will be incompliance with the officer's training with respect to shot placement on the suspect's body. Less-lethal impact weapons have the potential for causing death or serious injury. Intentional impacts to the:

- **a.** head,
- **b.** neck,
- **c.** throat,
- **d.** heart,
- **e.** spine, or
- **f.** other areas of the body, which the officer should know will cause great bodily harm or death, are to be avoided unless the use of deadly force is justified.

H. Transport of the Less Lethal Shotgun:

- **a.** The Less Lethal Impact Munitions Shotgun will be issued with a case, sling and a designated number of ammunition rounds. **NO CONVENTIONAL AMMUNITION** (buckshot, slug, etc.) will be placed in or carried with the less lethal "bean bag" shotgun.

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b. While in the case, the less lethal "bean bag" shotgun will be carried in SAFE STORAGE condition. SAFE STORGAGE condition is:

i. Action Closed
ii. Chamber empty
iii. Magazine tube empty
iv. Safety ON

I. Post Deployment Mandatory Medical Attention: All persons who have been shot with impact munitions will be transported to the closest hospital for treatment and observation. Officers, with supervisor approval may transport to the hospital, provided that it appears the persons injuries are superficial. For all other injuries' EMS must be notified.

J. Reporting Procedures: All discharges shall be reported:

a. Accidental discharges as well as intentional uses of the less lethal "bean bag" shotgun will be reported to the immediate supervisor as soon as possible.
b. A Case Report along with any other incident and supplement reports will be completed following all discharges of impact munitions except during training.
c. Officers shall attempt to photograph the area of impact. Depending on the location of the impact, a same sex officer or medical personnel shall take the photograph. The photographs shall be included with the report.

K. Supervisor Responsibilities:

a. Respond immediately to all incidents of less lethal "bean bag" shotgun deployment.
b. Ensure proper medical attention is requested.
c. Prepare Use of Force Report.

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Less-Lethal Pepperball	Related Policies: **Response to Resistance** **Crowd Control**
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. PURPOSE: The PepperBall System provides officers with a safe and effective compliance systems. PepperBall Projectiles combine a safe level of kinetic impact with oleoresin capsicum (OC). These powdered filled plastic frangible spheres are accurately delivered at distances to 30 feet using compressed air pistol and/or rifle launchers. Area saturation with OC can be achieved at distances up to 100 feet. As the projectiles impact and break apart, the OC cloud envelopes the eyes and enters the breathing passages.

PepperBall projectiles subdue suspects by breaking on impact thereby releasing the O.C. contents. Response to inhaling the OC powder varies greatly among individuals. In most cases the symptoms last for a few (five to ten) minutes. The PepperBall system is a non-lethal weapon that can deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts.

II. POLICY: Only qualified, trained personnel shall be allowed to deploy and use the PepperBall system. PepperBall system may be less than lethal at point blank range, however NEVER shoot at the face, throat or groin. The PepperBall systems (to include the air fill tank) will be inspected by the department's Armorer at least quarterly to ensure proper working order and that it is in a state of readiness. Instructor/armorer must have certifications up to date in accordance with PepperBall standards.

III. DEFINITIONS:

A. Area Saturation: Deployment of a PepperBall projectile at a fixed object that allows the projectile to break open and create a cloud of OC. This OC cloud is designed to expose a large number of people, or someone who is hiding or out of view, to the chemical agent in an effort to gain physical change in behavior from a subject or compliance with verbal commands. Area saturation is designed to impact anyone in

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the immediate area of deployment. Area saturation is not to be used on passive resistant subjects.

B. Direct Deployment: Direct deployment with PepperBall projectile rounds is designed to control with irritants and pain and is deployed directly onto the body of an actively resisting subject. Direct impact deployments use a combination of kinetic impact and chemical agent exposure to gain physical change in behavior from a subject or compliance with verbal commands

C. Passive Resistance: Nonviolent opposition to authority, such as a protester going limp and having to be carried away or a person not following verbal commands.

D. Active Resistance: Affirmative steps taken by an individual to defeat an officer's ability to arrest or control them.

IV. PROCEDURE:

A. Only qualified, trained officers shall be allowed to deploy and use the Pepperball System. All users of the PepperBall System will attend and successfully complete an approved course of instruction including, but not limited to; familiarity, application, deployment, use of force, and maintenance.

B. Officers will receive training and re-certification on the Pepperball system every two years.

C. Officers shall only use Pepperball Technologies, Inc. launchers and projectiles.

D. In determining the appropriate level of force officers should apply the levels of force under this department's trained use of force options along with the following three factor test:

a. How serious is the offense the officer suspects at the time the particular force is used?

b. What is the physical threat to the officer or others?

c. Is the subject actively resisting or attempting to evade arrest by flight?

E. The Pepperball system will not be used on passive resistant subjects.

F. Active Resistance is required before the Pepperball system may be used.

G. The Pepperball system may be used to defend one's self or another from an aggressive and/or attacking animal,

H. The Pepperball system may be used to disperse unruly or rioting crowds threatening unlawful property damage or physical force.

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I. Although classified as a non-lethal device, there is potential for Pepperball Projectiles to inflict injury when they strike the face, eyes, neck and groin. Therefore, personnel deploying the Pepperball system shall avoid intentionally striking those body areas unless a life-threatening situation exists. Officers will target the center mass of the body, unless the suspect is wearing heavy clothing, then he will target less padded areas such as legs and arms, as well as the surfaces around the suspect.

J. Officers will give a verbal warning, loudly and clearly before dispensing projectiles. Officers hearing this warning should immediately break contact with the intended target and create distance while the projectiles are deployed.

K. Persons exposed to the contents of Pepperballs shall be provided with decontamination assistance in a reasonable amount of time.

L. Injury:

a. Any observable injuries to an individual caused by the Pepperball system shall be documented in the report and photographed.

b. The officer will evaluate the need for medical attention or treatment and arrange for such treatment when that person has a visible injury;

c. Officers will seek medical evaluation when the subject experiences:

i. breathing difficulties,
ii. gagging,
iii. profuse sweating,
iv. loss of consciousness;
v. the person complains of injury or discomfort and requests medical attention
vi. The person is having difficulty in recovering

M. Any person deemed in need of immediate medical attention shall be transported in accordance with department policy on Transporting Prisoners to the nearest available medical facility or hospital. All medical treatment received shall be noted in the officer's report.

N. Officers who become involved in an incident that required any reportable force option are required to immediately notify their supervisor. The involved officer will provide a detailed documentation of the use of force utilized in the official police report prepared for the incident involved.

a. Use of Force form shall be prepared by a supervisor whenever an officer of this department utilizes reportable force.

b. The Use of Force form will be completed in detail including a narrative account of the following:

i. The actions of the subject that necessitated that use of force as a response to overcome the active resistance of the subject.

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ii. The reasons why force was required and the type of force the officer utilized in overcoming the resistant subject.

iii. Any injuries or complaint of injuries of either the subject or the officer and any medical treatment received.

O. Supervisory Responsibilities: Once notified of an incident in which an officer has utilized force, the supervisor, to the extent that one is available, will immediately respond to the scene to investigate the incident. If the involved officer's supervisor is not available to respond, another supervisor will be dispatched to complete the Use of Force Form. The supervisor will accomplish the following investigative steps in conducting the investigation:

i. Interview the involved subject if they are cooperative, to determine their account of the incident. If they expressly indicate they have a complaint the supervisor shall complete an Internal Affairs Complaint Form. If the person has any type of injury, Internal Affairs or the designated department IA person will be notified. Additionally, should the supervisor determine that unreasonable force was utilized, the Internal Affairs designated investigator will be notified and assume control of the response to resistance investigation.

ii. If a crime scene exists; or police equipment exists, which may contain forensic evidence, the supervisor shall ensure that the scene and evidence is processed, photographed and preserved.

iii. Take photographs of the involved officer(s) and subject(s) depicting any potential injuries or documenting the lack of any injuries to the parties involved.

iv. Interview, preferably recorded, all witnesses to the incident and document their description of the event.

v. Ensure that a qualified health care provider handles any injuries or other medical condition being experienced by the involved person.

vi. The supervisor shall review any video recording of the incident, if available, prior to the completion of the Use of Force form and the approval of the officer's reports

vii. The supervisor investigating the use of force shall be responsible for the review and approval of the officer's reports of the incident, when practicable.

viii. The supervisor will complete the Use of Force form prior to completing their shift and submit it along with the officer's report to their chain of command for review.

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Limited English Proficiency (LEP)	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Note-this policy is required for any department receiving federal funding.	
Date Implemented:	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

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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:

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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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In Car Computer Use Policy	Related Policies: **Cellular Telephones**
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The purpose of this policy is to direct officers of this department in the proper and prohibited usage of department issued Mobile Communication Devices. The term Mobile Communication Devices (MCD) is intended to include all mobile telephones, personal digital assistants (PDA), I-Pads, Laptop Computers, and similar wireless two-way communications and/or portable Internet access devices. MCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging, e-mailing, using video or camera features, accessing sites, department records management systems, NCIC terminals and services on the Internet.

II. Policy: This policy sets forth the department rules and regulations regarding the use of department issued Mobile Communication Devices in the possession of the officer while on duty as a member of this department or at any time while in the operation of a department owned vehicle.

III. Procedure:

A. Any Mobile Communication Device used while on-duty, or used off-duty in any manner reasonably related to the business of the department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

B. The inappropriate use of a Mobile Communication Device while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned MCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's MCD records to civil or criminal discovery or disclosure under applicable public records laws.

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C. Employees shall have no expectation of privacy with regard to any communication made with or stored in or through department issued Mobile Communication Devices and shall have no expectation of privacy in their location should the device be equipped with GPS.

D. In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued Mobile Communication Devices.

E. Department-issued Mobile Communication Devices are to be utilized for department use only. These devices shall remain the sole property of the department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

F. Unless an employee is expressly authorized by the Chief of Police or their designee for off-duty use, the Mobile Communication Device will either be secured at the completion of the tour of duty or will be turned off when leaving the department.

G. A department Mobile Communication Device may not be used to conduct personal business while on-duty or off-duty.

H. MCDs should not be used as a way to avoid routine radio communications with the dispatcher and other field units. However, when a Mobile Communication Device is used regarding routine dispatcher-car to car communications where feasible, the information should be communicated to all officers through electronic messaging.

I. Employees will not access social networking sites for any purpose that is not official office business.

J. Using MCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

IV. Crime Scene:

A. All officers shall be aware that the use of a recording device such as an department issued Mobile Communication Device with a camera or video recorder capable of recording and documenting evidence at the scene of an incident under investigation by the department must be considered to have potential evidentiary value. These images and recordings contain potentially inculpatory and exculpatory materials. Therefore, when any member of the department uses a recording device of any type to capture images or verbal recordings related to incidents under investigation by the department the material must be preserved and disclosed.

B. Officers should consider whether it would be beneficial to the overall investigation to await the arrival of a Crime Scene Technician trained in the preservation and collection of evidence through the use of photographic equipment or to document the scene themselves prior to technicians' arrival. In some cases where exigent circumstances exist, such as the evidence is transient in nature, then the responding officer based on the totality of the circumstances may choose to document the evidence.

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C. When any officer documents evidence through the use of Mobile Communication Device, that evidence shall be disclosed to a supervisor or the lead investigator assigned the investigation.

D. The supervisor / investigator will take the appropriate steps to ensure the evidence is properly preserved and the chain of custody followed.

E. Under no circumstances will an officer who has recorded any evidence, image, or recording, associated with departmental investigations or related work product, in accordance with this policy re-produce, copy, or forward the image or recording by means of social media, internet, e-mail or similar media sharing devices with any person other than those persons who are acting in their official capacity in accordance with Illinois law.

F. The officer who transfers evidence, images or recordings, captured in the performance of their official duties, to any person or department will document that evidence transferal in the records management system of the department where that investigative case file is maintained.

V. Mobile Communication Device While Operating a Department Vehicle:

A. Communication policies for both patrol officers and dispatchers must unilaterally indicate that the in-car computer is a tool, but the primary communications between the officer in the field and the dispatcher will be two-way radio communications.

a. The use of a Mobile Communication Device while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating department vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the MCD.

b. Except in an emergency, employees who are operating department vehicles shall not use a Mobile Communications Device while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

c. Officers operating a department vehicle while engaged in a vehicle pursuit or responding to an emergency call for service, “Hot Call”, which requires the operation of the vehicle’s emergency lights and siren, will instruct the dispatcher to “Broadcast the Call” information over the radio. Vehicle operators are prohibited from accessing the Mobile Communication Device while in operation of a vehicle under emergency conditions.

d. An officer who is the passenger in a vehicle shall take control of the radio broadcasting responsibility and is allowed to access the Mobile Communication Device while the vehicle is being operated in an emergency mode.

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Mobile Digital Recording (MDR)	Related Policies:
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.	
Applicable Arkansas Statutes: Arkansas Criminal Procedure	
CALEA Standard: 83.2.2	
Date Implemented:	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 or his or her 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.

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b. Officers shall not utilize self-owned recording equipment without written permission from the chief or his 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, or his or her 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 or his or her designee.

f. Be stored per Arkansas state law

g. Be restricted in access to supervisory personnel only as may be defined by the chief or his or her 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 Evidence Control Policy.

c. Be duplicated and maintained in safe storage prior to being released as directed by the chief or his or her 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 or his or her 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 district 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.

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iii. First line supervisors shall review a recorded event of each officer under his or her supervision at least twice per month. The supervisor will log this review in the "video review database" (database to be implemented by Data Processing under the officer's name). Thus, each officer will have at least two notations of review in any given (30) thirty-day period.

iv. Supervisors will use these reviews as a quality control measure. Following such a review, the supervisor will hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism with respect to the stop reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues or legal issues related to the stop as well as any other supervisory observation relative to performance.

v. If upon review, the supervisor finds that corrective action is necessary regarding an officer's conduct, the direct supervisor may take the necessary action and bring the matter to the attention of his direct supervisor. In such cases, a special MDR review schedule should be implemented with respect to that particular officer for a set duration in order to ensure compliance with the corrective action.

vi. In cases of median and serious infractions requiring disciplinary actions, the Chief of Police or their designee, after review of all information regarding the incident, shall determine the proper disciplinary action. In such cases, special MDR review schedule shall be implemented with respect to the particular officer for a set duration in order to ensure compliance with the corrective action.

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. 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.

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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 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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Mutual Aid	Related Policies:
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Applicable Arkansas Statutes: 16-81-106. Authority to Arrest.	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: It is the policy of this Department to maintain a close working relationship with other law enforcement agencies, to exchange information on criminal activity, to seek mutual aid for current events that impact community safety and security and to provide assistance to other law enforcement agencies in time of need and under exigent circumstances.

II. Policy: In compliance with **16-81-106. Authority to Arrest** this Department has a written policy on file regulating the actions of its employees relevant to law enforcement activities outside its jurisdiction.

This Department will provide mutual aid to other jurisdictions under emergency circumstances upon request for assistance from the agency, or when there is a foreseeable need for certified law enforcement officers to augment manpower needs of that agency. This Department may also seek mutual aid from other jurisdictions under emergency circumstance or when there is a foreseeable need for certified law enforcement officers to augment manpower needs of this department.

III. Procedures:

A. Receiving a Request for Mutual Aid from an Outside Agency:

a. When a member of this department receives a request for mutual aid in the form of police assistance the request will be forwarded to the highest ranking on-duty supervisor. If the request for aid is to assist in an on-going emergency the supervisor is authorized to dispatch officers of the department outside the jurisdiction and shall as soon as is practical notify the Chief of Police or their designee.

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b. If the request for mutual aid is not an on-going emergency the highest ranking on-duty supervisor will obtain as much information regarding the request for mutual aid and notify the Chief of Police or their designee who will assume the responsibility to either grant or deny the request.

c. This Department will provide personnel, specialized units and equipment to the requesting agency only to the degree that it will not deplete the department's resources to provide basic emergency services to this City or Town.

d. **Requests for Short Term Assistance (less than four hours)** by another agency will be made in person, by telephone or radio channel and verified by teletype message or other written communication initiated by the official authorized to make such requests.

e. The request for assistance will include, but not be limited to, the following information:

i. The name and position of the official making request.

ii. The nature of the emergency or public safety occurrence and location.

iii. The number of personnel requested and whether specialized personnel are essential to the assistance.

iv. The type of equipment needed for assistance.

v. The name, rank and location of the officer to which the assisting personnel will report.

vi. A highest-ranking supervisor on duty will evaluate the request for short term assistance and notify the requesting agency of the personnel, specialized units, and equipment that will be provided.

vii. The Chief of Police or designee will be notified of any assistance sent to another jurisdiction as soon as possible.

f. **Requests for Long Term Assistance from Outside Jurisdiction (in excess of four hours)**:

i. All requests from outside jurisdictions for long term assistance must come from the Chief of Police, Sheriff or acting 2nd in Command of the requesting agency.

ii. These requests may be made in person, by telephone or radio and must be verified by teletype and subsequently by a follow-up letter from the requesting agencies Chief of Police or Sheriff.

iii. The information required for long term assistance will be the same as a short-term request but the Chief of Police or designee will evaluate the

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request for long term assistance and notify the requesting agency of the personnel, specialized units, and equipment that will be provided.

g. Radio Communications:

i. Officers responding to requests for mutual aid from another jurisdiction will utilize police vehicles with radio-scan capabilities, and set radios to the appropriate frequency of the jurisdiction where they are.

ii. If the requesting agency's radio frequency is unavailable, the officers of this department will secure a portable radio from the requesting agency if available.

B. Making a Request for Mutual Aid from an Outside Agency:

a. When during routine police operations an emergency incident occurs that requires the immediate assistance of an outside agency the highest ranking on-duty supervisor of this department is authorized to make a request for mutual aid, and shall as soon as is practical notify the Chief of Police or their designee.

b. When during routine police operations an incident occurs that would benefit from mutual aid assistance from an outside agency but the incident is not an immediate emergency, the highest ranking on-duty supervisor will notify the Chief of Police or their designee, who will make the final decision on the request for mutual aid.

c. When planned community events which require law enforcement services that exceed the capabilities and manpower of this agency the Chief of Police or their designee may seek mutual aid from outside jurisdictions to assist in fulfilling the mission of the department, i.e. the safety and security of the event attendees and the community in general.

d. Any request for long term assistance made on behalf of the Police Department will be initiated by the Chief of Police or designee.

e. Possible uses for mutual aid include, but are not limited to:

i. Mass processing of arrestees

ii. Transportation of prisoners

iii. Operation of temporary detention facilities

iv. Support for large special events, gatherings or other specified activities.

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C. 16-81-106. Authority to Arrest:

a. A certified law enforcement officer may make an arrest:

i. In obedience to a warrant of arrest delivered to him; and
ii. Without a warrant, where a public offense is committed in his presence, or where he has reasonable grounds for believing that the person arrested has committed a felony.

b. In addition to any other warrantless arrest authority granted by law or court rule, a certified law enforcement officer may arrest a person for a misdemeanor without a warrant if the officer has probable cause to believe that the person has committed battery upon another person and the officer finds evidence of bodily harm, and the officer reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested without delay.

c. A certified law enforcement officer who is outside his jurisdiction, notwithstanding whether he is operating under the statewide arrest powers may arrest, without warrant, a person who commits an offense within the officer's presence or view, if the offense is a felony or a misdemeanor.

d. A certified law enforcement officer making an arrest shall as soon as practicable after making the arrest, notify the law enforcement agency having jurisdiction where the arrest was made.

e. The law enforcement agency shall then take custody of the person committing the offense and take the person before a magistrate.

f. Statewide arrest powers for certified law enforcement officers will only be in effect when the officer is working outside his jurisdiction at the request of or with the permission of the municipal or county law enforcement agency having jurisdiction in the locale where the officer is assisting or working by request.

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Off-Duty Action	Related Policies:
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..	
Applicable Arkansas Statutes: 5-73-304	
CALEA Standard:	
Date Implemented:	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 department 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

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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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Patrol Rifles AR-15	Related Policies: Response to Resistance/Deadly Force; Safe Storage of Firearms
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	

I. Purpose: The purpose of this policy is to outline the use of patrol rifles within this Department.

II. Policy: The policy of the Department is to utilize patrol rifles for those operations where the safety of citizens and officers will be enhanced through the use of these firearms.

III. Definitions:

A. Employee -- any Department sworn employee authorized, trained, and currently qualified to carry a rifle.

B. Storage condition -- the weapon's selector lever is on "safe", the magazine has been removed, the chamber is empty, the bolt is locked open.

C. Tactical condition -- when the weapon's selector lever is on "safe", a magazine is loaded in the weapon and a round is chambered, making the weapon ready for immediate use.

D. Patrol car ready -- the weapon's selector lever is on "safe", no live round is in the chamber, the bolt is closed, a fully loaded magazine is inserted in the magazine well, and the ejection port dust cover is closed.

E. Patrol Rifle – AR style rifle is the most commonly observed rifle in police patrol. The weapon system is safe, accurate, reliable, effective, and easily deployed by officers of all stature due to its light weight, low recoil, and general ease of operation.

IV. Procedure:

A. At the outset it is recognized that patrol rifles are no different from a legal perspective than a handgun. Any limitations placed upon the use of patrol rifles in this policy have no bearing on whether a use of deadly force is justified. All uses of deadly force must be consistent with this department's deadly force policy.

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B. The purpose of the patrol rifle is to enhance the tactical capabilities of law enforcement personnel by augmenting the service pistol and shotgun, as appropriate. It should be recognized that any long gun diminishes weapon retention capability and therefore are used as a stand-off weapon rather than where the officer is faced with a close quarter tactical encounter.

C. Officers will utilize only department issued or department approved rifles on duty.

D. Officers will only utilize department issued ammunition in a patrol rifle.

E. Patrol rifles will only be carried and used by department personnel who have successfully completed the instructional and qualification course conducted by this department and who continue to successfully qualify with the weapon each year thereafter. An exception is allowed only for exigent circumstances in which there is imminent loss of life of an officer or civilian.

F. Storage on Duty:

- **a.** While on duty, all long guns shall be secured in the police car either in a locked rack OR hard or soft case in the vehicle but not visible to someone looking into the car (if in a case).
- **b.** The rifle will not have a round in the chamber while inside the police vehicle.
- **c.** A round will only be loaded into the chamber of the weapon outside the police vehicle in anticipation of the weapon's imminent use ("Tactical Condition").
- **d.** All police vehicles shall be locked with the windows fully closed whenever the officer assigned to operate that vehicle will be out of sight of the vehicle, except under extenuating circumstance. This provision is to discourage and prevent thefts or tampering with any agency equipment, computers, or papers-especially long-gun weapons.
- **e.** Except when anticipating the imminent use of the rifle, employees will inspect the weapon to ensure that the safety is on and there is no round loaded in the chamber when:
  - **i.** Checking a rifle out from an authorized police weapons storage facility or locker.
  - **ii.** Taking the rifle out of its locked holder or Department approved carrying case.
  - **iii.** Receiving a rifle from another person.
- **f.** If the rifle is found to have a round in the chamber, the employee will move to a safe location, point the muzzle in a safe direction or into a department approved clearing barrel and unload the weapon.
- **g.** In the Department building at the range or other facility where a firearm-unloading barrel is present, the rifle must be unloaded with the muzzle pointed into the barrel.
- **h.** The rifle will be placed in "Storage Condition" before it is turned in or stored.

G. Off-duty Weapons Storage: This provision applies to all departmentally issued long guns and strongly encouraged for privately owned long guns:

- **a.** While off duty, all long guns must be removed from the officer's vehicle (whether the vehicle is departmentally issued or privately owned) and secured inside the officer's home or other place of lodging if the vehicle is left outside.

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b. While off duty, if the vehicle is secured inside his locked residence (locked garage area), the weapons may be left in the vehicle.

H. Weapon Maintenance: All departmentally issued weapons must be maintained by the officer the weapon is issued to in accordance with the training received. Any damage or malfunctions of the weapon must be reported to the department armorer for repair.

a. Modifications: Modifications to departmentally issued weapons must be approved by the Chief or his designee and performed by the department armorer.

I. Patrol rifles will be kept unloaded with two (2) fully loaded magazines with the rifle. Only department issued ammunition shall be utilized.

J. The rifle safety will be ON at all times unless the operator is on target and has decided to shoot.

K. The trunks of the vehicles that will store these weapons shall have the interior trunk button disconnected so that the trunk cannot be accessed without the proper key. In the event a weapon is not going to be in the control of the supervisor or an officer, it shall be placed in the department's arsenal.

L. In cases where a vehicle is out of service for repair, it shall be the responsibility of the officer to ensure that the patrol rifle is removed.

M. Patrol rifles may be deployed for emergency situations when there is an imminent danger to officers or civilians.

a. Patrol Rifles shall be deployed only in situations that the officer may reasonably believe that the tactical advantage afforded by the rifle would be necessary. They are not to be used for routine calls where the deployment of a patrol rifle is not or for calls where the information dispatched is not matched by a clear threat to public safety.

b. This order does not seek to articulate the only situations where rifle deployment is appropriate. Officer/supervisor judgment is the first indicator of appropriate deployment. Other situations where approval for deployment of patrol rifle is authorized by the Supervisor.

c. When an officer determines the event has de-escalated and lethal force is not necessary, the rifle should be secured as soon as practical.

N. Under any circumstances concerning this weapon the Response to Resistance Policy/Deadly Force applies and will be adhered to.

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Persons with Disabilities	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	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

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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.

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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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Policy # **Pharmaceutical Disposal**	Related Policies:
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Applicable Statutes***: Secure and Responsible Drug Disposal Act of 2010***	
Date Implemented:	Review Date:

I. Policy:

It is the policy of the department to provide a safe, convenient, and responsible means with which to assist individual citizens in the anonymous disposal of a broad range of acceptable unused, unwanted, and/or expired medications and pharmaceutical products.

II. Purpose:

The nonmedical use of prescription drugs is a growing problem in the United States, particularly among teenagers. The number of deaths and treatment admissions for controlled prescription drugs (CPDs) has increased significantly in recent years. This department established a drug disposal program to facilitate the collection and destruction of unused, unwanted, or expired medications. The purpose of this program is to help get outdated or unused medications off household shelves and out of the reach of children and teenagers.[1]

III. Procedures:

A. A secure drop box is located in the lobby area of the department headquarters. The drop box will be accessible to the public during business hours and will remain under continuous video surveillance. The drop box will be emptied by Chief's designee.

[1] Secure and Responsible Drug Disposal Act of 2010

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B. The drop box shall be securely locked with uniquely keyed locks at all times except when being emptied by authorized personnel.

C. Locks shall be provided by the Chief of Police or their designee and they shall not be changed without his/her prior written consent. The duplication of the lock keys is prohibited.

D. The drop box shall fall under the responsibility of the officer designated by the Chief of Police.

E. The aforementioned individual(s) shall possess a single key to the drop box and shall be responsible for ensuring that the drop box is locked.

F. The contents of the drop box will be emptied as needed.

G. When emptied, the contents of the lobby drop box shall be immediately transferred to the designated secure area.

H. An inventory of the contents is not required.

A. Narcotics Destruction: On the day narcotics held by the department are to be destroyed, departmental procedures with respect to narcotic disposal shall be followed. The property and evidence room narcotics disposal container will be transported to the destruction site. To properly execute this disposal two persons must be present:

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Post Officer Involved Critical Incidents	Related Policies:
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Applicable Arkansas Statutes: **12-6-702. Critical incident debriefing. 2021**	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: One of the most critical investigations in any department is that of an officer-involved shooting. These shootings bring media attention; citizen inquiries; liability issues; and, if handled incorrectly, irreparable damage to the department's reputation and the officer's well-being. It is widely accepted that officers involved in shootings or other significant critical incidents require immediate support.

II. Policy: The policy of this department is to provide the services, to prepare and respond to the health and well-being of law enforcement personnel following an officer-involved shooting or critical incident. This Department shall assist a law enforcement officer who has been involved in a critical incident in obtaining additional services that may assist the law enforcement officer in recovering from psychological effects resulting from a critical incident.

III. Definition: Critical Incident: means an event that has a stressful impact sufficient to overwhelm a person's usually effective coping skills, including an event that falls outside the range of ordinary human experience.

IV. Training: The **department** shall provide training to all personnel in both normal and problematic posttraumatic reactions and appropriate ways to respond to employees who have been involved in a traumatic incident. Training should include what to expect personally (including the effect on family members), professionally, Officially, and legally after a shooting or other significant use-of-force incidents. Such training may occur as part of the initial academy training and/or as part of the Office's ongoing in-service training program. The training material should be made widely available to personnel to use as reference material in the event they become involved in a deadly force or other critical incident.

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V. First Aid: Immediately after an officer-involved shooting or other critical incident, involved personnel should be provided physical and psychological first aid (e.g., emotional support, reassurance to involved personnel, assignment of a companion officer to any officer who is directly involved in a shooting and is separated from others pending investigative procedures). This support should be focused on calming physical and emotional stress and restoring and/or reinforcing the officers' sense of safety.

VI. Involved Officers: Officers who did not fire their weapons are often overlooked in the aftermath of a shooting event, be mindful that "involved officers" may include not only those who fired their weapon, but also officers who were at the scene and either did not, or could not, fire their weapon. Such officers are often strongly impacted. It is possible that similar reactions by such officers may also take place following other critical incidents.

VII. Peer Support:

A. This department may require a law enforcement officer who has been involved in a critical incident to participate in a debriefing by a mental health professional or a certified peer support member as defined under § 16-40-106.

B. After providing needed public safety information, officers who fired a weapon or were directly involved in a critical incident should be encouraged to step immediately away from the scene and be transported to a safe and supportive environment by a trusted peer or supervisor.

C. To ensure officers are not isolated once transported from the scene, whenever possible the supervisor will ensure there is a companion officer of the officer's choice, a chaplain, or a supportive peer available. Often the best support person is a fellow officer who is trained in peer support or has previously gone through an officer-involved shooting, who can be assigned to the officer immediately following the incident.

D. If officers have an immediate need to talk about the incident, they should be encouraged to do so solely with individuals with whom they have privileged communication (i.e., attorney, chaplain, licensed mental health professional.)

E. Talking with trained peers who have had similar experiences can be quite helpful for officers involved in deadly force and other critical incidents. Peer support officers will respond as soon as practical to provide support and psychological first aid.

a. Trained peer support personnel may also be an asset by participating in post-incident group interventions in conjunction with a mental health professional trained and experienced in working with law enforcement.

b. Family members of officers involved in shootings may also benefit from contact with a trained mental health professional and/or peer support, particularly from the family members of those who have previously been involved in shootings or other life-threatening events.

c. Only peer support team members who have received specialized training in crisis intervention and the rules of confidentiality promulgated by the department will be utilized. Peer support should only be ancillary to intervention by a mental health

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professional trained and experienced in law enforcement and officer-involved shootings or other critical incidents and should never take its place.

VIII. The Weapon:

A. Following a shooting incident, officers often feel vulnerable if unarmed. When an officer's firearm has been taken as evidence or simply pursuant to official policy, a replacement weapon should be immediately provided as a sign of support, confidence, and trust unless there is an articulable basis for deviating from this procedure.

B. Officers should be kept informed of when their weapon is likely to be returned. Care should be taken to process and collect evidence from the officer as soon as practicable to provide an opportunity to change into civilian clothing.

IX. Family/Loved ones of the Officer:

A. Officers involved in a shooting or other critical incident should be provided with the opportunity and encouraged to personally contact their family members as soon as possible after the incident (e.g., by cell phone while being transported from the scene). Timely personal contact may reduce the likelihood of loved ones receiving incomplete or misleading information from the media or other forms of rapid electronic communications.

B. It is prudent that no contact be made with family members before the officers have had this opportunity. Officers should be instructed to limit information to their well-being and not the facts of the incident. If it is not feasible to call themselves, then individuals who preferably know the families, or have been previously chosen by the officers or have notification training, or are designated by the department, should call as soon as possible.

C. Offers to call other support people such as friends, family members, chaplains, qualified mental health professionals, and so on, should be made to ensure that the family members have their support system mobilized.

D. Family members who wish to be with injured officers should be offered transportation in lieu of driving themselves. Officers not involved in the incident, but on duty at the time of the incident, should be allowed, as time permits, to contact their families and advise them that a shooting or other critical incident has occurred, but that they were not involved (or injured).

X. Partnerships:

A. This department will establish a working relationship with one or more qualified, licensed mental health professionals experienced in the law enforcement culture as well as in the provision of post-shooting or other critical incident interventions. The department should notify this mental health resource as soon as possible following an officer involved shooting or other critical incident, so that an appropriate intervention can be facilitated in a timely fashion.

B. This department will develop a roster, with timely updates, containing the names and contact numbers of family members and significant others whom such personnel would like to have notified in the event that they are injured on duty and are unable to contact them personally. Officers should also identify two or three fellow officers, in order of preference, whom they would like to have contact their family or significant

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other when feasible if they are unable to personally make contact after a shooting or comparable critical event.

C. This department will take steps to help prevent this information from being viewed by unauthorized personnel. While it is preferable to have contact made by an officer who is known to family members, this may not be feasible. The department will ensure that contacts with family and significant others is made by personnel trained to make such notifications.

XI. The Investigation:

A. The investigative process and concerns over legal and administrative consequences are often a stressful part of an officer-involved shooting or other critical incident for involved personnel. The first few hours after a shooting or other critical incident is a potentially emotional and confusing time so officers may wish to consult their union and legal counsel. Whenever possible, officers should be educated on the protocol of the investigation as well as any potential actions by the media, grand jury, or review board prior to any formal investigative interviews. It is equally important that, over time, officers be made aware of the progress of the investigation in a timely fashion.

B. Significant use-of-force investigations are complex events and may involve an array of law enforcement and other government agencies. Continued communication among all parties throughout the course of an investigation protects involved officers by mitigating misunderstandings and conflict among the different interests and concerns. While investigations are pending, supervisors should maintain regular contact with officers and keep them apprised of any pertinent developments.

XII. Administration:

A. Shootings and other critical incidents can result in heightened physical and emotional reactions for the participants that require a brief respite from work to marshal natural coping skills and manage the emotional impact of the incident prior to a return to duty.

B. For those officers directly involved in a death or serious injury to another person, a minimum of three (3) days leave, using either administrative leave or regular days off, will be granted.

C. Personnel who were present at the scene but, for example, did not discharge their weapons may in some cases, be placed on administrative leave.

D. Administrative leave is a routine procedure and not a disciplinary suspension.

E. While officers may be asked to provide pertinent information soon after a shooting to aid the initial investigative process, whenever feasible, officers will have some recovery time before providing a full formal statement. Depending on the nature of the incident, and the emotional and physical status of the officers, this can range from a few hours to several days.

XIII. Critical Incident Intervention:

A. Post-shooting and other critical incident interventions should be conducted only by licensed mental health professionals trained and experienced in working with law enforcement personnel and familiar with officer-involved shootings and other critical incidents.

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B. Officers are required to participate in one individual post-shooting (or other critical incident) intervention with a qualified mental health professional so they can, at a minimum, be provided with basic education and coping skills to better manage their reactions. **It is not mandatory for them to discuss the event with the mental health professional.**

XIV. Media: Due to the overwhelming presence of social media, involved officers should be reminded of the risks to their presence on social media, as there may be negative comments/postings/blogs. They should further be reminded that viewing media and/or community negativity through television and web-based postings may complicate post-incident thoughts and emotions.

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Prescription Drugs	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	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

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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:

a. An express conclusion as to whether or not the officer is fit for duty.

b. 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:
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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:	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.

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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

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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.

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.

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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

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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. 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 quarterly basis, but is required annually. Items that are no longer required to be maintained will be disposed of in accordance with Arkansas Law and this policy.

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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 CID Captain 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.

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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;

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(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.

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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 department 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.** 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

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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/Filming of Law Enforcement Activity	Related Policies:
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.	
Applicable Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

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

II. Policy: It is the policy of this department 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 department through video and audio recordings 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;

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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 department 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 department 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:

a. 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.

b. The recorder enters a clearly marked crime scene without authorization.

c. 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.)

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d. 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.

L. Seizing, Manipulating, Erasing, Deleting or Inspecting Devices or Recordings:

a. 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.

b. Officers shall not erase, delete, or otherwise corrupt a recording held by an individual.

c. 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.

d. 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…"

e. 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.

i. Consent must be voluntary on the part of the individual and must not be the result of duress or coercion.

ii. Officers should attempt to have the exchange in seeking consent recorded even if it is done on the recording device at issue.

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f. An officer considering such action shall notify a supervisor before such action is taken unless there is a life-threatening emergency.

g. Exigency for purposes of this section would include:

i. 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;

ii. 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

iii. 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.

a. 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.

b. The supervisor will seek the consent of the individual holding the recording/filming device to obtain a copy of the recording or to allow law enforcement to otherwise preserve this recording.

c. In cases where consent cannot be obtained and no life-threatening emergency is on-going, the supervisor shall contact the prosecutor for advice.

d. A warrant shall be obtained unless an exception to the warrant requirement can be met.

e. If the person holding a recording indicates 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 department shall:

a. 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.

b. 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.

c. Upon return of the device to its rightful possessor, the recording itself shall be left intact.

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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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Spit Prevention Device	Related Policies: **Response to Resistance** **COVID 19**
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. I. **PURPOSE:** The purpose of this policy is to establish procedures when to use a spit prevention device to protect department personnel from the health risks of human saliva exposures and biting.

II. **Policy**: It shall be the policy of this department to provide a safe environment for when handling subjects in custody. In keeping with this policy, this department will implement a policy to use a spit prevention device to reduce the risk of human saliva exposure.

III. **Definitions:**

A. **Spit Prevention Device:** A temporary protective device worn over the head to protect others against the spread of infectious disease that may be caused by spitting and/or biting. The devise is transparent and vision is not obstructed.

IV. **Spit Prevention Device:**

A. The purpose of the spit prevention device is to protect department personnel from exposure to body fluids, and to prevent contamination to a person and/or property. The determination that protection is necessary must be based on the objectively reasonable facts at the time that the subject poses an immediate threat to spit at department personnel or another person. Spit prevention devices are generally used during application of a physical restraint, while the subject is restrained, during transport or after transport. Except for the department approved device, under no circumstances will any other type of restraint be placed over the mouth or around the subject's neck to control spitting. The current department approved device allows department personnel to observe the subject's face, and is a light weight, sheer, transparent, mesh material that allows the subject to easily see and breathe, while

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preventing most saliva and other body fluids from being projected outside of the device.

B. The policy is to use restraints and the department issued spit prevention device in the least restrictive manner possible while protecting the safety, rights and dignity of all parties involved.

C. Only department issued spit prevention devices will be used, and the device will not be modified or used for any other purpose.

V. Spit Prevention Device Application:

A. When an officer has determined a subject is likely to or has spit, the officer should place the device over the subject's head and face. For reasons of transparency, officers will attempt to capture the application of the spit hood with a body camera, or on the vehicle's dashcam or witnessed by a second officer when possible. The device should be loose-fitting while on the subject's head. If there are elastic bands sewn into the device, they shall be the only means of securing it, and they will not be tightened in any manner around the subject's neck. After the application, the officer will verify a subject's mouth and nose are not obstructed, and officers should ensure that the device allows for adequate ventilation and that the subject can breathe. An officer will maintain constant observation of the subject at all times after the application of the device until removed. The rear seat prisoner camera in the department vehicle will be activated and recording when the subject is being transported while wearing a device. Officers should provide assistance during the movement of restrained subjects due to the potential for impaired or distorted vision on the part of the subject.

B. When arriving at the department or jail the use of a spit prevention device shall be ended immediately when the individual is safely restrained and staff are able to move to a safe distance.

C. When at the department or jail the protective hood will not be used when an individual is in seclusion.

D. Individuals will be continually monitored in a face-to-face manner for medical distress while the spit prevention device is used.

E. The use of a spit prevention device will be continuously evaluated during the event, and will be removed as soon as feasible.

F. Any use of the device must be documented in a police report and will include the facts leading up to the application of the device. A supervisory after-action review shall be conducted in accord with department policy.

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G. The device shall be used only once and then disposed of in accordance with biohazard procedures.

VI. Special Considerations:

A. The device will not be applied to a subject that is vomiting, complaining of or having difficulty breathing, or bleeding profusely from the mouth or facial area. If a subject vomits or develops difficulty breathing while wearing a device, it should be immediately removed and discarded, and appropriate first aid treatment will be provided.

B. The device will not be used on a subject who has been exposed to any form of pepper spray and any form of pepper spray will not be used on a subject who is wearing a device.

VII. Training Procedures:

A. Training Staff is responsible for coordinating and providing education (on the medical and psychological risks associated with the use of protective hoods) to officers.

B. Officers will be educated and their competency tested regarding the use of protective hoods during initial training.

C. Documentation of this training will be maintained by the department.

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Returning Veterans	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	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

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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

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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:
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.	
Applicable Arkansas Statutes: 12-6-402	
CALEA Standard: 45.2.1	
Best Practices:	
Date Implemented:	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.

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.

iv. Persons who have completed the Bryant Police Departments Citizen's Academy or Explorer Program may do one ride along.

v. Potential applicants or current Law Enforcement officers.

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vi. Family members are not allowed to do Ride Alongs unless they meet the above qualifications.

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.

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.

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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. Participants who are inappropriately dressed shall not be allowed to participate in the program on the assigned date.

x. A certified officer may act in an official capacity as provided by Arkansas law.

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 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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Safe Storage of Departmental Firearms	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The purpose of this policy is to direct members of this department with respect to the safe storage of firearms.

II. Policy: The policy of this department is to recognize the inherent danger of firearms and to take reasonable steps to prevent unauthorized persons from taking control of departmental firearms.

III. Definitions

A. Safe storage locker/area: a lock-box, safe or specifically designed lockable container.

B. Trigger-lock: a locking mechanism which prevents a firearm from being fired while locked.

C. Department firearms: those firearms which are owned by this department.

D. Personal firearm: firearms owned by members of this department.

IV. Procedure: Departmental personnel are at all times responsible for the security of their departmental firearms. Departmental firearms not being carried or in the immediate physical control of an officer shall be secured in a manner which makes them inaccessible to anyone but the officer.

A. On-Duty Storage of Departmental Firearms

i. Person: Officers of this department should be aware that approximately fifteen percent of law enforcement officers killed in the line of duty are shot with their own weapons. Officers should be cognizant as to their positioning with respect to all persons with whom they are in contact. Only departmental approved holsters are authorized.

ii. Offices

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a. At no time shall a handgun be left unsecured in an unlocked office or unlocked desk.

iii. **Jail/Holding Facilities**: When entering any jail or holding facility, members shall safely store their firearm in a safe storage locker or vehicle prior to entry.

iv. **Interrogation Areas**: Officers may secure their firearm prior to the interrogation of a suspect.

B. Off-Duty Storage of Firearms

i. Vehicles: Officers shall never leave a firearm unsecured and in plain view in the passenger compartment of any vehicle.

a. **All vehicles**: Except for a rifle or shotgun mounted in an approved theft-proof rack system, departmental firearms shall not be left unattended in the passenger compartment of any vehicle.

b. **Take Home Vehicles**

1. Handguns shall not be stored in a take home vehicle unless an exigent circumstance exists.

2. If some exigency exists where a handgun is to be temporarily stored in a take-home vehicle, the officer shall ensure that the handgun is secured in the trunk of the vehicle and hidden in a manner which makes it difficult to observe when the trunk is open.

3. If a take home vehicle is to be parked unattended for an extended period of time, all firearms shall be removed and placed in a safe storage locker in the officer's home or a departmental facility.

ii. **Home**

a. All officers of this department are directed to identify a safe-storage area for weapons within their home. Safe storage area, for purposes of this provision, may include trigger locks on firearms which would render them inoperable without access to the unlock mechanism.

b. Officers are directed that when firearms are not carried on the officer's person, they should be immediately locked in the safe-storage area.

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Search and Seizure Residences	Related Policies:
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.	
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:	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.

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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:

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- 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 affect 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

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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:

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i. Hot pursuit of a fleeing felon.

ii. **Misdemeanors** Do Not Categorically Qualify as an exigent circumstance for purposes of warrantless home entry. Invoking the exigent circumstances exception to enter a home "should rarely be sanctioned when there is probable cause to believe that only a minor offense" has been committed. "The flight of a suspected misdemeanant does not always justify a warrantless entry into a home." In some cases, it will but those must be justified by something more than simple flight from apprehension. The seriousness of the crime, the nature of the flight, and surrounding facts need to be taken into consideration. [1]

iii. Imminent destruction of evidence for any jailable offense.

iv. Need to prevent suspect's escape from a serious misdemeanor which is a jailable offense.

v. Risk of danger to police or others inside or outside the dwelling.

vi. 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.

vii. Once exigency has ended, officers should secure the scene and obtain a search warrant.

viii. The fact that an area is a crime scene does not create automatic exigency- There is no crime scene exception to the warrant requirement.

ix. 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:

[1] Lange v. California 594 U.S. ___,2021

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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.

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 department 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

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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 department 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 department. 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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Search Warrant Execution	Related Policies: Search and Seizure of Residents Search Warrants – Obtaining
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:
Note: This policy is to be read and understood in conjunction with department policy Search of Residence	

I. PURPOSE: The purpose of this policy is to provide officers of this department with guidelines for the execution of a search warrant.

II. POLICY: It is the policy of this department to provide techniques to accomplish a thorough and legal search; respect the constitutional rights of the person(s) the warrant is being served upon; minimize the level of intrusion experienced by those who are having their premises searched; provide for the safety for all persons concerned; and establishes a record of the warrant execution process.

III. DEFINITIONS:

A. Search Site: The premises to be searched, as explicitly stated in the search warrant.

B. Search Personnel: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

C. Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.

D. Case Agent: The officer primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.

E. Tactical Coordinator: The officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained officers.

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F. Protective Sweep: Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

IV. PROCEDURES:

A. Warrant Service Planning

a. The case agent shall advise and receive approval from his or her supervisor before serving the warrant.
b. Selection of officers to serve the warrant shall be based on the officer's prior training and experience in conducting warrant service consistent with the demands of the warrant service in question.
c. The case agent shall ensure the complete preparation for serving the warrant in accordance with its nature and complexity and in consultation with the prosecutor.
d. Possible issues that may be considered in the planning process include but are not limited to the following:

i. Gather intelligence on the target site to include the structure, immediate area surrounding the structure, and surrounding neighborhood.
ii. Assess the capabilities and backgrounds of suspects to include criminal records, and history of weapons usage and potential for violence.
iii. Determine the best date and time for warrant execution. The warrant shall be executed as soon as practicable as defined by **Arkansas** law.
iv. Determine equipment, team personnel, and any specialized team requirements.
v. Secure a warrant and ensure that it is thoroughly reviewed for accuracy, legal integrity, and completeness.
vi. **No-knock warrants must be personally approved by the Chief of Police.**
vii. No knock warrants where legally permitted and specified in the warrant, shall be conducted in accordance with **Arkansas** law.
viii. The need for a no-knock warrant shall be clearly specified in the application and affidavit for a warrant.
ix. Should nighttime service be anticipated or desired, justification shall be included in the affidavit and must be authorized in the search warrant.

B. Preparation for Executing the Warrant

a. The case agent and tactical coordinator, where required, work cooperatively to ensure proper preparation, planning, and service of the warrant. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by both the case agent and tactical coordinator and will include but not necessarily be limited to the following:
i. The specific items subject to the search as defined in the warrant and any available information on their location.
ii. Information concerning the structure to be search and surroundings, to include floor plans where available, mockups, photos, and diagrams of the

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location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.

iii. Suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence of children, the elderly or others who may not be involved with suspects.

iv. A complete review of the tactical plan to include the staging area, route of approach; individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects. Where feasible a drive-by with the affiant/case agent and tactical commander will be conducted.

v. Personnel, resources, or equipment necessary for gaining entry, safety and security of officers, or for conducting the search.

vi. If a joint department task force operation, all officers participating in the warrant service shall be present and identified as members of the warrant service team.

vii. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.

viii. Procedures for exiting the location under emergency conditions.

ix. The entry team shall at all times include uniformed officers who shall be conspicuously present where the warrant is served. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or some other conspicuous indicator of their department.

x. All members of the search team shall wear body armor or ballistic vests.

xi. Officers equipped with body worn cameras shall activate the cameras prior to the entry.

xii. Where body cameras are not issued the Tactical Coordinator shall make arrangements to have the warrant entry video-taped.

xiii. Prior to execution of the warrant, the case agent shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.

xiv. The case agent shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.

xv. The case agent shall ensure that the entire search warrant execution process is documented until the search team leaves the premises. A written record shall be supported by photographs and, if practical, videotaping of the entire search process.

C. Entry Procedures

a. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.

b. The search personnel shall position themselves in accordance with the execution plan.

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c. Notification. An easily identifiable officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once.

d. Following the knock and announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond (normally between 15 and 20 seconds). If there is reasonable suspicion to believe that the delay would create unreasonable risks to the officers or others, inhibit the effectiveness of the investigation, or would permit the destruction of evidence, entry may be made as soon as practicable

D. On-Premises Activities:

a. Upon entry, the occupant shall be given a copy of the search warrant.

b. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.

c. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search. Search personnel shall then follow the plan that details the likely whereabouts of the items to be seized and the order of operation for conducting the search.

d. Items specified in the warrant may be searched for in places where they may reasonably be expected to be located and seized, as well as other items that are reasonably recognized as evidence.

e. An officer, designated in the plan, shall be responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian, laboratory, or other authority.

f. Cash and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe as designated by department policy.

g. Officers should exercise reasonable care in executing the warrant to minimize damage to property.

h. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.

i. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.

j. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.

k. In a timely manner upon conclusion of the warrant service, the case agent and tactical coordinator shall conduct a debriefing of all participating officers.

l. The case agent shall thereafter prepare and submit an after-action report on the warrant service, results of actions taken, and recommendations for further investigative actions.

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Search Warrant – Obtaining	Related Policies: **Searches of Residences** **Search Warrant – Execution**
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. PURPOSE: It is the purpose of this policy to provide guidelines for obtaining search warrants.

II. POLICY: The search warrant is one of the more powerful and valuable tools in the law enforcement arsenal. While the process of applying for and obtaining a search warrant should be familiar to most officers, there are many technical and legal pitfalls that can invalidate a search warrant, lead to the suppression of evidence or dismissal of cases, and have liability implications for involved officers. Therefore, it is the policy of the department that all officers have a sound knowledge of the legal requirements associated with obtaining a search warrant in order to prevent suppression of evidence, support the Constitutional rights of citizens and to maintain public confidence in this department's mandate to carry out the police function in an ethical and legal manner.

III. DEFINITION: Search Warrant: A written order, in the name of the people, signed by a magistrate or other judicial authority, directing a peace officer to search for specified items of evidence and bring it before the magistrate.

IV. PROCEDURES: Legal Requirements for a Search Warrant

A. The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches. Officers conducting searches without a warrant—such as those noted below, bear the burden of proving that the search was reasonable. Therefore, officers should consider obtaining a search warrant whenever time and circumstances permit. Some exceptions to the search warrant requirement include the following.

a. Searches Incident to Arrest: Searches of a person or the area within the immediate control of a person who has been lawfully arrested are permitted to secure weapons or evidence of a crime.

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b. Emergencies: Officers may conduct searches to prevent the imminent destruction of evidence or when they believe that a person is in need of immediate assistance under life-threatening conditions, when immediate action is necessary to protect the public from harm or when, for example, an officer encounters a homicide scene and needs to search for additional victims, protect vital evidence or pursue the perpetrator.

c. Vehicle Search: A motor vehicle and containers found within may be searched when probable cause exists to believe that the vehicle may reasonably contain contraband or the fruits or instrumentalities of a crime.

d. Consent Searches: A search may be conducted pursuant to consent without a warrant and without probable cause to obtain a warrant. The consent must be voluntary, freely and intelligently given by an appropriate party and the search must be limited to the terms of the consent. Written consent / audio and video consent should be sought whenever reasonably possible.

B. Legal Basis for Seeking a Warrant

a. In order to obtain a search warrant, an officer must be able to show probable cause to believe that specific evidence, contraband or fruits of a crime may be found at a particular location.

b. Specific facts establishing probable cause shall be set forth with clarity and specificity. Officers shall not rely solely upon personal opinion or unauthenticated third-party information or hearsay. Such facts may be based on personal observation/knowledge of the officer; or information from a reliable source.

c. When informants are used—particularly confidential informants—the reliability of the informant and information provided shall be specified. Whenever possible, officers shall corroborate informant information.

C. Affidavit Preparation

a. An affidavit supporting application for a search warrant shall be prepared on the designated department form. The accuracy of the affidavit is vital to the validity of the search warrant; thus, officers shall ensure that the following information is clearly and completely specified.

b. Offense: The offense shall be described with reference to the criminal code section where possible.

c. Place or Thing to be Searched The place or thing to be searched shall be described with specificity, and officers shall ensure that the warrant includes the specific reference(s). Where premises are to be searched, references should include:

i. street number and apartment number if appropriate;

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ii. physical description of the premises;
iii. legal description of the premises
iv. name of owner or occupant;
v. geographical location of the property;
vi. map coordinates or distances from given reference points; and
vii. photographs, maps or diagrams that help to specify the location in question.

d. Scope of the Search: Only those things described in the search warrant can be seized. Therefore, the affidavit shall specify and officers shall ensure that the warrant includes the following:

i. All areas that officers desire to search shall be designated. In cases where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a "premises" search and its "curtilage" and should identify any outbuildings such as garages, tool sheds or barns, where appropriate.
ii. Motor vehicles known to be on the premises that may be searched should be specified.

e. Searches (other than frisks for weapons) of specific persons on the premises shall be referenced in the affidavit by name if possible.

f. The specific items to be searched for shall be detailed. Where the item may be dismantled (e.g. firearms), the warrant should authorize search for parts, pieces or components of that item.

g. Officers anticipating search of computers and related high-technology equipment shall consult a designated expert for appropriate language to use in the affidavit and procedures for seizure of hardware and software.

D. Time and Method of Search A search warrant may be served at any time of the day or night as long as the affidavit provides good cause and permission is granted in the warrant.

E. Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future.

F. Officers may request a "no knock and announce" provision in the warrant when they have reason to believe that adherence to the knock-and-announce rule would endanger their safety or the safety of others, would enable wanted persons to escape or would likely result in the destruction of evidence before entry can be made.

NOTE: No Knock warrants must be approved by the **Chief of Police** or their designee.

G. Review of the Warrant: Officers shall review search warrants issued by judicial authorities to ensure that they include all pertinent information set forth in the affidavit accurately and completely, and that the warrant has been properly signed. Officers

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shall not attempt to serve any warrant that is known to contain substantive or administrative errors.

H. Return on the Warrant: Officers shall observe statutory and administrative requirements regarding return on the warrant to include providing a receipt to the proper person for property taken, retention and security of property taken, and return of the warrant and delivery of the property inventory to the appropriate judicial authority within specified time limits.

I. Recording: A record shall be maintained of all warrants issued to this department and actions taken in response to each.

J. Liaison with the Prosecutor's Office: Officers seeking warrants in unusual situations or where the seriousness, nature or legal complexity of the case dictates should consider reviewing the case with the prosecutor's office prior to seeking a search warrant.

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Policy **Seat Belts**	Related Policies: Pursuit; emergency operations of vehicles
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	

I. **Introduction:** Research clearly shows that the use of safety belts has a significant effect in reducing the number of deaths and the severity of injuries resulting from motor vehicle crashes. The use of safety restraints reduces the risk of death and serious injury and assists officers in maintaining proper control of their vehicles in pursuit and/or emergency high-speed operations. According to the National Law Enforcement Officers Memorial Fund the second leading cause of officer on-duty death results from automobile crashes.

II. **Purpose:** The purpose of this policy to help ensure maximum operator and passenger safety, minimizing the possibility of death or injury resulting from motor vehicle crashes.

III. **Policy:**

A. **USE OF SEAT BELTS:** It is the policy of this department to ensure the safety of all personnel and citizens while traveling in a department vehicle. Safety belts shall be worn by drivers and passengers in all vehicles owned, leased or rented by the department when in motion This also applies to the operation of privately owned or other vehicles used on duty. department personnel shall use properly adjusted and securely fastened safety belts when operating or riding in any vehicle so equipped.

B. **DRIVER'S RESPONSIBILITY:** The vehicle's driver is responsible for ensuring compliance by all passengers.

C. **OPERATION OF Department VEHICLES:** No person shall operate a department vehicle or transport anyone when he/she does not have an operable seat belt.

D. **REMOVAL OF SEAT BELTS.** When arriving at an emergency call, a potentially dangerous situation or making a vehicle traffic stop, officers may remove the safety restraint for a quick exit just prior to stopping. In traffic stops, the officer must be reasonably sure that the violator is going to stop before removing the safety restraint.

E. **EXEPTIONS FOR UNDERCOVER OFFICERS:** Officers functioning in an undercover capacity are exempt from this policy when:

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a. The wearing of the belt could pose safety problems when the officer anticipates being in proximity to a suspect while conducting undercover operations.

b. The wearing of the belt could compromise the officer's identity.

F. This exemption is intended to facilitate the undercover narcotic or vice officers in conducting their duties when they are about to contact street dealers, prostitutes, etc. Officers working a plainclothes detail or on routine patrol are not exempted. Undercover officers merely in transit or on an administrative assignment are not exempted.

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Secondary Employment	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard: **22.3.4; 22.3.5**	
Date Implemented:	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.

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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 are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.
- **v.** 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 the primary source of business;
- **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);

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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.

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Suspicious Persons Response	Related Policies: Stops, Search & Arrest; Motor Vehicle Contacts; Biased Based Policing
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.	
Applicable Arkansas Statutes:	
CALEA Standard: 1.2.9	
Date Implemented:	Review Date:

I. **Purpose:** The purpose of this policy is direct members of this department in recognizing the signs of suspicious persons, vehicles and activities and the appropriate departmental response to citizen's calls for service and officer encounters with members of the public.

II. **Policy:** Suspicious people may often be identified by their behavior. The role of a concerned citizen and good neighbor is to report whatever they think is wrong or suspicious to the police department. Public awareness campaigns such as the Department of Homeland Security's **"If You See Something, Say Something"** have heightened the public's awareness of suspicious activities. The role of this department is to receive the initial information and follow-up with additional inquires to gain an accurate and detailed account of the events. Members of the department must recognize that the department responds to behaviors and actions of individuals that appear suspicious, threatening, illegal, etc., and not to situations based solely on "personal criteria". Officers who during the course of their duties make their own observations of persons and activities shall be guided by this policy when contemplating investigatory stops and consensual stops of citizens.

III. **Definitions:**

A. **Personal Criteria-** may include but are not limited to, race, ethnicity, immigration status, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, religion, and socio-economic level.
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 a 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.

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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.

IV. Procedure:

A. As required the Arkansas Constitution and Amendment IV of the United States Constitution, all law enforcement actions by law enforcement officers, such as investigative detentions, traffic stops, arrests, searches and seizures, etc., must be based on reasonable suspicion, probable cause, or other required standards.

B. No officer will detain any person or stop any motor vehicle when such action is motivated by racial profiling and the action would constitute a violation of the civil rights of the person stopped. Law enforcement officers must be able to articulate specific facts, circumstances and conclusions which support the required standard for enforcement actions.

C. While no one behavioral activity is proof that someone is planning to act inappropriately (and many of the following behavioral indicators are perfectly consistent with innocent behavior), these factors can help an officer or dispatcher of this department assess whether someone is acting suspiciously.

D. Recognizing Suspicious Activity: Suspicious Vehicle:

a. Slow moving vehicles, vehicles without lights, and/or the course followed appears aimless or repetitive. This is suspicious in any location, but particularly in areas of schools, parks, and playgrounds.

b. Vehicles being loaded with valuables are suspicious if parked in front of a closed business or untended residence, even if the vehicle is a legitimate looking commercial unit - possibly even bearing a sign identifying it as a repair vehicle, moving van, etc.

c. Abandoned Vehicles that have not been moved are covered in dirt or debris, flattened tires, broken window, or plowed in by snow.

E. Suspicious Behavior Involving Vehicles:

a. Persons attempting forcibly to enter a locked vehicle, especially at night or in a parking lot.

b. Persons detaching mechanical parts or accessories from a vehicle especially at night or in a parking lot.

c. Apparent business transactions conducted from a vehicle especially if around schools or parks, and if juveniles are involved.

d. Persons being forced into vehicles, especially if juveniles or females.

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e. Objects thrown from a vehicle, especially while traveling at a high speed.

F. Suspicious Behavior Involving Property

a. Property carried by persons on foot, especially questionable if the person is running. May be significant if the property is not wrapped as if just purchased.

b. Property being removed from or being placed into vehicles or buildings if removed from closed residences whose owners are known to be absent.

c. A person is offering to sell something for significantly less than the market value.

d. Items that accumulate in private garages, storage areas, that pose a health risk such as barrels containing chemicals, gasoline, fertilizers.

e. The sound of breaking glass or loud noises – it could mean an accident, burglary or vandalism.

G. Suspicious behavior Involving People

a. Someone going door-to-door in a residential area if after a few houses are visited, one or more of the subjects goes into a back or side yard. This may be more suspicious if another remains in the front when this occurs.

b. Someone waiting in front of a house or business when the owners are absent, or if it is a business and the establishment is closed.

c. Someone forcing entrance to or tampering with a residence, business, vehicle, etc.

d. A non-resident going into a back or side yard.

e. A person running who does not appear to be exercising, especially if something of value is being carried.

H. Other Suspicious Activity

a. Continuous "Repair" operations at a non-business location, such as vehicles being dismantled.

b. Open or broken windows at closed businesses or residences whose owners are temporarily absent.

c. Unusual noises such as gunshots, screaming, abnormally barking dogs, or any noise that is suggestive of foul play.

d. Unusual smells or fumes coming from location that worry you.

e. Continuous traffic that comes and goes to the same location, usually staying for very short periods of time.

I. Communications or Dispatcher:

a. When taking a call from a citizen who is reporting a suspicious person or suspicious activity it is critical that the dispatcher first be aware of this policy and that appropriate questions regarding the conduct of the person be asked.

b. Dispatchers or the officer contacted by a citizen regarding a suspicious person or activity should ask:

i. What action is the person taking?

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ii. Can you particularly describe the suspicious behavior or activity?

iii. Do you live, work or reside in the area? How familiar are you with daily activity in this area?

iv. Does the person have a weapon?

v. What is the physical description of the person?

vi. Do you know this person?

vii. Do you know the owner of the property?

viii. Is the suspicious person acting alone?

ix. Where and when did it occur?

x. Is anyone injured?

xi. Description of vehicle(s)

xii. License plate number(s)

xiii. Time and direction of travel of suspect(s)

xiv. Description of suspect(s), including clothing

c. Dispatchers should inform the caller that while it may seem as though they are being asked a lot of questions, the information is for the safety of the responding officers, that the radio dispatcher is attempting to gather as much information about the situation as possible so the officers will have a clearer picture of what they may encounter when they arrive at the scene.

d. After dispatchers receive answers to their questions the information should be provided to the responding officers and a supervisor if available.

e. If any member of the department receives a call for service, whose only foundation has to do with an individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, gender identity, marital status, religion, disability, socio-economic level, immigration status, or other potentially improper personal criteria, the employee will attempt to explore if there is any specific behaviors that call for police response. If no specific behavior is identified, the caller's contact information will be obtained and he/she will be advised that the member in charge of the shift will contact him/her.

f. The member will contact the shift supervisor and provide the circumstances of the call. The shift supervisor will contact the caller and explain that the department does not respond to calls for service that are based solely on an individual's "personal criteria".

g. The shift supervisor should attempt to educate the caller on the department 's bias free policy and procedures. The supervisor should explain that the department responds to behaviors and actions of individuals that appear suspicious, threatening, illegal, etc., and not to situations based solely on "personal criteria". The shift supervisor will document this interaction in the call record.

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Vehicle Inventories	Related Policies:
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.	
Applicable Arkansas Statutes: **Arkansas Criminal Procedure §14; §12.1;§12.4;§12.6; §14.3**	
CALEA Standard:	
Date Implemented:	Review Date:

I. PURPOSE: The purpose of this policy is to direct officers in seizures of vehicles, evaluation of warrantless searches and inventories and options other than towing and impoundment

II. POLICY: Officers are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, or protecting the public, among other reasons. This policy provides guidelines that officers should use to decide issues related to impounding motor vehicles.

III. Discussion: When considering impoundment of a vehicle by members of this department officers will take into consideration the purpose of the impoundment and the reasons for conducting an inventory of the contents of the vehicle.

IV. Definitions:

A. Impoundment: For purposes of this policy, the seizing and temporary custody of a motor vehicle for a legitimate police purpose, such as for evidentiary or public safety purposes.

B. Public Assistance Towing: Impoundment should be contrasted with towing of disabled and other motor vehicles for public assistance or for purposes of public safety. While these may involve a legitimate police purpose, they normally do not involve custody of the vehicle by the police department or authorization of the police department for its release.

V. PROCEDURE:

A. It is permissible to impound and inventory the contents of a vehicle when:

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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.

B. Impoundment of motor vehicles shall use contract commercial towing services, towing vehicles, and impoundment lots as authorized by this police department.

C. Motor vehicles shall not be impounded as a form of punishment, or as a means of conducting vehicle searches without a warrant or when probable cause does not exist or consent to search cannot be obtained.

D. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.

E. Vehicles impounded by or otherwise taken into the custody of this department shall be inventoried in a manner consistent with this policy.

a. Inventories should be performed at the scene or at a safe place nearby whenever this can be done safely and effectively.

b. All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage shall be searched. This includes, the trunk, glove compartment or containers of any type that are present within the vehicle at the time of the tow.

c. Officers shall complete forms authorized by this police department whenever a vehicle is towed for impoundment as evidence or for other purposes.

F. **Non-Criminal Impoundment Decisions:** Considerations for seizing/towing and conducting an inventory search of vehicle. With respect to the decision to impound officers should explore alternative arrangements short of impoundment. Specifically, the officers should advise the owner or operator of the options to impoundment:

a. The purpose of impoundment is to not investigative but to protect property and avoid false claims.

b. The officer may impound a vehicle when the motorist agrees to such impoundment and has had an opportunity to retrieve his or her belongings.

c. When impoundment is contemplated, officers should ask the driver whether there is any property in the vehicle the driver wishes to retain. If so, the driver should be

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allowed to retrieve it. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.

d. With respect to property left behind, officers may ask the driver whether there is anything of value requiring safekeeping and make a record of the response in order to protect the officer and the department from a later claim of theft of valuables.

e. All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage shall be searched. This includes, the trunk, glove compartment or containers of any type that are present within the vehicle at the time of the tow.

f. Officers shall properly secure closed containers found in plain view at the police department for safekeeping in accordance with the department property and evidence policy.

G. Impoundment of vehicles when the motorist is not present to give consent: In order to protect the officer and the department from a later claim of theft of valuables. Officers are allowed to properly secure closed containers found in plain view at the police station.

a. All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage shall be searched. This includes, the trunk, glove compartment or containers of any type that are present within the vehicle at the time of the tow.

b. The property will be stored in compliance with the department property and evidence policy.

H. Impoundment for Evidence: A vehicle shall be towed if a subject is arrested for purposes of incarceration and one of the following circumstances exists:

a. The vehicle was used as a major instrument in a crime.

b. The vehicle contains evidence of a crime that cannot be processed at the scene and must be secured to ensure its evidentiary integrity.

I. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.

J. A “hold” may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection.

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a. Holds on vehicles must be approved by a department supervisor.

b. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.

c. Recovered Stolen Vehicles

K. Impoundment of stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:

a. The owner cannot be contacted,

b. The owner is contacted and cannot or will not respond in a reasonable amount of time, or

c. Immediate removal is necessary for safety reasons or purposes of safekeeping.

L. Officers should document reasonable efforts to contact owners with means readily available.

M. Motor Vehicle Crashes:

a. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.

b. Following motor vehicle crashes, an officer may request impoundment when the operator is unwilling or unable to take charge of the vehicle, and

c. The vehicle cannot be legally parked and sufficiently secured at the scene, or

d. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

N. Public Assistance Towing: Public assistance towing of motor vehicles should be distinguished from impoundment as it does not typically involve police custody of the motor vehicle. Officers may order that vehicles be towed under the following types of circumstances:

a. Danger to the Public. Vehicles that present a danger to the public may be towed. Typically, these involve the following circumstances:

i. Abandoned or inoperable vehicles that have been left on or that cannot otherwise be moved from the roadway and that are in a position where they may impede traffic or create a hazard;

ii. Vehicles parked illegally

b. Aid to Motorists: Officers may request towing services for motorists:

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i. following vehicle crashes or in other instances where involved vehicles are not operable; or

ii. When, following arrest of the owner/operator or for other reasons, the vehicle cannot be left at the scene without substantial risk of theft from or damage to the vehicle or personal property contained therein.

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Vehicle Pursuit & Emergency Vehicle Operation	Related Policies:
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.	
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:	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.

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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. TVI (Tactical Vehicle Intervention): a controlled deliberate contact with the rear of a fleeing vehicle by a 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.

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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. Officers shall not set up roadblocks, or deploy tire deflation devices without the approval of the supervisor when available.

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iv. Officers shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle unless authorized by the acting supervisor when available.

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.

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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;

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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: The role of the supervisor during the active pursuit includes but is not limited to assessing all incoming information, asserting control of all aspects of the pursuit and making objective decisions in compliance with this policy for the continuation or termination of the pursuit. In the event the supervisor initiates a pursuit he will, where feasible, turn over the role of Primary Vehicle Driver to the first back up officer who engages the pursuit. When the supervisor actively participates in the pursuit in the role of Secondary Vehicle Driver he is also responsible for fulfilling the role of supervisor in accordance with this policy.

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;

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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 TVI 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 TVI 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: Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary or rolling roadblock, a decision that shall be approved by the on-duty supervisor. This decision to establish a roadblock shall consider:

a. The safety of the officers

b. The risk of physical injury to the occupants of the pursued vehicle

c. The protection of citizens and their property

d. That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.

iv. TVI Maneuver: If authorized by a supervisor officers trained in this particular maneuver can attempt to employ this procedure and shall not use this maneuver in speeds over 45 mph unless deadly force would be justified.

v. Stop Sticks/spike strips:

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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

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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 access the adequacy of the written policy, training and field implementation of the Department's pursuit policy.

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ARREST REGULATIONS	Related Policies: Enforcement: Mutual Assistance;
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.	
Applicable Arkansas Statutes: Arkansas Rules of Criminal Procedure 4.1-4.6; Arkansas Code 5-36-116;	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: Laws of arrest, search and seizure, are defined by the United States Constitution, Arkansas Statutes, and judicial interpretation to protect individual rights of all persons. It is the rule of this agency to always use legal justification and means for any arrest, search or seizure.

II. Policy: Only sworn officers shall make arrests or serve arrest warrants. Non-sworn employees shall direct persons surrendering at the department to an officer for arrest or to serve an arrest warrant. Use caution, planning and correct approach to help reduce dangers of making arrests.

You may arrest when you have an arrest warrant or reasonable belief there is an outstanding arrest warrant, or probable cause to believe a crime has been committed. Unless there is resistance, it is unnecessary to apply physical force. It is the rule of this agency that officers making the arrest are to tell the arrestee, "You are under arrest," or a similar phrase to ensure the arrestee clearly understands they are under arrest.

III. Procedure:

Sworn law enforcement personnel shall be allowed to make a Warrant-less Arrest when:

A. A criminal offense has been committed in his presence, either felony or misdemeanor;
B. When the law enforcement officer has "reasonable grounds" for believing the person arrested has committed a felony offense;
C. When acting in accordance with authority specified within Arkansas Rules of Criminal Procedure 4.1 through 4.6;
D. When the law enforcement officer has "probable cause" to believe that the person arrested has committed the criminal offense of misdemeanor battery and the law enforcement officer finds evidence of bodily harm and the officer reasonably believes that there is danger of violence unless the person alleged to have committed the battery is arrested without delay, it is not necessary that

the alleged offense has been committed in the officer's presence. **NOTE: This is an exception to the general rule that a misdemeanor offense must be committed within the officer's presence.**

E. When the law enforcement officer has probable cause to believe a person has been served with an Order of Protection and there is probable cause to believe the suspect has violated the terms of such order of protection.

F. When the law enforcement officer has probable cause to believe that a person has committed the offense of shoplifting. The peace officer, merchant, or merchant's employee who observed the person accused of committing the offense of shoplifting shall provide a written statement which shall serve as probable cause to justify the arrest (Arkansas Code 5-36-116).

IV. Arrests Outside Jurisdiction of This Agency:

A law enforcement officer of this agency operating outside the jurisdiction of this agency may make warrant-less arrests for felony or misdemeanor offenses if the offense is committed within the officer's view, subject to the following provisions:

A. This section is applicable only within the State of Arkansas;

B. That as soon as possible after the arrest the officer shall notify the Law Enforcement Agency where the arrest was made and that Law Enforcement Agency shall take custody of the detainee and shall take the detainee before a magistrate; and

C. That the officer operating outside this jurisdiction must be doing so at the request of, or with the permission of, the Municipal or County Law Enforcement Agency having jurisdiction in the locale of the arrest.

D. The same rules and regulations shall govern officers making an arrest outside this jurisdiction as if the arrest was made within this jurisdiction.

V. Other Arrests:

When a law enforcement officer is orally ordered by a Magistrate or Judge to affect an arrest upon anyone for the commission of a public offense committed in the Judge's presence, such order shall justify such arrest.

Reserve Officer Program Policy	Related Policies:
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.	
Applicable Arkansas Statutes: ACA 14-52-105	
CALEA Standard:	
Date Implemented:	Review Date:

I. PURPOSE

To establish guidelines and operational authority for the volunteer Reserve Officer Program.

II. POLICY

The Reserve Officer Program is a group of upstanding citizens who volunteer their time to the Bryant Police Department. The Reserve Program is an integral part of the overall operation of the Department. Reserve Officers are utilized to provide two person Patrol units and other services as required and assigned.

III. PROCEDURE

A. Certification of Reserve Officers

1. Act 757 of 1983, establishes statutory guidelines for the appointment, authority and supervisory control of Reserve/Auxiliary law enforcement officers.

2. Any person appointed will be required to meet the minimum standards for employment or appointment as outlined in Regulation 1002 section 2 of the "State of Arkansas Executive Commission on Law Enforcement Standards and Training,Manual of Regulations".

3. It shall be the responsibility of the Bryant Police Department, to provide or have provided not less than 110 hours of Commission approved law enforcement training which shall include a firearms qualification course equivalent to the firearms qualification requirements for a full-time law enforcement officer.

4. Every Reserve Officer shall satisfactorily complete a probationary period of not less than twelve (12) months.

5. Reserve Officers who have been separated from law enforcement for a period of more than three (3) years must satisfactorily complete the 110 hour Auxiliary/Part Time II Training Course before becoming eligible for re-certification.

B. Authority

1. Reserve Officers may have social and fraternal organization so long as its functions and activities are consistent with the Mission of the Bryant PD. Officersmay be elected for the organization but shall not gain any status over otherReserve Officers in terms of authority (e.g. Captain, Lieutenant, Sergeant, etc.).

2. There shall be only two (2) status levels for Reserve Officers:

    a. Level I - Reserve Officers who have completed the required training and have been certified through Arkansas Minimum Standards.

    b. Level II Solo - Reserve Officers that are certified through Arkansas Minimum Standards and exceed the minimum requirements set under this policy. They must have a considerable amount of law enforcement experience and complete the entire currently utilized Field Training Program.

3. Level I Reserve Officers who are assigned to patrol duty will be required to ride with a full-time Officer. Reserve Officers may take appropriate law enforcement actions if separated from the full-time Officer when performing an assigned duty.

4. Level II Solo Reserve Officers are not required to ride with a full-time officer butwill work under the direction of the shift supervisor.

5. In the performance of assigned duty, Reserve Officers have the same authority as afull- time Officer and may take appropriate law enforcement actions, to include arrests.

6. Reserve Officers are automatically in “off-duty” status at the end of any assigned duty/shift, or when they are no longer working at the direction of a full-time Officer or Supervisor. When a Reserve Officer is off-duty they have no authority other than that of a private citizen.

7. All Reserve Officers will have the rank of Officer, and will be subordinate in rank to full- time Officers. Reserve Officers will not be given or use rank titles other than Officer.

8. Reserve Officer Candidates who have been accepted into the Reserve Officer Program, but have not completed training, or those who are under disciplinary action, or administrative leave, will not wear the Bryant Police Department’s Office uniform or carry weapons and have no authority other than that of a privatecitizen.

9. Reserve Officers must abide by the same Departmental Policy and Procedures, asdo full-time Officers employed by the Bryant Police Department.

10. Reserve Officers shall not perform any law enforcement duties for

monetary gainwithout permission of the Chief or Assistant Chief.

11. Reserve Officers will report to the Public Information Sergeant or designee who is coordinator of the program.

C. Uniform Standards

1. Reserve Officers will wear the same badge and uniform as full-time Officers. The uniform will only be worn while performing or traveling to or from an assigned duty, such as monthly meetings or any special assignments.
2. Reserve Officers will be responsible for purchasing their own uniforms and approved accessories as designated by the Bryant Police Department's Policy and Procedures. Any identification badges or other property of the Bryant Police Department will be returned to the Quartermaster upon termination or suspension from the Department. (**Note** - *Uniforms damaged in the performance of assigned duty will be replaced or repaired at the expense of the Bryant Police Department.)*

D. Time and Attendance Requirements

1. Reserve Officers are required to work at least an average of sixteen (16) hours per month, with a total of two-hundred (200) hours per year. Reserve Officers who are unable to perform within these requirements will report to the Patrol Captain for re-evaluation of status.

E . Carrying off duty weapons

1. When a Reserve Officer is off-duty they have no authority other than that of a private citizen. The Bryant Police Department **will not** be accountable for, nor authorize the actions of off-duty Reserve Officers who are armed under the authority of other organizations, or have other permits or authorization to carry a weapon.

2. The Bryant Police Department **will not** be liable for any such carrying, display oruse of a weapon contrary to the Bryant Police Department's policy, applicable state law or in the furtherance of unauthorized law enforcement action by an off-duty Reserve Officer.

F. Recruitment and Selection

1. Applications for acceptance into the Reserve Officer Program are madethrough the Professional Standards Unit.

2. Applicants shall undergo the same employment screening process as a full-time Officer, to include a thorough background investigation and other minimum standards for employment or appointment. (see Regulation 1002, section 2, of the "State of Arkansas Executive Commission on Law Enforcement Standards and Training, Manual of Regulations")

3. Selection of Reserve Officers will be made from applicants based on experience, education, findings from the background investigation, pre-employment interviewresults, and slot availability.

G. Level II Solo Reserve Officers

1. Reserve Officers may be considered for solo patrol duties under

certain circumstances, upon completion of a Field Training Program. For a Reserve Officer to be considered for selection into the Field Training Program, the following criteria must be met:

a. Certified through Arkansas Minimum Standards and exceed theminimum requirements set under this policy.

b. Three (3) years of experience with the Bryant Police Department.

c. Must have demonstrated exemplary performance and good leadership skills.

2. The selection process of a Reserve Officer for the Field Training Program shall bereviewed by the following ranking personnel:

   a. Patrol Captain

   b. Assistant Chief

   c. Chief

3. The Field Training Program will be a certified course, consisting of no fewer thanfour hundred eighty (480) hours.

4. The Field Training Program will only be conducted by Field Training Officerscertified through Arkansas Minimum Standards.

5. The Field Training Program must be completed by the Reserve Officer in ten (10)months or less.

6. During the Field Training Program the Reserve Officer will be held in the samestanding as a Full-Time Recruit would be in the same position.

7. Reserve Officers will work a minimum of twenty (20) hours per week while in theprogram.

8. Reserve Officers who have successfully completed the Field Training Program and selected for solo patrol duties will be required to work a minimum of twenty- four (24) hours per month.

9. During a solo patrol shift, the Reserve Officer will address any issues or questionsto the on-duty shift supervisor and not to the PIO Sergeant.

10. Selection for solo patrol duties does not confer any rank to the Reserve Officernor does it make other Reserve Officers subordinate to them.

CALL OUT REGULATION	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: Situations will arise that require additional manpower, assistance or expertise from special units or advise from supervisors.

II. Policy: It is the policy of this agency to provide for this necessity by establishing this call out policy. Employees on call are required to keep Communications and the Shift Commander informed of how they can be contacted. They are also required to maintaina reasonable response time to the city in the event they are called.

III. Procedure:

A. Criminal Investigation Section

1. When it becomes necessary that an incident requires a more intense investigation than can be provided by the Patrol Division, the Criminal Investigation Section should be notified. Listed below, but not restricted to, are examples of situations where the on-call Detective should be contacted:
    a) Homicide
    b) Armed Robberies
    c) Major Burglaries and Theft ($2,500.00)
    d) Shooting Incidents
    e) Assault and Battery (serious injury)
    f) Kidnapping
    g) Child and Sexual Abuse
2. Detectives are to be called if the Shift Commander determines it is necessary to investigate the situation further. Detectives are not to make supervisory decisions or opinions, but are to investigate when called.
3. The on-call Detective will take charge of crime scene once the responding officer has taken needed information.
4. The on-call Detective will call the on-call Administrator for additional manpower if needed.

B. On-call Administrator

1. Situations may arise where the Shift Commander will need help in making a decision or that require decisions that are beyond the authority of the Shift Commander. Listed below, but not restricted to, are examples of situations where the on-call Administrator should be contacted:
    a) Homicide
    b) Suicide
    c) Fatality Accident
    d) Airplane Crash
    e) Train Derailment
    f) Officer related shooting (Officer shot, Officer shoots suspect)
    g) Rape
    h) Any situation where the media is present and requests press information
    i) Any situation that occurs in which the Shift Commander deems necessary
    j) Tornado
    k) Major Floods
    l) Chemical Spills
    m) Major burglaries, armed robberies, assaults (with serious injury)
    n) Officer related accidents
    o) Officer injured
    p) Arrest where suspect is injured

IV. Emergency Call Out Procedure:

The on-call Administrator shall be notified of any of the following circumstances:

A. If any officer is involved in a shooting.
B. Any serious physical injury to any officer or public employee.
C. Any crime or incident resulting in the death of a person within the department's jurisdiction.
D. Any serious crime against a federal, state, or municipal government and/or employee.
E. Any crime involving an employee as a suspect.
F. Any incident or disturbance requiring a call-out of departmental officers.
G. Any crime so unusual that it would shock the conscience of the public.
H. Any time that the shift supervisor determines that it is necessary to have the on-call Administrator present.

The on-call Administrator shall have the responsibility to call the Chief of Police when necessary.

Canine Policy	Related Policies: Response to Resistance Vehicle Searches
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.	
Applicable Arkansas Statue	
CALEA Standard: 41.1.4	
Date Implemented:	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

1. The canine handler will maintain control of the canine at all times while on-duty and off-duty.
2. 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.
3. Members who are selected for a position as a canine handler have the responsibility of caring for their assigned canine. Handling and care include:

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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

1. 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.

2. 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.

3. 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

1. 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.

2. First responders should be specifically instructed not to enter the area.

3. First responders shall exhaust all reasonable efforts to determine if innocent persons, including officers, are within the area to be searched.

4. Canine handlers shall give a warning anytime the canine is going to be used and the possibility exists that the canine will bite anyone.

5. 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."

6. Canine warning announcements shall be made in a loud and clear voice, by methods deemed appropriate for the circumstances by the handler. Such

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warning may be made by loud voice or by PA system depending on the circumstances with which the canine team is confronted.

7. After giving the announcement in search cases, the handler shall wait a reasonable amount of time to allow the subject to peacefully surrender. The amount of time will vary depending on the search area as well as any articulable exigent circumstances that may exist at the time.

D. Deployment as Response to Resistance

1. The use of a canine for purposes of apprehension is non-deadly force.
2. Handlers should recognize that due to the distinct ability to recall the canine and terminate the apprehension command, there is the ability to de-escalate this type of force option.
3. If a suspect surrenders or discontinues resistance, the canine apprehension will be terminated.
4. A fleeing or hiding suspect creates a potentially dangerous circumstance for pursuing or searching officers since the suspect's intent is unknown. It may also be unknown as to whether or not the subject has access to weapons. Thus, use of a canine under these circumstances would normally be reasonable for:
   a. The protection of the handler;
   b. Protection of the officers and others;
   c. Apprehension of a suspect who continues hiding after a warning or who continues to flee after a lawful show of authority to stop; and

E. Authorization, Deployment, and Uses of Law Enforcement Canines

1. Criminal Apprehension: Handlers must recognize that all uses of force, including the use of a canine must be objectively reasonable under the circumstances. Under the law, as well as this department's response to resistance policy, handlers should consider
   a. The seriousness of the offense for which the subject is suspected at the time the canine is used;
   b. Whether the subject poses a physical threat to the officer or others and what degree of threat does the subject pose;
   c. and Is the subject actively resisting or attempting to evade arrest by flight.
2. If a suspect surrenders or discontinues resistance the canine apprehension will be terminated.
3. Criminal apprehension will generally be accomplished off-lead, but it may also be accomplished on-lead.
4. Warning (physical threat): A warning shall be given in accordance with the provisions of this policy.
5. No one, other than the handler should interfere with the canine once the dog is committed to make the apprehension, unless specifically directed by the handler.

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6. The handler should continue to instruct the suspect to stop resisting during the canine apprehension.

7. 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.

8. 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.

9. 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.

10. 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.

F. Evidence Searches

1. Canines may be utilized in an attempt to recover items related to crime which may be needed as evidence for criminal prosecution;

2. All searches will be systematically conducted as determined by the handler; and

3. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.

G. Building Searches

1. 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:

   a. The officer(s) have probable cause to arrest the subject for a criminal offense.

   b. The use of a canine as force must be objectively reasonable.

2. 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.

3. Prior to use of the canine, the handler shall make an announcement in keeping with this policy.

4. 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.

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5. 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.

6. All searches will be systematically conducted as determined by the handler.

7. 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.

H. Open Field Searches:

1. 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:

   a. 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.

   b. Handlers shall also consider ambient noise in the area which may limit the subject's ability to hear the warning;

2. All searches will be systematically conducted as determined by the handler;

3. 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.

I. Tracking

1. Tracking is utilized in a multitude of law enforcement events including missing persons, suspects who have fled, lost children, etc.

2. The initial responding officers shall be directed to immediately establish a perimeter.

3. 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.

4. 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.

J. Tactical Deployment

1. 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:

   a. Perimeter Control

   b. Target Disruption

   c. 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

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order deployment where the handler determines that such deployment is inappropriate.

K. Scent Searches

1. To the extent that such specialized trained canines are available, canines may be used for conducting scent searches for such items as:
   - **a.** Explosives
   - **b.** Cadavers
   - **c.** Narcotics
   - **d.** Accelerants (Fire Cases)
2. All searches will be systematically conducted as determined by the handler.
3. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.
4. Motor Vehicle Narcotics sniffs will be conducted in accordance with the provisions of this department's motor vehicle search policy and the following:
   - **a.** 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.
   - **b.** 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.

L. Public Disturbances:

1. 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.
2. 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.
3. 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.
4. Canines shall not be used for crowd control or as a deterrent effect at the scene of a peaceful protest

M. 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.

1. Handlers conducting demonstrations shall ensure that their appearance, as well as that of the canine and the equipment utilized, reflects professionally upon the department
2. Handlers shall maintain control of the canine at all times.

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3. 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

4. Handlers shall not demonstrate force or criminal apprehension without express authorization from the Chief of Police or their designee.

5. 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.

N. Emergency Circumstances

1. 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.

O. Veterinary Care:

1. 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.

2. 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.

3. 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.

4. 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.

P. Certification and Training

1. All canines and handlers assigned by this department shall, at a minimum, meet all certification requirements as required by the State of Arkansas.

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2. 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.

Q. Documentation of Canine Usage and Training

1. 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.
2. All canine usage related to response to resistance shall be the subject of a response to resistance report which includes all required documentation.
3. All training must be documented in a training log and forwarded to the canine's administrative file.

R. Medical Care

1. A canine has the potential to injure persons in a number of ways. The injury may occur during a criminal apprehension when the canine bites the subject. Injury may also occur when a canine knocks a person to the ground. These contacts may be intentional or unintentional.
2. When an in-custody suspect has been bitten by a canine, the handler or another officer on scene shall render aid. In the case of a bite wound, the subject shall be transported to the nearest hospital for medical evaluation and treatment. If the in-custody suspect refuses treatment that refusal shall be documented in the police report.
3. When a canine injures any person, who is not in custody, the handler will render aid and request a medical response by an EMT. If the injured person refuses medical treatment by the EMT it shall be documented in the police report.
4. A supervisor will be notified when an injury occurs and will respond to the scene. Photographs of the injuries will be taken and preserved. An investigation shall be initiated by the supervisor.
5. Where the injury is the result of an intentional use of force, the Department Response to Resistance form will be completed and an after-action review conducted in accordance with policy.

S. Housing

1. Members who are selected for a position as a canine handler have the responsibility of caring for their assigned canine.
2. All handlers are to ensure that the general health, hygiene, and care of their assigned canine is properly maintained and that periodic veterinary exams are provided in accordance with appropriate schedules.
3. Handlers shall conduct daily physical examinations of their canine when practical to determine any injuries, health issues, ticks, or flea infestations.
4. The canine shall be housed in a secure area such as a fenced and gated yard or crate.

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5. A department supervisor, designated by the Chief of Police shall make periodic visits to the handler's home to inspect health, sanitation, and security conditions for the canine.

6. In cases of extended absence of the canine handler where the handler is unable to provide the basic care for the canine, another handler may be assigned to care for the canine. The canine may also be kenneled at a facility approved by the Chief of Police or their designee.

7. 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.

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Case Files	Related Policies: Duty to disclose, section 4 para b
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The investigative case folder is designed both to insure that a complete investigation is conducted and a complete case file is prepared and delivered to the prosecuting attorney's office to assist the prosecuting attorney's office in making charging decisions and in preparing for a trial. Organization and documentation are very important in conducting investigations. The investigative case folder will reflect a well-organized, complete and thorough investigation,

II. Policy: It is the policy of this department to prepare and present a completed case file to the prosecuting attorney's office upon the completion of any felony criminal investigation and submitted within the timeframe prescribed by the office of the prosecuting attorney. This file will contain the proper forms and arranged in a manner as prescribed by the prosecuting attorney's office.

III. Procedure: The investigative case file will be started as soon as an investigation is assigned to an officer. All information pertaining to the investigation will be properly documented in the folder. The officer assigned to the investigation will be responsible to see that the investigative case folder is updated as the investigation progresses, and submitted to the prosecuting attorney's office within the prescribed time.

A. All Investigative Case Folders will be systematically reviewed by the officer's supervisor for accuracy and completeness.
B. Have the receipt signed that the case file was received. The signed receipt will be returned to the original case folder.
C. The Criminal Investigation Division Supervisor will approve forwarding the completed investigative case folder to the Prosecuting Attorney's Office.

Cell Phone Usage	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: This policy outlines the use of personal cell phones at work, the personal use of business cell phones and the safe use of cell phones by City of Bryant employees while driving and other times as well.

II. Policy: While at work employees are expected to exercise the same discretion in using personal cell phones as is expected for the use of City of Bryant cell phones. Excessive personal calls during the workday, regardless of the cell phone used, can interfere with employee productivity and be distracting to others. Employees are asked to make personal calls on non-work time when possible and to ensure that friends and family members are aware of the city's policy. Flexibility will be provided in circumstances demanding immediate attention.

III. Procedure:

A. The City of Bryant will not be liable for the loss of personal cell phones brought into the workplace or while conducting city business.

B. In some instances, a business cell phone may be issued to an employee for work-related communications. These cell phones should be used for business reasons only. Cell phone logs or billing statements may be audited to ensure no unauthorized use has occurred.

C. Personal use of the city issued cell phones may result in disciplinary action up to and including termination and possible legal action to recover expenses owed to the city. The employee is expected to reimburse the city for any personal cell phone usage.

D. Employees in possession of city equipment such as cell phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the cell phone for return or inspection. Employees unable to

present the cell phone in good working condition within the time period requested may be expected to bear the cost of a replacement.

E. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to payroll deduction or possible legal action for recovery of the loss.

F. Employees whose job responsibilities include driving and who utilize a cell phone for business or personal use are expected to refrain from using their cell phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are to pull off to the side of the road, preferably in a parking lot or other suitable stopping location, and safely stop the vehicle before placing or accepting a call. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

G. Employees who are charged with traffic violations or who are involved in an accident resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions and will be subject to discipline up to and including termination.

H. The Police Department provides phones to some officers and expects each officer to carry his/her phone at all times. This does not limit your movement. The cell phones are provided to some officers are for emergency call-outs and/or when the need arises.

Computer Voice Stress Analyzer (CVSA)	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: It is the purpose of this policy to use the CVSA as a means to protect the integrity of an investigation and/or the interviewee.

II. Policy: It is the police of the Bryant Police Department and the City of Bryant to establish guidelines for administering CVSA examinations in conjunction with pre-employment screening and investigations conducted by the police department and or human resources. CVSA examinations by qualified examiners are gaining national acceptance as an information aid and as a tool to be used in conjunction with an investigation. However, they should not be used as a single determinant for offering employment or a final determinant factor in investigations. They should not be used to circumvent good investigative procedures. The CVSA is used for truth verification.

III. Definitions:

A. Computer Voice Stress Analyzer **(CVSA)** - CVSA detects measures and charts thestress in a person's voice following a pre-formatted questionnaire.

B. Qualified Examiner- A person who has satisfactorily completed training by a recognized instructor in truth verification and the use of the CVSA. In addition, re-certification must be successfully completed every three years.

C. Overt Interviews- A live interview by a CVSA examiner with a suspect, victim, witness,complainant or prospective employee. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis. At the examiners discretion, all or portions of the interview may be recorded on audio and/or video tape.

D. Structured Interview- A legally obtained audio tape interview of a suspect, victim, witness or complainant. The interviews are designed to capture a response to pre-formattedquestions. This taped interview is then analyzed by the CVSA examiner.

IV. Procedures:

A. Use of CVSA examination for pre-employment screening:
   1. CVSA Examinations may be used in the selection process for employment. The CVSA examiner will review the questions with the applicant, prior to the formal examination.

B. Use of CVSA examinations for investigative screening:
   1. CVSA examinations should be utilized in conjunction with investigative leads andinterviews of available suspect(s), victim(s), and/or witnesses. When practical, both the victim and the accused should be tested for comparison. These results are not to be usedfor arrest or legal action, but are designed for developing leads and/or obtaining case direction.

C. Persons who may be tested
   1. Any individual who knows right from wrong. Generally, children who recognize right from wrong may be tested.

   2. Tests are conducted at the discretion of the examiner.

   3. Children under the age of 18 must have parental or legal guardian consent prior to testing. The consent must be in writing and in the possession of the CVSA examiner prior to the beginning of the examination.

D. Persons who may not be tested

   1. Any person who has been forced or coerced into taking the examination.

   2. Any person who has been indicted by the Grand Jury or formally charged for the crime the CVSA is being requested for, unless there is an agreement and stipulation signedby the person to be examined, his or her attorney and the prosecuting attorney.

   3. Children under the age of 18 that do not have parental or legal guardian consent.

E. Responsibilities of the CVSA Examiner
   1. The CVSA examiner will review the available information pertaining to the case in question prior to administering an examination.

   2. Any structured interview using the CVSA must be authorized by the Criminal Investigation Division supervisor.

   3. The Criminal Investigation Division supervisor must approve an examination request of another organization prior to conducting the CVSA examination.

   4. All CVSA examiners will maintain a record of all examinations they have conducted.

   5. The CVSA examiners will receive a second opinion on examinations from another certified examiner.

6. The CVSA examiner will refrain from examinations that may compromise his or her integrity. Any tests of friends, relatives or persons the examiner has a relationship withwhich represents a conflict of interest must be conducted by a neutral examiner.

7. In the event an examiner declines to administer an examination and the decision is questioned, a second opinion from a CVSA examiner is recommended.

F. Responsibilities of Officer/Investigator requesting a CVSA Examination

1. The investigator will complete a preliminary investigation and consult with the examiner prior to a CVSA examination being scheduled. The CVSA is a supplement to, not a substitute for a thorough investigation.

2. The investigator is responsible for notifying the subject of the date and time for the scheduled appointment.

3. The investigator will remain available in the Criminal Investigation Division until the examination is complete.

4. The investigator will notify the CVSA examiner immediately if the subject cancels an examination appointment.

G. CVSA Records

1. CVSA records may include a waiver of rights, voluntary submission forms, subject identification sheets, CVSA graphs, and or results statements.

2. CVSA records will be maintained for at least two years and/or until any litigation is concluded in the case or issue.

3. The Criminal Investigation Division supervisor or designee is responsible for the storage of the CVSA records. Said records will be maintained in a secure area.

H. Internal Affairs

1. CVSA examinations will be administered during a criminal or administrative investigation focusing on a city employee only if the member freely volunteers to participate in the examination with written consent. This ensures the members constitutional rights and permits any statements or admissions made during the examination to be admitted as evidence.

2. Civilian/employee complaints or witnesses may be tested with the CVSA in order to determine if their complaint, allegation or knowledge of a case is legitimate. These interviews must only be conducted after a voluntary test waiver has been signed.

(a) In the case of a structured interview, the examiner will receive authority from the CID supervisor.

3. A CVSA examination will not be the sole determinant of an investigation conclusion.

I. CVSA examinations may be administered to police, civilian and volunteer applicants as well as persons having access to restricted areas of the police department. This is to ensure the following:

1. Suitability.
2. Verify the accuracy and completeness of information on theapplication.
3. Resolve questions or conflicts arising during background investigations.
4. Discover previous criminal or other disqualifying behavior.
5. Deter those seeking to penetrate law enforcement departments for improperpurposes.

J. Questions to be asked will be provided to an applicant just prior to and at the location of the test so applicants can have sufficient time to review and ask the examiner questions.

K. The CVSA will not be the single determinant of employment status. However, admissions made before, during or after the examinations may be used to show cause.

Should any part of this Rule be violated, disciplinary action will be taken from written reprimand up to and including termination.

COURT REGULATIONS	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: All department personnel appearing in court in any capacity are to be well groomed,prepared, and professional.

II. Policy: It shall be the policy of this agency that all department personnel appearing in court inany capacity be well groomed, prepared, and professional.

III. Procedure:

A. Court Appearance

1. Attendance at a court or quasi-judicial hearing, as required by subpoena, is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official.All members are to be punctual in appearance.
2. When appearing in court, the complete official uniform shall be worn. Whetheror not to wear the side arm should be left to the discretion of the prosecuting attorney or presiding judge. If the officer chooses to wear civilian clothes, they shall consist of suit or coat and tie.
3. Members shall present a neat and clean appearance avoiding any mannerisms which might imply disrespect to the court.

B. Subpoena Precedence

1. If a member should receive more than one subpoena to appear at any court or quasi-judicial hearing on the same date and the same time, subpoena precedence shall be as follows:
   a) Circuit Court
   b) Municipal Court
   c) City Court
   d) Civil cases

C. Preparation for Court

1. All members shall have the cases in which they are concerned properly prepared and all property which is to be used in evidence suitably arranged for presentation in court.

D. Respect and Testimony

1. Members are required to be truthful when testifying, making reports, or conducting any police business.
2. Members shall observe the utmost attention and respect toward magistrates and judges at all times. When giving testimony, they shall speak calmly and explicitly in a clear, distinct, and audible tone so as to be heard by the court and jury. They shall testify with the strictest accuracy, confining themselves to the case before the court, and neither suppress nor overstate the slightest circumstances with a view for favoring or discrediting any person. When cross-examined, they shall answer with the same readiness and civility as when testifying in support of the charge, remembering that the ends of justice will be served by showing a desire to tell the whole truth, whether it is in favor of, or against, the defendant.

E. Testifying for the Defendant

1. Any member subpoenaed to testify for the defense in any criminal trial or hearing shall notify the office of the prosecuting attorney upon receipt of the subpoena.

F. Civil Action, Court Appearances -- Subpoenas

1. A member shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed.
2. Members shall accept all subpoenas legally served. If the subpoena arises out of departmental employment or if the member is informed that he is a party to civil action arising out of departmental employment, he shall immediately notify his supervisor and the governmental attorney of the service of notification, and of the testimony he is prepared to give.

G. Civil Depositions and Affidavits

1. Members shall confer with the Chief of Police before giving a deposition or affidavit on a civil matter.
2. Members shall not institute any civil action arising out of their official duties without first notifying the Chief of Police.
3. Members shall not use their position with the department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the member or the department.

Criminal Investigations	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: Clearly define responsibilities for the conduct of preliminary and follow-up criminal investigations and of complaints of major infractions of the law.

II. Policy: It is the policy of this department to conduct thorough investigations of felony crimes committed within its jurisdiction.

III. Procedure: The preliminary investigation begins when the first law enforcement officer arrives at the scene of a crime, and continues until the completion of the investigation.

A. The following officer responsibilities are part of the preliminary investigation and will vary according to the type and crime being investigated:

1. Provide aid to the injured
2. Protect the crime scene to insure evidence is not lost or contaminated
3. Determine if an offense has actually been committed, and if so, the exact nature of the offense.
4. Determine the identity of the suspect or suspects, and effect an arrest if it can be accomplished either at the scene or through immediate pursuit
5. Furnish other field units descriptions, method and direction of flight of suspects, and other relevant information concerning wanted suspect or suspects or vehicles
6. Obtain complete identification of all witnesses
7. Determine what information is known by the victim and each witness
8. Determine in detail the exact circumstances of the offense
9. Arrange for the collection of evidence
10. Obtain written and signed statements from victim, witnesses, and from the suspects
11. Determine the necessity of some degree of follow up surveillanceof the crime scene
12. Accurately and completely record all pertinent information on the report forms.

B. Patrol Officers will conduct the initial stages of all preliminary investigations including crime scene processing. In certain serious crimes, a Detective will be called, will respond, and will assume responsibility and be in charge for completion of investigation.

1. As soon as a Patrol Officer concludes the preliminary investigation, the initial field report should be completed including all information obtained at the scene of the offense.
2. Shall be the responsibility of the Shift Supervisor to ensure that an adequate and complete preliminary investigation has been made and to review, screen, and approve the officer's report. Screening should include: review of facts stated to ensure all essential information indicating a criminal act are included, legibility, clarity, and completeness. In the case of those offenses reported directly to and handled completely by a Detective, their immediate supervisor will review the report.

C. Serious Crimes - Detective Response

The following offenses are of a nature requiring the immediate assignment of a Detective to assume responsibility and are in charge for the completion of the preliminary investigation, and to begin a follow-up investigation:

1. Death of a violent or suspicious nature
    a) Rapes or suspected rapes
    b) Assaults, serious injury or death to the victim
    c) Armed robberies
    d) Burglaries where there is excessive or unusual loss (high dollarvalue, negotiable, cash, jewelry, silver, etc.)
    e) Any major disaster (where investigators can assist in identificationof victims)
    f) Hostage situations
    g) Kidnappings
    h) Extortion
    i) Bombings
    j) Any fatality or likely fatality motor vehicle accident or pedestrianaccident.

Note: A Detective of this agency will be available 24 hours a day and will be contacted to conduct an investigation of offenses listed above.

D. Follow-up Investigation:

The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to affect the arrest of an offender and/or recover stolen property. Patrol Officer or Detective responsibilities of the follow-up investigation include:

1. Identification and apprehension of the offender
2. Collection of additional evidence and arrangements for the analysis and evaluation of the evidence. If evidence was sent to lab, on its return review lab results.
3. Recovery of stolen property
    a) Conduct any additional interviews of victims and witnesses as

required

b) Conduct any additional interrogation of suspects as required
c) Seek other information from law enforcement officers and informants
d) Review department records and coordinate with adjoining agenciespertaining to other similar offenses to determine if the suspects may have committed other crimes. Review all information contained in case file (preliminary investigation and earlier follow-up reports) concerning this offense.
e) Recording of information obtained and preparing supplementary reportsas required.
f) If necessary, plan, organize, and conduct searches
g) Prepare case file folder on suspect for court
h) Check suspect's local police record and criminal histories
i) Prepare case and assist in prosecution

4. In assigning investigators for follow-up, the Division Commander will normally consider the following guidelines:
    a) Patrol officers will conduct and complete the investigation of all non- criminal calls for police service and for misdemeanor or felony crimes not appropriate for referral to the Detective.
    b) A Detective will conduct the follow-up investigations when one or more of the following conditions exists:
        (1) The offense appears to be part of a pattern of such offenses.
        (2) When the follow-up is required in widely separated locations outside this jurisdiction.

E. Relationships with Prosecuting Attorney.

1. All personnel are required to coordinate appointments in advance, be on time, have subject for discussion planned in advance and keep conversations brief.
2. In every known contested case, misdemeanor or felony, the officerinvolved will make an appointment with the Prosecuting Attorney or his deputy to discuss the case prior to trial.
3. During any law enforcement investigation (or during prior planning for arrest or pretrial stages), any questions of law or criminal procedure will be addressed to the Prosecuting Attorney or deputy. Questions on law enforcement regulations will be addressed to the Chief of Police.
4. Any criminal cases referred to the Prosecuting Attorney which result either in a decision of declined to prosecute or dismissed, due to law enforcement mishandling, must be carefully reviewed and appropriate corrective action taken. The Prosecuting Attorney has been asked to call such cases to the attention of the Chief of Police.

DEBTS	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose:

Employees are cautioned about personal debts of any kind which could influence their decision in the performance of their duty.

II. Policy:

Officers shall arrange their personal financial affairs so that creditors and collection agencies will not be required to use the Office of the Chief of Police for the purpose of making collections.

III. Procedure:

Creditors who contact the Chief of Police for assistance in collecting past due accounts will be requested to notify the Chief of Police in writing. A copy of the correspondence shall be placed in the officer's personnel file.

DISCIPLINARY REGULATIONS	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: It is the practice of this agency to avoid terminating an otherwise productive member when conduct, behavior, or performance problems occur, if possible.

II. Policy: This agency will use progressive disciplinary action to bring about change once it is shown that a member knew, or should have known, that such conduct, behavior or performance failed to comply with established directives, provided that:
The conduct, behavior or performance was not caused by a lack of skills or ability that the typical member would not be expected to possess; and
Prior to taking such disciplinary action, lesser forms of actions, such as supervisory consulting or formal counseling, were appropriate to use and were followed.

III. Procedure:

A. When discipline is deemed appropriate, this agency will use a progressive system, when practicable.

B. Furthermore, discipline shall be for cause and shall follow the basic concepts of due process.

C. This agency does not intend to illegally discriminate against current members, potential members or member groups on the basis of sex, ethnic background, race, religion, color, age or physical disability in any disciplinary or termination proceedings.

D. Supervisors must ensure that fair enforcement decisions are made in the use of disciplinary or termination action. Fair enforcement incorporates the concepts of equality and equity; supervisors will not illegally discriminate against members and will treat them equally when making decisions about the appropriate type of intervention to use in correcting a performance deficiency. Solutions include training, discipline, remedial training, reassignment, demotion or termination. Whatever the administrative action, its amount and degree must be based on equity.

1. Equity defined.
    a) Equity means that supervisors review each member's performance deficiency and consider the following:

(1) circumstances to help determine the amount and degree of administrativeaction:
(2) the seriousness of the offense;
(3) management's expectation that the type and level of administrative action will facilitate or deter the conduct, work proficiencies or behaviors of others;
(4) the member's overall conduct, work productivity, time between other violations (ifother offenses occurred) and behavior record;
(5) management's expectation, based on the member's overt behavior, that the type and level of administrative action will improve the member's future performance.
In other words, does the member respond positively to discipline; and
(6) the member's seniority.

E. It is the policy of this agency to terminate members when situations beyond the control of the agency, or when the member's actions or inaction's, or when the results of the member's actions or inaction's, are such a nature that:
1. economic necessity requires reductions in the workforce;
2. a member fails to demonstrate a willingness or ability to improve his or her conduct, behavior or performance deficiencies without intense supervision; or
3. failing to terminate the member would create an unreasonable risk of negligently retaining a member who has failed to display the necessary competencies to remain in his or her job position.

F. The following situations are not considered to be disciplinary:
1. Administrative Leave. Administrative leave occurs any time the member must be removed from duty until a proper investigation or other administrative proceeding can be held. Usually the situation involves a case of suspected misconduct, such as drinking, fighting, or being mentally or physically unfit for duty. In such cases leaving the member in position would create an unreasonable liability or safety issue for this agency. The immediate supervisor can order a relief from duty and then immediately report the action through the chain of command to the Chief of Police. The Chief of Police then initiates an investigation and makes a decision within 24 hours about whether the relief will continue, and, if so, for how long.
2. Administrative Furloughs. Following a deadly use of force. These types of furloughs are not discipline and should not be viewed as such. They are to help the member adjust and handle any personal or emotional needs resulting from traumatic events. Administrative furloughs are mandatory, initiated by the supervisor on duty and should continue until the Chief of Police orders otherwise.
3. Incompetence or Inability to Serve. Anytime a member's performance is consistently poor or the member is not able to perform all the assigned responsibilities, duties or tasks of the job in a competent manner, causes exist to terminate the member's position.

G. Steps of Progressive Discipline
1. **Counseling.** Not every supervisory interaction or intervention with a member is to be construed as discipline. Except in cases of culpability, correcting undesirable conduct, behavior or work performance is at times best handled by the immediate supervisor in an informal atmosphere. This means taking the member aside and discussing the problem, candidly and openly.

When the results are not serious enough for a written reprimand or call for a more formal type of supervision than consulting with the member, counseling is the proper tool to help the member. This Counseling will be documented.

2. **Written Reprimand**. A written reprimand is the second step in discipline, unless circumstances of the case justify a higher level of discipline, in which case this can be bypassed.
3. **Suspensions.** Suspensions are serious interventions and occur when a member fails to respond positively to lesser forms of discipline. Suspensions can also be the first step in progressive discipline if the act, and/or the result of the act, is serious enough that a written reprimand would not promote the intent or spirit of the purpose and need for disciplinary action.
4. **Demotions as a Form of Discipline**. Demotion as a form of discipline is intended to be punitive and can occur concurrently with a suspension when a supervisor is involved.

H. Termination. All members are subject to termination for the following general conditions:

1. Reductions in work force brought about by economic conditions;
2. Consistent performance failure(s) or a single performance failure that results in serious consequences to the officer's public credibility or ability to do business in an effective and efficient manner, with or without fault;
3. Termination for performance failure (through acts of omission or commission while on or off duty) can occur with or without fault on the member's part.
4. Termination with fault: Examples include, but are not limited to, insubordination, threatening a supervisor, fighting and assaults or provoking a fight or assault, forbidden harassment, endangering another, drug or alcohol abuse, theft, and false reporting or witnessing. In cases of termination with fault, members normally have culpability, that is, the member acted purposefully, knowingly, recklessly or negligently.
5. Termination without fault: Examples include, but are not limited to:
    a) chronic problems, substantial impairment of the employee relationship, and situations where performance is not reasonably expected to improve or where problems are not expected to be resolved in a reasonable time.
    b) chronic problems include excessive excused and non-excused absences as compared to other employees;
    c) failure to consistently accomplish expected levels of performance results on assigned tasks and;
    d) chronic complaining about operations to the extent that supervisors must spend excessive time dealing with the problems caused by the complaints.
6. Examples of substantial impairment of the employment relationship include:
    a) unreasonable disruption to normal operations of this agency;
    b) endangering the organization's mission purpose;
    c) actions or inaction's that contribute to an unnecessary risk to the public image;
    d) and creating conflicts of interest.
7. Decisions of the Chief of Police as permitted and retained by law.

I. Whenever disciplinary action is used, inform the member in writing of the following specific elements:

1. The exact offense violated;
2. How the violation affects this agency's ability to be an effective, efficient or safe employer;

3. What the member must do to avoid future disciplinary action;
4. How much time the member has to correct the problem; and
5. What further disciplinary action, possibly including termination, will occur if performance does not improve.

J. Notice of Termination: If a member's performance requires an investigation, the member may be placed on administrative leave pending outcome of the investigation. Depending on the findings, the member may then be terminated. If this occurs, the terminated member will be provided with information that includes:

1. the reasons for the termination;
2. the effective date of the termination;
3. whom to contact regarding status of fringe and retirement benefits; and
4. a statement that the content of the member's record relating to the termination will be made available to the member according to state public law.

Hate Crimes	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The purpose of this policy is to direct a proper response to suspected hate crimes incidents by this department.

II. Policy: It is the rule of this agency to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon these rights are viewed very seriously by this agency and will be given high priority. This agency will use every resource to rapidly and decisively identify the perpetrators, arrest them and take vigorous enforcement action. Also, recognizing the particular fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence and the possible far-reaching negative consequences of these acts on the community and the agency, particular attention shall be given to addressing the security and related concerns of the immediate victims as well as their families and others affected by the crime.

III. Procedure:

A. INITIAL RESPONSE REGULATIONS

1. When an officer at the scene of an incident believes that it may have been motivated by racial, religious, ethnic or sexual orientation bias, theofficer shall take any preliminary actions necessary, such as:
2. determining whether any perpetrators are present and, if so, taking appropriate enforcement measures;
3. restoring order to the crime scene and taking any necessary actions togain control of the situation;
4. identifying any injured parties and taking steps to provide medical assistance;
5. identifying any witnesses or others who have knowledge of the crime;
6. protecting the crime scene; and
7. summoning the Shift Commander to the scene.

B. SUPERVISOR'S RESPONSIBILITIES

The Shift Commander shall confer with the initial responding officer, take measures to ensure that all necessary preliminary actions have been taken and inform the on-call detective of the crime. The Shift Commander shall request any appropriate additional personnel necessary to accomplish the following:

1. Provide immediate assistance to the victim, such as
2. expressing empathy for the victim and showing a sincere interest in his or her well-being;
3. expressing the law enforcement agency's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrators, and the officers' and department's interest in the victim's well-being;
4. allowing the victim a period in which to ventilate his immediate concerns and express his feelings;
5. assisting the victim in identifying and contacting individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergymen or departmental chaplain and community service agencies that provide shelter, food, clothing, child care or other related services; and
6. provide security and precautionary advice to the victim and arranging for any additional security that may be required for the protection of the victim.
7. Conduct a standard preliminary investigation to include preliminary interviews of the victim and any witnesses to the incident.
8. Ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime offense.

C. INVESTIGATOR'S RESPONSIBILITY

Investigative personnel assigned to alleged hate crime incidents shall be responsible for the following:

1. When responding to the scene of an alleged hate crime incident, investigators shall assume control of the follow-up investigation. This includes
2. assuring the scene is properly protected, preserved and processed and all physical evidence of the incident is removed as soon as possible. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property shall be contacted to remove such material as soon as possible and the officer shall follow-up to ensure that this is accomplished in a timely manner.
3. conducting a comprehensive interview with all victims and witnesses at the scene, or as soon as possible thereafter, and canvassing the neighborhood for additional personal sources of information;

4. notifying other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense, and it's potential inflammatory and related impact on the community;
5. working closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution;
6. coordinating the investigation with agency, state and regional intelligence operations. These sources shall provide the investigative officer with an analysis of patterns, organized groups and suspects potentially involved in the offense;
7. coordinating the investigation with other units of this agency and with outside agencies where appropriate;
8. maintaining contact with the initial responding officer and keeping him apprised of the status of the case;
9. making a final determination as to whether the incident should be classified as a hate crime; and
10. completing any reports necessary to comply with statistical reporting requirements for hate crimes.

D. Investigative officers shall also take the lead role in providing on-going assistance to the crime victim to include contacting the victim periodically to determine whether he/she is receiving adequate and appropriate assistance, and providing ongoing information to the victim about the status of the criminal investigation.

INJURED/SICK PERSONS	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: Emergency comfort care provided by a law enforcement officer

II. Policy: Emergency comfort care provided by a law enforcement officer to any injured or sick person will consider that Medical professionals warn against unnecessarily handling or moving the injured due to the risk of aggravating after-effects or extended hospitalization of the injured person. Officers will attempt to provide whatever comfort they can until professional medical care worker arrives. There may be emergencies requiring the immediate removal of seriously injured or critically ill persons from a position of imminent danger. The decision to move the victim must, in all instances, be based on the safety and protection of the victim.

III. Procedure:

A. Injured Persons: People in custody with visible injuries or convincing complaints of an injury shall be provided with professional medical care prior to incarceration.

1. If hospitalization is required, a misdemeanor suspect will be released to the examining physician. The arresting officer shall issue a Uniform Violations Notice to the suspect setting a location, time and date for court appearance.
2. If hospitalization is required for an arrested felony suspect the Administrator oncall shall be notified, and should a clear danger of escape be present, a law enforcement guard may be assigned to the suspect until released and processed according to the law.
3. When an officer responds to a call involving a person that is injured and no violation of the law is considered, the victim will be provided with appropriate aid and comfort. The officer shall call for medical emergency services.
4. In all cases all available information and action taken by the officer will be documented.

B. Sick Persons: An officer responding to assist a person who is ill, shall provide immediate assistance and comfort and shall make necessary arrangements for the transportation of the ill person to a health care professional of their choice.

1. Any person who is unconscious or unable to give any information or make a decision concerning their physician of choice; shall be transported by medical emergency services for treatment at a health care facility.
2. The officer providing this assistance, citing the circumstances and action taken by the officer, will prepare a complete written report.

LESS LETHAL FORCE	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented: 2/8/22	Revise Date:

I. PURPOSE

The purpose of this directive is to establish the standards for the use of less lethal projectiles, and identify circumstances generally appropriate and effective for the use of less lethal force.

II. POLICY

It is the policy of the Bryant Police Department to adopt a philosophy of less lethal force in attempting to de-escalate potentially violent confrontations. Less lethal projectiles are ***intended*** to incapacitate target subjects, with the reduced capacity for causing death or serious injury. The use of less lethal force may be an alternative to the use of deadly force in meeting operational objectives when dealing with emotionally deranged persons, persons with edged weapons, and suicide attempts. Less lethal force is not to bedeployed in a stand-alone situation. Members capable of producing deadly force will be deployed in conjunction with the use of less lethal force.

III. DEFINITIONS

A. Less lethal – Less lethal means less lethal, *not less than lethal*.

B. Less lethal Force Philosophy – a concept of planning and force applications,which meets operational objectives, with less potential for causing death or serious physical injury than conventional police tactics.

C. Kinetic Energy Impact Projectiles:

1. A 12 gauge 2 ¾ inch round (ALS1212T) containing a two-inch squarecotton canvas filled with approximately 40 grams of lead shot. The munition is commonly known as a “bean bag round”, and exits the barrel at approximately 275 feet per-second and delivers approximately 120 ft/lbs. of kinetic energy upon impact with a maximum effective range of 75 feet.

2. A 12 gauge 2 ¾ inch round (ALS1200) Hydro-Kinetic Short RangeImpact bag. Maximum effective range of 21 feet. A 37 mm, 5.25 inch round containing a 8.8” X 2.5” tubular webbing filledwith 150 grams of silica sand that exits the barrel at approximately 180 feet per second.

IV. PROCEDURE

A. Governing factors

Application of less lethal force is effective against individually selected subjectswho demonstrate violence or aggression. As a direct fire munitions, minimum distance, level of threat and the subject’s apparel must be considered for maximum efficiency. Each situation must be weighed according to the totality of the circumstances in deciding to use less lethal force.

1. Safety priorities are established as hostage(s), non-subject civilians, officers, and subject (the focus of the police operation).

2. The use of all reasonable alternatives is impractical or has failed to resolvethe issue and bring the subject under control.

3. Less lethal kinetic energy impact projectiles are the highest form of impactweapon on the use of force continuum.

4. No member shall be permitted to use any less lethal weapon or munitions without first having successfully completed approved training in the use of that less lethal weapon and munitions. Prior to being authorized to deploy the less lethal impact munitions shotgun, an officer must successfully complete an office approved course of instruction for the specific weapon. A firearms instructor, certified as an impact munitions instructor, shall handle the instruction. All qualifications must be completed once per year, with at least one projectile being accurately fired to a target. Any officer failing to qualify or showing deficiencies in safe weapon handling will not be allowed to deploy the less lethal munitions.

5. The less lethal shotgun(s) will be designated by having an orange stock

and forend. It shall be marked “Less Lethal” on the stock. The less lethal drag stabilized bean bag rounds will have a clear plastic shell and will be clearly marked as less lethal drag stabilized bean bag rounds.

6. When considering use of less lethal impact munitions an officer should carefully evaluate the conditions surrounding the incident that may affect the subject’s responses to the deployment and the increased indirect risks to the subject(s).

7. Members should not deploy impact munitions against individuals with frail health, the elderly, children, women believed to be pregnant, or a person on an elevated position (on rooftops, stairwells, etc.), in water or other circumstances where a fall may cause drowning, substantial injury or death; unless exceptional circumstance are present that pose an immediate threat of harm to the member or another party and no reasonable alternative is available.

B. Shot Placement

The most critical element in successfully resolving a critical incident with less lethal force is proper shot placement. Consideration of the need for immediate incapacitation balanced with the subject’s potential for causing injury shall determine the point of impact decision.

1. The level of energy necessary to cause incapacitation creates the potential for injury, but when properly placed, with a low probability for causing serious physical injury or death.

2. The potential for causing death or serious physical injury with less lethal projectiles is a reality. The potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back, thoracic and abdominal cavities and the groin.
3. When engaging a subject target, the member should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation is the desired goal, and alternative target areas should be considered when rounds are not effective.

4. The less lethal projectiles will be delivered to subject target areas based on the circumstances, the safety priorities, and the level of force authorized. Less lethal projectiles are considered the use of deadly force, if *intentionally* deployed at the head or neck.

5. The body is divided into three shot placement areas from least to most likely to cause serious injury or death.

    a. Green areas – front and back are identified as the arm below the

elbow, the lower abdomen, the thigh, the leg below the knee, and the buttock. These areas will be considered when incapacitation is necessary and a minimal potential for injury is the appropriate response.

b. Yellow areas – front and back are identified as the upper arms, the upper abdomen, the hands, and the back. These areas will be considered when an escalation of force above green areas is necessary and appropriate.

c. Red areas – front and back are identified as the chest, the spinal area, the lower back, head and neck. These areas will be considered when an escalation of force above the yellow areas is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury. Intentional impacts to the head and neck will be avoided unless the use of deadly force is justified, necessary and appropriate.

C. Deployment

Deployment of less lethal force is a tactical decision, and is not authorized in standalone situations, and is deployed only in conjunction with a member capable of delivering lethal force.

1. Designated qualified members will carry the approved shotgun and less lethal rounds within ready access at all times during a tour of duty.

2. The member shall visually and physically inspect the shotgun to ensure that no duty ammunition is chambered prior to less lethal use.
3. The minimal standard for accuracy with the 12-gauge shotgun is a 12-inch group at 15 yards. Kinetic energy weapons will not produce rifle like accuracy.

4. Maximum results are achieved when the weapon is deployed from 7 to 15 yards. Minimal deployment is 5 yards.

5. The optimal effective range for the deployment of the 12 gauge beanbag round is 7 yards to 20 yards. At less than 7 yards the risk of serious injury or death is greatly increased. At over 20 yards the effectiveness and accuracy of the 12 gauge beanbag round is diminished to the point that this option may not achieve its purpose.

6. The beanbag is designed to be non-penetrating and collapse upon contact with the target. The shot acts as a fluid medium, distributing the energy over a wider area than a solid projectile.

7. Whenever possible the impact munitions should be deployed from a position of cover and the officer shall communicate all movements,

tactics and directions to other officers present.

8. Lethal force cover should be provided in all deployments of the less lethal impact munitions.

9. To avoid “sympathetic live fire” the officer deploying the less lethal shotgun shall advise other officers of the intention to deploy the less lethal impact munitions. This should be done in a clear and loud voice to alert all officers in the area that the impact munitions is about to be deployed. If possible use the phrase “deploying less lethal” then “Impact, Impact, Impact”

10. Officers may fire less lethal impact munitions rounds as necessary. However, after each impact munition round deployment, an assessment shall be made. Each deployment of an impact projectile constitutes a use of force, and may only be used when objectively reasonable under the circumstances to effect an arrest, or protect the officer of other person. In the event the impact munition rounds prove to be ineffective, personnel shall exercise other options.

11. Suspects who are struck by a less lethal round shall receive emergency medical care on site and shall be transported to a medical facility for evaluation.

12. Pictures shall be taken of all impact areas after being medically checked outto be documented with the Use of Force Report.

13. All 37 mm less lethal weapons and munitions will be deployed only by the Bryant Emergency Response Tactical Team members who are qualifiedwith the weapon and when existing conditions and circumstances preclude the use of the 12 gauge round.

14. All use of less lethal force will be documented in the same manner asrequired for all use of force incidents.

LINE OF DUTY DEATHS	Related Policies:
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.	
Applicable Arkansas Statutes: ACA 21-5-705; 42 USC 3796;	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The policy of this agency is immediate respond to an employee's death by conducting a thorough investigation into the circumstances and by providing comprehensive support to next-of-kin.

II. Policy: In the event of a felonious or an accidental line of duty death of an employee of this agency, all assigned personnel not involved in this situation, will prepare to respond as directed.

III. Procedure:

A. First officer on the scene will call for the nearest available back-up officer immediately upon determining that an employee's death has occurred. The duty of the back-up officer will be to make notification to next-of-kin as quickly as possible. The first officer on the scene will brief the back-up officer on the circumstances of death. The only circumstance when the back-up officer would not proceed to make notification would be that the officer's presence at the scene is tactically required. In that case, the back-up officer will provide assistance until the scene is secure, and then proceed with notification.

B. First officer on scene will notify dispatch that an employee death has occurred. DO NOT USE NAMES ON RADIO.

C. Upon notification that an employee's death has occurred, the dispatcher will immediately notify the Chief of Police. When using radio traffic for means of communication, DO NOT USE NAMES ON RADIO.

D. First officer on the scene will be responsible for complete and detailed written report. First officer on scene will not leave scene until investigation of scene is complete or relieved by the Chief of Police.

IV. Notification of Next-of-Kin

A. The back-up officer will contact the dispatcher to determine the most senior officer available to accompany him to notify next-of-kin. In addition, the agency chaplain or a member of the clergy, will be notified. If another person is not readily accessible, and there is an opportunity to get the family to the hospital prior to the demise of the employee, the back-up officer should not wait for the appropriate delegation to gather.

B. Transportations of the family to the hospital via police vehicle are preferred action. Should there be serious resistance and the family insists on driving, an officer should ride with them.

C. Arrange for any young children.

D. Surviving parents shall be notified in the same manner as spouses if they live within the county. If they live elsewhere, a request shall be made to the appropriate agency to make notification.

E. If the situation permits, the Chief of Police will accompany the back-up officer and will be the primary notification officer.

V. Assisting the Family at the Hospital

A. A member of this agency will be present the entire time the family is at the hospital and will arrange whatever assistance the family needs. (The crew who made the initial notification should be at the hospital).

B. Arrangements will be made available for transportation of the family back to their residence.

C. Arrangements will be made available for all medical bills relating to the services rendered to the deceased employee to be sent to this agency. The family should NOT receive any of these bills at their residence address.

VI. Family Support

A. A Department Officer will immediately be appointed to the critical assignment of liaison officer. This position will not be a decision making position, but in the role of "facilitator" between the family and this agency. The liaison officer will:

1. insure the needs of the family come before the wishes of the department;
2. meet with the family and tell them what his responsibilities will be during this time;
3. meet with the family regarding funeral arrangements. The liaison officer should make the family aware of what the department can offer in the way of assistance if the family decides to have a "law enforcement funeral";
4. know all the information concerning the death and the continuing investigation to answer family questions;
5. provide as much assistance as possible, oversee arrangements for travel and lodging for out-of-town family members;
6. be constantly available to the family;
7. see that the surviving parents are afforded recognition and will have proper placement arranged for them during the funeral and funeral procession;
8. see that the family is briefed on the funeral procedure (i.e., 21-gun salute, presentation of flag, playing of taps, pallbearers, funeral procession, etc.);

9. see that a “family support group” (officer’s wives and others) are assigned the responsibility of seeing that the home is prepared for the influx of visitors and that ample food is available.
10. Babysitting needs for all family members should be met. Have someone screen phone calls.
11. Make sure someone is always at the residence;
12. coordinate pallbearers, ushers, and 21-gun salute manpower requirements withother law enforcement agencies if the family desires a “law enforcement funeral”;
13. make available department patrol vehicles to the family if they desire transportationto and from the funeral home; and
14. provide information and assistance to obtain benefits to the surviving family.
    a) The same person appointed as liaison officer for family support will be appointedas a “benefits coordinator” after the funeral to gather information on all benefits/funeral payments available to the family. This officer will be completely responsible for filing appropriate paperwork and following through with the familyto ensure that these benefits are being received.
    b) The benefits coordinator will visit the family a few days following the funeral and give them a list of the benefits due, who to contact at the various benefits offices,and when they can expect payment of the benefits. Benefits will differ with each individual, and depending on whether death was felonious or accidental, but all the following benefit sources should be explored:
        (1) workers compensation;
        (2) social security;
        (3) federal public safety officer death benefit, 42 USC 3796;
        (4) state public safety officer death benefit, ACA 21-5-705;
        (5) National Chief of Police’s Association ;
        (6) personal life insurance;
        (7) educational benefits for dependent children;
        (8) Veterans Administration; and
        (9) health benefits will continue for six months after death upon payment ofpremium.

Media Relations	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented: 03/01/2015	Review Date: 01/01/2017

I. PURPOSE: It is the purpose of this policy to establish guidelines for release and dissemination of publicinformation to news media agencies and/or their representatives.

II. POLICY: It is the policy of the Bryant Police Department to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the department, as long as these activities do not unduly interferewith departmental operation, infringe upon individual rights or violate the law.

III. DEFINTITIONS

Public Information: Information that may be of interest to the general public regarding policy,procedures or events involving the department or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the department, infringe uponthe rights of a defendant or compromise the legitimate safety and privacy interests of officers, victims, witnesses or others.

News Media Representatives: Those individuals who are directly employed by agencies of the electronic or print media such as radio, television and newspapers. Freelance workers inthis field are to be regarded as other members of the general public unless otherwise designated by the departmental chief executive.

Public Information Officer (PIO): The department's PIO or Designee serves as a central source of information for release by the department and responds to requests for information by the news media and the community.

IV. PROCEDURES

A. Duties of the Public Information Officer

1. Assist news personnel in covering routine news stories, and at the scenes of incidents;
2. Assist the media on an on-call basis; • Prepare and distribute news releases;
3. Arrange for, and assist at news conferences;

4. Coordinate and authorize the release of information about victims, witnesses andsuspects;
5. Assist in crisis situations within the agency;
6. Coordinate the release of authorized information concerning confidential agencyinvestigations and operations.

B. Cooperation with the Media

1. Authorized news media representatives shall have reasonable access to the PIO, the agency's chief executive or his designee and operations of the department as governedby this policy. When information must be denied to a media representative, the basis forthat denial shall be fully and courteously explained.
2. The Bryant Police Department recognizes authorized identification from all local, nationaland international news organizations. Failure of media personnel to present authorized identification may provide grounds for restricting access to requested information or to incident scenes.
3. Public information shall be released to the media as promptly as circumstances allow,without partiality and in as objective a manner as possible.
4. Public information may be provided to media representatives by telephone if theidentity of the representative is known or can be authenticated.
5. Ranking officers at a crime or incident scene may release information of a factual nature to the media as governed by this policy or refer the inquiry to the PIO. Where theofficer is unsure of the facts or the propriety of releasing information, he/she shall refer the inquiry to the PIO.
6. Written press statements shall be released only following approval of the department'schief or his designee.
7. The department's communications center shall inform the on-call supervisor as soonas possible upon receipt of information about events or activities that may have mediainterest.
8. The on-call supervisor shall be responsible for ensuring that the agency's PIO or chiefexecutive is informed of events that may have media interest.

C. Investigative Information

1. From the initial stage of a criminal investigation until the completion of a trial or disposition without a trial, police personnel shall refer all requests for information to thedepartment chief executive or his designee.
2. Information that may be released in connection with an investigation of an event or crime includes:
   a) The type or nature of an event or crime
   b) The location, date and time, damages and a general description of how the incident occurred.
   c) The type and quantity of property taken;
   d) The identity and approximate address of a victim with the exception of sex crimevictims, and in other cases where reprisals or intimidation may be employed;
   e) Requests for aid in locating evidence, a complainant or suspect;
   f) Numbers of officers or people involved in an event or investigation, and the length of the investigation; and

g) The name of the officer in charge of a case, his supervisor and division or unit assignment (exception: the name of any undercover officer will not be released).

3. Information that may not be released in connection with an investigation of an event orcrime, unless authorized by the departmental chief or his designee, includes:

a) The identity of a suspect prior to arrest unless such information would aid inapprehending the suspect or serve to warn the public of potential danger;
b) The identity of any victim of a sex crime or any related information which, if divulged,could lead to the victim's identity;
c) The identity of any victim or witnesses if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim in personal danger;
d) The identity of any juvenile who is a suspect or defendant in a case subject to thejurisdiction of the juvenile court;
e) The identity of any critically injured or deceased person prior to notification of next ofkin;
f) The result of any investigative procedure such as lineups, polygraph tests, fingerprintcomparison, ballistics test or other procedures (the fact that these tests have been performed may be revealed without further comment);
g) Information which, if prematurely released, may interfere with the investigation or apprehension such as the nature of leads, specifics of an "MO", details of the crime known only to the perpetrator and the police, or information that may cause the suspectto flee or more effectively avoid apprehension;
h) Information that may be of evidentiary value in criminal proceedings;
i) Specific cause of death unless officially determined by the medical examiner;and
j) The home address or telephone number of any member of the department.

D. Arrest Information

1. Following arrest, issuance of an arrest warrant or filing of an information or indictment,it is permissible to release:
   a) The accused's name, age, residence, occupation and family status;
   b) The time and place of arrest, whether pursuit or resistance was encountered, whetherweapons were used, charges placed against the suspect and description of contrabandseized;
   c) The identity of the arresting officers and the duration of the investigation unless theofficers are engaged in undercover operations; and
   d) The amount of bond, scheduled court dates and place of the suspect's detention.

2. Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information should not be released without express permission of thedepartment's chief executive:

a) Prior criminal conviction record, character or reputation of a defendant;
b) Existence or contents of any confession, admission or statement of a defendant, or his failure or unwillingness to make a statement;
c) Performance or results of any tests, or a defendant's refusal or failure to submit to testssuch as a polygraph;
d) Identity, statement or expected testimony of any witness or victim;
e) Any opinion about the guilt or innocence of a defendant or the merits of the case; and
f) Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

E. Special Considerations – Criminal Matters

1. Departmental personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and equipment that's not available to the general public to the degree that it does not interferewith the police mission or the movement of traffic.
2. The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed orotherwise prejudiced by its existence being published or portrayed. Once the evidence has been processed, removed, and secured by the department, the media may be allowed to enter by permission of the commanding officer at the scene.
3. On private property, photography, film or videotape recording requires the permissionof the owner or the owner's representative.
4. Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts, or interviews.
5. Departmental personnel shall not pose with suspects or accused persons in custody.
6. When an individual is charged with a criminal offense and is sought by law enforcement authorities, photographs or mug shots may be released to the media to help locate the individual. No departmental photographs, mug shots, videotape, film or composites of subjects in custody shall otherwise be released to the media unless authorized by the department chief or designee.
7. At the scene of major crimes, such as a hostage and barricade situations, the officer incharge shall designate a preliminary press area as early as possible and as close to thescene as safety and operational requirements allow.
8. The fact that a suicide or suspected suicide has occurred may be reported to the media, along with factual information describing how it happened. The name, age, address, sex and occupation of the victim may also be released following notification of next of kin. The fact that a suicide note exists may also be acknowledged without further comment. The content of such notes is personal and confidential and shall not be released except as provided by law.

F. Special Considerations – Non-criminal matters

1. At the scene of significant accidents, man-made or natural catastrophes, the principles of media cooperation shall be maintained to the degree that they do not interfere with the mission of the police, fire, medical or other emergency relief workers.
2. Media access to and movement within the fire lines, shall be controlled by the fire officer in charge. In consultation with the fire officer in charge, the ranking

police officer at the scene shall establish an observation point from which the media may photographand observe the incident. At the discretion of the officer in charge, an inner perimeter may be established for the media from which they may record the event.

3. News media representatives should not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration the media representative should be advised of the danger and allowed to make the decisionto enter on his own volition.
4. Sensitive information relating to internal investigation of police officers shall not be released without the express permission of the Chief of Police.
5. Daily reports of criminal activity will be made available on a routine basis to media representatives. Statistical reports of criminal activity will also be made available to themedia.
6. Media representatives will be denied access to the contents of investigative or incidentreports and records where release of the information would:
   a) Interfere with law enforcement proceedings including pending investigations;
   b) Deprive a person of the right to a fair trial or an impartial adjudication, or give one partyto a controversy and unfair advantage by exclusive access to such information;
   c) Constitute an unwarranted invasion of the personal privacy rights of another; - Reveal theidentity of an individual who has furnished information to the departments under confidential circumstances;
   d) Disclose investigative techniques and procedures, thereby impairing future effectiveness of the department; or
   e) Endanger the live or physical safety of any person.

G. Media Ride Along Policy

1. Media representatives will be allowed to ride along with patrol officers and officers onspecial assignments, with the written authorization of the Chief or Designee.
2. Prior to the ride along, the media representative shall complete and sign a ride alongagreement form.
3. The media representative or anyone associated with him shall not be permitted to enter on to private property, constituting an invasion of personal privacy rights withoutthe permission of the property owner, when police response has been requested or initiated.

CARDS: OFFICIAL - PERSONAL	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. **Purpose:** All cards used must conform to the approved departmental format, and only withpermission of the Chief of Police.

II. **Policy:** Employees and officers only in connection with the performance of official duties shall use Business or personal cards, which refer to this agency.

III. **Procedure:** Employees and officers must submit a purchase request form and include the information requested on the card for approval.

Patrol Rifles AR-15	Related Policies: Response to Resistance/Deadly Force; Safe Storage of Firearms
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	

I. Purpose: The purpose of this policy is to outline the use of patrol rifles within this Department.

II. Policy: The policy of the Department is to utilize patrol rifles for those operations where the safety of citizens and officers will be enhanced through the use of these firearms.

III. Definitions:

A. Employee -- any Department sworn employee authorized, trained, and currently qualified to carry a rifle.

B. Storage condition -- the weapon's selector lever is on "safe," the magazine has been removed, the chamber is empty, the bolt is locked open, and a magazine block is inserted in the magazine well.

C. Tactical condition -- when the weapon's selector lever is on "safe," a magazine is loaded in the weapon, and a round is chambered, making the weapon ready for immediate use.

D. Patrol car ready -- the weapon's selector lever is on "safe," no live round is in the chamber, the bolt is closed, a fully loaded magazine is inserted in the magazine well, and the ejection port dust cover is closed.

E. Patrol Rifle - AR-15 – the AR15 is the most commonly observed rifle in police patrol. The weapon system is safe, accurate, reliable, effective, and easily deployed by officers of all stature due to its lightweight, low recoil, and general ease of operation.

IV. Procedure:

A. At the outset, it is recognized that patrol rifles are no different from a legal perspective than a handgun. Any limitations placed upon the use of patrol rifles in this policy have no bearing on whether a use of deadly force is justified. All uses of deadly force must be consistent with this department's deadly force policy.

B. The purpose of the patrol rifle is to enhance the tactical capabilities of law enforcement personnel by augmenting the service pistol and shotgun, as appropriate. It should be recognized that any long gun diminishes weapon retention capability, and therefore are used as a standoff weapon rather than where the officer is faced with a close quarter tactical encounter.

C. Officers will utilize only department issued or department approved rifles on duty unless authorized otherwise by the Chief.

D. Officers will only utilize department issued ammunition in a patrol rifle unless authorized otherwise by the Chief.

E. Patrol rifles will only be carried and used by department personnel who have successfully completed the instructional and qualification course conducted by this department; personnel must continue to qualify with the weapon each year thereafter. An exception is allowed only for exigent circumstances in which there is imminent loss of life of an officer or civilian.

F. Storage on Duty:

a. While on duty, all long guns shall be secured in the police car either in a locked rack OR hard or soft case in the vehicle but not visible to someone looking into the car (if in a case).

b. The rifle will not have a round in the chamber while inside the police vehicle.

c. A round will only be loaded into the chamber of the weapon outside the police vehicle in anticipation of the weapon's imminent use ("Tactical Condition").

d. All police vehicles shall be locked with the windows fully closed whenever the officer assigned to operate that vehicle will be out of sight of the vehicle, except under extenuating circumstance. This provision is to discourage and prevent thefts or tampering with any equipment.

e. Except when anticipating the imminent use of the rifle, employees will inspect the weapon to ensure that the safety is on and there is no round loaded in the chamber when:

i. Checking a rifle out from an authorized police weapons storage facility or locker.

ii. Taking the rifle out of its locked holder or Department approved carrying case.

iii. Receiving a rifle from another person.

f. If the rifle is found to have a round in the chamber, the employee will move to a safe location, point the muzzle in a safe direction or into a department approved clearing barrel and unload the weapon.

g. In the Department building at the range or other facility where a firearm-unloading barrel is present, the rifle must be unloaded with the muzzle pointed into the barrel.

h. The rifle will be placed in "Storage Condition" before it is turned in or stored.

G. Off-duty Weapons Storage: This provision applies to all departmentally issued long guns and strongly encouraged for privately owned long guns:

a. While off duty, all long guns must be removed from the officer's vehicle (whether the vehicle is departmentally issued or privately owned) and secured inside the officer's home or other place of lodging if the vehicle is left outside.

b. While off duty, if the vehicle is secured inside his locked residence (locked garage area not shared with other tenants), the weapons may be left in the vehicle.

H. Weapon Maintenance: All departmentally issued weapons must be maintained by the officer the weapon is issued to in accordance with the training received in the Patrol Rifle Program. Any damage or malfunctions of the weapon must be reported to the department armorer for repair.

a. Modifications: Modifications to departmentally issued weapons must be approved by the Chief or his designee and performed by the department armorer.

b. Modifications to personally owned weapons, which have been approved by the department, must be reviewed and approved before the weapon can be utilized on duty. Such modifications will be reviewed by the department armorer and approved by the Chief or their designee.

I. If in a soft or hard case, patrol rifles will be kept unloaded with at least one (1) fully loaded magazine in the case with the rifle. Patrol rifles that are stored in a locking rack in the patrol car shall be stored "Patrol Car ready." Additional issued magazines should be maintained in a suitable carrier. Only department issued ammunition shall be utilized.

J. The rifle safety will be ON at all times unless the operator is on target and has decided to shoot.

K. The trunks of the vehicles that will store these weapons shall have the interior trunk button disconnected so that the trunk cannot be accessed without the proper key. In the event a weapon is not going to be in the control of the supervisor or an officer, it shall be placed in the department's arsenal.

L. In cases where a vehicle is out of service for repair, it shall be the responsibility of the officer to ensure that the patrol rifle is removed.

M. Patrol rifles may be deployed only for emergencies when there is an imminent danger to officers or civilians.

a. Patrol Rifles shall be deployed only in situations that the officer may reasonably believe that the tactical advantage afforded by the rifle would be necessary. They are not to be used for routine calls where the deployment of a patrol rifle is not or for calls where the information dispatched is not matched by a clear threat to public safety.

b. This order does not seek to articulate the only situations where rifle deployment is appropriate. Officer/supervisor judgment is the first indicator of appropriate deployment.

c. Additionally, the patrol rifle may be deployed in situations:

i. Where the officer believes a suspect he/she may encounter is wearing protective body armor;

ii. To provide immediate tactical response to calls involving armed and/or violent offenders;

iii. To increase citizen and officer safety during high-risk incidents;

iv. To provide for more accurate and controlled shot placement;

v. For perimeter/containment situation involving a hostage situation and/or barricaded subject;

vi. To provide cover for a police K-9, or another officer, in the search for an armed subject believed to be armed with or has immediate access to high powered or shoulder fired weapons or is believed to be armed and situated in a distant or fortified location that affords the suspect a tactically superior position;

vii. Active Shooter situations; or

viii. Other situations where approval for deployment of patrol rifle is authorized by the Supervisor.

d. When an officer determines the event has de-escalated and lethal force is not necessary, the rifle should be secured as soon as practical.

N. Under any circumstances concerning this weapon, compliance with the Response to Resistance/Deadly Force policy applies.

Political Activity	Related Policies:
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.	
Applicable Arkansas Statutes: ACA 14-52-109	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: All involvement in political activity shall be in compliance with existing Arkansas Codes.

II. Policy: In compliance with ACA 14-52-109, Notwithstanding any law to the contrary law enforcement officers of cities and incorporated towns shall not be prohibited from engaging in political activities except when on duty, when in uniform, or when acting in an official capacity, nor shall they be denied the right to refrain from engaging in political activities.

A. Employees shall not:

1. Use their offices to influence elections or nominations or for other political purposes.

2. Solicit or receive political contribution while on duty, while in uniform, or performing a function that is clearly related to city employment.

3. Require or advise other employees to make political contributions.

4. Employees are encouraged to exercise their right as a citizen to vote, and time off willbe granted for this purpose.

PROBATION PERIOD	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard: CLEST Manual - Regulation 1003 (2)	
Date Implemented:	Review Date:

I. Purpose: To establish a time frame and to follow State Standards.

II. Policy: All employees appointed or promoted shall be required to successfully complete the Commission on Law Enforcement Standards and Training probationary period

III. Procedure:

A. Newly appointed employees shall serve a twelve (12) month probation period.
B. Promoted employees shall serve a six (6) month probation period.
C. The probationary period referred to in this section is the Commission on Law Enforcement Standards and Training required probationary period and is not to be construed to in any way alter the at will status of all employees.

PROPERTY: DEPARTMENTAL	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: Accountability of Department Property

II. Policy: Employees of the department shall be responsible for the proper care of departmental property.

III. Procedure:

A. A report will be made immediately to the supervisor of the loss of or damage to or unserviceable condition of departmental property.

B. Any employee who damages or destroys departmental property by a deliberate act or by negligence may be required to pay the cost of repair or replacement in addition to any disciplinary action resulting from the violation of this section.

C. Department vehicles will be used for official business only.

D. The Departmental Supervisors will be responsible for the strict enforcement of this policy.

Sex Offender Registration	Related Policies:
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.	
Applicable Arkansas Statutes: 12-12-902	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: Arkansas Statue 12-12-902 requires local police departments to register and maintain files of convicted sex offenders. The Criminal Investigation Division will register and maintain files of required registered sex offenders within the City of Bryant. Centralized Electronic Network of Sex Offender Registration (CENSOR) is used by the Bryant Police Department to register sex offenders. CENSOR eliminated the need for ACIC to mail certified notices to sex offenders. Registered sex offenders are required to report in person to their local law enforcement agencies every three or six months depending on their risk level. The new system eliminates the need for fax and paper forms and allows Detectives to register offenders immediately with up-to-date photos. The following procedures will be employed in compliance with this statutory requirement.

II. Policy: Assigned personnel will maintain records of the sex offenders, make community notifications, and act as liaison with Arkansas Crime Information Center (ACIC), other state entities, law enforcement agencies and others regarding offender registration issues.

III. Procedure: If an offender contacts Bryant Police Department after normal business hours for the purpose of registering, that employee will obtain the offender's name, race, sex, date of birth, home address, place of employment, and phone number(s), and advised the offender to report to the Criminal Investigation Division during business hours. This information shall be forwarded to the Criminal Investigation Division in a sealed envelope specifying the date, time, and location where contact was made with the offender.

Policy # **Synthetic Opioids: Preventing Exposure**	Related Policies: **Naloxone policy**
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.	
Applicable Arkansas Statutes	
CALEA Standard:	
Date Implemented:	Revise Date:

I. Purpose: The purpose of this policy is to provide first responding officers and other members of the department with guidelines, instructions, and procedures to prevent exposure to synthetic opioids and related substances.

II. Discussion: Synthetic opioids and related substances are designed to be absorbed into the body by all means, including injection, oral ingestion, contact with mucous membranes, inhalation, and via transdermal transmission (through the skin). As such, accidental exposure by first responders is a real danger.

Accidental exposure can occur under a number of circumstances, including during the execution of search or arrest warrants, the purchase of synthetic opioids during undercover operations, the processing of drug evidence containing synthetic opioids or related substances, or the processing of non-drug evidence (e.g., drug proceeds, pill presses, scales, or drug paraphernalia) which may be contaminated with these substances.

Due to the high potency of synthetic opioids and related substances, exposure to small quantities can cause serious negative health effects, respiratory depression, and even death.

However, synthetic opioids can be handled safely with proper training and equipment to include hazard recognition and use of personal protective equipment (PPE).

III. The following job categories have been identified as positions where responders might be exposed to synthetic opioids or its analogues.

A. Pre-Hospital Patient Care: Includes emergency medical services (EMS) providers, including first responders, fire department, police officers, and private companies who attend to individuals with suspected synthetic opioids overdose. Responders may encounter drugs or drug paraphernalia on or near the patient.

B. Law Enforcement: Law enforcement officers who perform day-to-day law enforcement duties. Law enforcement officers may come into contact with synthetic opioids during the course of their daily activities such as traffic stops, apprehending and searching subjects, and responding to synthetic opioids overdose calls.

C. Investigation and Evidence Handling: Law enforcement personnel who conduct investigations related to synthetic opioids. Activities may include executing search warrants and collecting, transporting, and storing evidence. Evidence collection activities in the field have the potential to aerosolize powders. In addition, law enforcement personnel who handle evidence in the chain of custody have the potential to be exposed to synthetic opioids unless controls are in place to prevent exposures.

D. Special Operations and Decontamination: Workers who conduct special operations where exposure to large amounts of synthetic opioids are expected. Examples include hazardous material incident response teams at a release or spill, and law enforcement officers executing search warrants on opioid processing or distribution sites or participating in other tactical operations. These activities may aerosolize powders.

E. Jails and Booking Officers: Arrestees who are transported to jails and booking stations pose a threat to the officer if these arrestees have been in contact with or using synthetic opioids.

IV. Procedures: Due to the hazardous nature of the synthetic opioids law enforcement personnel, jail and correctional officers, or any first responders who encounter synthetic opioids or related substances should NOT take samples or otherwise disturb any powdered substances without employing proper personal protective equipment (PPE), as this could lead to accidental exposure. Officers should follow established work practices as well as the following recommendations when synthetic opioids or related substances are known or suspected to be present.

If the presence of synthetic opioids is suspected, personnel should immediately contact the appropriate officials within this department who have been trained to handle hazardous materials, or contact the nearest DEA field office for assistance. Having specially trained law enforcement professionals (or a hazardous materials "HAZMAT" incident response team) equipped with the necessary equipment on-site, to include Level "A" PPE, to assess the situation prior to exposure or contamination is recommended. This includes situations involving unknown powdered substances and/or pill milling or encapsulating operations.

When encountering unknown powders, personnel should use, at the minimum, PPE to include nitrile gloves, N-95 dust mask, eye protection, disposable paper suit, or paper coveralls, and shoe covers. Naloxone should also be readily available for administration. ***SEE* Department stand-alone Naloxone policy.**



As matter of reference it has been determined that it would only take 2-3 milligrams of synthetic opioids to induce respiratory depression, arrest, and possibly death (see photo of penny). When visually compared, 2 to 3 milligrams of synthetic opioids is about the same as five to seven individual grains of table salt[1]

V. General Precautions:

A. Do not eat, drink, smoke, or use the bathroom while working in an area with known or suspected synthetic opioids.

B. Do not touch the eyes, mouth, and nose after touching any surface potentially contaminated with synthetic opioids.

C. Field-testing of synthetic opioids or their analogues is not recommended due to an increased risk of exposure to responders performing field-testing. However, if detection and identification of synthetic opioids is critical to the incident response, develop an incident specific plan to perform the field-testing in accordance with this department's policies and procedures. Personnel specifically trained to perform the field testing should perform the field testing **in the appropriate PPE**. **Never** handle synthetic opioids or their analogues without the appropriate PPE.

D. Avoid performing tasks or operations that may aerosolize synthetic opioids due to increased exposure risks. Activities that aerosolize synthetic opioids require higher levels of PPE, should be conducted by appropriately trained personnel, and completed in accordance with department policies and procedures.

E. Wash hands with soap and water immediately after a potential exposure and after leaving a scene where synthetic opioids is known or suspected to be present to avoid potential exposure and to avoid cross contamination.

F. Do not use hand sanitizers or bleach solutions to clean contaminated skin.

G. Officers who are exposed to synthetic opioids should immediately use soap and water to thoroughly wash and rinse contaminated skin. They should take care not to break the skin during the decontamination process and to cover all open wounds. Do not use hand sanitizers or bleach solutions to clean contaminated skin.

H. All contaminated clothing should be removed and laundered, being careful not to disturb any areas of contamination.

I. Shower immediately after a potential exposure.

J. Decontamination of **reusable** PPE and equipment should be done according to the manufacturer's recommendations.

K. Contaminated **single use** PPE should be placed in labeled durable 6 mil polyethylene bags and disposed of appropriately.[1]

VI. K-9 Working Dogs:

A. Police K-9s performing detection activities, are also at risk of exposure to synthetic opioids and its analogues. Working dogs should be removed from an area where suspect synthetic opioids are encountered. If exposed, residual drug powder might remain on the dog's body; therefore, the proper precautions and procedures mentioned above should be employed by those handling the dog.

[1] NIOSH Synthetic opioids: Preventing Occupational Exposure to Emergency Responders

TATTOOS AND BODY PIERCING	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented: 03/01/2015	Review Date: 01/01/2017

I. Purpose: Many factors influence the community's confidence in our Department. The image we present to the community must be one of professionalism. Our appearance is of the utmost importance. It is the preference of the Department that should personnel obtain any tattoo, scarification, branding or piercing, it should be located in an area, which can be covered with a Department-approved uniform or business attire. This policy establishes specific guidelines concerning the display of tattoos, scarifications, brands and piercings by members of the Department. It places accountability for compliance not only upon each employee, but also upon their supervisors and commanding officers.

II. Policy: The display of any unauthorized tattoo, scarification or brand considered inappropriate, unprofessional or offensive, regardless of its location, by any member of the Department while on duty, or representing the Department in any official capacity is prohibited. While on duty all sworn personnel will not wear earrings. The piercing and wearing of associated jewelry in all other visible parts of the body is prohibited.

III. Procedure:

A. DEFINITIONS:

1. Tattoo – the act or practice of marking the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.
2. Scarification – the act of intentional cutting of the skin for the purpose of creating a design, form, figure or art.
3. Branding – the act of intentional burning of the skin for the purpose of creating a design, form, figure or art.
4. Piercing – the act of creating a hole in any part of the body for the purpose of inserting an object, jewelry or ornamentation.

5. Uniformed personnel – includes sworn police officers including auxiliary and part-time officers.
6. Non-uniformed sworn personnel – includes investigative, administrative and all other non-uniformed assignments.
7. Excessive tattoos, scarifications or brands – excessive is definedas any tattoos, scarifications or brands that exceed 30% of the exposed body part, those above the collarbone readily visible when wearing an open collar uniform, and/or any which detract from an appropriate professional image.
8. Unauthorized tattoos, scarifications or brands – Unauthorized is defined, as any tattoos, scarifications or brands considered inappropriate, unprofessional or offensive.

B. TATTOOS, BRANDS, SCARIFICATIONS

1. Uniformed Personnel, as defined in Section I. E. of this policy

   a) Except as provided in Section IV., any excessive tattoos, scarifications or brands worn by uniformed Police Department personnel shall NOT be visible while on duty or representing the Department in any official capacity. Excessive tattoos, scarifications or brands must be covered with a Department approved uniform including but not limited to a long-sleeve shirt, jacket, sweater, turtleneck sweater, dickey, or pants.
   b) Uniformed personnel may be granted a one-time exemption by the Chief of Police for tattoos, scarifications, or brands already in existence on the date of this policy that cannot be covered by a Department approved uniform, pursuant to Section V. of this policy.
   c) No exemption will be granted for any unauthorized tattoos, scarifications or brands considered inappropriate, unprofessional or offensive as outlined in Section II. D. of this policy.

C. Non-uniformed SWORN personnel

1. Except as provided in Section IV. Any excessive tattoos, scarifications or brands as defined in Section I. G. of this policy, worn by sworn personnel working plain-clothes assignments shall not be visible while on duty or representing the Department in any official capacity. Excessive tattoos, scarifications or brands will be covered with approved clothing attire as outlined in Department Policy.
2. Non-uniformed sworn personnel may be granted a one-time exemption by the Chief of Police for tattoos, scarifications, or brands already in existenceon the date of this policy that cannot be covered by Department approve business attire, pursuant to Section V. of this policy.
3. No exemption will be granted for any unauthorized tattoos, scarifications orBrands considered inappropriate, unprofessional or offensive as outlined inSection II. D., of this policy.

D. Non-sworn CIVILIAN and VOLUNTEER personnel

1. Civilian and volunteer personnel may display tattoos, scarifications or brands, exceptas outlined in Section II. D., of this policy.

E. ALL Police Department personnel:

1. The following includes, but is not limited to, the types of unauthorized tattoos, scarifications or brands prohibited by this policy.

   a) Depictions of nudity or violence.
   b) Sexually explicit or vulgar art, words, phrases or profane language.
   c) Symbols likely to incite a strong reaction in the workplace, i.e., swastikas, pentagrams or similar symbols.
   d) Initials, acronyms or numbers that represent criminal or historically oppressive organizations, i.e., AB, KKK, SS, MM, BGF, HA, 666 or any street gang names, numbers and/or symbols.
2. Any member of the Department who obtains an unauthorized tattoo, Scarification or brand considered inappropriate, unprofessional or offensive, shall:
   a) Remove the tattoo, scarification or brand at their own expense; or,
   b) Cover the tattoo, scarification or brand with a Department- approved uniformas described in Section II. A. of this rule. Or,
   c) Cover the tattoo, scarification or brand with Department- approved business or casual attire as appropriate according to Section II. B., of this policy.

F. PIERCINGS

1. While on duty, all members of the Department shall adhere to all sections of the department polices as it relates to the wearing of jewelry.

2. While on duty, non-sworn personnel may wear earrings only on the ear lobes. The earrings shall be no more than one inch in diameter and extend no further than one inch from the bottom of the ear. Earring styles and colors should not be excessive or offensive.

G. EXCEPTIONS

1. When deemed operationally necessary, sworn Department members in undercover assignments may display tattoos, scarifications, brands or jewelry otherwise prohibited by this policy, with approval of the Chief of Police.
2. Jewelry, tattoos, scarifications or brands that are a required part of an employee's race, color, religion, age, national origin or gender. The Bryant Police Department will not discriminate on the basis of race, color, religion, age, national origin or gender. Any employee who believes that they fall underthis exemption must immediately notify his/her supervisor.

H. EXEMPTIONS

1. Uniformed personnel and non-uniformed sworn personnel may be granted a one-time exemption by the Chief of Police for tattoos, scarifications, or brands already in existence on the date of this policy that cannot be covered by a Department-approved uniform or business attire as set forth in Department policy.

2. Members requesting this exemption must submit their request in writing to the Chief of Police with photographs documenting the tattoos,scarifications, or brands for which they are requesting exemption. A decision will be rendered granting or denying the exemption within thirty (30) calendar days from receipt of the request by the Chief of Police. The final authority for granting any exemption will rest with the office of the Chief of Police or an appointed designee.

3. No exemption will be granted for any unauthorized tattoos, scarifications or brands considered inappropriate, unprofessional or offensive as outlined in Section II. D. of this policy.

I. SPECIAL EVENTS and ASSIGNMENTS

1. Commanding Officers retain the authority to further limit the display of tattoos, scarifications, brands or piercings by officers within their command for a specific purpose, special events or assignments. For example, Officers working special assignments requiring regular contact with juveniles, such as School Resource Officers, are considered role models to youth. As such, the officer(s) could be required to cover their tattoos, scarifications, or brands during their assignment to these units, even if the Chief of Police has previously granted the officer an exemption.

J. FINAL AUTHORITY

1. The Final authority for deciding the appropriateness of any tattoo, brand, scarification,piercing, jewelry will rest with the office of the Chief of Police, or an appointed designee.

Tire Deflation Device	Related Policies: Stops, Search & Arrest; Vehicle Pursuits, Use of Force.
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date	Revise Date:

I. **Policy:** A tire deflation device when properly used has the potential to save lives, reduce property damage, and reduce the potential for civil liability suits by reducing the hazards of police pursuits. Officers must be aware however, that any time the device is deployed, a vehicle – particularly a vehicle traveling at higher speeds – will lose some capability to effectively turn, stop, or accelerate. In making the decision to deploy a tire deflation device, an officer/supervisor must weigh the risk against that of allowing a pursuit to commence or continue.

The use of the tire deflation device must comply with the established Use of Force and Vehicle Pursuit Policy of this department.

II. **Purpose:** This directive is intended to establish a procedure for the deployment of a tire deflation device.

III. **Definitions:**

A. Stopped Vehicle: Any vehicle with four or more tires, which has the apparent ability to be driven away from the scene of an incident.

B. Moving Vehicle: Any vehicle with four or more tires, which is being operated in such a manner as to avoid the arrest of the occupant.

C. Tire deflation: Tire deflation devices are used by law enforcement agencies across the nation as a tool to end police pursuits by deflating the tires of the suspect vehicle. Tire deflations device are comprised of expandable segments with spikes that are connected and can be placed across a road. When a vehicle hits the device, it injects metal tubes into the tires that cause them to deflate slowly. The tires do not blow out rather they slowly deflate in several seconds.

IV. **Procedures:**

A. Stopped Vehicle

a. A tire deflation device may be deployed when the possibility exists that a wanted or dangerous person may enter a vehicle and leave an area of containment.

b. A tire deflation device may be utilized to contain a suspected drunken driver who refuses to exit a vehicle and may attempt to drive away after being stopped by an officer.

c. A tire deflation device may be used when an officer, based on the information available at the time, feels it is prudent to prevent or significantly slow a vehicle, which may leave the scene of an incident.

B. Moving Vehicle

a. A tire deflation device may be deployed when the operator of a vehicle is failing to stop for an officer who is attempting to stop and/or arrest the occupant.

b. Prior to deploying the tire deflation device, the deploying officer will advise the 911 center of the location of the deployment. Once the suspect vehicle has passed over the device, the deploying officer will remove the device from the roadway and advise the 911 center that the device has been removed.

C. General use of a tire deflation device

a. No officer will be permitted to deploy a tire deflation device until he or she has been trained in the proper use of the device.

b. A tire deflation device shall not be deployed until authorization has been received from a Supervisor.

c. A tire deflation device will not be deployed on two or three-wheeled motorcycles unless deadly force is authorized.

d. Officers shall evaluate the need to deploy tire deflation devices on vehicles carrying hazardous materials and buses carrying passengers, against the potential hazard of allowing continued movement of the vehicle. A tire deflation device works best on paved surfaces.

e. Officers must be vigilant at all times and recognize the dangers associated with high speed vehicles, suspect behavior and trailing officers focus on the vehicle being pursued and low light environment. An officer deploying the device shall use any available barriers, such as Guardrails, abutments, bridges, overpasses, or vehicles, to provide protection during deployment.

f. A deployment location should have a good line of sight distance for the deploying officer.

g. A tire deflation device should not be deployed around curves, along roads with steep shoulders, blind turns or on bridges.

h. The use of a tire deflation device may not force some individuals to stop.

D. Reporting

a. Deploying officers shall document in the offense report anytime a tire deflation device is deployed, outlining the circumstances of the deployment and any damage, which occurred.

b. Deploying officers will re-pack the tire deflation devices and place back into squad car and prior to the end of shift the tire deflation device will be inspected

and any missing spikes will be replaced at that time. The fully functional device will then be rolled and returned to the squad.

Training Directive	Related Policies:
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.	
Applicable Arkansas Statutes § 12-9-101 through § 12-9-603	
CALEA Standard: 33.5.1; 33.6.1	
Date Implemented:	Revise 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 recurring, high risk, critical tasks that an officer will encounter.

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.

Vehicle Inspection	Related Policies:
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented	Revise Date:

I. Purpose: The purpose of this policy is to outline the duties and responsibilities of officers in inspecting vehicles of this Department prior to use.

II. Policy: It is the policy of this Department to ensure that emergency vehicles are maintained to provide for the maximum safety of officers, the public, and any persons who may be transported in a Department vehicle.

III. Procedure:

A. Duty: Officers of this Department who are assigned a vehicle shall inspect the vehicle prior to placement of the vehicle into service each tour of duty. This inspection shall occur on each shift. Where a vehicle is assigned as a take-home vehicle, the officer assigned the vehicle shall conduct the inspection prior to placing the vehicle into active service.

B. This inspection will include a determination as to the presence of safety equipment and the working order of this equipment.

C. The inspection will include: (See Equipment Report)

a. Lighting

b. Emergency Lighting and Siren (Note: Officers should consider location/time of day when checking functionality of siren)

c. Global Positioning System

d. Tires

e. Brakes

f. Engine Noise

g. Safety Barrier-Prisoner Transport

h. Required Emergency equipment i.e. fire extinguisher, road flares, blood-borne pathogen equipment etc.

D. If new visible damage is found on any vehicle, that damage shall be reported prior to placing the vehicle in service. If the damage affects the safety or operation of the vehicle, the vehicle shall not be used.

E. If during the inspection, or at any time during a shift, the global positioning system of the vehicle fails, a supervisor shall be immediately notified.

F. The interior of the vehicle shall be inspected prior to each shift and following the transport of any prisoner. This shall include a check under seats to ensure that no weapons or contraband have been left in the vehicle by a suspect who has been transported. If weapons or contraband is discovered, a found property report will be written and a supervisor will be notified to initiate appropriate action.

G. If the vehicle is found in a state of uncleanliness, steps shall be taken to have the vehicle cleaned immediately.

H. If a vehicle is damaged during the officer's shift, the officer shall report this damage immediately. The damage shall be documented in a report that includes a vehicle inspection sheet.

I. The officer assigned to the vehicle when damage occurs shall do a written report and the packet will be forwarded through to the officer's chain of command and the fleet maintenance officer.

J. Any time a vehicle is found with damage or in a state of disrepair or unclean, a report shall be filed indicating the items needing attention. Where such damage or disrepair affects the safe operation of the vehicle, the vehicle shall not be used.

K. Supervisors shall do proper vehicle inspections of his or her subordinates vehicles on a monthly basis.

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Policy # **Vehicle Use – Take Home Vehicle**	Related Policies: Safe Storage of Departmental Firearms, Ride-Along Policy, Mobile Digital Recording, Off-Duty Action
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Revise Date:

I. Purpose: This policy is established to ensure Department-owned vehicles are used in accordance with the mission of the Department. For the purposes of this policy, Department-owned vehicle includes any vehicle owned, leased, or rented by the Department. This policy provides for the security of the citizens of **the City of Bryant** through an increased visibility and presence of marked and unmarked police units on the streets, highways, and neighborhoods; providing for expedited response of off-duty personnel called back into service due to an emergency or disaster; deterring crime through the presence of additional police vehicles within the community; improving the Police Department's ability to recruit, select, and retain qualified candidates for employment.

II. Policy: The Chief of Police may assign take-home vehicles based on departmental need such as emergency response to critical incidents, tactical deployments, increased visibility in the community and other considerations. It is the policy of this Department to assign police vehicles to full time sworn police officers who reside within **25** miles of the City limits or within Saline County for use pursuant to the following guidelines and procedures. The Department will also assign police vehicles to full time sworn police officers who are assigned to certain positions within the Department as identified by the Chief of Police. All personnel must recognize that they are representatives of the Police Department and must be cognizant of the constant public scrutiny they will be under while operating their take-home vehicles off-duty. Members must at all times conduct themselves in a professional manner.

III. Use of Vehicles:

A. Officers will be assigned either a marked or an unmarked vehicle for use according to the responsibilities of the officer's position and the needs of the department.

B. Probationary officers are not allowed to participate in the take-home car program until they have successfully completed the Field Training Officer program and are no longer subject to probation.

C. Any officer on suspension is not authorized a take-home vehicle.

D. The following rules apply to those officers who are assigned a take-home police vehicle:

a. Officers will maintain the vehicle in a state of readiness. The vehicle **shall always have sufficient fuel** to allow the officer to respond directly to the scene of an emergency.

b. Officers shall not operate a Department vehicle at any time when under the influence of drugs and/or alcohol.

c. Officers while in an off duty status and operating a Department vehicle, marked or unmarked, shall not stop at or frequent a business whose primary business is the sale of alcohol. Example: liquor store / barroom.

d. Officers and passengers are prohibited from smoking tobacco products while in the vehicle.

e. Communications equipment such as radios and MDC will remain on during all vehicle usage. Officers will monitor the police radio at all times while operating a marked vehicle within City limits.

f. GPS equipment will remain on during all vehicle usage when equipped and applicable.

g. Officers responding to emergencies shall not engage in a pursuit when a civilian passenger is present in their vehicle.

h. Officers are required to respond to any life threatening call for service in their immediate vicinity and to stay on the scene until properly relieved (i.e., accident with injuries, etc.)

i. Officers shall obey all traffic regulations (e.g., speed limits, parking regulations, seat belts, shoulder harnesses, and child restraint seats.)

j. Officers shall not park their assigned take-home vehicle at any commercial, public, or private location for compensation.

k. Officers shall not permit any other person to operate their assigned take-home vehicle (e.g., spouse, children, and friends.)

l. Officers shall not use their take-home vehicle to transport pets, carry excessive loads, or carry protruding objects.

m. Officers may use the vehicle to conduct personal business within City limits.

n. Officers must notify dispatch when operating the marked vehicle within City limits.

o. Officers will dress appropriately when using the marked patrol vehicle.

i. Proper attire must be worn. Officers will wear some type of identifying attire, i.e., Department approved shirt, hat, or display a badge on their person.

ii. Officers will not wear tank tops, flip-flops, etc. Officers shall not wear T Shirts with inappropriate wording or offensive logos

iii. Officers will equip themselves with police identification, police radio, handcuffs, firearm, and spare magazines.

iv. When driving an assigned vehicle to and from work outside of the jurisdiction of the City officers should avoid becoming directly involved in enforcement actions

except in those circumstances where a potential threat to life or serious property damage exists.

v. While off duty and in civilian attire, officers will not take traffic enforcement action unless the violation is extremely hazardous.

vi. Officers may render public assistance (e.g., to a stranded motorist, warning lights, calling for tow service) when deemed prudent.

vii. Vehicles equipped with Mobile Video Recorders: When an officer initiates any law enforcement-related citizen contact the officer will ensure the MVR is capturing the contact in its entirety.

E. Parking:

a. The vehicle shall be parked in the driveway or garage at the officer's residence.

b. In the event there is no residence parking, the officer will park the Department vehicle in a parking space closest to the residence, preferably within eyesight of the residence and under lighting during the nighttime.

c. Vehicles will be locked at all times.

d. If the vehicle is not secured inside a locked garage, all firearms and weapons shall be removed from the interior of the vehicle and properly secured in the residence with the exception of long-guns, which may be necessary for immediate response, may be stored in specially designed theft-proof rack systems. If a take home vehicle is to be parked unattended for more than a 24-hour period, all firearms shall be removed and placed in a safe storage locker in the member's home or a department facility.

e. When the officer will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate office facility.

f. All office identification, portable radios, and equipment should be secured.

F. MAINTENANCE

a. Officers are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

b. Officers shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned officer's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

G. Incident Reporting: Officer shall report to the department the following incidents:

a. All damage sustained to a vehicle

b. Moving violations outside the jurisdiction

c. Parking violations issued to the department vehicle

d. Law enforcement citizen contacts made by the officer while operating the Department.

Bias-Based Policing	Related Policies: Stops, Search & Arrest; Motor Vehicle Contacts;
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.	
Applicable Arkansas Statutes: A.C.A. § 1-2-503 (2011), 1-2-504	
CALEA Standard: **1.2.9**	
Date Implemented:	Revise 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 department'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 department is providing service and enforcing laws in an equitable and lawful fashion.[1]

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 department 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 department 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 department 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. [2]

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.[3]

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.[4] 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.[5] 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.[6] 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.[7] 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.[8]

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.[9] 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 Bryant 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 it 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 tag the mobile video/audio recording (MVR), 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 memo report, and process each Citizen Complaint Form alleging biased law enforcement practices to the Chief or his/her designee or to the Professional Standards Unit, if applicable.

a. Memo reports shall be completed within twenty-four (24) hours of filing by complainant.

ii. Evaluate, copy, and submit a memo report to the Chief or his or her designee detailing the review of the MVR, if applicable.

a. Each supervisor shall maintain a copy of the MVR, if applicable, and any memo report prior to submitting to the Chief or his or her designee or the Professional Standards Unit.

b. The written MVR Report shall be completed within twenty-four (24) hours of filing by the complainant and submitted to the Chief or his or her designee or the Professional Standards 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 Chief of Police or his or her designee, or the supervisor of the Professional Standards 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 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[13]

A. Management of this department 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 Chief or his or her designee or the Professional Standards Unit, if applicable, shall be responsible for conducting an investigation to determine whether officers of the department 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[15]

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 (if known); 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 department 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 department 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[16]

A. Training shall comply with state law and regarding this policy. This training shall include:

i. Training of all current and future department 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 department 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 department 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 department 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 such actions or behaviors may lead to dismissal.

XII. The Use of Mobile Video/Audio Recording (MVR) Equipment

A. If MVR equipment is available within the law enforcement agency, please refer to Section 100.0, The Use of Mobile Video and Audio Recording Equipment in Vehicles.

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.[17]

XIV. Public Inspection

A. A copy of this policy shall be kept at the Bryant Police Department for public inspection.[18]

XV. Application

A. This order constitutes department policy and it is not intended to enlarge the employee's existing civil or criminal liability in any way. It shall not be construed as the creation of an additional cause of action by either the employee or any third party.[19]

1 Fridell, L. Lunney, R, Diamond, D., & Kubu, B. (2001). *Racially Biased Policing: A Principled Response*. Conducted through the Police Executive Research Forum and funded by the Office of Community Oriented Policing Services under Grant No. 1999-CK-WX-0076.
2 Fridell, L. Lunney, R, Diamond, D., & Kubu, B. (2001). *Racially Biased Policing: A Principled Response*. Conducted through the Police Executive Research Forum and funded by the Office of Community Oriented Policing Services under Grant No. 1999-CK-WX-0076.
3 Ark. Code Ann. 12-12-1402(b).
4 Ark. R. Crim. P. 2.1.
5 Ark. R. Crim. P. 10.1(h).
6 Ark. R. Crim. P. 10.1(i).
7 Ark. Code Ann. 12-12-1401
8 Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at *www.mopca.com/members/documents/vol3/MODRACIAL.doc*. See also Act 2136 of 2005, Section 3.
9 Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at *www.mopca.com/members/documents/vol3/MODRACIAL.doc*.
10 General Orders Manual of the Milton, Florida Police Department, Order #17, Professional Traffic Stops.
11 Fridell, L. Lunney, R, Diamond, D., & Kubu, B. (2001). *Racially Biased Policing: A Principled Response*. Conducted through the Police Executive Research Forum and funded by the Office of Community Oriented Policing Services under Grant No. 1999-CK-WX-0076.
12 Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at *www.mopca.com/members/documents/vo13/MODRACIAL.doc*
13 *Sections VII, VIII, and X of this model policy and procedures referencing Departmental Review, Documentation and Record Keeping, and Communication to the Community of this Policy are not mandated by Arkansas law; however, it is recommended by the Arkansas Municipal League that law enforcement agencies carefully study the issue of record keeping, keeping in mind that agency's or department's budget and available manpower and determine whether they wish to implement any record keeping system.*
14 See Ark. Code Ann. 12-12-1403(a)(6).
15 *Sections VII, VIII, and X of this model policy and procedures referencing Departmental Review, Documentation and Record Keeping, and Communication to the Community of this Policy are not mandated by Arkansas law; however, it is recommended by the Arkansas Municipal League that law enforcement agencies carefully study the issue of record keeping, keeping in mind that agency's or department's budget and available manpower and determine whether they wish to implement any record keeping system.*
16 See Ark. Code Ann. 6-11-105(a), 12-8-104, 12-12-1404 and Act 2136 of 2005, Section 5.
17 Ark. Code Ann. 12-12-1403(b)(1). Further, the name of any law enforcement agencies that fail to comply with this requirement shall be submitted to the Attorney General by the Division of Legislative Audit for appropriate actions to ensure that the policy is provided. The Attorney General is to review each policy to ensure the policy meets the standards required by law.*
18 Ark. Code Ann. 12-12-1403(c)(2).*
19 Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at *www.mopca.com/members/documents/vo13/MODRACIAL.doc*. * Act 1048 of 2007.

Body Worn Video Recording (BWV)	Related Policies: Duty to Disclose; Mobile Video Recorder
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 Office for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Arkansas Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose: The purpose of this policy is to direct Officers and Supervisors in the proper use and maintenance of **Body Worn Video Recorders (BWV)** as well as directing how video will be utilized as a quality control mechanism and evidence.

II. Policy: It is the policy of this department to provide officers as designated by the Chief of Police with BWV devices as feasible. Officers shall activate the BWV when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations or in-car-video covered under separate policy or directive.

III. Definitions:

A. Law Enforcement Contact: A law enforcement contact within the meaning of this policy is any contact or activity whereby an Officer stops a person's movement by a means intentionally applied or conducts any activity requiring probable cause, reasonable suspicion, or consent to form the legal basis for the conduct. A law enforcement contact or activity does not include mere conversation or other contact outside the scope of a law enforcement purpose when such contact does not require any legal basis.

IV. Procedure:

A. Members performing in a patrol function, or an assignment, permanent or temporary (i.e. overtime), that consist of answering calls for service, conducting traffic enforcement, investigative stops, proactive patrolling and/or frequent contacts with citizens must utilize a BWV.

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B. Any member assigned to a non-uniformed position is not required to use a BWV but may elect to use a BWV pursuant to the needs of a specific investigation or job duty or when directed by a supervisor.

C. Officers using BWV equipment shall be trained in its use, maintenance, and required documentation and storage of such recordings.

D. Officers using BWV equipment will test such equipment at the beginning of each tour of duty or special event to ensure proper operation and required battery life. Improperly functioning equipment shall be reported to the immediate supervisor or other reporting mechanism established by this department for purpose of replacement or repair.

E. Officers assigned BWV are required to wear such devices unless otherwise directed by the Chief of Police or their designee or other unforeseen circumstances prevent the wearing of the device. BWV will be worn on the officer's body in a manner that will optimize the recording of events.

F. BWV activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations. Officers are authorized to record events when the officer is a party to the conversation, or when an individual is in custody and there is generally no expectation of privacy. Officers will audibly and video-graphically record, as feasible, the following events, including but not limited to:

a. When responding to calls for service in which citizen contact is made. Officers should activate the body worn camera immediately after receiving the call for service and prior to arrival on scene;

b. Traffic stops;

c. All transports excluding ride-alongs;

d. Investigative stops;

e. Foot pursuits;

f. Arrests, Searches, Seizures;

g. Consensual encounters;

h. Verbal Witness/Suspect Statements;

i. Miranda Warnings, Arrestee Interviews;

j. When arriving at law enforcement events and/or citizen contacts initiated by other Officers, and;

k. Other incidents the officer reasonably believes should be recorded for law enforcement purposes.

G. Officers will make reasonable efforts to ensure the BWV recording equipment is accurately capturing events. Officers are prohibited from turning off the BWV during any citizen contact or law enforcement event unless otherwise authorized by this policy, and Officers shall not erase, alter, modify or tamper with BWV recordings.

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H. Recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or the officer discontinues his or her participation in the law enforcement event or citizen contact by leaving the scene.

I. In the event an officer deems it necessary to stop recording or becomes aware that a recordable event was not recorded, the officer will document such event.

J. A police officer may review a recording from his or her body-worn recording equipment in order to assist such officer with the preparation of a report or otherwise in the performance of his or her duties.

IV. Issues Related to Privacy:

A. BWV should not be activated when: the officer is on break, engaged in personal activities, involved with citizen encounters outside the scope of a law enforcement contact or purpose, or when the officer is in a location under circumstances requiring a respect for an expectation of privacy such as a restroom, locker room, or other area when people are in an exposed or otherwise compromised state. However, should exigent circumstances develop where the need to record an event outweighs any privacy concern, the officer will activate the device where feasible to do so.

B. BWV will not be activated when encountering undercover officers or confidential informants and such encounters should not be recorded.

C. When entering a residence that requires the consent of the resident, Officers will inform the resident that he or she is wearing an activated recording device and request permission to continue recording the encounter. If the resident wishes not to be recorded in the interior of their home, Officers will document that desire via the BWV and turn off the device for the remainder of the contact. However, should exigent circumstances develop where the need to record the event outweighs any privacy concern, the officer will reactivate the device where feasible to do so irrespective of the resident's desire.

D. When legally entering a residence without the consent of the resident, such as serving a warrant or exigent circumstances, or undercover operations, recordings will be made of the incident until its conclusion.

E. The BWV will not be activated during personal or administrative conversations between officers, or between officers and supervisors.

V. Electronic storage

A. Original digital files from a BWV will be downloaded and stored on a designated network server or other electronic network storage.

B. Officers will make reasonable attempts to download video/audio files before the end of each shift.

C. Non-evidentiary video/audio recordings will be maintained in electronic storage or the network server for a period of time as directed by the Chief of Police or their designee but in no case will be held less than any required amount of time pursuant to the Arkansas Freedom of Information Act or court decision related thereto.

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D. Video/audio recordings determined to be evidentiary in any criminal or civil proceeding shall be copied to DVD or other media and handled in accordance with departmental regulations regarding electronic evidence or work product. Recordings will be maintained in accordance with Arkansas law related to police municipal records as outlined in ACA 14-2-204.

E. All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the department for reasons other than criminal prosecution is strictly prohibited without specific authorization of the Chief of Police or designee.

F. Malicious destruction or deletion of video and audio files is prohibited.

G. All video and audio files are subject to open records request as allowed by Arkansas law.

H. Electronic media will be stored in a manner designated by the agency.

I. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.

J. Electronic Media is subject to review by the Chief of Police or their designees.

K. Video shall not be reproduced without the express authority of the Chief of Police or their designee.

L. First line supervisors shall review a recorded event of each officer under his or her supervision at least twice per month. The supervisor will log this review in the "video review database" (database to be implemented by Data Processing under the officer's name). Thus, each officer will have at least two notations of review in any given (30) thirty-day period.

M. Supervisors will use these reviews as a quality control measure. Following such a review, the supervisor will hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism with respect to the stop reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues or legal issues related to the stop as well as any other supervisory observation relative to performance.

N. If upon review, the supervisor finds that corrective action is necessary regarding an officer's conduct, the direct supervisor may take the necessary action and bring the matter to the attention of his direct supervisor. In such cases, a special BWV review schedule should be implemented with respect to that particular officer for a set duration in order to ensure compliance with the corrective action.

O. In cases of median and serious infractions requiring disciplinary actions, the Chief of Police or their designee, after review of all information regarding the incident, shall determine the proper disciplinary action. In such cases, special BWV review schedule shall be implemented with respect to the particular officer for a set duration in order to ensure compliance with the corrective action.

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VI. BWV Evidentiary/Administrative Procedures:

A. When an officer becomes aware that a BWV recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this department.

B. When a BWV related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server or other electronic media and disseminated per department procedures.

C. Where there is any indication that the BWV may contain "*Brady*" material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the "Duty to Disclose" policy of this department.

D. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or F.O.I.A. request.

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Body Worn Video Recording (BWV)	Related Policies: Duty to Disclose; Mobile Video Recorder
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.	
Applicable State Statutes:	
CALEA Standard:	
Date Implemented:	Revised Date:

I. Purpose: The purpose of this policy is to direct Officers and Supervisors in the proper use and maintenance of **Body Worn Video Recorders (BWV)** as well as directing how video will be utilized as a quality control mechanism and evidence.

II. Policy: It is the policy of this department to provide officers as designated by the Chief of Police with BWV devices as feasible. Officers shall activate the BWV when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations or in-car-video covered under separate policy or directive.

III. Definitions:

A. Law Enforcement Contact: A law enforcement contact within the meaning of this policy is any contact or activity whereby an Officer stops a person's movement by a means intentionally applied or conducts any activity requiring probable cause, reasonable suspicion, or consent to form the legal basis for the conduct. A law enforcement contact or activity does not include mere conversation or other contact outside the scope of a law enforcement purpose when such contact does not require any legal basis.

IV. Procedure:

A. Officers using BWV equipment shall be trained in its use, maintenance, and required documentation and storage of such recordings.

B. Officers using BWV equipment will test such equipment at the beginning of each tour of duty or special event to ensure proper operation and required battery life. Improperly functioning equipment shall be reported to the immediate supervisor or other reporting mechanism established by this department for purpose of replacement or repair.

C. Officers assigned BWV are required to wear such devices unless otherwise directed by the Chief of Police or their designee or other unforeseen circumstances prevent the wearing of the device. BWV will be worn on the officer's body in a manner that will optimize the recording of events.

D. BWV activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations. Officers are authorized to record events when the officer is a party to the conversation, or when an individual is in custody and there is generally no expectation of privacy. Officers will audibly and video-graphically record, as feasible, the following events, including but not limited to:

i. When responding to calls for service in which citizen contact is made. Officers should activate the body worn camera immediately after receiving the call for service and prior to arrival on scene;

ii. Traffic stops;

iii. All transports excluding ride-alongs;

iv. Investigative stops;

v. Foot pursuits;

vi. Arrests, Searches, Seizures;

vii. Consensual encounters;

viii. Verbal Witness/Suspect Statements;

ix. Miranda Warnings, Arrestee Interviews;

x. When arriving at law enforcement events and/or citizen contacts initiated by other Officers, and;

xi. Other incidents the officer reasonably believes should be recorded for law enforcement purposes.

E. Officers will make reasonable efforts to ensure the BWV recording equipment is accurately capturing events. Officers are prohibited from turning off the BWV during any citizen contact or law enforcement event unless otherwise authorized by this policy, and Officers shall not erase, alter, modify or tamper with BWV recordings.

F. Recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or the officer discontinues his or her participation in the law enforcement event or citizen contact by leaving the scene.

G. In the event an officer deems it necessary to stop recording or becomes aware that a recordable event was not recorded, the officer will document such event.

IV. Issues Related to Privacy:

A. BWV should not be activated when: the officer is on break, engaged in personal activities, involved with citizen encounters outside the scope of a law enforcement contact or purpose, or when the officer is in a location under circumstances requiring a respect for an expectation of privacy such as a restroom, locker room, or other area when people are in an exposed or otherwise compromised state. However, should exigent circumstances develop where the need to record an event outweighs any privacy concern, the officer will activate the device where feasible to do so.

B. BWV will not be activated when encountering undercover officers or confidential informants and such encounters should not be recorded.

C. When entering a residence that requires the consent of the resident, Officers will inform the resident that he or she is wearing an activated recording device and request permission to continue recording the encounter. If the resident wishes not to be recorded in the interior of their home, Officers will document that desire via the BWV and turn off the device for the remainder of the contact. However, should exigent circumstances develop where the need to record the event outweighs any privacy concern, the officer will reactivate the device where feasible to do so irrespective of the resident's desire.

D. When legally entering a residence without the consent of the resident, such as serving a warrant or exigent circumstances, or undercover operations, recordings will be made of the incident until its conclusion.

E. The BWV will not be activated during personal or administrative conversations between officers, or between officers and supervisors.

V. Electronic storage

A. Original digital files from a BWV will be downloaded and stored on a designated network server or other electronic network storage.

B. Officers will make reasonable attempts to download video/audio files before the end of each shift.

C. Non-evidentiary video/audio recordings will be maintained in electronic storage or the network server for a period of time as directed by the Chief of Police or their designee but in no case will be held less than any required amount of time pursuant to the Arkansas Freedom of Information Act or court decision related thereto.

D. Video/audio recordings determined to be evidentiary in any criminal or civil proceeding shall be copied to DVD or other media and handled in accordance with departmental regulations regarding electronic evidence or work product. Recordings will be maintained in accordance with Arkansas law related to police municipal records as outlined in ACA 14-2-204. Recordings known to pertain to civil matters will be maintained for a minimum of three years or until such a time as the civil matter is resolved and all time for appeal has exhausted.

E. This department will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.

F. All recording media, recorded images, and audio recordings are the property of this department. Dissemination outside the department for reasons other than criminal prosecution is strictly prohibited without specific authorization of the Chief of Police or designee.

G. Malicious destruction or deletion of video and audio files is prohibited.

H. All video and audio files are subject to open records request as allowed by Arkansas law.

I. Electronic media will be stored in a manner designated by the department.

J. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.

K. Electronic Media is subject to review by the Chief of Police or their designees.

L. Video shall not be reproduced without the express authority of the Chief of Police or their designee.

M. First line supervisors shall review a recorded event of each officer under his or her supervision at least twice per month. The supervisor will log this review in the "video review database" (database to be implemented by Data Processing under the officer's name). Thus, each officer will have at least two notations of review in any given (30) thirty-day period.

N. Supervisors will use these reviews as a quality control measure. Following such a review, the supervisor will hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism with respect to the stop reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues or legal issues related to the stop as well as any other supervisory observation relative to performance.

O. If upon review, the supervisor finds that corrective action is necessary regarding an officer's conduct, the direct supervisor may take the necessary action and bring the matter to the attention of his/her direct supervisor. In such cases, a special BWV review schedule should be implemented with respect to that particular officer for a set duration in order to ensure compliance with the corrective action.

P. In cases of median and serious infractions requiring disciplinary actions and after review of all information regarding the incident, the Chief of Police or designee, shall determine the proper disciplinary action. In such cases, special BWV review schedule shall be implemented with respect to the particular officer for a set duration in order to ensure compliance with the corrective action.

Q. When an officer makes a video of any transaction covered by this policy and a citation is issued or an arrest is made, the peace officer shall note on the uniform citation that a videotape has been made of the transaction.

VI. BWV Evidentiary/Administrative Procedures:

A. When an officer becomes aware that a BWV recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this department.

B. When a BWV related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server or other electronic media and disseminated per department procedures.

C. Where there is any indication that the BWV may contain "*Brady v. Giglio*" material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the "Duty to Disclose" policy of this department.

D. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or F.O.I.A. request.

Code of Conduct	Related Policies:
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.	
Applicable Arkansas Statutes: A.C.A. 21-8-304 (2011), 21-1-501, 21-1-503, 21-8-301, 21-8-302, 21-8-303, 21-8-304, 21-8-305, 14-52-109	
CALEA Standard: **1.1.1; 1.1.2;** ALEAP Standard: **2.15**	
Date Implemented:	Revise 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 department'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 explicitly 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.

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 department. 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 department 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 department; 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 department.

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 they involve choices that 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 that 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 that 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 report violations of this policy promptly. Reportable violations include but are not limited to illegal harassment, sexual harassment, sexual discrimination or indicators of a hostile, offensive work environment. Such

violations should be reported if the employee experiences, witnesses, or otherwise has knowledge of the violations.

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 in the same manner as a non-employee.

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 due to a filing a complaint, assisting another employee in filing a complaint, or participating 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.

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.

Crowd Control	Related Policies:
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.	
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:	Revise 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 probable. This will be conducted in a way 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 typically scheduled events 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 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 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 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 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 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 Professional Standards and Complaint Policy as soon as practicable.

Dealing with Persons of Diminished Capacity	Related Policies: Response to Resistance
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.	
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:	Revise 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.

Domestic Misconduct	Related Policies: Internal Affairs, Ethics
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.	
Applicable Arkansas Statutes:	
CALEA Standard: **52.1.3**	
Federal Statute: 18 U.S.C.§922	
Date Implemented:	Revise Date:

I. Purpose: Police department employees come from the community. They may become involved in domestic matters. Because they are police employees, their status is usually known to other persons in the community, and they are representatives of the police department. The department must take positive steps to ensure that these domestic matters do not adversely affect the employee's ability to perform, compromise the conduct of department missions, or create moral, operational or efficiency problems for the department. The department is dedicated to providing assistance for the employee during these critical times so that the employee may resolve the situation and return to being a productive member of the department without these types of personal and family concerns.

II. Policy: It is the policy of this department to deal directly and positively with any employee involved in acts of domestic misconduct. The ultimate mission of the department is to assist the employee to resolve these family/relationship problems, to ensure that these acts do not adversely affect the employee or the department during the period of resolution, and to provide the department with a safe work environment.

III. Definitions:

A. 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.

B. Collateral misconduct: Any conduct by another member of the police department to assist another department employee in the continuation of the act of domestic misconduct. This would also include any actions designed to shield the employee or impair the ability of the department to be informed of the domestic misconduct.

C. Service of court papers: Any documents from a judicial proceeding that are designed to assist in ameliorating the domestic misconduct or curtailing specific actions by the parties involved in the domestic misconduct.

D. Self-reporting: It is the responsibility of the employee to provide the department with specific notice whenever he/she is involved in any acts of domestic misconduct. This is specifically true whenever the employee is the subject of any judicial proceeding concerning these types of acts, whether the employee is the person complained of or the victim.

E. Administrative no-contact orders: These are written orders by a supervisory employee, preferably Professional Standards, and served upon a department employee designed to curtail any further domestic misconduct.

F. Professional Standards would include those persons designated with internal affairs responsibility to assist full-time Professional Standards positions.

IV. Procedure: The department shall take immediate action when notified of any act of domestic misconduct involving an employee of this department.

A. When the incident occurs within the jurisdiction of this department:

i. Assign the call for response by two uniformed officers and a supervisor. In cases where no supervisor is on duty, a supervisor will be notified and respond.

ii. The supervisor will assure that any violence is curtailed, all parties are protected, and any required medical assistance is provided.

iii. The supervisor shall ensure that all evidence is properly recorded and collected.

iv. Once the incident is contained, the supervisor shall call for a response by a department domestic violence investigator, if the department has such an assignment.

v. The criminal investigator, or the supervisor if no investigator responds, is responsible for the criminal investigation, if warranted. The supervisor of the investigating officer shall respond to oversee the conduct of the investigation.

vi. The supervisor shall notify Professional Standards at the earliest moment.

vii. 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 in the same manner as any other member of the public.

B. The supervisor, domestic violence investigator, or, if not done by these persons, the Professional Standards person shall take immediate steps to ensure that there is no continuation of the domestic misconduct.

i. Ensure that victim advocate assistance is offered and provided when necessary.

ii. Ensure that an immediate safety plan is discussed with the victim of the domestic misconduct and assist in any manner to ensure this continued safety.

C. Professional Standards or a supervisor designated by the chief of police shall be responsible for:

i. Issuing an administrative no-contact order to the department employee if warranted.

ii. Ensuring that the appropriate assignment decision is made regarding the department employee.

iii. Ensuring that the criminal investigation has been conducted in a reasonable manner.

iv. Developing and/or implementing any necessary safety plan to ensure employee safety.

v. Conducting the administrative investigation of the incident and any collateral employee misconduct. The department shall be listed as the complainant.

CI. When the incident involving domestic misconduct occurs in a jurisdiction other than that of this department:

i. The department person notified of this incident shall immediately notify the person responsible for the Professional Standards function.

ii. Professional Standards or a supervisor designated by the chief of police shall make immediate contact with the involved department to ensure that our department is kept on notice of the progress of the investigation.

iii. Professional Standards or a supervisor designated by the chief of police shall ensure that the employee and the persons involved are aware that the department will assist them during this process.

iv. Professional Standards or the supervisor designated by the chief of police is responsible for determining whether an administrative no-contact order is warranted and will be responsible for serving this upon the department employee, when necessary.

CII. Service of court orders:

i. Professional Standards or the supervisor designated by the chief of police shall facilitate, when requested, the service of any court orders upon department employees.

ii. Professional Standards or the supervisor designated by the chief of police shall be responsible for the determination regarding any assignment limitations involving the employee who is subject to the court order.

CIII. Protective Order: Employees are prohibited from possessing firearm while the subject of a protective order meeting the following criteria: An employee may not possess a firearm when that employee becomes the subject of a final protective order that:

i. was issued after a hearing of which the employee received actual notice, and at which such employee had an opportunity to participate;

ii. restrains such employee from harassing, stalking, or threatening an intimate partner of the employee or child of such intimate partner or person, or engaging

in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

iii. includes a finding that the employee represents a credible threat to the physical safety of such intimate partner or child; or

iv. by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

G. Conviction of a crime of domestic violence: When a sworn employee is convicted or pleas to any crime related to domestic violence that brings in the provisions of 18 U.S.C. 922(g)(9) law, the employee shall be terminated as not being able to function completely within the job classification for which s/he was hired.

Domestic Violence Response	Related Policies:
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.	
Applicable Arkansas Statutes: 12-12-108. Domestic violence investigation.16-81-113 - Warrantless arrest for domestic abuse.	
CALEA Standard:	
Date Implemented:	Revise 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 protections 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 supervisor 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 officers 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.

Duty to Intervene	Related Policies: Ethics Response to Resistance
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.	
Applicable Arkansas Statutes:	
CALEA Standard:	

I. PURPOSE: It is the purpose of this policy to explain the legal and moral obligation members have regarding their duty to intervene. This duty is embodied in the law enforcement officer's code of ethics, and in the law. Department members shall have a clear understanding of this Department's expectations pertaining to conduct and activities while on and off-duty.

A law enforcement officer has an affirmative duty to intervene on behalf of a citizen whose constitutional rights are being violated in his or her presence by other officers.

Officers of this department also have a duty to intervene when they observe or hear conduct by a fellow member of this department that is un ethical, clearly violates the law, or violates department policy.

II. Protection: This department is committed to protecting officers who act on their duty to intervene to prevent or minimize misconduct by another department member.

III. DEFINITIONS:

A. Intervene – To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

IV. DUTY TO INTERVENE

A. Use of Force: Officers of this department have an affirmative duty to intervene if they witness a use force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the

circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

B. Officers of this department must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or that violates the law or an Department policy (e.g., excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this department to disciplinary and or legal action.

V. REQUIRED ACTION – Department Member

A. Officers should take a **preventive approach toward misconduct.** When an officer observes behavior that suggests another officer is about to conduct illegal, unethical or inappropriate behavior the officer should intervene verbally or physically, depending on the circumstances.

a. EXAMPLE: While conducting a motor vehicle stop for a minor traffic violation, you notice the primary officer raising his/her voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In an attempt to deescalate the situation you could get the officer's attention to break his/her agitation, walk up next to the officer and ask a follow up question of the driver to slow down the interaction and give the primary officer a chance to collect him/herself, or ask the officer to come speak to you away from the car in order to diffuse the situation.

B. If verbal interventions are not sufficient to stop the act, come between the offending officer and the other individual involved.

a. EXAMPLE: You observe an officer using a prohibited chokehold while restraining a subject during an arrest. Based on your training and department policy this use of force is unreasonable. You tell the officer to "get off his neck", but the officer continues to apply the hold. When it is safe to do so you should intervene by pulling the officers arm away from the neck area and assisting in the handcuffing. The arrestee should then be placed in a recovery position that facilitates breathing I.e. sitting, standing or on the side.

b. Notify a supervisor after conducting any type of intervention, when safe to do so.

c. When a physical intervention was performed, document the incident in writing.

C. Render Aid: If any person is injured and requires medical attention, officers of this department will render aid in accordance with their training and request medical assistance when necessary.

D. Supervisor Responsibilities:

a. Once learning of an incident involving an officer intervening with another officer, separate all officers involved in the incident.

b. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, BWC footage, videos, area canvass, etc.).

c. Ensure all parties involved in the incident complete a report detailing the circumstances that led to the Intervention and what, if anything, occurred once the member intervened.

d. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create report.

e. If appropriate, consider making a recommendation that the member who intervened receive recognition for his/her actions.

Policy # **Fentanyl: Preventing Exposure**	Related Policies: **Naloxone policy**
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.	
Applicable Arkansas Statutes	
CALEA Standard:	
Date Implemented:	Revise Date:

I. Purpose: The purpose of this policy is to provide first responding officers and other members of the department with guidelines, instructions and procedures to prevent exposure to fentanyl and fentanyl related substances.

II. Discussion: Fentanyl-related substances are designed to be absorbed into the body by all means, including injection, oral ingestion, contact with mucous membranes, inhalation, and via transdermal transmission (through the skin). As such, accidental exposure by first responders is a real danger.

Accidental exposure can occur under a number of circumstances, including during the execution of search or arrest warrants, the purchase of fentanyl during undercover operations, the processing of drug evidence containing fentanyl or fentanyl-related substances, or the processing of non-drug evidence (e.g., drug proceeds, pill presses, scales, or drug paraphernalia) which may be contaminated with these substances.

Due to the high potency of fentanyl and fentanyl-related substances, exposure to small quantities can cause serious negative health effects, respiratory depression, and even death.

However, fentanyl can be handled safely with proper training and equipment to include hazard recognition and use of personal protective equipment (PPE).

III. The following job categories have been identified as positions where responders might come into contact with fentanyl or its analogues.

A. Pre-Hospital Patient Care: Emergency medical services (EMS) providers, including first responders, fire department, Police Officers and private companies who attend to individuals with suspected fentanyl overdose. Responders may encounter drugs or drug paraphernalia on or near the patient.

B. **Law Enforcement:** Law enforcement officers who perform day-to-day law enforcement duties. Law enforcement officers may come into contact with fentanyl during the course of their daily activities such as traffic stops, apprehending and searching subjects, and responding to fentanyl overdose calls.

C. **Investigation and Evidence Handling:** Law enforcement personnel who conduct investigations related to fentanyl. Activities may include executing search warrants and collecting, transporting, and storing evidence. Evidence collection activities in the field have the potential to aerosolize powders. Also, law enforcement personnel who handle evidence in the chain of custody have the potential to come into contact with fentanyl unless controls are in place to prevent exposures.

D. **Special Operations and Decontamination:** Workers who conduct special operations where exposure to large amounts of fentanyl are expected. Examples include hazardous material incident response teams responding to a release or spill, and law enforcement officers executing search warrants on opioid processing or distribution sites or participating in other tactical operations. These activities may aerosolize powders.

E. **Jails and Booking Officers:** Arrestees who are transported to jails and booking stations pose a threat to the officer if these arrestees have been in contact with or using fentanyl.

IV. Procedures: Due to the hazardous nature of the synthetic opioids law enforcement personnel, Jail and correctional officers or any first responders, who encounter fentanyl or fentanyl-related substances should NOT take samples or otherwise disturb any powdered substances without employing proper PPE, as this could lead to accidental exposure. Officers should follow established work practices as well as the following recommendations when fentanyl or related substances are known or suspected to be present.

If the presence of fentanyl or any synthetic opioid is suspected, personnel should immediately contact the appropriate officials within this department who have been trained to handle hazardous materials or contact the nearest DEA field office for assistance. Having specially trained law enforcement (or hazardous materials “HAZMAT” incident response team) professionals equipped with the necessary equipment, to include Level “A” PPE, on-site to assess the situation prior to exposure or contamination is recommended. This includes situations involving unknown powdered substances and/or pill milling or encapsulating operations.

When encountering unknown powders, personnel should use, at the minimum, Personal PPE to include nitrile gloves, N-95 dust mask, eye protection, disposable paper suit, or paper coveralls, and shoe covers. Naloxone should also be readily available for administration. **SEE Department stand-alone Naloxone policy.**



As matter of reference it has been determined that it would only take 2-3 milligrams of fentanyl to induce respiratory depression, arrest and possibly death (see photo of penny). When visually

compared, 2 to 3 milligrams of fentanyl is about the same as five to seven individual grains of table salt[1]

V. General Precautions:

A. Do not eat, drink, smoke, or use the bathroom while working in an area with known or suspected fentanyl.

B. Do not touch the eyes, mouth, and nose after touching any surface potentially contaminated with fentanyl.

C. Field testing of fentanyl or its analogues is not recommended due to an increased risk of exposure to responders performing field testing. However, if detection and identification of fentanyl is critical to the incident response, develop an incident specific plan to perform the field testing in accordance with this department's policies and procedures. Personnel specifically trained to perform the field testing should perform the field testing in the appropriate **personal protective equipment** (PPE). **Never** handle fentanyl or its analogues without the appropriate PPE.

D. Avoid performing tasks or operations that may aerosolize fentanyl due to increased exposure risks. Activities that aerosolize fentanyl require higher levels of PPE and should be conducted by appropriately trained personnel and in accordance with department policies and procedures.

E. Wash hands with soap and water immediately after a potential exposure and after leaving a scene where fentanyl is known or suspected to be present to avoid potential exposure and to avoid cross contamination.

F. Do not use hand sanitizers or bleach solutions to clean contaminated skin.

G. Officers who come into contact with fentanyl should immediately use soap and water to thoroughly wash and rinse contaminated skin. They should take care not to break the skin during the decontamination process and to cover all open wounds. Do not use hand sanitizers or bleach solutions to clean contaminated skin.

H. All contaminated clothing should be removed and laundered, being careful not to disturb any areas of contamination.

I. Shower immediately after a potential exposure.

J. Decontamination of **reusable** PPE and equipment should be done according to the manufacturer's recommendations.

K. Contaminated **single use** PPE should be placed in labeled durable 6 mil polyethylene bags and disposed of appropriately.[2]

VI. K-9 Working Dogs:

A. Police K-9s performing detection activities, are also at risk of exposure to fentanyl and its analogues. Working dogs should be removed from an area where suspect synthetic opioids are encountered. If exposed, residual drug powder might remain on the dog's body; therefore, the proper precautions and procedures mentioned above should be employed by those handling the dog.

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[1] U.S. Department of Justice Drug Enforcement Administration Fentanyl, A briefing Guide for First Responders.
[2] NIOSH Fentanyl: Preventing Occupational Exposure to Emergency Responders

Internet Postings/Social Networking	Related Policies: Hiring
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.	
Applicable Arkansas Statutes: *A.C.A. § 21-1-503, A.C.A. § 11-2-124*	
CALEA Standard:	
Best Practices:	
Date Implemented:	Revise 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.

II. Policy: The internet, blogs, twitter, the worldwide web, social networking sites, and any other medium of electronic communication shall not be used in a manner that is detrimental to the mission and function of this department.

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 or otherwise impairs the efficiency of the 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 where such information would reveal non-public information under state law, would violate confidentiality provisions of law, would impact ongoing investigations, or would otherwise affect the efficient operations of 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 that promote violence.

iv. Employees shall not use social networking or other media to promote or disseminate information in favor of recognized subversive entities.

v. 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 or otherwise negatively impact department efficiency.

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 department 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 department 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 department or a program that monitors this department's network, the employer/this department 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 department 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.

Missing Persons	Related Policies:
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.	
Applicable Arkansas Statutes A.C.A. §§ 12-12-801, 12-12-802, 12-12-803	
CALEA Standard: 41.2.5; 41.2.6	
Date Implemented:	Revise 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. Without delay, this department shall accept any report of a missing person.

C. Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or 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.

D. 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. 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. Reported as missing to a law enforcement agency.

C. "Unusual Circumstances" means:

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, sexual exploitation, or a potential victim of human trafficking.

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.

E. AMBER Alert: An AMBER Alert activation involves the participation of every law enforcement agency in Arkansas as well as over 250 local radio stations, television stations, and other media. Information is broadcast quickly to all participants so that details of a possible abduction can be disseminated.

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 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 AMBER Alert and/or other immediate community notification protocols. Discuss plan activation with the appropriate supervisory personnel on the decision to request an AMBER Alert;

xiii. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly entered within 2 hours;

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, the Missing Persons Information Clearinghouse, and the National Missing and Unidentified Persons System (NamUs).

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 a request for activation of the **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, including a photograph(s), is entered into the Missing Persons Information Clearinghouse within the Arkansas Crime Information Center in accordance with A.C. A. § 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;

iv. Input the following data into NameUs:

1. Copies of fingerprints on standardized fingerprint cards measuring eight inches by eight inches (8"x8") or the equivalent digital image including prints of any fingers;
2. Forensic dental report or radiology imaging;
3. Detailed personal descriptions;

4. Deoxyribonucleic acid (DNA) information;
5. Radiology imaging and medical data;
6. All other identifying data, including date and place of death; and

v. 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.

H. When a missing person or identified person report is received by the department, the officer and/or investigator assigned shall initiate the following procedures within thirty (30) days of receiving the missing person or unidentified person report:

i. Submit the missing person or unidentified person case to NamUs and to any database of missing persons or unidentified persons required under this policy.

ii. Attempt to locate any fingerprints from available resources and submit the fingerprints to NamUs.

iii. Locate and obtain biometric records, including medical and dental records, medical and dental x-rays, or other medical imaging, and enter those records into NameUs.

iv. Utilize the NamUs family reference sample submission kits and obtain voluntary DNA samples from appropriate family members to submit to the crime laboratory for DNA testing and to an institution of higher education that specializes in DNA identification for a full genetic profile.

Motor Vehicles Stops/Searches	Related Policies: Biased-Based Policing
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.	
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:	Revise 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 has 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); the officer may stop the motor vehicle to search the vehicle in the search scenario.

iv. Consensual Contact- An officer may approach any stopped vehicle (a vehicle that 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 pre-textual 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 regardless of ownership.

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 that 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 were 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 department, 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 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;

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 department 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 department 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 department. 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.

Policy # **Use of Intranasal Naloxone**	Related Policies:
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.	
Applicable Arkansas Statutes: 20-13-1804. Opioid antagonist -- Immunity	
CALEA Standard:	
Date Implemented:	Revise Date:

I. Purpose: The purpose of this policy is to provide sworn officers with guidelines, instructions, and procedures to utilize naloxone in order to reduce fatal opioid overdose.

II. Policy: It is the policy of this department to assist any persons(s) who may be suffering from an opioid overdose. Officers trained in accordance with this policy and the provisions of Arkansas law shall make every reasonable effort to use naloxone to revive victims of any apparent drug overdose.

III. Discussion: This policy is intended to address one of the responsibilities of all sworn officers, which is to protect the safety and welfare of all persons and the community. In this regard, officers need to recognize the symptoms that victims who are suffering from an opioid overdose display to ensure that fast and effective medical assistance is dispensed. Drug overdoses are a major cause of preventable death in the United States. Increasingly, this includes prescription opioids, along with illegal opiate drugs like heroin. (Opioids are synthetic substances that mimic the narcotic effect of opium, from which heroin is derived.)

IV. Definitions:

A. Drug Intoxication: Impaired mental or physical functioning resulting from the use of physiological and/or psychoactive substances; i.e. euphoria, dysphoria, apathy, sedation, attention impairment.

B. EMT: Emergency Medical Technician, medical care rendered by EMT practitioners, which ensure the provisions of emergency medical assistance in the field for those persons suffering from an illness or injury.

C. MAD: The intranasal **Mucosal Atomization Device**, which is used to deliver a mist of atomized medication that is absorbed directly into a person's blood stream, and directly into the brain and cerebrospinal fluid via the nose to brain pathway. This method of medication administration achieves medication levels comparable to injections.

D. Naloxone: An opioid receptor antagonist and antidote for opioid overdose, which is produced in intramuscular, intranasal, or intravenous forms. Use NARCAN® (naloxone hydrochloride) Nasal Spray for known or suspected opioid overdose in adults and children.

E. Opioid: An opioid is a psychoactive chemical pain medication such as, fentanyl, morphine, buprenorphine, codeine, hydrocodone, methadone, and oxycodone.

F. Heroin: A white, crystalline narcotic powder that is a highly addictive drug derived from morphine.

G. "Opioid overdose," a medical condition that causes depressed consciousness and mental functioning, decreased movement, depressed respiratory function, and the impairment of vital functions as a result of ingesting opioids in any amount larger than can be physically tolerated;

H. Universal Precautions: An approach to infection control whereby all human blood and human body fluids are treated as if they were known to be infectious for HIV, HBV, and other blood-borne pathogens. The use of Nitrile gloves for purposes of this policy is a highly recommended best practice.

I. Signs of Overdose: A person who has overdosed may:

- be breathing very slow or not breathing
- have blue or purplish lips or fingernails
- be limp
- pinpoint pupils
- be vomiting or gurgling
- not wake up or respond if you try to rouse him

V. Issuance of Naloxone:

A. Naloxone for intranasal use will be issued to all sworn officers. Each kit will include:

- Instructions for administering intranasal naloxone.
- (2) single-use dose delivery devices

VI. Procedure:

A. Officers shall receive department approved and authorized training on responding to persons suffering from an apparent opioid overdose and the use of naloxone prior to being issued and intranasal naloxone kit and/or being authorized to administer naloxone.

B. Officers of this department shall receive approved and authorized refresher training on responding to persons suffering from an apparent opioid overdose and the use of naloxone every two (2) years.

C. Whenever an officer encounters a person who appears to be the victim of a drug overdose, the officer shall:

- Maintain universal precautions throughout the event.

- Contact and advise the dispatcher of a possible overdose and request EMS response.
- Keep the dispatcher apprised of the condition of the overdose victim.
- Perform an assessment of the victim checking for unresponsive and decreased vital signs.
- Check for Medic Alert tags or the like, which may indicate a pre-existing medical condition, around the wrist or neck of the victim.
- Ask witnesses, family, or friends of the victim what type of drug the victim ingested.
- Observe your surroundings for any evidence of drugs that may indicate what the victim ingested such as; prescription drug bottles, heroin packages, needles and syringes.
- Prior to the administration of naloxone, officers shall ensure that the victim is in a safe location and shall remove any sharp or heavy objects from the victim's reach, as the sudden onset of immediate opioid withdrawal may result in physical symptoms such as agitation, rapid heart rate, nausea, seizures and difficulty breathing.
- Administer naloxone.
- Seize all illegal and/or non-prescribed narcotics found on the victim or around the area of the overdose and process in accordance with department policy and inform medical personnel of the drugs recovered.
- Once used, the intranasal naloxone device is considered bio-hazardous material and shall be turned over to EMS or hospital personnel for proper disposal.

D. Administration of Naloxone:



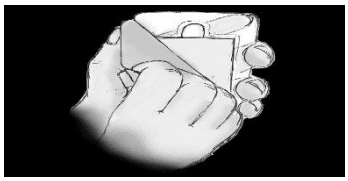
Step #1- Ask person if he or she is okay and shout name.

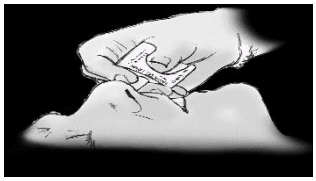
- Shake shoulders and firmly rub the middle of their chest.
- Check for signs of an opioid overdose:

1. Will not wake up or respond to your voice or touch
2. Breathing is very slow, irregular, or has stopped
3. Center part of their eye is very small, sometimes called "pinpoint pupils"

- Lay the person on their back to receive a dose of NARCAN Nasal Spray.

Step #2-REMOVE NARCAN Nasal Spray from the box.





- Peel back the tab with the circle to open the NARCAN Nasal Spray.
- Hold the NARCAN Nasal Spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.
- Gently insert the tip of the nozzle into either nostril.
- Tilt the person's head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into one nostril, until your fingers on either side of the nozzle are against the bottom of the person's nose.
- Press the plunger firmly to give the dose of NARCAN Nasal Spray.
- Remove the NARCAN Nasal Spray from the nostril after giving the dose.

Step #3- Get emergency medical help right away.

- Move the person on their side (recovery position) after giving NARCAN Nasal Spray.



- Watch the person closely. If the person does not respond by waking up, to voice or touch, or breathing normally another dose may be given. NARCAN Nasal Spray may be dosed every 2 to 3 minutes, if available.
- Repeat Step 2 using a new NARCAN Nasal Spray to give another dose in the other nostril. If additional NARCAN Nasal Sprays are available, repeat step 2 every 2 to 3 minutes until the person responds or emergency medical help is received.
- Maintain constant observation of the victim and update dispatch and medical personnel on the condition of the victim.
- You should notice improvement in breathing in 2- 3 minutes.

E. Reporting: After utilization of naloxone, officers shall:

- Prepare an incident report to include a description of the individual's condition, symptoms and behaviors; the fact that naloxone was deployed; EMS response; the hospital to which the victim was transported; any narcotics seized; and the outcome of the department and EMS response.
- The on-scene supervisor or the on-duty supervisor will review and approve the report.

F. Storage and Replacement:

A. Inspection of the intranasal naloxone kit shall be the responsibility of the officer to whom it is issued and shall be conducted by the officer prior to each shift along with the rest of the department issued equipment.

B. Do not remove or test the NARCAN Nasal Spray until ready to use.

- Check the expiration date found on the box or vial.

C. Naloxone will be stored in accordance with the manufacturer's instructions, avoiding extreme cold, heat, and direct sunlight.

D. Missing, damaged, and expired kits will be reported to the officer's immediate supervisor as soon as the discrepancy is noted.

E. Replacement kits will be provided to officers.

G. Training:

Training programs should meet the following criteria: Each first-responder training program shall include:

(1) The signs and symptoms of an opioid overdose;

(2) The protocols and procedures for administration of an opioid antagonist;

(3) The signs and symptoms of an adverse reaction to an opioid antagonist;

(4) The protocols and procedures to stabilize the patient if an adverse response occurs;

(5) Opioid antagonist duration;

(6) The protocols and procedures for monitoring the suspected opioid overdose victim and re-administration of opioid antagonist if necessary for the safety and security of the suspected overdose victim;

(7) The procedures for storage, transport, and security of the opioid antagonist; and

(8) The method of opioid antagonist administration being taught.

Off-Duty Action	Related Policies:
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..	
Applicable Arkansas Statutes: 5-73-304	
CALEA Standard:	
Date Implemented:	Revise 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.

Response to Resistance	Related Policies: Electronic Control Devices; Reporting Response to Resistance. Ethics, Duty to Intervene
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.	
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:	Revise 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. The department and all officers recognize that the sanctity of human life serves as the guiding principle in use of force decisions.

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: Has a broader meaning than immediate or instantaneous, the concept of imminent should be understood to be elastic, involving an ongoing period of time depending on the circumstances rather than a moment in time under the definition of immediate.

D. Immediate: means, That the officer is faced with an instantaneous, or presently occurring threat of serious bodily harm or death.

E. Chokehold: means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.

F. **Neck Restraint:** A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.

G. **Intervene:** To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

H. **De-escalation.** Force can often be avoided through the use of de-escalation techniques and other non-dynamic law-enforcement tools such as police presence, containment, and communication. When feasible, officers will use de-escalation and other techniques to reduce the immediacy of threats to peoples' safety and stabilize incidents. Whenever possible, officers will seek to slow things down. Not every situation or subject can be de-escalated. Conversely, officer behavior can escalate a situation. Officers should not intentionally escalate situations unnecessarily.

I. **Duty of care:** Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing or obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains whether injuries preceded custody, occurred during apprehension, or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured as a result of police involved actions.

J. **Positional asphyxia**. Officers restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.

K. **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.

L. **Reasonable Belief:** Reasonable belief means that the person concerned, acting as a reasonable person, believes that the prescribed facts exist.

M. **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.

N. **Active Resistance:** a subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.

O. **Active Aggression:** Behavior that creates an imminent risk of physical injury to a subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include but are not limited to an attack on an officer consisting of strikes, wrestling, undirected strikes with injury potential, kicks, shoves, or punches. Examples may also include words or behavior such as pre-assault cues that clearly indicate that such an attack or actions are imminent.

P. **Excessive Force**: is force that is not objectively reasonable from the perspective of a reasonable officer in the same circumstances. Excessive force will not be tolerated.

Q. **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.

R. **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:

i. 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

ii. 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 immediate 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:

i. 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

ii. 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. **Chokeholds & Neck Restraints:** An officer shall not use a chokehold or neck restraint in the performance of his or her duties, **unless deadly force is justified.**

i. In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers shall not use a chokehold, neck restraint or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion.

ii. Officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted for the purpose of seizing evidence.

iii. **Render Medical Aid:** Officers restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.

iv. As soon as the subject stops resisting and is handcuffed and/or under control, monitor the person's vital signs closely. Take the following steps:

a. Roll the person onto his or her side, or into a sitting position

b. Monitor breathing

c. Check the pulse at the wrist

d. Check the person's facial skin color (a gray or blue tint is a sign of severe medical distress)

e. Determine if the person is functionally conscious (e.g., the person can exhibit voluntary movement, has the ability to converse, is aware of place/date/time)

f. If the person has difficulty breathing, is not at a functional level of consciousness, exhibits symptoms of medical distress, or if you have any doubt regarding the person's medical condition, request an emergency medic response and administer appropriate first aid.

g. If the person is being lodged at a correctional facility or taken to a medical facility, advise them if the person was rendered unconscious or subjected to a chokehold or neck restraint during restraint.

E. 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.

F. **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.

G. 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.

H. **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:**

i. Chemical Spray shall not be deployed as a compliance technique for a person who is passively or verbally non-compliant.

ii. Chemical Spray shall never be used as a punitive measure.

iii. 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.

iv. 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.

v. 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.

vi. Once control is gained, officers should immediately provide for the decontamination of the subject when reasonable and practical to do so.

vii. 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

i. 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.

ii. 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.

iii. 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. Duty to Intervene:

A. **Use of Force:** in accordance with the agency's **Duty to Intervene** policy Officers of this agency have an affirmative duty to intervene if they witness a use force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An

officer who observes another employee use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

VI. 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 will respond to the scene, conduct an investigation, and complete the initial police report. In the event a department has no available personnel for this purpose or the Chief of Police 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 Professional Standards Investigation may begin at any time as determined by the Chief of Police or his/her designee. Professional Standards Investigations will be separate and distinct from the criminal investigation. Prior to Professional Standards interview, Garrity warnings will be issued and signed by the Officer(s) investigated. Involved Officers are required to provide truthful information to Professional Standards 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. Professional Standards Investigations will follow procedures established under separate policy.

DI. 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, video graphic 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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Search and Seizure Residences	Related Policies:
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.	
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:	Revise 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. At the time of arrest, officers may search the arrestee's immediate area of control in the room of arrest.

      b. At the time of arrest, officers may also look into, but not enter, 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; and
- 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 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 any time it is determined that the person restrained in handcuffs is not dangerous, the handcuffs should be removed.

F. Consensual Entry: Officers may enter a dwelling based upon the consent of a person who appears to have authority over the premises without reasonable suspicion or probable cause,

NOTE: These provisions apply to Knock and Talk events

i. Consent must be voluntary

ii. When a residence is involved, 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 that 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 period preceding the execution of the warrant.

c. If utilizing an informant for a narcotics purchase, a detective 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 detective 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 detective 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 entryways 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 department 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 department 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 third 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, the 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 department. 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.

Sexual Misconduct	Related Policies:
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.	
Applicable Arkansas Statutes: §5-14-124; §5-14-125; §5-14-126; §5-14-127	
CALEA Standard: **26.1.3**	
Date Implemented:	Revise Date:

I. Purpose: Law enforcement officers are empowered with authority by their government to protect the public from criminal activity. When an officer abuses this authority for sexual purposes, and violates another person, the officer not only commits a crime against the victim, but also damages the credibility and trust of the entire law enforcement community with the public. The purpose of this policy is to caution all officers that any violation of the public trust involving sexual misconduct will result in severe consequences including prosecution to the fullest extent possible.

II. Policy: It is the policy of this Department to train all officers concerning the potential for criminal sexual misconduct within law enforcement, how to recognize it, and the requirements for reporting any violation to the appropriate authorities.

III. Definitions

A. Criminal Sexual Misconduct: The abuse of authority by a law enforcement officer for sexual purposes that violates the law.

B. Sexual Misconduct: Any sexual activity while on-duty or stemming from official duty. Sexual misconduct includes but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct.

C. Intimate Part: Genital area, inner thigh, groin, buttocks, or breasts of a person.

D. Actor: The person accused of sexual assault

E. Sexual Contact: Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person not married to the actor.

IV. Procedure

A. Sexual activity of any nature while on duty is prohibited.

B. Any use of official position and official resources to obtain information for purposes of pursuing sexual conduct is prohibited.

C. Sexual Misconduct is prohibited and shall be disciplined up to and including termination.

D. Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person while on duty is prohibited.

E. A police officer shall not engage in sexual contact with another person who is in custody and such officer has supervisory or disciplinary authority over such other person.

F. Training: All sworn officers of this department including supervisors will receive specific training about the elements of sexual misconduct involving law enforcement officers. The training will also include all elements of this policy.

G. Reporting Requirements: Any employee of this Department who is made aware of any violation of this policy, is required to report the violation to their supervisor. The supervisor will immediately contact the command level personnel having Professional Standards responsibility who will immediately initiate an investigation in accordance with their established investigative policy. The investigation will involve other investigative elements of the Department as necessary and any forensic evidence will be protected and processed immediately. The accused officer's supervisor will not attempt to resolve a complaint of this nature with the complainant. Supervisors are required to make immediate contact with Professional Standards or the command level personnel having Professional Standards responsibility.

V. Discipline

A. Any officer found to be in violation of the provisions of this policy shall be disciplined up to and including termination and criminal charges where established.

B. Any employee having knowledge of a violation of this policy and who fails to report said violation shall also be disciplined up to and including dismissal and criminal charges if appropriate. If the violation involves supervisory personnel, the reporting officer will notify the appropriate command level officer and he/she will not be strictly held to his or her chain of command.

Stop, Arrest, and Search of Persons	Related Policies:
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.	
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:	Revise Date:

I. Purpose: The purpose of this policy is to direct the members of this department 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 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.

v. Cell phone search incident to arrest: Officers are required to obtain either consent from the arrestee, a court authorized search warrant, or articulate the existence of exigent circumstances before a cellular phone or hand-held device is opened and searched.

vi. (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 to 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 that 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 to approve 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 department 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 department 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 third 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.

Training Directive	Related Policies:
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.	
Applicable Arkansas Statutes § 12-9-101 through § 12-9-603	
CALEA Standard: 33.5.1; 33.6.1	
Date Implemented:	Revise 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 recurring, high risk, critical tasks that an officer will encounter.

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.

Vehicle Pursuit & Emergency Vehicle Operation	Related Policies:
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.	
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:	Revise 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 that 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. 1) Roadblocks are prohibited. Use of tire deflation devices requires supervisor approval. 2) Officers shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle unless authorized by the acting supervisor when available.

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. The role of the supervisor during the active pursuit includes but is not limited to:

1. Assessing all incoming information;

2. Asserting control of all aspects of the pursuit and making objective decisions in compliance with this policy for the continuation or termination of the pursuit;

3. Assert control over the pursuit;

4. Continuously review the incoming data to determine whether the pursuit should be continued or terminated;

5. Order units to clear intersections in the likely path of the pursuit where appropriate;

6. 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;

7. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved tactics;

8. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;

9. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety; and

10. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene where practical.

ii. In the event the supervisor initiates a pursuit he/she will, where feasible, turn over the role of Primary Vehicle Driver to the first back up officer who engages the pursuit.

iii. When the supervisor actively participates in the pursuit in the role of Secondary Vehicle Driver, he/she is also responsible for fulfilling the role of supervisor in accordance with this policy.

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: Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary or rolling roadblock, a decision that shall be approved by the on-duty supervisor. This decision to establish a roadblock shall consider:

a. The safety of the officers

b. The risk of physical injury to the occupants of the pursued vehicle

c. The protection of citizens and their property

d. That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.

iv. PIT Maneuver: Only officers trained in this particular maneuver will attempt to employ this procedure and shall not use this maneuver in speeds over 45 mph unless deadly force would be justified.

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 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 access the adequacy of the written policy, training, and field implementation of the Department's pursuit policy.

THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

The City of Bryant intends to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all 1991 Omnibus Transportation Act regulations. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return-to-duty and follow-up testing. The City of Bryant will not permit an employee who refuses to submit to required testing to perform or continue to conduct any activity that requires a CDL. All CDL drivers must obtain from the city of Bryant's Human Resources department, the city's written substance abuse policy. CDL drivers must read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy.

DRUG AND ALCOHOL TESTING

The City of Bryant has a responsibility to ensure safe working conditions for its employees and a productive city workforce unimpaired by chemical substance abuse. To satisfy these responsibilities, the City is committed to maintaining a workplace that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The City prohibits the possession, unlawful manufacturing, distribution of illegal drugs, or the abuse of alcohol or prescription drugs while on city premises during work hours.

This city policy provides for testing for drug and alcohol abuse by employees who hold safety or security-sensitive positions that otherwise are not covered by the Federal Motor Carrier Safety Regulations controlled substance screen requirements. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle.

The City of Bryant prohibits possession, smoking, or otherwise using medical marijuana on city premises. The City of Bryant reserves the right to take action based upon the good faith belief that a qualifying patient was under the influence of marijuana while on the premises of the employer or during the hours of employment, provided that a positive test result for marijuana cannot provide the sole basis for the employer's good faith belief.

Any city employee who violates this substance abuse policy or who is convicted of an alcohol or drug violation will be subject to disciplinary action, up to and including dismissal, as allowed by federal, state, and local laws.

FITNESS FOR DUTY

Current abuse of drugs is not a protected disability under the Americans with Disabilities Act (ADA). The city will not hire anyone who is known to currently abuse drugs. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business or representing the city on or off of the workplace are prohibited from

purchasing, transferring, using, or possessing illegal drugs or from abusing alcohol or prescription drugs in any illegal way.

An employee reporting or returning to work whose behavior reflects the abuse of alcoholic beverages or drugs may be referred for a medical evaluation to determine fitness for work. Failure to report for an evaluation or follow the city's recommendations will result in appropriate disciplinary action, including termination, as allowed by federal, state, and local law.

NOTIFICATION

As a condition of employment with the city, employees must abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute, including DWI convictions for violations occurring on or off city premises while conducting city business. A report of a conviction shall be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.

DRUG-FREE WORKPLACE

The City of Bryant has a vital interest in providing for the safety and well-being of all employees and the public and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the City is committed to maintaining a drug- and alcohol-free workplace.

The City and individual other employees who drive commercial motor vehicles are subject to federal statutes' requirements and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. However, certain city employees who perform safety and security-sensitive functions are not covered by the foregoing provisions. In addition, the City has an interest in maintaining the efficiency, productivity, and well-being of employees who do not perform safety or security-sensitive functions. To further provide a safe environment for city employees and the public, the City has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law.

This policy does not govern or apply to employees who are subject to testing as commercial motor vehicle operators under the foregoing federal law and regulations. They are governed by a separate policy enacted pursuant to that legislation. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing do not arise from the employee's operation of a commercial motor vehicle.

- All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks, or at lunch is prohibited and grounds for disciplinary action up to and including immediate discharge. Actively

working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system is strictly prohibited and grounds for disciplinary action up to and including immediate discharge. In addition, employees are subject to disciplinary action up to and including immediate termination for the unlawful manufacture, distribution, dispensation, possession, concealment, or sale of alcohol or drugs while on duty, on City property, in City vehicles, during breaks, or at lunch.

- The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine the usage of drugs and/or alcohol. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

- The City also reserves the right to require return to duty and follow-up testing as a result of a condition of reinstatement or continued employment. This may be in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling, or rehabilitation program.

SAFETY AND SECURITY POSITIONS DEFINED

A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public.

Safety Sensitive Positions Include:

- Law enforcement officers who carry firearms

- Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus drivers, and drivers who transport other city employees where the operation of a motor vehicle is not incidental to the employee’s occupation.

- Fire department employees volunteer firefighters who directly participate in fire-fighting activities.

- Emergency medical technicians and trainees, emergency service dispatchers, and rescue workers

- Lifeguards

- Mechanics, welders, and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans, and the like

- Operators of heavy equipment, including front-end loaders, trucks, and riding lawn mowers, or other similar equipment, where the equipment is used around individuals, alongside the public right of way, or on public roads

- Wastewater treatment plant employees and water treatment employees

- Other employees whose duties meet the definition of safety or security-sensitive after consultation with and approval by the Arkansas Municipal League

Security-sensitive positions include:

- Any police officer, police dispatcher, and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder, or prejudice the investigation or prosecution of the case.

The City also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery.

DRUG FREE AWARENESS PROGRAM/EDUCATION AND TRAINING

The City will establish a Drug-Free Awareness program to help employees understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's Drug-Free Awareness Program will inform employees about: (1) the dangers of drug and alcohol abuse in the workplace; (2) the City's policy of maintaining a drug and alcohol-free workplace; (3) the availability of drug and alcohol treatment, counseling and rehabilitation programs; and (4) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the City shall provide educational materials that explain the City's policies and procedures. Employees shall be provided with information concerning the effects of alcohol and drug use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

PROHIBITED SUBSTANCES/LEGAL DRUGS/UNAUTHORIZED ITEMS

Prohibited Substances: Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term "drugs'' includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. § 812, and the regulations promulgated thereunder, and defined in the Uniform Controlled Substances Act, Ark. Code Ann. §§ 5-64-201 through 216), including synthetic narcotics, designer drugs, and prescription drugs, excepting prescription drugs approved by and used in accordance with the directions of the employee's physician.

Legal Drugs: The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the drug's effects. Employees should read all labels carefully.

Unauthorized Items: Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

USE OF ALCOHOL AND DRUGS/PROHIBITED CONDUCT

The following shall apply to all employees while on duty, during break periods or at lunch or not performing safety or security sensitive functions. All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.

- Employees shall not consume alcohol while on duty.

- Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident or until they undergo a post-accident alcohol test.

- Employees shall submit to all authorized drug or alcohol tests.

- Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

- Employees shall not abuse, knowingly overmedicate, inappropriately consume, or otherwise mistreat any prescription drugs approved by the employee's physician.

- Employees shall not possess, smoke, or otherwise use medical marijuana while on city premises or while on duty.

In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 in any authorized alcohol test shall be removed from duty and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than 24 hours following administration of the test.

WHEN DRUG AND ALCOHOL TESTING MAY BE REQUIRED OF ALL EMPLOYEES

Employees (and applicants) covered by this policy shall be required to submit to urine testing for the use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances:

- When the City has reasonable suspicion that an employee has violated any of the above prohibitions regarding the use of alcohol or drugs.

- Return to duty testing is required after an employee has engaged in any of the above prohibitions concerning the use of alcohol or drugs unless the violation results in termination.

- As part of a pre-employment physical examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination.

- When the City management has a reasonable suspicion based on observations or credible information submitted to the City that the employee is currently using, impaired by, or under the influence of drugs or alcohol.

- When an employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety-sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to a reasonable suspicion that the employee may be under the influence of drugs or alcohol.

- As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as a condition of continued employment.

DRUG AND ALCOHOL TESTING FOR EMPLOYEES IN SAFETY OR SECURITY-SENSITIVE POSITIONS

Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for the use of prohibited drugs and/or Breathalyzer alcohol testing in the circumstances listed above as well as in the following circumstances:

When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.

Random testing for drugs (but not alcohol) will be conducted. To treat all employees as equally as possible and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. § 31306 and implementing regulations to the extent that it is lawful and feasible to do so.

At a specified interval, employees in testable positions will be selected for drug screening using a random sampling methodology. Employees will receive a 2-hour notification of their selection and will be required to submit a sample at the specified time and location. Employees who are selected but not on shift during testing day will not be notified of their selection. Those employees will be required to submit to a random drug test at a designated facility on the day they return to work. Failure to report will result in disciplinary action up to and including termination.

POSITIONS SUBJECT TO RANDOM TESTING

Uniformed Fire and Police Employees	Records Secretary - Police
Admin Assistant - Police	
Dispatcher, full-time and part-time	Field Supervisor
Communication Supervisor	Street Superintendent
Mechanic	Public Works Equipment Operator
Lifeguard	Utility Worker I & II
Aquatics Coordinator	Water Superintendent
Assistant Aquatics Coordinator	Wastewater Field Supervisor
Parks Labor – full time and part-time	Pumps and Controls Operator
Parks Foreman	Pumps and Controls Manager
Equipment Operator I, II, III	Wastewater Superintendent
Grounds and Maintenance Superintendent	Chief Plant Operator
IT Director	Wastewater Operator
Systems Administrator	Wastewater Treatment Plant Manager

DISCIPLINARY ACTION

Employees will be terminated for any of the following infractions:

- Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.

- Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks, or at lunch.
- Unlawful manufacture, distribution, dispensation, possession, concealment, or sale of any prohibited substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, during breaks, or at lunch.

- Any criminal drug statute conviction and/or failure to notify the City of such conviction within five (5) days.

- Refusal to cooperate in a search conducted pursuant to this policy.

- Having an alcohol concentration of .04% or greater in any authorized alcohol test administered pursuant to this Policy.

- Reporting for duty under the influence of alcohol or other prohibited substances, as defined herein, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

EMPLOYMENT STATUS PENDING RECEIPT OF TEST RESULTS

In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct that gave rise to the test, the City reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule, which also covers the time missed waiting for the test results.