

RESOLUTION NO. 2015-__ - __R

**A RESOLUTION AMENDING THE TONTITOWN POLICE
DEPARTMENT PATROL POLICY MANUAL.**

WHEREAS, the City Council of the city of Tontitown, Arkansas, adopted the Tontitown Police Department Patrol Policy Manual (the "Manual") by Resolution No. 2014-01-457R on the 7th day of January, 2014; and

WHEREAS, the procedures, rules, and regulations contained in the Manual are, from time to time, in need of amendment; and

WHEREAS, the Manual was amended by Resolution No. 2014-12-496R; and

WHEREAS, the City Council has determined that it is necessary to amend the Manual.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Tontitown, Arkansas:

Section 1: That Resolution No. 2014-12-496R is hereby repealed in its entirety.

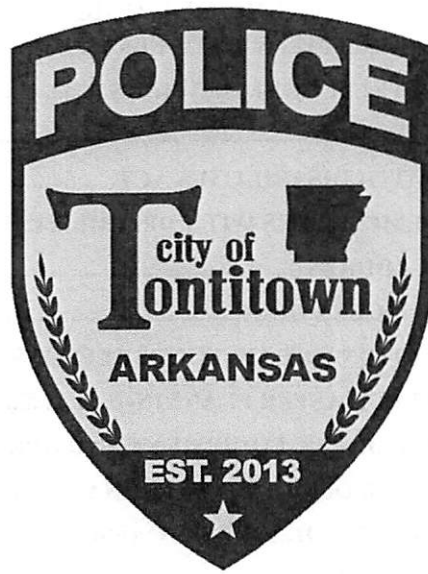
Section 2: That the Tontitown Police Department Patrol Policy Manual, as amended and attached hereto, is hereby adopted.

PASSED AND APPROVED this 13th day of January, 2015.

PAUL COLVIN, JR., Mayor

ATTEST:

ALICIA COLLINS, City Recorder/Treasurer



Tontitown Police Department

Patrol Policy Manual

Table of Contents

SECTION 1: MUTUAL AID AGREEMENT WITH ELM SPRINGS POLICE DEPARTMENT.....	5
SECTION 2: ADDRESS AND TELEPHONE NUMBERS	4
SECTION 3: ANIMAL CONTROL	9
SECTION 4: AMERICANS WITH DISABILITIES ACT.....	10
SECTION 5: APPLICANTS/EMPLOYEES WITH DISABILITIES	11
SECTION 6: ARREST PROCEDURES	13
SECTION 7: AUXILIARY OFFICER FORCE	14
SECTION 8: RECOMMENDATION OF BAIL BONDS PERSONS OR ATTORNEYS.....	15
SECTION 9: BOMB THREATS/DISASTER PLANNING	16
SECTION 10: EMERGENCY VEHICLE EQUIPMENT AND OPERATIONS.....	20
SECTION 11: BUSINESS CARDS: OFFICIAL - PERSONAL	25
SECTION 12: CHEMICAL AGENT - OLEORESIN CAPSICUM (OC)	26
SECTION 13: BLOODBORNE PATHOGENS	27
SECTION 14: COMMUNICABLE DISEASES POLICY	34
SECTION 15: COMMUNITY RELATIONS	40
SECTION 16: CONDUCT: ABUSE OF POSITION	42
SECTION 17: CALL PRIORITIZATION, DISPATCH, TELEPHONIC REPORTS.....	43
SECTION 18: CONDUCT: UNBECOMING AN EMPLOYEE/OFFICER.....	44
SECTION 19: COURT PROCEDURES	45
SECTION 20: CRIME PREVENTION.....	47
SECTION 21: DEBTS.....	50
SECTION 22: DOMESTIC ABUSE INCIDENTS.....	51
SECTION 23: ENFORCEMENT: MUTUAL ASSISTANCE	55
SECTION 24: ENFORCEMENT: TRAFFIC	57
SECTION 25: ETHICS.....	66
SECTION 26: EVIDENCE.....	67
SECTION 27: FIREARMS: AUTHORIZATION.....	70
SECTION 28: FIREARMS: TRAINING AND QUALIFICATIONS	71
SECTION 29: CASE FOLDERS	72
SECTION 30: GRATUITIES, REWARDS, AND WITNESS FEES.....	75
SECTION 31: DISCIPLINARY PROCEDURES	76
SECTION 32: EMPLOYEE GRIEVANCE PROCEDURES	77
SECTION 33: HARASSMENT - WORKPLACE.....	78
SECTION 34: IMPARTIALITY	81
SECTION 35: INFORMATION: DIVULGING	82
SECTION 36: INJURED/SICK PERSONS	83

SECTION 37: OPEN..... Error! Bookmark not defined.

SECTION 38: INVENTORY SEARCH OF MOTOR VEHICLE.....85

SECTION 39: INSUBORDINATION86

SECTION 40: INTOXICANTS AND NON-PRESCRIPTION DRUGS.....87

SECTION 41: INVESTIGATION: CRIMINAL.....88

SECTION 42: INVESTIGATIONS: INTERNAL AFFAIRS.....94

SECTION 43: INVESTIGATION: MISSING PERSONS96

SECTION 44: INVESTIGATION: MOTOR VEHICLE ACCIDENTS.....97

SECTION 45: JAIL AND BOOKING PROCEDURES 101

SECTION 46: JUVENILE PROCEDURES 101

SECTION 47: LEAVE 105

SECTION 48: MEDIA RELATIONS..... 106

SECTION 49: OFF-DUTY EMPLOYMENT..... 109

SECTION 50: OFF DUTY: POLICE ACTIVITY, NEIGHBORHOOD DISPUTES..... 111

SECTION 51: OUT-OF-TOWN HOME CHECKS AND ADDITIONAL PATROLS 112

SECTION 52: PATROL FUNCTIONS..... 113

SECTION 53: PERFORMANCE EVALUATION 118

SECTION 54: PERSONAL PROPERTY AND EQUIPMENT 119

SECTION 55: POLICE OFFENSES: DISCIPLINARY 120

SECTION 56: POLICE VEHICLE: MAINTENANCE 122

SECTION 57: POLICE VEHICLE: OCCUPANTS 123

SECTION 58: POLICE VEHICLE: RESPONDING TO EMERGENCY CALLS 124

SECTION 59: POLICE VEHICLE: PURSUIT DRIVING..... Error! Bookmark not defined.

SECTION 60: POLITICAL ACTIVITY..... 131

SECTION 61: PROPERTY: DEPARTMENTAL..... 132

SECTION 62: PROPERTY: DISPOSITION..... 133

SECTION 63: RADIO PROCEDURES 134

SECTION 64: REPORTS: OFFENSE/INCIDENT 137

SECTION 65: SEARCH: MOTOR VEHICLES..... 140

SECTION 66: SEARCH: EXECUTION OF WARRANT 142

SECTION 67: SEARCH: PERSON..... 144

SECTION 68: SOBRIETY CHECKPOINT (ROADBLOCK) 146

SECTION 69: SMOKING AND USE OF TOBACCO 147

SECTION 70: SWORN EMPLOYEES - DRUG TESTING 148

SECTION 71: TRAINING 152

SECTION 72: TRAINING REQUIREMENTS..... 153

SECTION 73: TRANSPORTING ARRESTED PERSONS..... 154

SECTION 74: UNIFORMS/GROOMING.....	156
SECTION 75: USE OF FORCE.....	157
SECTION 76: HOSTAGE/BARRICADED SUBJECT SITUATIONS.....	160
SECTION 77: TOWING/WRECKER SERVICE.....	163
SECTION 78: DEATH/SERIOUS INJURY NOTIFICATION	167
SECTION 79: LINE OF DUTY DEATHS.....	170
SECTION 80: CIVIL PROCESS.....	173
SECTION 81: CHIEF'S OFFICE RECOGNITION PROGRAM.....	174
SECTION 82: PUBLIC SAFETY EMPLOYEE DRUG AND ALCOHOL TESTING	175
SECTION 83: DRUG FREE WORKPLACE ACT.....	177
SECTION 84: FRATERNIZATION	178
SECTION 85: OPEN.....	Error! Bookmark not defined.
SECTION 86: MOBILE VIDEO RECORDING SYSTEM	180
SECTION 87: RIFLE CARRY POLICY.....	184
SECTION 88: ELECTRONIC CONTROL DEVICES	186
SECTION 89: BIASED LAW ENFORCEMENT PRACTICES PROHIBITION AND PREVENTION POLICY	190
SECTION 90: OFFICE OF PROFESSIONAL CONDUCT (OPC)	194
Change Tracking	197

SECTION 1: MUTUAL AID AGREEMENT WITH ELM SPRINGS POLICE DEPARTMENT

RESPONSE OUTSIDE OF JURISDICTION

POLICY: Officers of this department are not authorized to respond to calls for law enforcement service outside of this area of jurisdiction. Exceptions to this policy include statutory, mutual assistance agreements and assisting adjoining jurisdictions requesting back-up units.

PURPOSE: To provide guidelines for law enforcement officers to this department to follow in responding to calls for service or otherwise performing law enforcement functions outside of this jurisdiction.

PROCEDURES:

A) Statutory Guidelines:

1. An officer may serve a warrant of arrest in any county in the state (ACA 16-81-105, 16-81-109)

2. **Intrastate Fresh Pursuit:** (ACA 16-81-303). The term "fresh pursuit: as used in this Act (16-81-301, 16-81-305) shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state or who has committed or attempted to commit any criminal offense in this state in the presence of the arresting officer referred to in Section 1 (ACA 16-81-301) of this Act or for whom such officer holds a warrant of arrest for a criminal offense. It shall also include the pursuit of a person suspected of having committed a felony in this state. Although no felony has actually been committed, if there is a reasonable ground for so believing. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without reasonable delay. (Acts 1941, NO. 19, Sec. 3, P. 46)

3. **Interstate Fresh Pursuit:** A similar law applies to "fresh pursuit" across state lines. (ACA 16-81-401, 16-81-407)

4. **Drug Enforcement:** ACA 5-64-705 provides: "Upon receiving permission from the proper County, Chief of Police, any law enforcement officer, acting within the official scope of his duty, may investigate and arrest any person violating any provision of the Uniform Controlled Substances Act, as amended, in any county contiguous to the county in which he is employed."

5. Law Enforcement officers may transport prisoners outside the boundaries of this jurisdiction and if prisoners escape while being transported, officers may pursue escapees.

B) Mutual Assistance Agreements:

1. This agency prescribes to a policy of Mutual Assistance Agreements which allows officers of this agency response authorization to other jurisdictions in emergency situations as directed by the Chief of Police or his/her designee
2. The Mutual Assistance Agreement will also allow officers of this agency, as assigned by the Chief of Police or his/her designee, to conduct various types of investigations within other jurisdictions in conjunction with officers from the jurisdiction in question. Criminal type investigations that will be conducted as a joint or multiple force effort include, but are not limited to, the following:
 - A. Narcotics Investigations
 - B. Sting Operations (recovering of stolen property)
 - C. Acquiring Intelligence Information

C) Assisting Adjoining Jurisdictions Requesting Back-Up Units:

1. In the event an adjoining jurisdiction makes a request for back-up assistance due to an officer in need of help, or similar situation, the supervisor or senior officer on duty is authorized to dispatch assistance. The following procedures will apply:
 - a. Officers responding from this agency will assist as needed and follow the lawful orders of the supervisor in charge of the agency where response is made.
 - b. Officers responding from the agency will adhere to agency policies and procedures and use only those weapons and tactics with which they have qualified.
 - c. Officers responding from this agency will maintain contact with the communications center concerning the status of the call.
 - d. Officers responding from this agency may take only those law enforcement actions permitted under state law for emergency allocation outside this jurisdiction.

ENFORCEMENT: MUTUAL ASSISTANCE

POLICY: The goal of this agency is to provide efficient, high quality law enforcement services to the community during both emergency and non-emergency situations. The purpose of the regional mutual assistance agreement is to enable each agency to more effectively handle emergency situations through the pooling of law enforcement resources. In recognition of the fact that this agency has a finite amount of resources with which to meet all incidents, it shall be the policy of this agency to participate in the mutual assistance agreement in order to strengthen our response to emergency situations.

PROCEDURES:

a. Request for Assistance

1. In non-emergency situations, request for mutual assistance shall be forwarded to the Chief of Police.

2. In the event that this agency requires assistance in handling an emergency, the officer in charge at the scene of the emergency will contact the dispatcher and request that the Chief of Police, or his/her designee, be advised of the situation. The following information should be available prior to contact:
 - a. Nature of emergency;
 - b. Measures taken to bring the situation under control, and why they have proven insufficient;
 - c. Estimated amount of equipment, personnel, or special units that will be necessary to bring the situation under control.
3. The Chief of Police, or his/her designee, will be the only official(s) permitted to request or authorize emergency assistance. This authority, however, can and will be delegated in stations where the Chief or his/her designee are out of town or otherwise unavailable for contact.

b. Emergency Scene Responsibilities

1. The designated supervisor of this agency shall be in charge at the emergency site. All loaned personnel shall follow his lawful orders. However, where the provided mutual assistance involves the loan of a specialized SWAT, hostage negotiation, bomb disposal, or canine unit, the commander of that specialized unit shall be responsible for the implementation of the mission to be accomplished, as determined and directed by the designated supervisor of this agency.
2. When taking law enforcement actions at the emergency site, including uses of force, officers from this agency shall at all times adhere to agency policies and procedures, and utilize only those weapons and tactics with which they have qualified.
3. Officers on loan from this agency to an emergency site shall regularly apprise our dispatcher concerning the continued status of the emergency, line of duty injuries, or need for relief
4. Officers may take only those law enforcement actions permitted under state law for emergency allocation outside this jurisdiction.
5. Officers on loan from this agency to an emergency site shall follow the lawful orders of the commanding officer at the location of the emergency.

c. Non-Emergency Assistance:

1. This department will participate in a mutual assistance agreement with other agencies in conducting various types of investigations which are not of an emergency nature. Investigations include, but are not limited to, the following categories of criminal activity:
 - a) Narcotics related investigations – purchasing narcotics
 - b) Recovery of stolen property by use of undercover operations
 - c) Acquiring Intelligence information
 - d) Arrests' outside jurisdictional limits will be in accordance with applicable laws as stated below

- 1) A local Law Enforcement officer acting without a warrant outside the territorial limits of the jurisdiction under which he holds office is without official power to apprehend an offender, unless he is authorized to do so by state statute. Instances for which the General Assembly has delegated the authority for Law Enforcement officers to arrest outside of their jurisdiction includes the following:
 - a. "Fresh Pursuit" – Arkansas Code Ann. 16-81-301
 - b. When a local Law Enforcement agency requests an outside officer to come into the local jurisdiction and the outside officer is from an agency that has a written policy requesting its officers when they act outside their jurisdiction, - Arkansas Code Ann. 16-81-106(3)(4)
 - c. When a county sheriff requests that a Law Enforcement officer from a contiguous county come into that sheriff's county and investigate and make arrests for violations of drug laws pursuant to Arkansas Code Ann. 5-64-705
 - d. When the Law Enforcement officer has a warrant for arrest- Arkansas Code Ann. 16-81-105

SECTION 2: ADDRESS AND TELEPHONE NUMBERS

POLICY:

All department employees shall submit, and update as necessary, their home address and telephone number to the Chief.

PROCEDURE:

- a. Any change in residence location or telephone number will be submitted to the Chief within twenty-four (24) hours of the change.
- b. There are no exceptions to this policy.
- c. A current list shall be maintained in records. This list shall be updated as necessary.

SECTION 3: ANIMAL CONTROL

POLICY:

Animal control will be accomplished in accordance with current City of Tontitown Ordinances and state law.

PROCEDURE:

a. Dog, cat, and wild animal bites

- (1) The on duty Officer shall respond to all calls in which a human is bitten.
- (2) . If the animal is obviously a stray or wild but cannot be captured, the officer shall get approval from the shift commander to destroy the animal. The head must be protected and remain intact for shipment to the Health Department for rabies testing.
- (3) If the animal is not a stray, the owner must present a current proof of rabies vaccination, administered by a licensed veterinarian, to an officer of this department. If the owner cannot present proof of current vaccination, or cannot be located within a reasonable amount of time after reasonable investigation, the officer shall have the owner impound the animal and place it in quarantine at the Washington County Animal Shelter or with a licensed veterinarian. The animal shall be impounded for ten days with costs to the owner.
- (4) If the animal is not a stray and the owner presents an officer of this department with proof of current rabies vaccination by a licensed veterinarian, the officer may contact the Washington County Health Department and request a sanitarian to make a home quarantine assessment. If the officer cannot reach a sanitarian, the officer shall have the owner impound the animal as in section 3 above and inform the owner where the animal will be taken and that the owner may request home quarantine by calling the Washington County Health Department.
- (5) If the officer cannot capture the animal without unreasonable risk to the officer or others, and the animal presents a present or future risk to the officer, other persons, or other animals, the officer shall inform the owner that the animal is subject to destruction. The officer shall contact the shift commander to get approval to destroy the animal. The shift commander shall have complete discretion to allow disallow destruction of the animal based on the circumstances of the case. If the animal is destroyed, the head must be protected and kept intact to be sent to the Health department for rabies testing.
- (6) If the officer has no means to transport the animal to the animal shelter or to a licensed veterinarian, and home quarantine is not possible, the officer shall inform the owner that the animal must be taken to the Washington County Animal Shelter or to a licensed veterinarian for ten day quarantine with costs paid by the owner. The officer shall inform the owner that non-compliance will result in the owner being charged with a misdemeanor violation of the rabies control. Additionally, the officer shall immediately contact the Washington County Health Department and inform a sanitarian of the situation so that a sanitarian can conduct a follow-up investigation.
- (7) The Washington County Health Department shall be notified immediately whenever a human is bitten by an animal. The investigating officer shall immediately fax a copy of the incident report and investigation to the Washington County Health Department and place a copy of the report in the shift commander's box.

Chief

SECTION 4: AMERICANS WITH DISABILITIES ACT

POLICY:

Law enforcement services and employment opportunities shall be available to all members of the community. People with and without disabilities shall be afforded equal access, or as close to equal access as is reasonably possible, to programs, services, and employment opportunities offered by this department in accordance with current local, state, and federal law.

DEFINITIONS:

- a. Definitions shall comport with current local, state, and federal law. Questions about the meaning of any word or phrase should be answered by referring to local, state, and federal law.

PROCEDURAL OVERVIEW:

- a. No single policy or procedure can address law enforcement responses to all people with disabilities. It is the intent of this policy and procedure to guide employees in responding to and assisting those people with disabilities with whom they will have the most contact in the performance of their duties and responsibilities. This policy and procedure addresses common law enforcement interaction with people with disabilities including those who are complainants, victims, witnesses, arrestees, members of the community who desire to participate in department-sponsored programs, people seeking information, and uninvolved bystanders.
- b. In all cases, employees must take all steps necessary to assist people with disabilities in accessing the full range of immediate and follow-up services provided by this agency. Consideration must be given to those steps that will lead to a positive outcome while, at all times, maintaining employee safety.

DEPARTMENT RESPONSIBILITIES:

- a. It is not the intent of this policy to provide detailed information on all disabilities.
- b. The Chief shall attempt to make information available to employees, through training and other sources, on the most common disabilities.
- c. It is important for all employees to be aware of the signs and symptoms associated with the most common disabilities and the basic needs of people who have them.
- d. Officers should be aware that many people have multiple disabilities.
- e. The Department will maintain a roster of support agencies and individuals that may be contacted on a 24-hour-per-day basis to provide support in situations involving people with disabilities. The Department will provide reasonable accommodations to all qualified individuals who have disabilities.

SECTION 5: APPLICANTS/EMPLOYEES WITH DISABILITIES

POLICY:

To provide applicants and employees with disabilities the opportunity to compete on an equal basis with others, and to provide clear, strong, consistent and enforceable procedures addressing discrimination against individuals with disabilities. Public Law 101-336 (42 USC 12101), dated July 26, 1990 cited as the "Americans With Disabilities Act of 1990" and current Arkansas law shall be used to resolve any questions or issues relating to this subject

PROCEDURE:

a. DISCRIMINATION:

This agency shall not discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment. (42 USC 12112 - Section 102.a)

b. PRE EMPLOYMENT INQUIRIES:

The department may make pre-employment inquiries into the ability of an applicant to perform job related functions. (42 USC 2112 - Section 102.c-2-b)

c. AUTHORIZED MEDICAL EXAMINATIONS:

The department may require a medical examination AFTER an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination.

d. ACCEPTABLE EXAMINATIONS AND INQUIRIES:

The department may conduct voluntary medical examinations, including voluntary histories, which are a part of an employee health program available to employees at the work site. The department may make inquiries into the ability of an employee to perform job related functions. (42 USC 12112- Section 102 - 4b)

e. REQUIREMENT:

Information obtained under paragraph (G) regarding the medical condition or history of any employee is subject to the requirements of paragraph (E) of this policy. (42 USC 12112 – Section 102 – 4c)

f. INFECTIOUS AND COMMUNICABLE DISEASES.

- (1) In any case an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the Secretary of Health and Human Services, and which cannot be eliminated by reasonable accommodation, the department may refuse to assign or continue to assign such individual to a job involving food handling. (42 USC 12113- Section 103 - d2)
- (2) Nothing in this policy shall be construed to preempt; modify, or amend any State, county, or local law, ordinance or regulation applicable to food handling which is designed to protect the public health from individuals who pose a significant to the health or safety to others, which cannot be eliminated by reasonable accommodation. (42 USC 12113 - Section 103 - d3)

g. ILLEGAL USE OF DRUGS AND ALCOHOL:

- (1) For the purposes of this section the term “Qualified Individual With A Disability” shall not include any employee or applicant who is currently engaged in the use of drugs, when the department acts on the basis of such use. (42 USC 12114- Section 104 - a)
- (2) Authority:
 - (a) The department may prohibit the illegal use of drugs and the use of alcohol at the work place by all employees. (42 USC 12114 - Section 104 c1)
 - (b) The department may require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the work place. (42 USC 12114- Section 104 c2)
 - (c) The department may require that employees behave in conformance with the requirements established under the Thug-Free Work Place Act of 1988. (41 USC 701 et seq.) (42 USC 12114 - Section 104 c3)
 - (d) The department may hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that the department holds other employees, even if any unsatisfactory performance or behavior is related to the drug abuse or alcoholism of such employee. (42 USC 12114-Section 104 c4)

h. DRUG TESTING:

- (1) For the purposes of the Act and this Policy, a test to determine the illegal use of drugs shall not be considered a medical examination. (42 USC 12114 - Section 104 dl)
- (2) Nothing in this policy shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results. (42 USC 12114 - Section 104 d2)

i. ACTION:

The Chief shall have the authority to remove employees who test positive for the illegal use of drugs, and on duty impairment by alcohol.

SECTION 6: ARREST PROCEDURES

POLICY:

Laws of arrest (seizure) are defined in the United States and Arkansas Constitutions, State and Federal Statutory law, and through judicial interpretation to protect individual rights of all persons. Officers of this agency shall comply with Rule 4 of the Arkansas Rules of Criminal Procedure whenever effectuating an arrest.

PROCEDURE:

- a. Only sworn officers shall 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 the dangers of making arrests.
- b. Sworn officers may arrest when they have an arrest warrant, reasonable belief there is an outstanding arrest warrant, or probable cause to believe a crime has been committed. Officers shall use minimal necessary physical force to accomplish an arrest. Officers making an arrest shall tell the arrestee, "you are under arrest," or similar phrase to ensure arrestee clearly understands they are under arrest.
- c. Sworn law enforcement personnel shall be allowed to make warrantless arrests in accordance with current Arkansas Rules of Criminal Procedure.
- d. Arrests Outside Jurisdiction of This Agency. A law enforcement officer of this agency operating outside the jurisdiction of this agency may make warrantless arrests for felony or misdemeanor offenses if the offense is committed within the officer's view, subject to the following provisions:
 - (1) This section is applicable only within the State of Arkansas;
 - (2) That as soon as possible after the arrest the officer shall notify the Law Enforcement Agency where the arrest was made of the arrest and that Law Enforcement Agency shall take custody of the detainee and shall take the detainee before a magistrate; and
- e. OTHER ARRESTS. When a law enforcement officer is orally ordered by a Magistrate or Judge to effect an arrest upon anyone for the commission of a public offense committed in the Judge's presence, such order shall justify such arrest.
- f. Arrests by off-duty officer. Off-duty officers who are sworn and certified may make arrests in accordance with current Arkansas Rules of Criminal Procedure. Sworn but non-certified deputies have the arrest powers of a citizen and may only arrest persons who commit a felony in the officer's presence

SECTION 7: AUXILIARY OFFICER FORCE

POLICY:

The Auxiliary Officer Force is authorized to supplement the staffing of the regular officers and employees, and will be governed by this and all Policies and Procedures adopted for this agency.

SECTION 8: RECOMMENDATION OF BAIL BONDS PERSONS OR ATTORNEYS

POLICY:

No employee shall become involved directly or indirectly in recommending or arranging for a bondsman or posting bond for any person charged with a criminal or traffic offense. The only exception to this rule is if the arrested person is a member of the employee's immediate family.

PROCEDURES:

- a. No employee shall suggest the name of, or recommend an attorney to any person who is involved in a criminal, traffic, or civil action. The only exception to this rule is if the person is a member of the employee's immediate family.
- b. Bail bond procedures will be established by the Judges of the Circuit and District Courts. Should any question arise concerning bond procedures, including recognizance bonds, law enforcement officers shall contact their immediate supervisor for guidance.

SECTION 9: BOMB THREATS/DISASTER PLANNING

POLICY:

When planning a response to a bomb threat or disaster, there are a number of factors that must be considered. The preservation of life and property is certainly the most important consideration. There is no single course of action that will always be suitable. Each situation must be evaluated individually. Immediate and total evacuation of an area may appear to be the obvious solution, however, if handled incorrectly this can be both ineffective and dangerous. Some planning is necessary so that the response will be orderly and efficient.

PROCEDURES:

a. PRIOR PLANNING:

- (1) The County Judge shall be responsible for coordinating Emergency Services for the County, and shall direct County department heads and allocate municipal resources. The location of the Control Center will be determined by the County Judge.
- (2) The staff in the Control Center should be limited to those employees who have a specific function to provide. The number of persons should be as small as possible.
- (3) The Chief shall be designated as the "Field Commander".

b. CONTROL CENTER

(1) Duties:

Initiate planned procedure.
Notify and coordinate activities of other personnel.
Release necessary information to the press.

(2) Decision Making Process:

Who will make decisions for the City?
Deciding factors for evacuation, search, and continuation of business.
Situation (bomb threat, civil unrest, etc.)
Vulnerability and accessibility of target area.
Probable risks involved.
Practicality of evacuation.
Type of search to be implemented.
Who will conduct the search?

(3) Course of Action:

Total evacuation of facility.
Selective evacuation.
No evacuation.

c. RECEIVING A BOMB THREAT:

- (1) Telephone: The majority of bomb threats are made by telephone. All personnel who handle incoming calls should be supplied with a bomb threat checklist
- (2) The checklist should provide the following information:

When is bomb going to explode?
 Where is it now?
 What does it look like?
 What kind of bomb is it?
 What will cause it to explode?
 Did you place the bomb?
 Why?
 What is your address?
 What is your name?
 Exact wording of the threat
 Sex of caller
 Race (sound of voice)
 Age, approximate (sound of voice)
 Length of call
 Name of person receiving the call
 Number at which call is received
 Time the call was received
 Date the call was received

CALLER'S VOICE

Calm	Crying	Deep
Angry	Normal	Ragged
Excited	Distinct	Clearing Throat
Slow	Slurred	Deep Breathing
Rapid	Nasal	Cracking Voice
Soft	Stutter	Disguised
Loud	Lisp	Accent
Laughter	Raspy	Whispered

If voice is familiar, who did it sound like?

BACKGROUND SOUNDS

Street Noises	Office Machines
Crockery	Factory Machines
Voices	Animal Noises
PA System	Clear
Music	Static
House Noises	Local
Motor	Booth

THREAT LANGUAGE

Well-spoken	Incoherent
Profane	Taped
Irrational	Messages (Read by person making threat)

REPORT CALL IMMEDIATELY TO CHIEF.

d. **EVALUATION:**

(1) Having evaluated the credibility of the threat, it is necessary to decide whether to:

- (a) Take no action or
- (b) Search without evacuation; or

- (c) Initiate a partial evacuation; or
- (d) Conduct a complete evacuation and search.

(2) If the decision to evacuate is made, all persons should be evacuated to a location a safe distance from the area.

e. SEARCH:

(1) Regardless of the extent of evacuation, a search is almost always advisable. Questions to be answered before conducting a search include:

- (a) Will it be an OVERT search? or
- (b) Will it be a COVERT search?
- (c) Will it be conducted without evacuation? or
- (d) Will it be conducted after evacuation?

(2) Circumstances of a partial or no evacuation will often necessitate a COVERT search

- (a) A Covert search is conducted to avoid both panic and the interruption of business operations, and is normally executed by a few supervisory or management personnel, without arousing employee suspicions.
- (b) An Overt search increases the efficiency of the operation, when a specially selected and trained team is used.
- (c) If, during the process of a search a suspect device, box, sack, or other container is located DO NOT TOUCH IT and do not assume it to be the ONLY device.
 - (1) Clear and secure the area and notify the control center.
 - (2) The finding of one suspected device does not end the search. More devices may be present and search efforts must continue until the entire facility has been checked.
 - (3) If a prolonged search is unavoidable, the search team should be given a break period every three (3) hours. Six (6) hours is about the maximum time a search team can function effectively.
 - (4) In the event no explosive device is found, the decision to reenter will be influenced mostly by the confidence in the search procedure.

f. EMERGENCY ASSISTANCE:

Should an emergency situation arise, involving a bomb threat or removal of a suspected explosive device, emergency assistance may be requested by contacting:

- (1) (If other than military or federal facility)
Bentonville P.D. EOD
- (2) (If Military Ordnance)
52nd Ordnance Detachment - Pine Bluff Arsenal

(501) 534-1850

- (3) (If Federal Facility)
FBI - Little Rock
(501) 221-9100**

SECTION 10: EMERGENCY VEHICLE EQUIPMENT AND OPERATIONS

Emergency Vehicle Equipment and Operations

Purpose and Scope

To provide guidelines for the operation of emergency vehicles and carrying of basic police equipment in department vehicles

Policy:

To safeguard lives and property by balancing the need for an emergency response with the safety of all persons and ensuring members have the equipment necessary to perform basic emergency services.

A. Basic Emergency Equipment

Police vehicles used for routine patrol will be equipped with basic emergency equipment to enhance the safety of enforcement personnel and to aid in stopping violators, conducting traffic, warning motorists, and other required duties.

- a. One or more blue lights which may be in a light bar mounted on top of the vehicle, in the grill, inside the passenger compartment, in other conspicuous locations on the vehicle, or a combination of these locations.
- b. A siren
- c. A mobile radio transceiver

B. Basic Patrol Equipment

The following equipment will be carried in police vehicles used for routine patrol:

- a. Flashlight (rechargeable)
- b. A fire extinguisher
- c. Rubber surgical gloves
- d. Flares (12 minimum)
- e. A reflective vest

C. Official City Police License Plates

Official city police license plates will be displayed on all vehicles regularly used for enforcement purposes.

Other license plates may be displayed on vehicles used for administrative purposes, investigations or enforcement action necessitated by exigent circumstances.

Types and uses of routine patrol vehicles

1. Fully marked cars will have the basic emergency equipment, a light bar visible from the front and rear of the vehicle, mounted inside or on top of the unit, and Tontitown Police Department decals on both sides of the vehicle.
2. Semi-marked cars will have basic emergency equipment and Police markings on the sides of the car, but no light bar mounted on top of the vehicle.
3. Unmarked patrol cars will have interior emergency lighting and sirens, but no exterior light bar or decals.
4. Marked patrol cars will be the primary type of enforcement vehicle used by the Department to provide high visibility and enhance safety during emergency relays, emergency response, pursuits, and at emergency scenes.
5. The assignment of all unmarked cars should be based on specific justifiable needs.

6. Vehicles which are not equipped with basic emergency equipment or official Police Department License Plates may, upon the direction of the affected commander, be designated for limited use in specific situations.

Emergency Equipment and Authorized Use

1. Blue lights:

a. Will be activated when:

- 1) The patrol vehicle is operated or parked as an emergency vehicle.
- 2) Signaling a motorist to stop
- 3) Warning motorist of a hazardous situation or a roadway is blocked or partially blocked.
- 4) It is necessary for the safety of enforcement personnel or the public.

b. May be activated when:

- 1) Done for inspection(equipment check), training, demonstration, or educational purposes
- 2) Done to enhance the safety of enforcement personnel or the public.
- 3) Should be turned off when no longer needed or when amber caution flashers or other measures may be more appropriate.

2. Siren

- a. A siren will be used when operating as a emergency vehicle.
- b. The horn may be used as an audible warning device, but is not a legal substitute for a siren.

3. Alternately Flashing Headlights (Wig-wags) when equipped

- a. Alternately flashing headlights should be used to supplement emergency equipment or as a temporary signal when use of a blue light is inadvisable.
- b. Alternately flashing headlights should be turned off when the patrol car is stopped behind a violator's vehicle unless the additional lighting is needed for tactical reasons.

4. Spotlight

- a. Spotlights should be used primarily illumination in emergency and enforcement situations and to enhance the safety of enforcement personnel.

- b. Spotlights may be used as a signaling device or to gain the attention of someone by briefly flashing the light toward a stopped vehicle or pedestrian.

5. Public Address System (PA)

- a. The PA may be used when it is necessary to give instructions to violators or other persons or to broadcast police radio traffic over a loud speaker.
- b. Officers will be discrete in use of the PA, both in the location where it is used and the message broadcast.

Response Modes

A. Safety Concerns

Officers responding to calls for service must balance the seriousness of the situation with the need for safety and the exemptions from traffic laws stated in Arkansas Criminal Code Annotated 27-49-109. The safety of enforcement personnel, and that of the general public, are paramount importance. The following circumstances should be carefully considered when responding to a call:

1. The type and seriousness of the emergency.
2. Specific instructions concerning the emergency.
3. The type of area and highway, street, or alley.
4. Weather conditions.
5. Vehicular and pedestrian traffic conditions.
6. Physical limitations of enforcement personnel and knowledge of the area.
7. Limitations and conditions of the police car.

B. Response to calls for service will be in one of the following modes:

1. "Code 1" Routine- Enforcement personnel will respond at their earliest convenience and in compliance with the applicable traffic regulations.
2. "Code 2" Priority- Enforcement personnel will respond without delay and without using emergency equipment. The police vehicle will be operated with due regard for the safety of all persons and in compliance with applicable traffic regulations.
3. "Code 3" Emergency- Enforcement personnel will respond immediately and will operate the patrol vehicle in an expeditious manner with due regards for the safety of

all persons. All available emergency lights and siren shall be activated during “code 3” response.

Pursuits

- A. Appropriate emergency equipment will be used during vehicular pursuits in accordance with the general order entitled “Vehicle Pursuits.”

Emergency Relays

A. Criteria

Emergency relays will be conducted at emergency speeds and using emergency equipment as authorized by Arkansas Criminal Code Annotated 27-49-109, when necessary to preserve human life or well-being, e.g., the relay of critically needed blood, drugs, or other articles. Officers will regulate their response to any call so as not to unreasonably endanger the public safety or welfare, and should drive no faster than necessary to safely arrive at their destination.

B. Emergency Determination

Emergency relays will be based, when possible, upon consultation with a responsible authority by headquarters to determine that the relays are truly of an emergency nature.

Emergency Escorts

- A. Escorts will not be conducted at emergency speeds or while using emergency equipment, except emergency equipment may be used when escorting a funeral procession.

Response to Crimes in Progress

- A. When responding to a call of a crime in progress, members may respond in an emergency mode subject to the limitations established by Arkansas Criminal Code Annotated 27-49-109

Other Hazardous or Emergency Situations

- A. Use of blue emergency warning lights when vehicles are stopped off the roadway should normally be used where the stopped vehicle(s) or person(s) may create a hazard or be endangered by traffic.

SECTION 11: BUSINESS CARDS: OFFICIAL - PERSONAL

POLICY:

Business or personal cards that refer to this agency shall be used by employees and officers only in connection with the performance of official duties.

PROCEDURE:

- a. All cards used must conform to the approved departmental format, and may be obtained only by permission of the Chief

SECTION 12: CHEMICAL AGENT - OLEORESIN CAPSICUM (OC)

POLICY:

Following approval by the Chief and satisfactory completion of qualification training, law enforcement officers may be armed with the Chemical Agent OLEORESIN CAPSICUM (OC) and projector. OC (Pepper Spray) used in compliance with these procedures is non-deadly force. OC used in compliance with these procedures is authorized to effect a lawful arrest, to prevent escape from lawful custody, to defend the officer or another from what the officer reasonably believes is the imminent use of physical force, or to restore institutional integrity in a detention facility.

PROCEDURES:

- a. The OC device is designed to be worn externally and in a holster. An OC device shall not be pocketed or otherwise concealed by a certified user since one of the purposes of OC is to create a visible deterrent to potential offenders.
- b. The OC will not be drawn and used against an individual holding a deadly weapon. OC is not intended to be an alternative to the use of deadly force when such is clearly authorized and is necessary.
- c. When all reasonable efforts have failed to calm a person who is acting violently and presenting a definite danger to himself or others, a minimum stream may be fired at the person in accordance with manufacturer's recommendations and departmental training received.
- d. The OC weapon will be used only to terminate violent behavior, or the threat of violent behavior, which could result in injury to the officer, other persons, or the violent individual.
- e. The OC weapon will not be discharged in the immediate vicinity of an infant, unless the infant's life is endangered, since their respiratory system is small and especially sensitive to irritating vapors.
- f. The OC device weapon will normally be discharged from a distance of at least six (6) feet.
- g. The aiming point is the eyes.
- h. Firing will be limited to one successful hit, not exceeding one (1) full second on target and the termination of the violent or threatening behavior.

Following use, the person exposed to OC will:

- (1) Be handcuffed.
 - (a) When an arrested person resists voluntary detention,
 - (b) Or is acting in a belligerent or combative manner,
 - (c) Or is considered to be threatening resistance or violent behavior.
- (2) Be assisted to wash-up area.
- (3) Flush contaminated area with water.
 - (a) The time between OC exposure and wash-up should, if possible, not exceed fifteen (15) minutes.
- (4) Only under conditions that represent an immediate threat of serious injury or death to the

officer or others will the OC be used in the following manner or situations:

- (a) Prolonged discharge at any effective distance into the face of a person already incapacitated or not responding to normal application of the chemical agent formulation who is continuing an assault that will result in serious injury.
 - (b) Discharge of large quantities of the chemical irritant in a confined space such as a small room or closed automobile.
 - (c) Discharge in the close proximity of an infant or elderly person.
- (5) No officer shall apply, nor permit another person to apply oil or grease medications such as butter, cold cream, lanolin, Vaseline, lotion, or salves that could trap the irritant to the skin and thereby cause blistering unless authorized by a physician.
- (6) Exposed areas should not be bandaged; the areas should be exposed to fresh air for evaporation.
- (7) If a person exposed to OC requests to be taken to a doctor, the person will be transported for examination by a doctor as soon as possible.
- (8) Officers utilizing the OC device shall prepare, and send a copy directly to the Chief a use of force incident report and the "USE OF CHEMICAL IRRITANT REPORT" citing specifically:
- (a) The clear justification for use.
 - (b) Date and time of exposure.
 - (c) Time lapse before wash-up.
 - (d) Any injuries observed during wash-up procedure.
- i. Violation of this section may result in individual loss of authority to use OC and may result in disciplinary action.
- j. The officer who uses OC on an individual shall be the officer who decontaminates the exposed individual.

SECTION 13: BLOODBORNE PATHOGENS

POLICY:

It is the responsibility of this agency to take all reasonable measures to allow its members to perform their duties in a safe and effective manner. The safe performance of daily operations is threatened by the AIDS and hepatitis B viruses that can be contracted through exposure to infected blood and several types of bodily secretions. Therefore, it is the policy of this agency to continuously provide employees with information and education on prevention of these diseases, provide up-to-date safety equipment and procedures that will minimize their risks of exposure and to institute post-exposure reporting evaluation and treatment for all members exposed to these diseases.

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 agency 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 by members for protection against the hazards of on. This does not include standard issue uniforms and work clothes without special protective qualities.
- 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 of the AIDS (HIV) and hepatitis B (HBV) viruses.

PROCEDURES:

- a. **General Disease Prevention Guidelines**
 - (1) This agency's exposure control plan shall provide the overall strategy for limiting exposure to HIV and HBV and responding to potential exposure incidents. The plan is available for review by all members through request of their immediate supervisor.
 - (2) This agency 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 shall be guided by these practices and procedures.
- b. **Workplace Controls and Personal Protective Equipment**
 - (1) In order to minimize potential exposure, officers should assume that all persons are potential carriers of HIV or HBV.
 - (2) When appropriate protective equipment is available, no member shall refuse to arrest or otherwise physically handle any person who may carry the HIV or HBV virus.
 - (3) Members shall use protective gear under all appropriate circumstances unless the member can demonstrate that in a specific instance, its use would have prevented the effective delivery of health care or public safety services or would have imposed an increased hazard to his safety or the safety of another co-worker.
 - (a) All such instances shall be reported by the member and shall be investigated and appropriately documented to determine if changes could be instituted to prevent similar occurrences in the future.
 - (4) Disposable gloves shall be worn when handling any persons, clothing or equipment with bodily fluids on them.
 - (5) Masks in combination with eye protection devices, such as goggles or glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray, spatter or droplets of potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
 - (6) Gowns, aprons, lab coats, clinic jackets or other outer garments shall be worn as determined by the degree of exposure anticipated.
 - (7) Plastic mouthpieces or other authorized barrier/ resuscitation devices shall be used whenever an officer performs CPR or mouth-to-mouth resuscitation.

- (8) All sharp instruments such as knives, scalpels and needles shall be handled with extraordinary care and should be considered contaminated items.
 - (a) Leather gloves or their protective equivalent shall be worn when searching persons or places or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered.
 - (b) Searches of automobiles or other places should be conducted using a flashlight, mirror or other devices where appropriate. Subsequent to a cautious frisk of outer garments, suspects should be required to empty their pockets or purses and to remove all sharp objects from their person.
 - (c) Needles shall not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand.
 - (d) Needles shall be placed in departmentally provided, puncture-resistant, leak proof containers that are marked as bio-hazardous when being collected for evidence, disposal or transportation purposes.
- (9) Officers shall not smoke, eat, drink or apply makeup around bodily fluid spills.
- (10) Any evidence contaminated with bodily fluids shall be completely dried, double bagged and marked to identify potential or known communicable disease contamination.

c. Custody and Transportation of Prisoners

- (1) Officers shall not put their fingers in or near any person's mouth.
- (2) Individuals with bodily fluids on their persons shall be transported in separate vehicles from other persons. The individual may be required to wear a suitable protective covering if he is bleeding or otherwise emitting bodily fluids.
- (3) Officers have an obligation to notify relevant support personnel during a transfer of custody when the suspect has bodily fluids present on his person, or has stated that he has a communicable disease.
- (4)
- (5) Officers shall 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.

d. Housekeeping

- (1) 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.
- (2) All supervisory personnel shall 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.
- (3) All equipment and environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious materials as provided in this policy.
- (4) Any protective coverings used in laboratory, evidence custody or enforcement operations for

covering surfaces or equipment shall be removed or replaced as soon as possible following actual or possible contamination.

- (5) Bins, pails and similar receptacles used to hold actual or potentially contaminated items shall be labeled as bio-hazardous, decontaminated as soon as feasible following contamination as well as inspected and decontaminated on a regularly scheduled basis.
- (6) Broken and potentially contaminated glassware, needles or other sharp instruments shall not be retrieved by hand but by other mechanical means and shall not be stored in a manner that requires that they be retrieved manually.
- (7) Officers shall remove clothing that has been contaminated with bodily fluids as soon as practical and with as little handling as possible. Any contacted skin area shall be cleansed in the prescribed fashion.
- (8) Contaminated laundry and personal protective equipment shall be bagged or containerized at the location where it is used in departmentally approved leak proof containers but shall not be sorted, rinsed or cleaned at that location.
- (10) Only employees specifically designated by the chief executive shall discard actual or potentially contaminated waste materials. All such disposal shall conform to established federal, state and local regulations.

e. Disinfection

- (1) Any unprotected skin surfaces that come into contact with bodily fluids shall be thoroughly washed as soon as possible with hot running water and soap for at least 15 seconds before rinsing and drying.
 - a. Alcohol or antiseptic towelettes may be used where soap and water are unavailable.
 - b. Disposable gloves should be rinsed before removal and hands and forearms should then be washed.
 - c. Skin surfaces shall be washed and mucous membranes flushed as soon as feasible following the removal of any personal protective equipment.
 - d. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
 - e. All open cuts and abrasions shall be covered with waterproof bandages before reporting to duty.
- (2) Disinfection procedures shall be initiated whenever bodily fluids are spilled or an individual with bodily fluids on his person is transported in a departmental vehicle.
 - a. A supervisor shall be notified and the vehicle taken to the service center as soon as possible.
 - b. Affected vehicles shall be immediately designated with the posting of an "Infectious Disease Contamination" sign upon arrival at the service center and while awaiting disinfection.
 - c. Service personnel shall remove any excess bodily fluids from the vehicle with an absorbent cloth, paying special attention to any cracks, crevices or seams that may be

holding fluids.

- d. The affected areas should be disinfected using hot water and detergent or alcohol and allowed to air dry.
 - e. All police vehicles taken to a service center for scheduled washing and routine maintenance shall, as part of that routine, be cleaned in the interior with an approved disinfectant.
- (3) Non-disposable equipment and areas upon which bodily fluids have been spilled shall be disinfected as follows:
- a. Any excess bodily fluids should first be wiped up with approved disposable absorbent materials.
 - b. A freshly prepared solution of one part bleach to 10 parts water or a fungicidal/micro-bactericidal disinfectant shall be used to clean the area or equipment.

f. **Supplies**

- (1) Supervisors are responsible for continuously maintaining an adequate supply of disease control supplies in a convenient location for all affected personnel in their unit. This includes, but is not limited to, ensuring that
- a. Personal protective equipment in appropriate sizes, quantities and locations are available,
 - b. Hypoallergenic gloves and other materials are available for those who are allergic to materials normally provided, and cleaning laundering and disposal, as well as repair or replacement of these and other items is provided, and
 - c. First aid supplies and disinfecting materials are readily available at all times.
- (2) All departmental vehicles shall be continuously stocked with the following communicable disease control supplies:
- a. Personal protective equipment in appropriate size and quantity for affected personnel to include face and eye protective devices, coveralls, disposable gloves and booties.
 - b. Liquid germicidal cleaner, Lysol spray or equivalent.
 - c. Disposable towelettes (70 percent isopropyl alcohol).
 - d. Waterproof bandages.
 - e. Absorbent cleaning materials.
 - f. Barrier Tape.
- (3) Officers using supplies stored in their vehicles are responsible for ensuring that they are replaced as soon as possible.
- (4) Officers are required to keep disposable gloves in their possession while on either motor or foot patrol.

g. **Vaccination, Exposure, Evaluation and Treatment**

- (1) All members of this agency who have been determined to be at risk for occupational exposure to the hepatitis B virus shall be provided with the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination shall be provided if desired only after the member has received required departmental training has not previously received the vaccination series and only if not contraindicated for medical reasons.
- (2) Any person who has unprotected physical contact with blood or other bodily fluids of another person while in the line of duty shall be considered to have been potentially exposed to HBV and/or HIV.
- (3) In cases of exposure, a supervisor shall be contacted who shall complete appropriate duty injury and medical forms and shall take appropriate steps to document the means and circumstances under which the exposure occurred.
- (4) Immediately after exposure, the officer shall proceed to the designated health care facility for tests of evidence of infection and treatment of any injuries.
 - (a) This agency shall ensure continued testing of the member for evidence of infection and provide psychological counseling as determined necessary by the health care official.
 - (b) The members shall 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
 - (c) Unless disclosure to an appropriate departmental official is authorized by the officer or by state law, the officer's medical evaluation, test results and any follow-up procedures shall remain confidential.
- (5) Any person responsible for potentially exposing a member of this agency to a communicable disease shall be encouraged to undergo testing to determine if the person has a communicable disease.
 - (a) The person shall be provided with a copy of the test results *and* a copy shall be provided to the exposed agency member. The member shall be informed of applicable state laws and regulations concerning the disclosure of the identity and infectious status of the source individual.
 - (b) Criminal charges maybe sought against any person who intentionally exposes a member of this agency to a communicable disease.
- (6) 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 agency.
 - (a) This agency shall make all decisions concerning the employee's work status solely on the medical opinions and advice of the agency's health care officials.
 - (b) The agency 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.
- (7) All members of this agency shall treat employees who have contracted a communicable disease fairly, courteously and with dignity.

h. Record Keeping

- (1) This agency's personnel function shall maintain an accurate record for each employee with occupational exposure that includes information on vaccination status; the results of all examinations, tests and follow-up procedures; the health care professional's written opinion, and any other germane information provided by the health care professional.
- (2) These health care records shall be retained in a secured area with Limited access for the duration of the member's employment plus 30 years and may not be disclosed or reported without the express written consent of the member.

i. Training

- (1) This agency's training coordinator shall ensure that all members of this agency with occupational exposure are provided with a complete course of instruction on prevention of blood borne diseases prior to their initial assignment.
- (2) All affected employees shall receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that *may* alter their risk of exposure.
- (3) All trainees shall have access to applicable federal and state regulations pertaining to the regulation of blood borne pathogens.
- (4) The training coordinator shall ensure that complete records are maintained on member training to include information on the dates and content of training sessions, names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions. These records shall be maintained for a period of three years from the date of training.

SECTION 14: COMMUNICABLE DISEASES POLICY
FOR LAW ENFORCEMENT PAID EMERGENCY SERVICE OFFICERS

POLICY:

To provide agency personnel with communicable disease information and current safety procedures which will assist in minimizing potential exposure, while increasing knowledge of the nature and potential risks of communicable diseases. It shall also be the policy of this agency that every person receives appropriate service and emergency care regardless of their physical condition.

a. **PURPOSE**

To establish procedures for the proper investigation of incidents that involve persons who have, or are suspected of having a communicable disease. The procedures shall establish:

- (1) Guidelines to reduce the risk of law enforcement or Emergency Service Officers of contracting a communicable disease during the performance of official duties, and
- (2) Procedures to be followed when an officer has a line of duty exposure to a communicable disease.
- (3) The ability to assure the confidentiality and the prevention of discrimination against of victims of communicable diseases.

b. **DEFINITIONS**

- (1) **Body fluids:** Liquid secretion including but not limited to, blood, semen and vaginal or other secretions that might contain these fluids, such as saliva, vomit, urine or feces.
- (2) **Communicable Disease:** Those infectious illnesses that are transmitted through direct or indirect (including airborne) contact with an infected individual, including but not limited to the body fluids of the infected individual.

c. **PROCEDURES**

- (1) **Communicable Disease Prevention**
 - (a) In order to minimize potential exposure to communicable diseases, officers must assume that all persons are potential carriers of a communicable disease.
 - (b) Officers must cover all open cuts and abrasions with waterproof bandages prior to reporting for duty.
 - (c) Disposable double latex gloves shall be worn when handling any person, clothing or equipment with body fluids on them, or when the officer anticipates becoming involved in assaultive behavior through which the officer may potentially become exposed to blood or body fluids containing blood.
 - (d) Gloves should not be reused, and a new pair should be put on before handling a different person or touching uncontaminated items.
 - (e) When leather or cotton gloves are worn for crime scene work, latex gloves can be worn underneath for added protection.

- (f) In appropriate circumstances, more than one pair of latex gloves shall be worn to protect against exposure.
- (g) Mask protective eye goggles and protective disposable coveralls shall be worn where body fluids may be splashed on the officer, or where airborne contamination of a communicable disease is anticipated.

NOTE: TO DATE, THERE HAVE BEEN NO DOCUMENTED CASES OF TRANSMISSION OF HEPATITIS B VIRUS (HBV) OR HIV VIRUS THROUGH AIRBORNE CONTAMINATION.

- (h) Plastic mouthpieces or other authorized barrier resuscitation devices shall be used whenever an officer performs CPR or mouth-to-mouth resuscitation
- (i) All sharp instruments such as knives, scalpels and needles shall be handled with extraordinary care and should be considered to be contaminated items.
- (j) Leather gloves shall be worn when searching for or handling sharp instruments.
- (k) Officers shall not place their hands in areas where sharp instruments might be hidden. An initial visual search of the area should be conducted, using a flashlight and/or portable metal mirror where necessary.
- (l) When searching a suspect's pockets, officers should exercise extreme caution and when appropriate, have the suspect empty the pockets and pull the pockets inside-out from the top.
- (m) A search of a purse can be accomplished by carefully dumping the contents onto a flat surface.
- (n) Needles shall not be recapped, bent, broken, removed from a disposable syringe, or otherwise handled.
- (o) Needles or similar sharp-edged instruments shall be placed in puncture-resistant, non-porous container when being collected for evidence or disposal purposes. The container shall be marked accordingly to show contents.
- (p) Officers shall not smoke, eat, drink, or apply makeup around body fluid spills or when wearing protective gloves.
- (q) Any evidence contaminated with body fluids shall first be air dried, then double bagged in plastic bags and marked to identify suspected or known communicable disease contamination.
 - (1) Department issued sealable evidence bags shall be utilized. Stapling of evidence bags should be avoided.
 - (2) Department-issued prongs shall be utilized to assist in gathering contaminated evidence.

(2) Transporting and Custody

- (a) When appropriate protective equipment is available, no officer shall 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 shall immediately contact the supervisor and request assistance.

- (b) Officers shall 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 shall be transported in separate vehicles from other individuals.
- (d) During a transfer of custody, officers shall discreetly notify support personnel that the suspect/victim has body fluids on the person or that the suspect/victim has said that he/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 shall be isolated from other persons until clean-up has been completed and a change of clothes has been provided.
- (f) The Supervisory Officer on duty at the detention facility shall be immediately advised of the suspect's status.
- (g) Officers shall document that a suspect taken into custody has body fluids on their person and has stated that he or she has a communicable disease.
- (h) All officers dealing with persons who have blood or other body fluids on their body or clothing will be personally responsible for following precautionary procedures and using the protective materials provided.

(3) Decontamination

- (a) Any skin surfaces that have had the slightest contact with body fluids shall be immediately and thoroughly washed with hot running water and soap for one (1) minute before rinsing with an antiseptic solution before drying,
 - (1) Alcohol, antiseptic solutions or towelettes may be used when soap and water are not available.
 - (2) Disposable gloves should be removed inside out with the contaminated side not exposed. The hands and forearms should then be washed.
- (b) Officers should remove clothing that has been contaminated with body fluids as soon as practical.
- (c) Officers should cleanse any contacted skin area in the prescribed fashion (showering if necessary) prior to putting on clean clothing.
- (d) Disinfection procedures shall be initiated whenever body fluids are spilled in or when an individual with body fluids on his or her person is transported in a police vehicle.
 - (1) The supervisor shall be notified and the vehicle shall be taken out of service.
 - (2) A "Do Not Use-Possible Communicable Disease Contamination" sign shall be posted on the steering wheel of the vehicle.

- (3) The affected vehicle shall remain out of service until it has been disinfected by washing the contaminated areas with a commercial disinfectant approved by the Chief
- (e) Non-disposable items such as handcuffs, etc., should be disinfected with either a bleach solution (1 part bleach to 9 parts water), rubbing alcohol or commercial disinfectant. Contaminated shoes and boots, including soles, should also be disinfected with an approved disinfectant.
- (4) Extreme care should be taken to assure *that* footwear that is contaminated is not worn home and contamination taken into officers or other persons home or work area.
- (4) Supplies
 - (a) The Chief is responsible for purchasing, storing and issuing communicable disease prevention supplies to all personnel within the police department.
 - (b) All department and emergency service vehicles shall be continuously stocked with the following communicable disease prevention supplies:
 - (1) Disposable coveralls, aprons and shoe covering in appropriate sizes.
 - (2) Disposable latex gloves.
 - (3) Barrier resuscitation equipment, protective eye goggles, and surgical face masks.
 - (4) Disposable towelettes (70% isopropyl alcohol).
 - (c) Officers using supplies stored in police or emergency service vehicles are responsible for their immediate replacement.
 - (d) Officers are required to keep disposable gloves in their possession at all times.
- (5) Line of Duty Exposures to Communicable Disease
 - (a) Any officer who has been bitten by a person, or who has had physical contact with body fluids of another person, while in the line of duty shall be considered to have been exposed to a communicable disease.
 - (1) Reports of direct air contact of communicable diseases shall be evaluated on the merits of the particular incident by the departmental health care officials.
 - (b) The officer's immediate Supervisor shall be contacted and all appropriate injury forms shall be completed.
 - (c) Immediately after exposure, the officer shall be transported to the appropriate health care facility for clinical and serological testing for evidence of infection. The health care professionals shall evaluate the test results, along with the circumstances surrounding the incident, and make a determination as to the extent, if any, of exposure to a communicable disease.
 - (d) Any person responsible for potentially exposing the officer to a communicable disease shall be encouraged to undergo testing to determine whether the person has a

communicable disease. If the individual refuses to be voluntarily tested, the Chief shall request a court order to test the individual.

- (e) Officers who test positive for a communicable disease contracted in the line-of-duty may continue working as long as they maintain acceptable performance and do not pose a health threat to themselves, the public or the department.
 - (1) Decisions on an affected officers work status will be based on the recommendations of the health care professionals.
 - (2) The department may require any employee to be physically examined to determine the employee's fitness for duty and to determine if he is able to perform assigned duties without hazard to himself or others.
- (f) All personnel shall treat employees who have contracted a communicable disease fairly, courteously, and with dignity.

d. LEGAL RIGHTS OF VICTIMS OF COMMUNICABLE DISEASE

Victims of communicable diseases have the right to expect, and Law Enforcement and Emergency Service Officers shall provide, the same level of service and enforcement as any other individual would receive.

- (1) Officers assume that a certain degree of risk exists in law enforcement and emergency services work and accept those risks with their individual appointments. This holds true with any potential risks of contraction a communicable disease as surely as it does with the risks of confronting an armed criminal.
- (2) Any officer, who refuses to take proper action in regard to a victim of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary action.
- (3) When an officer mentions in a report that an individual has or may have a communicable disease, he shall write "CLASSIFIED - CONTAINS MEDICAL INFORMATION - NOT SUBJECT TO FOP" across the top margin of the first page of the report
- (4) The officer's Supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initialed by the Supervisor.
- (5) The Supervisor making press releases shall make certain the medical information is not given to the news media. Under the Arkansas Freedom of Information Act (FOI) medical records are exempt from disclosure.
- (6) All request (including subpoenas) for copies of reports marked "CLASSIFIED - CONTAINS MEDICAL INFORMATION - NOT SUBJECT TO FOI" shall be referred to the County Attorney for authorization to release the document.
- (7) Prior approval shall be obtained from the County Attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.
- (8) All circumstances, not covered in this Policy, that may arise concerning releasing confidential or medical information regarding a victim, or suspected victim, or a communicable disease shall be referred directly to the Chief.
- (9) Any employee who divulges confidential or medical information in regard to a victim, or suspected victim, of a communicable disease shall be punished in a manner authorized by

law.

SECTION 15: COMMUNITY RELATIONS

POLICY:

It is the policy of this agency to involve all department personnel in a county-wide community relations effort, to include working to establish an attitude that the law enforcement personnel are an integral part of the community and that citizen participation and interaction with law enforcement personnel are necessary. This agency, through established programs, will identify law enforcement policies and procedures to its citizens and the media for the enrichment of the entire community. This department is committed to correcting actions, practices, and attitudes that may contribute to community tensions and grievances. It is also the policy of this department that community relations are the shared responsibility of each and every member of the department.

PROCEDURES:

- a. **Responsibility** - It is the responsibility of all department personnel to promote good community relations, recognizing that the actions and demeanor of department personnel in dealing with the general public have a significant impact on the image of the department and ultimately its overall effectiveness and level of acceptance within the community. In serving the public, each employee shall make his/her contact one that inspires respect, not only for himself/herself as an individual and professional, but one that generates the cooperation and approval of the public.
- b. **Community Relations Objectives**
 - (1) To create and maintain liaison with community groups and organizations. This includes exchanging information, identifying law enforcement service needs of the community, promoting law enforcement/citizen contacts, acquainting each other with mutual problems and encouraging action aimed at solving these problems.
 - (2) To develop community relations policies for this agency.
 - (3) To publicize department objectives, problems, and successes.
 - (4) To obtain input from community groups to ensure that department policies reflect the needs of the community.
 - (5) To identify sources of conflict between law enforcement and the community and encourage efforts to resolve them.
 - (6) To establish neighborhood watch groups where such groups do not now exist.
 - (7) To identify training needs relating to community relations through input from citizens, groups, supervisors, and complaint reports.
 - (8) To provide the Chief any information regarding concerns of the community, potential law enforcement/citizen problems, and recommended actions.
 - (9) To evaluate all department community relations programs on a semi-annual basis and to participate in an annual survey of citizens' attitudes and opinions with respect to law enforcement service.
 - (10) To conduct an annual survey of citizen attitudes and opinions with respect to:
 - (a) Overall department performance.
 - (b) Overall competence of department employees.

- (c) Officer attitude and behavior toward citizens.
- (d) Concern over safety and security in the community.
- (e) Recommendations and suggestions for improvements.

c. Programs - Program content includes, but is not limited to the following:

- (1) Public Information Programs: Publicize department objectives, problems and successes through the media, brochures, guest speakers, news releases, press conferences and newsletters.
- (2) Community Relations Programs: Meet with civic groups, minority groups, neighborhood councils, crime watch groups and individuals to exchange information and convey information back to the department
- (3) Crime Awareness Programs: Provide citizen groups information on making their families, homes, and business more secure and work to establish crime watch neighborhoods where none exist. Programs include, but are not limited to:
 - * Neighborhood Crime Watch
 - * Burglary Prevention
 - * Rape Prevention
 - * Fraud Prevention
 - * Emergency Reporting Procedure
 - * Home Security Survey
 - * Operation ID
 - * Robbery Prevention
 - * Commercial Burglary Prevention

SECTION 16: CONDUCT: ABUSE OF POSITION

POLICY:

No officer shall use his/her official position or relationship with this department to secure special privileges or exemptions for themselves or their spouse, children, parents, or other persons within their family relationships, or for anyone with whom they have a financial relationship or obligation.

SECTION 17: CALL PRIORITIZATION, DISPATCH, TELEPHONIC REPORTS

POLICY:

It shall be the policy of this agency to render citizen assistance in the most timely, efficient and effective manner possible. When our citizens call for assistance many times all they are seeking is advice, directions, information, or a remedy for a minor problem. The assistance provided by the Department traditionally has been to dispatch a patrol unit to the citizen's location and from there provides whatever aid was required. The time lost through the dispatching procedure, the level of assistance required and the service rendered would many times be no more than what either a dispatcher or an officer could provide over the telephone. Techniques of deferring or prioritizing calls for service will still provide the citizens with a proper level of law enforcement service. The availability of patrol units to answer more serious situations will be enhanced through deferred dispatching techniques. Patrol officers will be able to direct more attention towards directed patrol activities and investigations.

PROCEDURES:

Details available in Communications Policy Manual.

SECTION 18: CONDUCT: UNBECOMING AN EMPLOYEE/OFFICER

POLICY:

Honesty, efficiency, and integrity are the first guidelines for a law enforcement officer's conduct. All law enforcement officers must remember that they are employed to serve the citizens of this jurisdiction. The public is entitled to courteous efficient response to requests for law enforcement service.

PROCEDURE:

- a. All officers when off duty, but in uniform, shall conduct themselves as though they were on duty.
- b. Officers shall not make known to any person any order or information which they have knowledge of or have received, unless it is in the performance of official duty and given to a person entitled to have the information.
- c. Law enforcement officers, whether on or off duty, shall be governed by ordinary and reasonable rules of good conduct and behavior, and shall not commit any act that could adversely affect the department.
- d. Any employee/officer who is convicted of any criminal behavior may be subject to disciplinary action or dismissal.
- e. This includes failure to pay debts as indicated in section 21 of this manual.

SECTION 19: COURT PROCEDURES

POLICY:

All department personnel appearing in court in any capacity shall be well groomed, prepared, and professional.

PROCEDURES:

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 Circuit Court; the complete official uniform shall be worn. Whether or 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. Members shall present a neat and clean appearance avoiding any mannerisms that might imply disrespect to the court.
- (3) Appearances in District Court on days off shall be made in full uniform or appropriate civilian attire.

b. Subpoena Precedence

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: Circuit Court, District Court, City Court and then civil cases. Officers shall promptly notify the presiding judge whenever a conflict exists.

c. Preparation for Court

All members shall have the cases in which they are concerned properly prepared, and all property that 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

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

A member shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. 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 the Chief and the governmental attorney of the service of notification, and of the testimony he is prepared to give.

g. Civil Depositions and Affidavits

Members shall confer with the Chief before giving a deposition or affidavit on a civil matter.

h. Members shall not institute any civil action arising out of their official duties without first notifying the Chief. 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.

SECTION 20: CRIME PREVENTION

POLICY:

This agency shall continue to pursue Community Crime Prevention Programs and commit itself to the perpetuation of all such programs. Most law enforcement activities consist of reactive policing. No less legitimate; however, is the pursuit of the prevention of crime. In order to ensure appropriate community interaction, this agency will utilize the language skills of any employee in pursuing crime prevention activities. It shall be the policy of this agency to establish and maintain a crime prevention officer. This officer shall be responsible for presentation of crime prevention techniques to the public and to officers of the agency.

PROCEDURES:

- a. In order to accomplish the goal of establishing a viable Community Crime Prevention Program, the following steps should be taken:
 - (1) The Crime Prevention Program shall receive the support of the Chief and all command level officers.
 - (2) All uniformed and non-uniformed personnel shall be aware of the purpose and goals of the Crime Prevention Program and be encouraged to participate in the program.
 - (3) The Crime Prevention Officer shall identify those areas where programs can be developed for the general good of the community.
 - (4) The Crime Prevention Officer and voluntary persons, shall present programs to the community on a timely basis, or as requested.
 - (5) Each officer and civilian employee shall remember that they are a part of the Community Crime Prevention Program of this agency by virtue of employment.

- b. The Crime Prevention Officer must draw from a cross section of the different divisions of the agency. This officer will be selected by the Chief. The officer shall be responsible for, but not limited to, the following:
 - (1) Crime Prevention Officers will train other members in crime prevention techniques by, on occasion, taking other members when giving a program or presentation
 - (2) Provide lectures on crime prevention to various civic groups and citizens, upon request
 - (3) Conduct residential/business security surveys, upon request.
 - (4) Conduct fingerprinting of children, on request and with parent's consent.
 - (5) Conduct programs within the school system, upon request
 - (6) Conduct community wide neighborhood watch programs.
 - (7) Perform duties as liaison officer with all school systems in this jurisdiction.
 - (8) Perform duties as liaison officer with Crime Stoppers, Inc.

- c. This agency has established a crime prevention priority program that provides for the targeting of programs by crime type and geographic areas, based on empirical analysis of local crime data, and an annual evaluation of all crime prevention programs. Crime Prevention priorities should be established,

but not limited to, the following guidelines:

- (1) Crime types and greatest problems.
 - (a) Crime analysis spot map
 - (b) Monthly in-house statistical report
 - (c) Agency annual report
- (2) Which crime prevention activities can be most productive?
 - (a) Select programs based on crime trends and locations
 - (b) Select programs based on age groups
 - (c) Select programs based on citizen requests
 - (d) Select programs based on locations desired
- (3) Review and evaluation of programs used will be conducted on an annual basis.
 - (a) Compare crime prevention program log with crime trends to determine relevant programs
 - (1) Programs to be continued
 - (2) New programs to be developed
 - (3) Programs to be amended
 - (b) Response from citizen survey
 - (c) Crime Prevention Officer will review and evaluate programs and forward copy of report to the Chief for review
- d. The Crime Prevention Officer shall be responsible for organization and administration of neighborhood crime prevention groups.
- e. The Crime Prevention Officer shall organize interested citizens in various residential areas to form a crime watch group. These groups are citizens who are concerned about mutual neighborhood protection. When attending these meetings, the Crime Prevention Officer shall disseminate information concerning the organization of such crime-watch groups, and show interested citizens ways to perform the neighborhood protection format.
- f. High crime areas may be targeted for additional crime prevention activity by Patrol. All law enforcement services are available upon requests by the public.
- g. The Crime Prevention Officer will act as liaison with the citizen groups to address the concerns of the neighborhood watch groups.
- h. It is the responsibility of each law enforcement officer to promote crime prevention within the community. In the protection of the citizens and their property, each officer should strive to assist the public in obtaining the services of the Crime Prevention Officer, who will present timely programs to citizen groups on crime prevention measures.

- i. Crime prevention is not only the responsibility of patrol officers, but concerned citizens and business owners as well. Through the use of Crime Prevention programs, citizens and business owners should have access to information regarding security surveys, marking property, and local crime statistics.
- j. Making citizens aware of how they may help in the prevention of crime can have a positive effect on the reduction of crime in their community. The Crime Prevention Officer shall be available for request from the community on how they may participate in local crime prevention.
- k. Establishing and maintaining liaison between the Crime Prevention Officer and the community is of utmost importance. The officer(s) assigned this task shall make close, continual community contact a priority.
- l. The Crime Prevention Officer shall set up a schedule to meet with interested community members to incorporate crime prevention programs. Since the community is made up of diverse interests, meeting times and locations may vary in order to meet the community's needs. The Crime Prevention Officer shall encourage active participation from all citizens who make meetings and shall utilize opportunities to promote the Crime Prevention Program through the use of literature, slide/film presentations, as well as, demonstrating various techniques available for the protection of private homes, businesses, etc. All persons should be encouraged to contact the Crime Prevention Officer any time, to maintain a liaison between the officer and the community.

SECTION 21: DEBTS

POLICY:

Employees are cautioned about personal debts of any kind that could influence their decision in the performance of their duty. Creditors who contact the Chief for assistance in collecting past due accounts will be requested to notify the Chief in writing. A copy of the correspondence shall be placed in the officer's personnel file.

PROCEDURE:

- a. Officers shall arrange their personal financial affairs so that creditors and collection agencies will not be required to use the office of the Chief for the purpose of making collections.
- b. Failure to pay honest debts in a timely manner can result in termination.

SECTION 22: DOMESTIC ABUSE INCIDENTS

POLICY:

It is the policy of this agency to reduce the incidence and severity of domestic abuse, protect victims of domestic abuse and provide them with support through a combination of law enforcement and community services, and promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic abuse calls for service.

DEFINITIONS:

- a. Domestic abuse means:
 - (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily harm, bodily injury or assault between family or household members; or
 - (2) Any sexual conduct between family or household members whether minors or adults which constitutes a crime under the laws of this state.

- b. "Family or household members" means spouses, former spouses, parents, children, persons related by blood within the fourth (4th) degree of consanguinity or persons who are presently or in the past have resided or cohabited together.

DISPATCHER'S PROCEDURES:

The dispatcher who receives a domestic abuse call can provide the responding officers with vital information that could save the victim's and the officer's life. The dispatcher will give a domestic abuse call the same priority as any other life-threatening call and will, whenever possible, dispatch at least two officers to every incident.

- a. In addition to information normally gathered, an effort should be made to determine and relay the following to responding officers:
 - (1) Whether the suspect is present and, if not, the suspect's description and possible whereabouts;
 - (2) Whether weapons are involved;
 - (3) Whether the offender is under the influence of drugs or alcohol;
 - (4) Whether there are children present,
 - (5) Whether a current protective or restraining order is in effect; or
 - (6) Complaint history at that location

- b. Dispatchers shall not cancel law enforcement response to a domestic abuse complaint based solely on a follow-up call from the residence requesting such cancellation. However, the dispatcher shall advise the officers of the complainant's request

RESPONDING OFFICER PROCEDURES:

- a. On-Scene Investigation
When responding to a domestic abuse call, the officers shall:
 - (1) Restore order by gaining control of the situation.
 - (2) Take control of all weapons used or threatened to be used in the crime.

- (3) Assess the need for medical attention and call for medical assistance if indicated.
- (4) Interview all parties.
- (5) After each party has been interviewed, responding officers should confer to determine if an arrest should be made or whether other actions should be taken. Pursuant to ACA 16-81- 113, when a law enforcement officer has probable cause to believe a person has committed acts which constitute a crime under the laws of this state and which constitute domestic abuse, the officer may arrest the person without a warrant if the law enforcement officer has probable cause to believe the person, within the preceding twelve (12) hours, has committed such acts even if the incident did not take place in the presence of the law enforcement officer.
- (6) The arrest of the person shall be considered the preferred action by a law enforcement officer of this agency when evidence indicates that domestic abuse has occurred in addition to a violation of the Arkansas Criminal Code.
- (7) Collect and record evidence and, where appropriate, take color photographs of injuries and property damage.
- (8) Complete appropriate offense or incident reports necessary to fully document the officer's response, whether or not a crime was committed or an arrest made.
- (9) Give the victim a copy of the incident report.
- (10) Advise the victim that a petition for relief may be filed in the Circuit Court of the county where the petitioner resides, where the alleged incident of abuse occurred, or where the respondent may be served.
- (11) Advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available.
- (12) Remain on the scene until satisfied that there is no threat to the victim.
- (13) Provide the victim with referral information for legal or social assistance and support.
- (14) If the offender has left the scene and a crime has been committed, the officers will:
 - (a) Conduct a search of the immediate area;
 - (b) Obtain information from victims and witnesses as to where the offender might be; and
 - (c) Refer the matter to the Prosecuting Attorney.

ORDER OF PROTECTION:

- a. A petition for relief, accompanied by an affidavit made under oath stating the specific facts and circumstances of the domestic abuse incident and the specific relief sought may be submitted to the Circuit Court by the victim. (The Clerk of the Chancery Court shall provide the forms and clerical assistance to help the petitioner with the writing and filing of a petition under Act 266 of 1991, if the petitioner is not represented by counsel).
- b. Acting upon the petition for relief the Chancery Court may issue a temporary or permanent Order of Protection pursuant to the Domestic Abuse Act of 1991.

- c. The court clerk shall immediately, upon receipt of an authorized order of protection, temporary order of protection, and any modification or cancellation of such orders, forward a copy to the Chief of the county for service.
- d. Upon receipt of the order of protection, temporary order of protection, and any modification or cancellation of such orders by the Chief's office, the person responsible for service of civil process will immediately:
 - (1) Ensure that the order of protection, temporary order of protection, or any modification or cancellation of such orders, are immediately entered into the ACIC system pursuant to Act 995 of 1995. As a minimum, the following information describing the subject of the order will be entered:
 - (a) Full name and date of birth.
 - (b) Race and sex.
 - (c) Driver's license number (and social security number if available).
 - (d) Last known address.
 - (e) Whether the order of protection, temporary order of protection, or any modification "has" or "has not" been served.
 - (2) Place a high priority on service of the protection order, temporary order of protection, or any modification of such order. The order must be served on the subject of the order by delivering a copy to him personally, or if he refuses to receive it, by offering a copy thereof to *him*, or by leaving a copy thereof at his dwelling house or usual place of abode with some person residing therein who is at least 14 years of age, or by delivering a copy thereof to an agent authorized by appointment or by law to receive service of summons. Because proper service of the protection order is time-critical, no officer of this agency will attempt to serve this process by registered mail.
 - (3) Information contained in and obtained from the ACIC protection order registry shall be deemed confidential and shall be available at all times only to courts, law enforcement and prosecuting attorneys.

VIOLATION OF AN ORDER OF PROTECTION:

- a. A person commits the offense of "violation of an order of protection" if:
 - (1) A court has issued an order of protection, temporary order of protection, or any modification of such order against him pursuant to the Domestic Abuse Act of 1991, Arkansas Code Annotated 9-15-101, et seq.; and
 - (2) He has received actual notice or notice pursuant to Rule 4, Arkansas Rules of Civil Procedure, of an order of protection, temporary order of protection, or any modification thereof against him pursuant to the Domestic Abuse Act of 1991, Arkansas Code Annotated 9-15-101 et seq.; and
 - (3) He knowingly violates a condition of an order of protection issued pursuant to the Domestic Abuse Act of 1991, Arkansas Code Annotated 9-15-10 1 et seq.

ENFORCEMENT OF A VIOLATION OF AN ORDER OF PROTECTION:

- a. The preferred course of action for law enforcement officers of this agency is to arrest and take into

custody without a warrant, pursuant to Arkansas Code Annotated 5-53-134, any person who the law enforcement officer has probable cause to believe is subject to an order of protection issued pursuant to the laws of this state and who the officer has probable cause to believe has violated the terms of the order, even if the violation did not take place in the presence of the law enforcement officer.

- b. Any law enforcement officer of this agency acting in good faith and exercising due care in making an arrest for domestic abuse shall have immunity from civil liability.

6

SECTION 23: ENFORCEMENT: MUTUAL ASSISTANCE

POLICY:

The goal of this agency is to provide efficient, high quality law enforcement services to the community during both emergency and non-emergency situations. The purpose of the regional mutual assistance agreement is to enable each agency to more effectively handle emergency situations through the pooling of law enforcement resources. In recognition of the fact that this agency has a finite amount of resources with which to meet all incidents, it shall be the policy of this agency to participate in the mutual assistance agreement in order to strengthen our response to emergency situations.

PROCEDURES:

a. Requests for Assistance

- (1) Non-emergency situations: requests for mutual assistance shall be forwarded to the Chief or his designated representative.
- (2) Emergency situations In the event that this agency requires assistance in handling an emergency, the officer in charge at the scene of the emergency will contact the dispatcher and request that the Chief be advised of the situation.
 - (a) Nature of the emergency
 - (b) Measures taken to bring the situation under control, and why they have proven insufficient, and
 - (c) Estimated amount of equipment personnel, or special units that will be necessary to bring the situation under control.
- (3) The Chief or designated representative is the sole designated official permitted to request or authorize emergency assistance.

b. Emergency Scene Responsibilities

- (1) The designated supervisor of this agency shall be in charge at the emergency site. All loaned personnel shall follow his lawful orders. However, where the provided mutual assistance involves the loan of a specialized SWAT, hostage negotiation, bomb disposal, or canine unit the commander of that specialized unit shall be responsible for the implementation of the mission to be accomplished, as determined and directed by the designated supervisor of this agency.
- (2) When taking law enforcement actions at the emergency site, including uses of force, officers from this agency shall at all times adhere to agency policies and procedures, and utilize only those weapons and tactics with which they have qualified.
- (3) Officers on loan from this agency to an emergency site shall regularly apprise our dispatcher or supervisor concerning the continued status of the emergency, line of duty injuries, or need for relief.
- (4) Officers may take only those law enforcement actions permitted under state law for emergency allocation outside this jurisdiction.
- (5) Department personnel providing mutual assistance shall only make arrests for offenses

directly related to the emergency situation.

SECTION 24: ENFORCEMENT: TRAFFIC

POLICY:

Traffic law enforcement involves all law enforcement activities or operations that relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, it includes effective warnings to drivers and pedestrians that help prevent them from committing minor and unthinking violations. Traffic law compliance is promoted through the judicious use of verbal and written warnings in place of traffic arrest. Traffic enforcement can be reactive to observed violations, at accidents, or in response to community concerns, or may be proactive, to effectively prevent traffic violations. Enforcement should be in proportion to traffic accidents with respect to time, place, and type of violation. However, overzealous enforcement without considering whether the violator is familiar with the legal requirement or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community it serves.

PROCEDURES:

- a. *Types of Enforcement Actions:* Enforcement action may consist of a warning, citation, or physical arrest.
- (1) Warnings: A warning may be issued to a violator wherever there is a minor traffic infraction committed in those areas where traffic accident experiences are a minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. A warning, properly given by an officer, can be more effective, while building positive rapport with drivers, than any other type of enforcement action.
 - (2) Arkansas Uniform Traffic Ticket and Complaint (UTT): A UTT should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operation unsafe and improperly equipped vehicles.
 - (3) Physical Arrest: Officers will make a physical arrest:
 - (a) When pertaining to Driving Under the Influence of Alcohol or other Intoxicants
 - (b) Whenever a felony has been committed, involving a vehicle.
 - (c) When the operator refuses to sign the promise to appear on the traffic summons.
 - (d) When the officer has reason to believe that the person will not comply with the summons if issued.
- b. *Handling Special Categories of Violators:*
- (1) Non-residents: Officers should consider use of warnings for non-residents, from outside the area, simply passing through this jurisdiction, who commit a minor, non-hazardous violation.
 - (2) Juveniles: Officers should consider use of warnings for juveniles who commit a minor, non-hazardous violation. Warnings, if given, may include notice to parents.
 - (3) 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. Nothing contained in this section

shall be so construed as to extend to cases of treason, felony, or breach of peace or to privilege any person named from being served at any time or place with a summons or notice to appear (ACA 16-81-102). The issuance of a traffic summons for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving DWI.

- (4) 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 peace (ACA 12-62-401). The issuance of a traffic ticket for a moving traffic offense is allowed, as is the physical arrest in the case of an offense involving DWI.
- (5) Other Law Enforcement Personnel: Warnings (as listed in paragraph a, (1)) may be extended to other law enforcement personnel except when violations indicate a flagrant disregard for traffic laws. Flagrant violators may be issued a UTT or information provided to the Chief who will take appropriate administrative action.

c. *Information Re Traffic Summons*: The Arkansas Uniform Traffic Ticket and Complaint will be completed whenever a motorist is to be charged with a motor vehicle violation and the motorist will be told the following:

- (1) Court appearance schedule.
- (2) Whether court appearance by the motorist is mandatory.
- (3) Whether the motorist may be allowed to prepay the fine prior to court and enter a guilty plea.
- (4) Any other information necessary prior to release of the motorist

d. *Uniform Enforcement Policies for Traffic Law Violations*: The following guidelines for uniform traffic law enforcement actions in routine situations are provided to assist officers in making decisions as to whether or not a traffic summons is warranted, if from this area, as residents.

- (1) Speed violations: Should be a clearly convictable speed in court. May depend on location of violation (congested area, downtown, school zone, etc.).
- (2) Other hazardous violations: Consider, degree of hazard, place, previous accident history of location, current directed patrol emphasis, etc.
- (3) Equipment violations: Consider issuance of summons for any essential equipment defects.
- (4) Other non-hazardous violations: Consider warning unless repetitive or flagrant
- (5) Multiple violations: May cite all if deemed necessary, normally pick the most serious violation and warn on others.
- (6) Newly enacted laws and/or regulations: Normally, a grace period is established during which only warning will be given. Thereafter, officer should use discretion.
- (7) DWI: See paragraph m following,

e. *Traffic Law Enforcement Practices*

- (1) Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violation during the performance of their normal duties.
 - (a) Area patrol involves traffic enforcement within the officer's assigned area of

responsibility.

- (b) Directed patrol instructions can specify enforcement efforts in an area or at a hazard/violation being concentrated on.
- (2) Stationary overt observation may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location, where just the presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.
- f. Objectives of Traffic Stops: There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental outlook physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures should minimize conflict that may develop between the officer and violator and assist in achieving the two major objectives, which are:
- (1) Immediate objective: To take proper and appropriate enforcement action.
 - (2) Ultimate objectives: Favorably alter the violator's future driving pattern.
- g. Approaching the Traffic Violator/Officer Violator Relations: Once the officer has stopped the violator and approaches to a point where communications can begin, the following guidelines should be followed in terms of officer-violator relationships:
- (1) Be alert at all times for the unexpected, but do not be obviously apprehensive.
 - (2) Be absolutely certain the observations of the traffic violation were accurate, without reservation.
 - (3) Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - (4) Be prepared for the contact by having necessary equipment and forms, if they are to be used, immediately available.
 - (5) Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, it is advisable to have the form of enforcement action decided prior to the initial contact with the violator. An exception to this would be, when the officer, through conversation, finds an out-of-state driver performing a violation that would not be a violation his jurisdiction, such as right turn on red light, and the officer then decides to issue a warning rather than a citation as initially intended.
 - (6) Greet the violator with an appropriate title and in a courteous manner.
 - (7) Inform the violator what traffic law he has violated and the intended enforcement action; the violator should not be kept in suspense.
 - (8) Ask for the violator's driver's license, vehicle registration and proof of insurance, and accept only these forms.
 - (9) If the driver has no driver's license, vehicle registration or proof of insurance, obtain another document of identification.
 - (10) Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise verbally abuse the violator.

- (11) Complete the forms required for the enforcement action taken or exercise a verbal or written warning, if this is the decision.
 - (12) Explain to the violator exactly what he is supposed to do in response to the action you are taking and how this action will affect him.
 - (13) If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
 - (14) Be alert to any emotional stress exhibited by the driver, if stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
 - (15) Return the violator's driver's license, registration, insurance, and a copy of the warning or summons.
 - (16) Assist the violator in safely re-entering the traffic flow.
 - (17) Do not follow the violator.
- h. **Stopping the Traffic Violator:** The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and to other users of the roadway. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist
- (1) The pursuit of a traffic violator has ended when the officer has positioned himself behind the violator to begin the stopping procedure.
 - (2) At this point, the officer should notify dispatch of the intended location of the traffic stop, the vehicle make, model, color, and license number, and the number of occupants of the vehicle.
 - (3) The officer should note the license number of the vehicle on a note pad, to be left inside the patrol vehicle.
 - (4) The officer should be thoroughly familiar with the area, and anticipate the appropriate location to stop the violator. Consideration should be given to a location with ample space, appropriate lighting, and should avoid stops on hills, curves, intersections, private driveways, and business locations which have limited parking.
 - (5) The officer should signal the violator to stop. This signal should be with the blue emergency bar lights, hand signals, sounding the horn, and if necessary, the siren. These signals also alert other drivers of the intent of the officer and will usually facilitate securing the right of way for the stopping maneuver.
 - (6) The violator should be signaled and directed to the right side of the roadway close to the curb, or onto the shoulder if the roadway permits this.
 - (7) On multi-lane roadways, the officer should insure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
 - (8) Should the violator stop abruptly in the wrong lane or in another undesirable location, he should be promptly directed to move to a safer location. Officers should use the public

address system to instruct violators to move to a safer location. If the officer's verbal directions and gestures are insufficient to bring understanding, the officer should quickly dismount from the patrol vehicle and give verbal instructions to the violator.

- (9) The violator should not be permitted to move his vehicle once it has stopped, if it is suspected the driver is drinking to the extent that his driving is impaired.
 - (10) Once the violator has stopped in an appropriate location, the officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle should be positioned so that it will offer the officer some protection from oncoming traffic. This position should be two feet outside and to the left of the violator's vehicle with the front wheels of the police vehicle turned all the way to the left. The vehicle's spot light (if available) and takedown should be pointed into the suspect vehicle's rear view mirror. This position provides maximum safety to the violator, the officer, and all other traffic.
 - (11) The officer should dismount from the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
 - (12) The officer should approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the trailing edge of the left front door. This position should be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position, and at the same time keep all occupants of the vehicle in view.
 - (13) In those cases where the violator's car has occupants in both the front and rear seats, the officers should approach to a point near the leading edge of the left front door, being especially alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
 - (14) In those traffic stops made by two man patrol vehicles, the passenger officer should be responsible for all radio communications, writing all notes and messages relayed from the communications center, and during the traffic stop should dismount from the vehicle and act as an observer and cover for his fellow officer. At no time should the two officers approach the violator together.
 - (15) At night, the procedure is basically the same with the additional necessity of exercising caution in selecting an appropriate place for the traffic stop, signaling the violator (the spot light should not be used for signal except in extreme situations), and positioning the police vehicle. After the stop, the head- lights should be on low beam for the safety of oncoming traffic, and emergency bar lights in use on the patrol vehicle as well as emergency flasher lights and take down light.
- i. **Stopping a Known or Suspected Felon:** Special procedures should be used in vehicle stops when the occupants of a vehicle are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by a law enforcement officer, he will notify the dispatcher immediately of his location, and give a thorough description of the vehicle, and of occupants. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. The officer will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped, unless absolutely necessary, until adequate support is available and in position. The following procedures will be used in effecting the stop:
- (1) The officer will plan to stop the suspect vehicle in a location that presents minimal danger to other citizens.

- (2) When conditions are appropriate and support units available, the officer will move into position to the rear of the suspect vehicle.
- (3) The officer will signal the violator to stop, utilizing all emergency equipment to warn other traffic.
- (4) The violator will be stopped on the extreme right side of the road.
- (5) If the violator is known to be armed and dangerous, the officer will have his weapon easily accessible and ready for immediate use.
- (6) When the suspect vehicle begins to stop, the officer will turn off the siren and actuate the public address system.
- (7) The officer will park the police vehicle so that it provides maximum protection and cover for him.
- (8) At night, all lights will be focused on the interior of the suspect vehicle, including spotlights, to the disadvantage of the violator.
- (9) The officer will dismount the police vehicle quickly, but remain behind the door and accessible to the public address system microphone.
- (10) The officer making the stop is in command and will direct each occupant, utilizing the public address system, to get out of the vehicle individually according to specific directions and into the appropriate search position, after which the approach may be made.
- (11) If a public address system is not available, the officer will give voice commands if they can be heard, if this fails, the officer will cautiously approach the vehicle; keeping all occupants in view, to a point where he can be heard.
- (12) The officer will also give instructions to the support officers, even if not needed, to assure the suspects that additional support is available.
- (13) The support officers will cover the arresting officer and remain on the curbside of the vehicle until all occupants have dismounted and are in the search position.
- (14) The support officers will not give additional commands as this would tend to confuse the suspects, but will make their presence known by responding to the commands given by the arresting officer.
- (15) Extreme caution will be exercised by officers not to get within each other's line of fire.
- (16) When all occupants have been removed from the vehicle, the support officers should move to a position to cover the arresting officer while the persons are searched.
- (17) Arrestees will be searched and handcuffed prior to being transported.

j. **Persons Charged with Revoked/Suspended Operator's License:**

- (1) The Arkansas Uniform Traffic Ticket and Complaint (UTT) may be issued when an officer has stopped a vehicle and identified the driver as driving with a revoked or suspended operator's license.
- (2) An officer who sees an individual driving, who is known to be under suspicion or revocation,

if not able to stop the individual in a timely manner, may swear out a warrant for the violator.

- k. **Speed Enforcement:** Excessive speed is the second greatest cause of death and injury on the American highways. Uniform methods of enforcement of speed laws within this jurisdiction should be applied to all officers. Procedures for the enforcement of law applying to speed will vary in accordance with the type of equipment used.
- (1) **Radar:** Radar is not to be utilized for “filler” or “slack” officer time, but should be planned and utilized where vehicle speed is excessive or of hazard to other motorists or pedestrians. The following guidelines are established for use of the radar, which will always be operated in compliance with manufacturer’s instructions. All departmental radar units meet current NHTSA standards. Generally, the following RADAR/LIDAR procedures are applicable to operation of radar units and must be operated by a RADAR/LIDAR certified officer with a current license:
- (a) The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.
 - (b) The effective range of the particular radar unit must be thoroughly understood by the operator so visual observations can support the speed meter reading,
 - (c) The operator must choose an appropriate location relative to traffic accident experience in which speed has been identified as a factor. The location must also be conducive to the effective and safe operation of radar.
 - (d) The radar unit must be properly calibrated to insure accuracy in checking speed. The operator must follow the manufacturer’s recommended specific methods of checking calibration without exception. Any problems with the operation of radar units or apparent malfunction should be promptly reported.
 - (e) The following elements must be established in court, by the officer, when radar speed charges are placed:
 - (1) The time, place, and location of the vehicle that was checked, the identity of the operator, the speed of the vehicle, and the visual and radar speed check.
 - (2) Officer qualifications and training in use of radar.
 - (3) The radar unit was operated properly.
 - (4) The unit was tested for accuracy prior to use and after use by an approved method.
 - (5) Identify the vehicle and should have made a visual observation of its apparent speed.
 - (6) Speed limit in the zone in which officer was operating and where such signs were posted.
 - (f) Radar training is given to officers in accordance with the Commission for Law Enforcement Standards and Training. Officers, in court testimony, should be able to cite/display training received or certificates issued.
 - (g) The Officer is responsible to ensure that radar units receive proper care and upkeep, all required maintenance and calibration of radar units is performed, records kept, and that appropriate certificates are on file with the District Court.

I. **DWI Enforcement Procedures**

- (1) **General:** Driving under the influence has been interpreted by various courts to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. It does not imply that the operator of a motor vehicle be in a state of alcoholic or drug-induced stupor or be entirely incapable of exercising physical control of his vehicle.
- (2) **Laws:** Each officer will be familiar with all laws and ordinances that relate to driving while intoxicated.
- (3) **Locating and Stopping:**
 - (a) As soon as an officer suspects a driver of being under the influence, observations should be noted for future reference.
 - (b) In most cases, the officer will observe deviations from normal driving behavior. The following deviations are some of the indicators that a driver might be suffering some form of impairment:
 - (1) Sitting through a green light
 - (2) Weaving
 - (3) Crossing the centerline and driving on road shoulder
 - (4) Very slow speed
 - (5) Excessive speed
 - (6) Disregard for stop signs or signals
 - (c) When you have observed a driver whose actions are similar to the above or are not consistent with sound driving practices, an immediate stop should be made.
 - (d) Be alert and use extreme caution when stopping a suspected intoxicated driver. Keep in mind that alcohol or drugs affect judgment and may result in erratic and foolish behavior.
- (4) **Officer-Driver Contact:**
 - (a) Officers will be polite and business-like, remaining aware that the driver's judgment, self-restraint, and self-confidence are the first faculties to be distorted by alcohol, creating the setting for lack of cooperation, belligerency, and even physical contact. Do not allow yourself to be drawn into an argument.
 - (b) Get the violator out of the vehicle and to a safe location, carefully observing all actions and statements.
 - (c) Obtain the person's operator's license or other identification, if you have not previously done so.
 - (d) Suspected drivers will be requested to perform the following preliminary tests.
 - (1) Dexterity test (e.g. Horizontal Gaze Nystagmus, Walk and Turn, One Leg Stand, etc.)

(2)

- (e) The test results and driving behavior should be collectively weighed in the decision to make an arrest, however, the suspect driver may refuse these tests. If so, the officer may arrest on the basis of observation of driving behavior. The suspect driver, whose dexterity performance is unacceptable yet chemical test reveals no alcohol consumption, should be carefully observed for signs indicating drug usage or abuse. Officers may also arrest in this case on the basis of observations of driving behavior and dexterity alone.

(5) Transporting DWI Suspects: See TRANSPORTING ARRESTED PERSONS this manual.

(6) Processing DWI:

- (a) Provision and procedures outlined in the Arkansas Code should be applied without regard to age of any suspected intoxicated driver.
- (b) Every driver arrested for driving under the influence will be transported to the Washington County Detention Facility (or other local facility) for a breath test or to WRMC for a blood test. Officers should determine ahead of time which test is to be used based on suspected drug or alcohol impairment
- (c) Officers must inform the suspect that he/she is entitled to an independent test at his/her expense.
- (d) If the violator submits to a chemical test for intoxication, it will be administered by a qualified Breathalyzer operator.
- (e) If the DWI arrest is a result of a traffic accident investigation and the vehicle operator has been transported to a hospital, the officer will proceed to the hospital and request the violator submit to a blood test to be administered by the hospital staff. This blood test must be accomplished within two hours of the time of the accident
- (f) If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency, as provided in ACA 5-65-202, none shall be given, and the person's motor vehicle operator's license shall be seized by the law enforcement officer, and the officer shall immediately deliver to the person from whom the license was seized a temporary driving permit which shall expire on the court date (ACA 5-65-205).
- (g) Departmental forms will be completed accounting for the incident and indicating the results of any tests that have been administered.

SECTION 25: ETHICS

POLICY:

Each person that a law enforcement officer comes in contact with in this jurisdiction, whether resident or visitor is due equal treatment under the law. This concept is the specific guarantee of the United States Constitution. It is also present in the Constitution of the State of Arkansas. As law enforcement officers, we are sworn to uphold and support both documents.

Law enforcement officers are employed as public servants, and are required to protect and serve everyone in the city regardless of personal opinions. Race, color, religion, political beliefs, age, or sex shall not interfere with equal administration of justice.

Our conduct in the presence of the public shall always be respectful of the individuals, their rights, freedoms, and property. Cursing, threatening, violence, even the loss of temper, shall be avoided at all times. We must demonstrate to the public that we are professionals in our chosen field. We, as human beings, are all capable of and will make mistakes. We shall attempt to keep our mistakes and errors to an absolute minimum.

SECTION 26: EVIDENCE

EVIDENCE

Policy:

It is the policy of the Tontitown Police Department to ensure that evidence in its custody can be properly secured and stored, readily retrieved, and that any changes in custody have been properly and fully documented.

PROCEDURES:

a. PROCEDURES WHEN PROPERTY IS SEIZED:

- 1) When an Officer of the Tontitown Police Department takes possession of evidence or found property in the course of their duties, they will retain it in their possession and will check it into an evidence locker as soon as possible, but always by the end of their shift.
- 2) When processing evidence, Officers of the Tontitown Police Department will keep that evidence secure and in good condition. Officer will take the necessary steps to maintain the chain of evidence for all evidence they recover.
- 3) Officers of the Tontitown Police Department who have the opportunity to collect perishable evidence (i.e. blood, urine, rape kits, etc.) will do so according to the prescribed methods. If the Officer does not have the expertise to handle perishable items, a supervisor will be consulted as to the proper handling techniques.
- 4) All firearms involved in the commission of a crime must be collected and should be handled as if they were loaded. To ensure proper chain of custody and to eliminate accidents, the number of officers handling the firearms should be limited. Firearms will be inventoried into evidence and properly marked as set forth in Property/Evidence Packaging. All firearms will be unloaded before being placed into evidence. The Officer placing any firearm into evidence will sign a designated form set out by the Chief of Police stating the firearm has been unloaded.
- 5) If currency is seized, the Officer seizing the currency and his supervisor shall both count and initial the correct amount of currency on the Evidence Submission Form.
- 6) Seized drugs shall be turned over to the Evidence Officer in the manner prescribed and set forth in Property/Evidence Packaging. The chain of evidence rules shall be followed and a copy of record kept in the case file.
- 7) Any Officer of the Tontitown Police Department who has evidence to be placed in an evidence locker shall make an inventory of that evidence as soon as possible, but in all cases by the completion of their shift. The inventory shall include the following information:
 - a.) Description of the item (make, model, model number, and serial number, if any
 - b.) From whom the property was obtained and the location where it was obtained.
 - c.) The name of the Officer responsible for collecting the property.
 - d.) The date and time the items were seized.
 - e.) The Tontitown Police Department case report number.
- 8) After evidence has been submitted, it will be immediately locked in an evidence locker. The Officer submitting the evidence will be responsible for properly packaging and sealing evidence. If items cannot be placed in an evidence locker because of physical characteristics, such as bicycles, motor vehicles, or any item too large for an evidence locker, the submitting Officer shall verify on the Inventory Form where the property is located. If the evidence is a motor vehicle, the keys shall be maintained in the evidence room.

- 9) Officers of the Tontitown Police Department who take charge of evidence from the evidence room shall take full responsibility for ensuring the security and maintenance of the property.
- b. **Property Seized for Safekeeping:**
- 1) Property seized for safekeeping shall be inventoried in the same manner as other evidence and may be returned to the correctly identified owner by the Evidence Officer. The owner's full name, last known address, phone number, and date of birth shall be written on the Property Inventory Form.
 - 2) If evidence from the evidence room is needed, the Evidence Officer must be notified 24 hours in advance, when possible.
- c. **Evidence Officer**
- 1) The Evidence Officer shall be appointed by the Chief of Police of the City of Tontitown. It shall be the responsibility of the Evidence Officer to log all evidence into the evidence room and remove any evidence for court or other legitimate purposes. The Evidence Officer will also be responsible for the proper retention or destruction of property in the manner set forth by Arkansas Law.
 - 2) Only three (3) keys to the evidence room shall be available. One shall be kept by the Evidence Officer, one shall be kept by the Sergeant, and one shall be kept by the Chief of Police.
 - 3) The Evidence Room door shall be kept closed at all times, unless properly authorized personnel are working in the room.
 - 4) Only authorized personnel will be permitted entrance into the Evidence Room. All others must be approved by the Evidence Officer, Sergeant, or Chief of Police.
 - 5) All property held in the evidence room will be listed on a Tontitown Police Department "Property Inventory Form", and listed with all of the appropriate information, when possible.
 - 6) An inspection of the evidence room shall be completed at least two (2) times a year to ensure appropriate policies and procedures. This inspection will be done by either the Sergeant or Chief of Police. In addition, an annual inventory of evidence shall be conducted by the Sergeant or Chief of Police. An inventory shall also be conducted whenever a new Evidence Officer is assigned.
 - 7) The Evidence Officer shall be responsible for documenting all changes in custody of evidence. A written record shall be made of all transfers of evidence.
- d. **Disposal of Evidence and Property:**
- 1) When no longer needed as evidence, with the exception of firearms and contraband, all property shall be returned to its lawful owner, unless this property has been transferred to this or other jurisdiction by court order. If the owner is not allowed to have the evidence or property, the release shall not be authorized without a signed court order. If the property is not claimed by the lawful owner, who shall have been notified by certified mail or by telephone, when possible, the Tontitown Police Department may, as permitted by law:
 - a.) Destroy it
 - b.) Dispose of it at a public auction: or
 - c.) Keep it for departmental use.
 - 2) Firearms shall not be released or delivered to persons convicted of a felony, convicted of domestic violence, adjudicated as mentally defected, or under the age of 18 years of age. Ownership shall be verified before authorizing the release of a firearm. All firearms and other non-drug contraband shall be physically destroyed unless;
 - a.) A Court Order authorizes the use of the item by this department;
 - b.) The property is required to be returned to the lawful owner who shall be notified by Certified Mail or by telephone, when possible; or

- c.) A Court Order authorizes the Firearm or other non-drug related contraband be auctioned.
- 3) When drugs are ordered to be destroyed, the Chief of Police shall designate an Officer to monitor the destruction process. This Officer along with the Evidence Officer shall verify each item of drug evidence that is destroyed and shall verify such destruction by written document.
 - 4) Whenever any property is destroyed, a report shall be filed by the Evidence Officer setting out date, time and location of the destruction, an inventory of the items destroyed, and a list of those present at the destruction.
 - 5) If currency is ordered forfeited for City use, the monies shall be distributed in the manner set forth in the Court Order. Further, the City Attorney shall be notified.

SECTION 27: FIREARMS: AUTHORIZATION

POLICY:

When on duty, all sworn and certified officers shall carry their issue weapon. Officers who are eligible to carry a service weapon but have not been issued a department weapon, shall present the weapon they intend to carry to the Chief for his approval.

PROCEDURES:

- a. Routine maintenance and care of the handgun is the responsibility of each officer. All weapons must at all times be functional, and free from any mechanical defect
- b. When repair work is required on any weapon used by a law enforcement officer in the performance of official duties, the work shall be done by a gunsmith designated or approved by the Chief.
- c. No officer, when dressed in civilian clothes, whether on or off duty, shall wear a handgun in such a manner as to attract attention, or to be open to the view of the public. It must be worn in such a manner that it will be inconspicuous
- d. No officer will be armed while under administrative suspension, unless possession of a firearm is in compliance with existing state statutes regarding the use and possession of firearms by the general public.
- e. Service weapons shall not be worn on the gun belt in a holster or other device that places the handle of the weapon more than three (3) inches from the body. When the handle of the weapon is tilted forward *and* away from the officer's body, the weapon can hang on doors, windows, belts, etc., and makes it possible for another person to take the firearm away from the officer.
- f. Officers of this department shall not use firearms unless it is necessary to protect themselves or other persons from death or serious bodily injury. For further information, refer to the Department Policy on the use of force, which is contained in Sections on Deadly and Non-Deadly Force of this manual.

SECTION 28: FIREARMS: TRAINING AND QUALIFICATIONS

POLICY:

It is recognized by this agency that firearms training is an important phase in the development of Law Enforcement officers. Particularly, with those weapons that are most accessible to the officer, i.e., pistol, shotgun and carbine. It is the policy of this agency that every full-time, part-time and reserve law enforcement officer will be required periodically to qualify with any weapon used in the line of duty. The record of a pass/fail will be kept on file by the department. The course must be fired on an approved firing range, under the supervision of a certified firearms instructor.

PROCEDURE:

- a. Firearms Training will be under the direct supervision of the Chief, or his designated representative.
- b. Familiarization and qualification courses will be provided on handgun, shotgun, or other weapons, including night firing qualification as directed by the Chief
- c. All officers who carry any firearm in the course of their duties must qualify with each weapon at least annually, or as directed by the Chief.
 - (1) All qualifications will be conducted using a course designated by the Chief or his designee and shall comply with state standards.
 - (2) Officers will have no more than three (3) chances to pass the course.
 - (3) Any officer who does not participate in qualification and who does not have a documented excuse approved by their division captain will be required to attend remedial training and qualification.
 - (4) Any officer who fails to qualify will be removed from duties requiring use of **that type** firearm until remedial training can be conducted and the course can be passed.
 - (a) Remedial training and qualification will be conducted as soon as feasible, at a time set by the Chief or his designee. During remedial training, officers will have no more than three (3) chances to pass the course
 - (b) Any officer who fails to qualify during remedial qualification will be removed from duties requiring use of **that type** firearm until an administrative review by the command staff can be conducted. The officer will be placed on firearms suspension for a period of not less than 6 months. During suspension the officer will not be assigned duties requiring use of **that type** firearm.
 - (5) Any officer who fails routine qualification shall be placed on Firearms Probation even if they pass during remedial training.
 - (a) While on probation the officer must attend one (1) firearms training session with a Tontitown Police Department firearms instructor or designee. It shall be the responsibility of the officer to coordinate training.
 - (b) Training will be documented by the instructor. Documentation will include but not limited to: number of rounds fired, type of course, amount of time trained, and instructor comments on trainee performance and attitude.
 - (c) Probationary period will last until the officer passes the next official department qualification.
 - (d) Any officer on probation who fails to qualify at an official department qualification will be removed from duties requiring use of **that type** firearm until an administrative review by the command staff can be conducted. The officer will be placed on firearms suspension for a period of not less than 1 year. During suspension the officer will not be assigned duties requiring use of **that type** firearm.

SECTION 29: CASE FOLDERS

POLICY:

The Case Folder is designed to insure that a complete case file is prepared and to assist the Prosecuting Attorney's office in preparing for a trial. It is essential that the Prosecuting Attorney's Office have this folder as soon as possible after an arrest has been made.

PROCEDURE:

- a. **General:** It has been the complaint of many law enforcement officer's that when the time comes for trial, the Prosecuting Attorney's Office is totally unfamiliar with the case. Likewise, the Prosecuting Attorney's Office has complained that they are not receiving complete information required for a good prosecution. The Case Folder is designed to abate both complaints. As soon as possible after a subject has been arrested on a felony charge, the officer will start to assemble the Case Folder.
- b. **A Case folder should contain:**
 - (1) **A Case File Checklist:** All paperwork should be placed in this folder according to the Checklist (See Appendix A). The checklist will be stapled inside the folder on the left-hand side. This form serves two purposes.
 - (a) It aids the law enforcement officer in preparing his case by accounting for pertinent items.
 - (b) It informs the Prosecuting Attorney's office of the items available for trial.
 - (2) **The Checklist is marked with several items that usually play a role in a felony trial. Besides these items are three columns marked, "available", "not available", and "none":**
 - (a) **Available -** means the item is on hand at the department. A photocopy can be made of a report and placed in the folder and a check mark () placed in that column. An evidence list should be attached and check mark placed in the "available box" to confirm that the department has the listed evidentiary items.
 - (b) **Not available -** means we will have these items, but they are not currently in our possession; example
- Photographs have not come back from the Lab.
 - (c) **None-**means we will not have this item for trial.
 - (3)
 - (4) **Offense Report: (copy) (See REPORT: OFFENSE/INCIDENT this manual)**
 - (5) **All Supplementary Reports (copy) (See REPORT: OFFENSE/INCIDENT this manual)**
 - (6) **Laboratory Report: (copy)**
 - (7) **Evidence List: (copy)**
 - (8) **Hospital Report: (copy)**
 - (9) **Photographs: Of the defendant, the victim, people used in a line-up, and the crime scene if pertinent to the case. These photographs should be duplicates or extras, not the only copy.**
 - (10) **Search Warrant and Affidavit; (copy)**

- (11) Statements: of the defendants and or witnesses if not already in the supplementary report. (copy)
 - (12) Witness List: (Original)
 - (13) Legal Rights Form: Miranda Warning, signed and witnessed (copy)
 - (14) Line-Up Information: Names and addresses of subjects used.
- c. When criminal records are released to any other Criminal Justice Agency, Prosecuting Attorney or other law enforcement agency, a dissemination card is to be filled out for our records.
 - d. All Case folders will be reviewed by the officer's supervisor for accuracy and completeness.
 - e. The Chief will forward the completed Case Folder to the Prosecuting Attorney's Office and have the receipt signed that the case file was received. The signed receipt will be returned to the original case folder.

APPENDIX A, CASE FILE CHECK LIST

COMPLAINANT OR VICTIM (Please Print)

(1) _____

DATE

IF PLACE OF BUSINESS LIST ON (1)

(2) _____

OFFENSE NUMBER

TYPE OF OFFENSE _____

ARK. CODE

AVAILABLE	NOT AVAILABLE	NONE	NAME OF REPORT	REMARKS
			Executed Warrants	
			Offense Report	
			Supplementary Report	
			Arrest Report	
			Records:	
			Local	
			State	
			Federal	
			Laboratory Reports	
			Evidence List	
			Hospital Report	
			Photographs, ID, Line-up, and Crime Scene	
			Search Warrant and Affidavit	
			Statements:	
			Defendants	
			Witnesses	
			Witness List & Records (Arrest)	
			Legal Rights Forms	
			Line-Up Information	
			Other:	

INVESTIGATING OFFICER

(THIS FORM MUST BE STAPLED TO INSIDE FRONT COVER OF CASE FOLDER)

SECTION 30: GRATUITIES, REWARDS, AND WITNESS FEES

POLICY:

Employees shall not solicit or accept rewards, presents, gratuities, or compensation other than that paid by the County, or as provided for by County Ordinance or Department Policy, for services performed in the line of duty.

PROCEDURE:

- a. Any reward, gratuity, present or unauthorized compensation received by any officer, shall immediately be submitted to the Chief accompanied by an incident report describing all circumstances related to the incident.
- b. No employee shall use his or her badge, uniform, identification card, or official position to solicit special privileges for him or herself or others such as:
 - (1) Admission to places of amusement.
 - (2) Sporting events.
 - (3) Discount on purchases.
 - (4) Other favors, except as expressly permitted by department orders.
- c. Employees shall not solicit witness fees for responding to a legally constituted subpoena and testimony in criminal courts.

SECTION 31: DISCIPLINARY PROCEDURES

POLICY:

It is the policy of this agency to avoid terminating an otherwise productive member when conduct, behavior or performance problems occur. This agency will use progressive disciplinary action to bring about a change in behavior once it is shown that the employee knew, or should have known, that such conduct, behavior or performance failed to comply with established directives, provided that:

PROCEDURE:

- a. The supervisor may give as many verbal warnings for an infraction as they deem necessary.
- b. Once the supervisor determines a written reprimand is necessary, the employee will receive a Letter of Counseling, which will be placed in their personnel file.
- c. If the employee commits another infraction within one year of the first letter of counseling, (it doesn't have to be for the same infraction) the supervisor will be required to give the employee a second Letter of Counseling. This will be placed in their personnel file and will result in a (2) day suspension without pay.
 - (1) City Of Tontitown policies and procedures will also apply (see the personnel handbook)
- d. If the employee commits a third infraction within one year of the first letter of counseling, (it doesn't have to be for the same infraction) the supervisor will be required to give the employee a third Letter of Counseling. This will be placed in their personnel file and will result in a (3) day suspension without pay.
 - (1) City Of Tontitown policies and procedures will also apply (see the personnel handbook)
- e. If the employee commits a fourth infraction within one year of the first letter of counseling, (it doesn't have to be for the same infraction) the supervisor will be required to give the employee a Letter of Reprimand. This will be placed in their personnel file and will result in a (5) day suspension without pay.
 - (1) City Of Tontitown policies and procedures will also apply (see the personnel handbook)
 - (2) A Letter of Reprimand will stay in the employee's personnel file for two years.
- f. If the employee commits a fifth infraction within two years of the Letter of Reprimand, (it doesn't have to be for the same infraction) it will result in termination of the employee.
- g. If any infraction is deemed serious enough, it could result in immediate termination.
- h. Letters of Counseling will remain in the employee's personnel file for one year from the time it is received.

SECTION 32: EMPLOYEE GRIEVANCE PROCEDURES

POLICY:

Employees should consult the current City Of Tontitown Personnel Policies Manual for the procedures to follow when filing a formal or informal grievance.

SECTION 33: HARASSMENT - WORKPLACE

POLICY:

All employees have the right to work in an environment free of all forms of harassment. This agency does not condone, and will not tolerate, any harassment. Therefore, this agency shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise.

Employees should read the current City Of Tontitown Personnel Policies Manual for further information regarding this subject.

PROCEDURES:

a. Prohibited Activity

- (1) No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
- (2) Employees shall not make offensive or derogatory comments based on race, color, sex, religion or national origin either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by this agency.
- (3) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 - (b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - (c) Such conduct has the purpose or effect of unreasonably interfering with *an* employee's work performance or creating an intimidating, hostile, or offensive working environment.

b. Employee's Responsibilities

- (1) Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
 - (a) Monitoring the work environment on a daily basis for signs that harassment may be occurring,
 - (b) Counseling all employees on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment;
 - (c) Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his line of supervision; and
 - (d) Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.
- (2) Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the internal investigations authority.

- (3) Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
 - (a) Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
 - (b) Reporting acts of harassment to a supervisor, and
 - (c) Encouraging any employee, who confides that he is being harassed, to report these acts to a supervisor.
- (4) Failure to take action to stop known harassment shall be grounds for discipline.

c. Complaint Procedures

- (1) Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.
- (2) Any employee who believes that he is being harassed shall report the incident(s) to his supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, the employee may instead file a complaint with another supervisor or the agency head.
 - (a) The supervisor or other person to whom a complaint is given shall meet with the employee and document the incidents complained of, the person(s) performing or participating in the harassment, and the dates on which it occurred.
 - (b) The agency employee taking the complaint shall expeditiously deliver the complaint to the agency head.
- (3) The agency head shall be responsible for the investigation of any complaint alleging harassment.
 - (a) The agency head will immediately notify the prosecutor's office if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
 - (b) The investigation will include a determination whether other employees are being harassed by the person, and whether other agency members participated in, or encouraged the harassment.
 - (c) The agency head shall inform the parties involved of the outcome of the investigation.
 - (d) A file of harassment complaints will be maintained in a secure location by the agency head.
- (4) There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint.
- (5) Complainants or employees accused of harassment may file a grievance/appeal when they disagree with the investigation or disposition of a harassment claim.
- (6) This policy does not preclude any employee from filing a complaint or grievance with an

appropriate outside agency.

SECTION 34: IMPARTIALITY

POLICY:

Officers shall in all cases enforce laws and ordinances in a fair and impartial manner. All employees shall be treated fairly and equally in all duty assignments, training, promotional opportunities and in administrative and disciplinary actions.

PROCEDURE:

- a. No employee will be given or denied any assignment based only upon age, sex, race, religion, politics, or physical handicap, unless such action would create a hazardous condition for the individual or others.
- b. Employees are prohibited from soliciting or encouraging influence from anyone in the form of personal requests, letters, or petitions to be sent to the Chief or any elected or appointed Government Official.
- c. Any attempt by an employee to influence the Chief or any other elected or appointed official for purposes of promotion, assignments, or other administrative or disciplinary considerations, or to avoid the penalties for improper actions or conduct shall be considered a violation of this policy.

SECTION 35: INFORMATION: DIVULGING

POLICY:

Contents of records, files, reports, or other information relating to an incident of interest to the department, or from records required to be kept or maintained by the department; shall not be discussed or transmitted to any person not authorized by the Chief to receive the information.

PROCEDURE:

- a. Employees shall not disclose any information in their possession, however obtained, which may enable anyone to escape detection, arrest, or prosecution, or enable anyone to destroy evidence, or to dispose of or destroy stolen property.
- b. Employees shall not divulge to any person not connected with the department information acquired by his or her employment if the information might adversely affect the efficiency of the department.
- c. Employees are prohibited from disclosing any information to unauthorized persons that is declared by law, rule, regulation, policy, or procedure to be confidential, nor shall any employee use officially obtained information for personal gain or benefit.
- d. Employees who receive telephone, verbal, or written requests regarding a person's criminal or traffic record will refer such requests to the Chief for response.
- e. Employees are prohibited from revealing to any unauthorized person:
 - (1) The name and other information concerning a complaint
 - (2) The name and other information concerning a victim.
 - (3) Sources of information.
 - (4) Information concerning witnesses.
 - (5) Progress of cases of another law enforcement agency.
 - (6) Information contained in any personnel file or form.
- f. Violation of this section will be considered a violation of the public's trust and may result in disciplinary action or termination of employment

SECTION 36: INJURED/SICK PERSONS

POLICY:

Emergency comfort care provided by a law enforcement officer to any injured or sick person shall be done where the person is found. Medical professionals warn against the unnecessary handling or moving of an injured person 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 arrives on scene. There may be emergency situations requiring the immediate removal of seriously injured or critically ill persons from a position of imminent danger. The decision must, in all instances, be based on the safety and protection of the victim.

PROCEDURES:

- a. **Injured Persons:** Persons who are taken into 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 supervisor 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) Should an officer respond to a call involving a person who has fallen or is otherwise seriously injured and no violation of the law is considered, the victim will be provided with appropriate aid and comfort. The officer shall call for emergency transportation service.
 - (4) In all cases a complete written report shall be prepared giving all information available and action taken by the officer.

- b. **Sick Persons:** An officer responding to a call 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 qualified medical personnel, to the closest health care facility for treatment.
 - (2) A complete written report will be prepared by the officer providing this assistance, citing the circumstances and action taken by the officer.

Section 1.00 - Patrol

1.01 - Patrol Officers shall be responsible for the general supervision and control of the patrol force. They shall be responsible for the assignment of officers to various areas of the city and for the supervision of the activities of the officers in those areas.

Section 2.00 -

2.01 - Patrol Officers shall be responsible for the general supervision and control of the patrol force. They shall be responsible for the assignment of officers to various areas of the city and for the supervision of the activities of the officers in those areas.

2.02 - Patrol Officers shall be responsible for the general supervision and control of the patrol force. They shall be responsible for the assignment of officers to various areas of the city and for the supervision of the activities of the officers in those areas.

2.03 - Patrol Officers shall be responsible for the general supervision and control of the patrol force. They shall be responsible for the assignment of officers to various areas of the city and for the supervision of the activities of the officers in those areas.

SECTION 38: INVENTORY SEARCH OF MOTOR VEHICLE

POLICY:

Whenever any vehicle is taken into custody or control of a law enforcement officer of this agency, the impounding officer shall inventory the vehicle. The inventory must be conducted to protect the owner's property while it remains in the custody of the law enforcement agency, to protect the agency against claims or disputes over lost or stolen property, and to protect law enforcement personnel and the public from dangerous items that could pose a threat to the community.

PROCEDURE:

- a. The inventory search shall include all spaces within the vehicle and the trunk or bed of the vehicle and shall include an inventory of all containers therein, including those that are closed or locked.
- b. If valuables are located inside the vehicle or a container therein which should be stored separately from the vehicle, it is the duty of the law enforcement officer conducting the inventory to record the nature of the valuable item, the condition of the valuable item, and the location where this item is stored. The inventory details shall be attached to the incident report and a copy of the inventory should be made available to the owner of the vehicle or the driver of the vehicle.
- c. No vehicles will be intentionally damaged during the inventory.

SECTION 39: INSUBORDINATION

POLICY:

For the purposes of this manual, insubordination is any act of defiance, disobedience, dissension or resistance to authority.

PROCEDURE:

- a. All employees shall follow the instructions and orders issued by supervisory personnel.
- b. Should an order or directive be issued and an officer has information that may adversely affect the intent of the order, the officer shall discuss the information with the supervisor, so that further evaluation can be considered.
- c. Any employee who uses profane or obscene language toward his/her supervisor or any public official, or threatens physical violence or attempts to carry out any threat shall immediately be relieved of duty and dealt with according to department policy or law.
- d. Policy requires officers to obey instructions; however, when compliance is not feasible, officers are not required to carry out orders that would violate any federal, state, county, or municipal laws or involve the breach of any of the rules, regulations, policies, or procedures of this department.

SECTION 40: INTOXICANTS AND NON-PRESCRIPTION DRUGS

POLICY:

The consumption of alcoholic beverages and/or the use of non-prescription drugs is prohibited by employees of the department, when consumption and/or use could affect the performance or judgment of the individual.

PROCEDURE:

- a. No employee shall report for duty who has consumed any alcoholic beverage within twenty-four (24) hours prior to reporting or used any non-prescription drug or medication within 8 hours prior to reporting, unless the employee first gives the information to a superior officer and is then ordered to report.
- b. When on duty or in uniform, no employee shall consume or possess alcoholic beverages, except while engaging in the specific performance of a duty assignment.
- c. No employee shall bring any personal alcoholic beverages or non-prescription drug into the department while on duty, transport alcoholic beverages or non-prescription drugs in a departmental vehicle unless it is evidence, property of a suspect or prisoner, or found property.
- d. Any employee who is under the care of a physician or dentist and taking prescribed medication shall:
 - (1) Obtain a statement from the physician or dentist that the medication will not affect the employee's judgment ability to use a firearm, or to operate an emergency vehicle.
 - (2) Should prescribed medication affect the employee's ability to function, the physician or dentist should recommend that the employee be temporarily placed on sick leave.
 - (3) It shall be the responsibility of the employee to ask the physician or dentist if the medication will affect the employee's performance, and if so, to present a letter to the Chief
 - (4) The employee shall remain on sick leave until released to duty by the physician or dentist
- e. Restrictive Duty:
 - (1) If an officer is on medication that may impair his/her judgment or motor skills and has a note from a physician may return to duty in a less critical area of the department until such a time he/she can be returned to regular duty.

SECTION 41: INVESTIGATION: CRIMINAL

POLICY:

All members of this department must clearly understand their responsibilities for the conduct of preliminary and follow-up criminal investigations and complaints of major infractions of the law.

PROCEDURES:

a. Preliminary Investigation:

- (1) The preliminary investigation begins when the first law enforcement unit arrives at the scene of a crime, or telephonic information is taken by an officer concerning a crime, and continues until postponement of the investigation or the transfer of responsibility will not jeopardize the successful completion of the investigation.
- (2) The following officer responsibilities are part of the preliminary investigation and will vary according to the type and crime being investigated:
 - (a) Provide aid to the injured
 - (b) Protect the crime scene to insure evidence is not lost or contaminated
 - (c) Determine if an offense has actually been committed, and if so, the exact nature of the offense.
 - (d) 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
 - (e) Furnish other field units with descriptions of the suspect(s), method and direction of flight, and other relevant information concerning wanted suspects or suspect vehicles
 - (f) Obtain complete identification of all witnesses
 - (g) Determine what information is known by the victim and each witness
 - (h) Determine in detail the exact circumstances of the offense
 - (i) Arrange for the collection of evidence
 - (j) Obtain written and signed statements from victim, witnesses, and from the suspects
 - (k) Determine the necessity of some degree of follow up surveillance of the crime scene
 - (1) Accurately and completely record all pertinent information on the report forms as prescribed in REPORT; OFFENSE/INCIDENT section of this manual.
- (3) The initial stages of all preliminary investigations, including crime scene processing, shall be conducted by Patrol Officers. In certain serious crimes as defined in Paragraph b (1), a criminal investigator shall be called, shall respond, and shall assume responsibility for completion of investigation.
- (4) As soon as the preliminary investigation is concluded by a Patrol Officer, the initial field report should be completed including all information obtained at the scene of the offense.
- (5) It shall be the responsibility of the 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. The signature of the supervisor approving the report shall be on each report in the proper space.

b. Serious Crimes - Criminal Investigator Response:

- (1) The following offenses are of a nature requiring the immediate assignment of a criminal investigator to assume responsibility for the completion of the preliminary investigation and to begin a follow-up investigation:
 - (a) Death of a violent or suspicious nature
 - (b) Rapes or suspected rapes
 - (c) Assaults, serious injury or death to the victim
 - (d) Armed robberies
 - (e) Burglaries where there is excessive or unusual loss (high dollar value, negotiables, cash, jewelry, silver, etc.)
 - (f) Any major disaster (where investigators can assist in identification of victims)
 - (g) Hostage situations
 - (h) Kidnappings, extortion
 - (i) Bombings
- (2) A criminal investigator assigned to this agency and/or a state police criminal investigator will be available 24 hours a day and will be contacted and will conduct the investigation of offenses listed above.
- (3) In the event the criminal investigator on call is unavailable, the supervisor will be contacted immediately for further guidance.
- (4) If requested by the assigned criminal investigator, the dispatcher will direct available patrol personnel to assist with protection of crime scene, traffic, crowd control, witness canvass, etc.

c. Follow-up Investigation:

- (1) 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.
- (2) Officer or criminal investigator 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, review lab results on its return.
 - (c) Recovery of stolen property

- (d) Conduct any additional interviews of victims and witnesses as required
 - (e) Conduct any additional interrogation of suspects as required
 - (f) Seek other information from law enforcement officers and informants
 - (g) Review department records and coordinate with adjoining agencies pertaining to other similar offenses to determine if other crimes may have been committed by the suspects. Review all information contained in case file (preliminary investigation and earlier follow-up reports) concerning this offense.
 - (h) Recording of information obtained and preparing supplementary reports as required.
 - (i) Give out information as appropriate
 - (j) If necessary, plan, organize, and conduct searches
 - (k) Arrange for polygraph examinations
 - (l) Prepare case file folder on suspect for court
 - (m) Check suspect's local police record and criminal histories
 - (n) Prepare case and assist in prosecution
- (3) In assigning investigators for follow-up, the Chief 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 criminal investigator or anything that could usually be completed in the patrol officer's regular shift.
 - (b) A criminal investigator will conduct the follow-up investigations when one or more of the following conditions exists:
 - * The offense appears to be part of a pattern of such offenses.
 - * When the follow-up is required in widely separated locations outside this jurisdiction.

d. Relationships with Prosecuting Attorney.

- (1) In every known contested case, misdemeanor or felony, the officer involved will make an appointment with the Prosecuting Attorney or his deputy to discuss the case prior to trial. Officers shall review the case materials before the meeting and be on time.
- (2) 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 procedure will be addressed to the Chief or supervisor.
- (3) Any criminal cases that the Prosecuting Attorney decides not to prosecute or dismisses due to law enforcement mishandling shall be carefully reviewed and appropriate corrective action taken. The Prosecuting Attorney has been asked to call such cases to the attention of the Chief.

- e. Dissemination of Information to the news media: See MEDIA RELATIONS this manual.
- f. Investigative Check Lists: Appendix A, Crime Check Lists, contains questions which should be addressed during the conduct of any criminal investigation as well as specific questions relating to different types of crimes. These lists are not intended to be all-inclusive, but will serve as guides in doing actual investigations, preparing reports related thereto, and in supervisory review of such reports.

APPENDIX A: CRIME CHECK LISTS

(Extracted from William Dienstein, How To Write A Narrative Report, Charles C. Thomas. 1964)

I. General Investigative Questions

- a. Who is involved?
 - (1) Who is the victim?
 - (2) Who is the suspect?
 - (3) Who is a witness?
 - (4) Who reported the case?

- b. What happened?
 - (1) What took place?
 - (2) What offense was committed?
 - (3) What are the elements of the offense?
 - (4) What was the object of the attack?

- c. When did it happen?
 - (1) When in time did the occurrence take place?
 - (a) At what hour?
 - (b) On what day?
 - (c) In what month?
 - (d) In what year?
 - (2) Was it day or night?
 - (3) Was it clear or cloudy?
 - (4) Was it foggy, misty, raining, smoggy, snowing, hailing, sheeting, etc.?

- d. Where did it happen?
 - (1) Where did the offense occur?
 - (2) Where was the object of the offense?
 - (3) Where is the object of the offense now?
 - (4) Where was the object of the offense found?
 - (5) Where was the perpetrator of the offense?

- (6) Where is the suspect now?
 - (7) Where was the suspect when apprehended?
 - (8) Over what area did the offense extend?
 - (9) Where were the witnesses in relation to the crime scene?
 - (10) Where are the witnesses now?
- e. How did it happen?
- (1) How was the offense committed?
 - (a) What preparation was made to commit the offense?
 - (b) What was done to avoid detection?
 - (2) How was the property or person attacked?
 - (a) What method was used to induce the victim to give up his property?
 - (b) What means were used to overcome resistance of the victim?
 - (c) What means or instruments were used in the perpetration of the offense?
 - (3) How did the offender act?

What did the victim do in response to the actions of the perpetrator?
 - (4) How did the victim act?

What did the victim do in response to the actions of the perpetrator?
 - (5) How did the situation assist in the commission of the offense?
 - (6) How did the offender enter the crime scene? What means were used?
 - (7) How did the offender leave the crime scene? What means were used?

SECTION 42: INVESTIGATIONS: INTERNAL AFFAIRS

POLICY:

This agency makes consistent and expeditious investigations of complaints from citizens against agency employees. The department protects the rights of each employee during an investigation, and makes the investigation without prejudice.

PROCEDURES:

a. Internal Affairs Function

The Internal Affairs process is administered to ensure the integrity of this department and its employees. All investigations shall be fair and impartial. Internal Affairs investigations are normally conducted by the Chief or his designee who reviews findings and makes final decisions.

b. Internal Affairs Activities. Internal Affairs activities include:

- (1) External complaints - Recording and investigating complaints against agency employees made by persons outside the agency.
- (2) Internal complaints - Recording and investigating alleged or suspected misconduct by agency employees from within the department; and
- (3) Confidentiality - Maintaining confidential investigations and records.

c. Classification of Complaints

- (1) **Class One** - Serious or criminal misconduct complaints that allege needless or excessive force, brutality; violations of criminal law, corruption, breach of civil rights, abuse of authority, intentional discrimination, and others so classified by the Chief.
- (2) **Class Two** - Complaints that allege inadequate public service, discourtesy, improper procedure, and other less serious and non-criminal conduct as directed by the Chief.

d. Processing Internal Affairs Complaints

- (1) This department shall investigate both formal and informal complaints. Investigators shall follow proper procedures when interviewing an accused employee and shall uphold and defend the legal rights of employees. NOTE: If it is determined that accusations may be malicious and false, the Chief may limit the investigation to substantiating a false report.
- (2) The Chief will record all complaints in a permanent record and assign an internal affairs report number. Records include the following information:
 - (a) Name of complainant;
 - (b) Name of accused;
 - (c) Date received;
 - (d) Type of complaint;
 - (e) Internal affairs number, and
 - (f) Final disposition.

- (3) The Chief will issue a written statement of allegations and employee rights and responsibilities to each employee that becomes the subject of an internal affairs investigation. NOTE: The Chief will withhold this notice in cases of alleged corruption or felony law violations.
- (4) Types of dispositions include:
- (a) Unfounded - Allegation is false or not factual;
 - (b) Sustained - Enough evidence to prove allegation,
 - (c) Not Sustained - Not enough evidence to prove or disprove allegation; and
 - (d) Exonerated - Incident happened, but employee's actions were lawful and proper.

SECTION 43: INVESTIGATION: MISSING PERSONS

POLICY:

The effectiveness of the ACIC and NCIC communication networks as well as departmental liability issues depend on accurate and prompt entry of missing person's information, and immediate cancellation of entries when no longer required. It is the responsibility of each officer dealing with reports of missing persons to conduct proper investigation, prepare necessary reports, and request appropriate ACIC/NCIC entries. Each telecommunications operator making an actual entry must insure that the entry contains accurate and complete information and that unnecessary delays in making the entry are avoided.

PROCEDURE:

- a. Officer(s) receiving a missing persons report shall collect and evaluate information (pictures, descriptions, etc.) and investigate possible leads provided by the reporting person without delay.
- b. In situations involving missing juveniles, the investigating officer should take immediate action to establish the fact that the youth is missing (i.e. search of the residence, check schools, friend's homes, local stores, parks. etc.).
- c. All department personnel must be aware that there is no formal waiting period required before this agency will accept a missing person's report
- d. Immediately following receipt of such report, the investigating officer will review the report with the senior officer on duty. If any one of the five criteria listed in paragraph e. is met, the missing person will be entered into ACIC/NCIC files.
- e. A missing person record may be entered into ACIC/NCIC for the following:
 - (1) A person of any age who is missing and under proven physical/mental disability or is senile, thereby possibly subjecting self or others to personal and immediate danger.
 - (2) A person of any age who is missing and in the company of another person under circumstances indicating that their physical safety is in danger.
 - (3) A person of any age who is missing under circumstances indicating that the disappearance was not voluntary, i.e., abduction and kidnapping.
 - (4) A person who is missing and declared un-emancipated and does not meet any of the entry criteria listed above (i.e. juvenile).
 - (5) A person of any age who is missing after a disaster.
- f. Documentation must be on file at the time entry is made supporting the stated conditions under which the person is declared missing. Examples of acceptable documentation are:
 - (1) A missing person's report, prepared as a result of investigation by a law enforcement officer.
 - (2) A written statement from a physician or other authoritative source corroborates the missing person's physical/mental disability.
 - (3) A written statement from a parent, guardian, next of kin or other authoritative source advises that the person is in danger or that their disappearance was not voluntary.
- g. The telecommunication operator receiving notification that the missing person has been located or that the investigating officer wants to clear or cancel the person, will follow NCIC guidelines and clear the entry from the system.

SECTION 44: INVESTIGATION: MOTOR VEHICLE ACCIDENTS

POLICY:

This agency has as one of its goals and objectives the reduction of motor vehicle accidents. To accomplish this, the agency performs a variety of traffic accident investigation functions including providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports and taking proper enforcement action relative to incidents. The purpose of accident investigation is to properly determine the causative factors involved in an automobile crash and utilize these factors to develop enforcement that will reduce accidents. Accident reports taken are utilized by the Arkansas State Police and Arkansas State Highway & Transportation Department at the state level and by this agency at the local level to study the frequency of crashes at a given location and time, the causes, the conditions that exist at the time, etc. The reports are also used by this agency to develop selective enforcement programs and to promote street and highway safety.

PROCEDURES:

a. **Accident Report and Investigation General:**

The following rules shall apply to all probationary and sworn employees, while on and off duty:

- (1) Arkansas Code requirements concerning the reporting of traffic accidents include:
 - (a) ACA 27-53-202: The driver of a vehicle involved in accident resulting in injury to or death of any person or total property damage to an apparent extent of fifty (\$50.00) or more shall forward a written report of the accident to the Arkansas State Police within forty-eight (48) hours after the accident.
 - (b) ACA 27-53-303(c): The responsible investigating office shall make the investigation with all possible promptness, and the investigating officer shall file the report with the Arkansas State Police within five (5) days subsequent to the actual investigation.
- (2) The terminology used in the above laws requires "reports of accidents". For our purposes, a report is made by a law enforcement officer who has investigated an accident at the scene or elsewhere, the length, duration and depth of investigative effort being proportioned to the seriousness or harm done as a result of the accident.
- (3) A law enforcement officer will be assigned and respond to, and prepare a report of accidents involving any of the following:
 - (a) Death or injury
 - (b) Property damage in excess of the reportable amount established by the Legislature.
 - (c) Hit and run
 - (d) Impairment due to alcohol and drugs
 - (e) Hazardous materials
 - (f) Any accident involving property, vehicles, equipment, or facilities of this agency
- (4) Law enforcement officers should also be assigned to respond to any accident in which a confrontation has erupted between principals, or which creates an unsafe traffic condition.

Law enforcement officers may be assigned to any other accident, not listed above, to assist persons involved with information exchange, etc. Time permitting officers may investigate and report such accidents for departmental use.

- (5) Accident scene responsibilities of the first officer at the scene include:
 - (a) Administering emergency medical care (basic life support measures) pending arrival of rescue squad
 - (b) Summoning additional help as required (officers, rescue, tow truck; etc.)
 - (c) Protecting accident scene
 - (d) Preserving evidence (broken parts, skid marks, etc.).
 - (e) Establishing a safe traffic pattern around scene
 - (f) Locating witnesses and recording accident information
 - (g) Expediting removal from roadway of vehicles, persons, and debris (In property damage only) accidents, where possible, get vehicles off roadway immediately to get traffic moving.
- (6) The officer initially dispatched to an accident shall normally be responsible for the investigation of the accident. He shall have the responsibility and authority to request assistance from any other officers as needed. He is the primary investigating officer and in charge at the scene. In the case of a serious accident involving multiple vehicles with personal injury, the dispatcher may assign several law enforcement units to respond. Under such circumstances, the senior officer on duty will designate an officer as the primary investigator.
- (7) In case of accidents that occur on private property, accident reports need not be filled out if it is a property damage only accident and the property damage does not exceed the reportable amount established by the Legislature. Private property accident report may be filed by an investigating officer. These are local reports and are filed in-house only.
- (8) In case of extremely inclement weather, and an accident involved only property damage, the dispatcher or officer may, with the Chief's approval:
 - (a) Request that the involved parties come to the department and file a report in person within 48 hours of the incident. The employee taking the telephonic report shall record the name, address, operator license number, and telephone number of all involved drivers.

b. Accident Scene Information Collection:

At the scene of the accident, the investigating police officer must gather information concerning the accident for subsequent use in completing necessary report forms. Information to be collected at the scene may include, but is not limited to:

- (1) Interviewing principals and witnesses and securing necessary identity/address information.
- (2) Examining/recording vehicle damage.
- (3) Examining/recording effects of the accident on the roadway, or off the roadway on other property/structures, etc.

- (4) Taking measurements as appropriate.
- (5) Taking photographs as appropriate.
- (6) Collection/processing evidence.
- (7) Exchanging information between drivers.

c. Accident Investigation Follow-up Activities:

- (1) Follow-up activities that may be necessary include:
 - (a) Collecting of scene data
 - (b) Obtaining/recording formal statements from witnesses
 - (c) Reconstructing accidents
 - (d) Submitting evidentiary materials for laboratory examination
 - (e) Preparing accident and/or offense reports to support criminal charges arising from the accident
- (2) In a particularly serious accident involving severe injuries, fatalities, multiple vehicles, etc., it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physician, accident crash team specialists, or other specialists. Such expert assistance should be requested through the Chief.
- (3) Enforcement action should be taken whenever believed appropriate by the investigating officer, when that officer has detected a violation of a traffic law or ordinance and when evidence exists to satisfy all the elements of that particular violation
 - (a) At the scene of the accident, the officer may take immediate enforcement action and issue a Uniform Traffic Ticket.
 - (b) If officer at the scene concludes DWI and defendant is still there, DWI arrest should be made prior to transport.
 - (c) If driver transported to hospital prior to arrival of officer, and officer later at hospital concludes DWI, Uniform Traffic Ticket may be issued and hold placed on driver.
 - (d) On other traffic related investigations, when the officer leaves the scene of the offense and follows up and later identifies an offender or offense, an arrest warrant should be obtained.

d. Accident Scene Procedures

- (1) Upon the receipt of a report of a motor vehicle accident that requires the services of a law enforcement officer, the officer assigned shall proceed as expeditiously as possible to the scene. The police vehicle should not be parked at the scene in a manner that will endanger other pedestrians, motorists, or citizens. The officer should consider using the police vehicle as a shield to protect the scene as well as himself.
- (2) If during periods of reduced visibility or darkness, the officer should put on a reflectorized safety vest prior to leaving the vehicle. The objective is to protect the scene and participants and to temporarily detour traffic safely around the scene.

- (3) In case of injuries, persons trapped in vehicles, etc., the appropriate rescue unit should be called out.
- (4) In case of danger of fire from leaking ruptured gas tanks or where there is any major crash entanglement of two or more vehicles, or where there is any sign of hazardous materials having been transported, the Fire Department shall be called out.
- (5) All police vehicles are equipped with a copy of the current Emergency Response Guidebook; which permits both rapid identification of DOT vehicles and contained placards for hazardous materials and gives information concerning the nature of the hazard, emergency procedures, evacuation disasters, etc. Any law enforcement officer arriving at the scene of such an accident and seeing hazardous materials placards should immediately request the Fire Department. The Fire Chief will assume control of any scene involving hazardous materials and all law enforcement officers will provide support as required. Any investigation of the accident will only occur after such has been approved by the Fire Chief
- (6) Any property belonging to accident victims will be protected from theft or pilferage and if victims are not present, should be brought to the Department, properly tagged and held for the victims.

e. **Accident Report**

- (1) ACA 27-53-303(c) of the Motor Vehicle Laws of Arkansas states “The responsible investigating office shall make the investigation with all possible promptness, and the investigating officer shall file the report with the Arkansas State Police within five (5) days subsequent to the actual investigation”.
 - (a) The investigating officer shall turn in the report at the end of each shift; weather or not the investigation is completed.
- (2) An accident report will be filed on all accidents that occur on public property within this jurisdiction. Public property is defined, for the purpose of accident reports, as any highway, roadway, street or public parking lot maintained by the State, County, or City.
- (3) In the event of an accident that occurs on private property, an accident report will be filed if it meets any of the normal reporting criteria (death, personal injury, property damage, in excess of the reportable amount established by the Legislature, or involves government operated vehicles). The reports filed on any other type of an accident on private property shall be used for departmental use only and not forwarded to the Arkansas State Police.

SECTION 45: JAIL AND BOOKING PROCEDURES

POLICY:

The loss of freedom that follows a physical arrest places a tremendous responsibility on this department and its employees to provide for the safety and welfare of persons committed to custody. The first impression of the department is also gained during the admissions process and the department is judged on its handling of the arrestee. For these reasons, the entire process must be accomplished in an efficient manner that combines firmness with respect for the rights and needs of the person to be detained.

PROCEDURES:

- a. All prisoners shall be checked for weapons prior to transport to the Detention Facility.
- b. All prisoners will be brought into the jail through the sally port to the Breathalyzer room (not necessarily the enclosed area around the machine).
- c. Officers shall not bring any firearm into secure areas of the Detention Area (beyond any weapon locker).
- d. The transporting/arresting officer shall stay with the prisoner until a Detention Officer has taken custody of that prisoner and checked him/her for contraband.
- e. The arresting/transporting officer will tell the detention officer an estimated time for him to return with a warrant or Probable Cause form or who is responsible for the P.C. form.
 - (1) Probable Cause forms should be turned in as soon as possible after the arrest.
 - (2) They are due no later than the end of the arresting officer's shift.
 - (3) No exceptions.
- f. SECTION 46: JUVENILE PROCEDURES

POLICY:

Whenever an officer takes a juvenile into custody, the officer shall immediately notify a juvenile intake officer. Any arrest or detention of a juvenile will be in compliance with the orders and instructions of the Juvenile Court and the Juvenile Intake Officer of Washington County. The following procedures will be used as a guideline for resolving incidents involving juveniles.

PROCEDURE:

- a. Traffic violation by anyone not yet eighteen (18) years old:
 - (1) Issue Uniform Violations Notice.
 - (2) Summons to Municipal Court
- b. Anyone reported as a runaway who is not yet eighteen (18) years old:
 - (1) Get all available information.
 - (2) Notify Juvenile Intake/Probation Officer.

- (3) Complete incident report
 - (4) Assist Juvenile Officer as needed.
 - (5) Copy of incident report will be forwarded to Juvenile Intake/Probation Officer.
- c. Complaint or other incident where counseling or warning is administered to anyone not yet eighteen (18) years old:
- (1) Complete incident report
 - (2) Copy of incident report will be forwarded to Juvenile/Intake Probation Officer.
- d. Status Offenders:
- (1) Juvenile in need of supervision:
 - (a) Place in custody.
 - (b) Notify Juvenile Intake/Probation Officer.
 - (c) Transfer custody to Juvenile Intake/Probation Officer.
 - (d) Complete incident report
 - (e) Copy of incident report will be forwarded to Juvenile Intake/Probation Officer.
 - (2) Dependent, Neglected, and Abused:
 - (a) Telephone Social Services immediately.
 - (b) Take into protective custody if necessary.
 - (1) Notify Juvenile Intake/Probation Officer.
 - (2) Notify Social Services.
 - (3) Photograph and/or x-ray as needed.
 - (4) Complete incident report
 - (5) Copy of incident report will be forwarded to Juvenile Intake/Probation Officer and/or Social Services.
- e. Detention:
- (1) When a juvenile must be detained in jail:
 - (a) Advise of rights.
 - (b) Notify Juvenile Intake/Probation Office.
 - (2) Detention not to exceed six (6) hours:
 - (a) For identification purposes.

(b) For determination of status.

f. Criminal Violation by anyone not yet eighteen (18) years old.

(1) Local person:

(a) Issue Juvenile Citation.

(b) Summons to Juvenile Court

(c) If person is capable of caring for him/herself and the crime is not major or violent in nature:

(1) Have the Juvenile sign the citation.

(2) Release him/her.

(3) You shall notify the parents if any criminal charges are filed other than traffic offences.

(d) If the person is incapable of caring for him/herself or the crime is major or violent in nature:

(1) Place the Juvenile in custody.

(2) Advise of rights.

(3) Notify Juvenile Intake/Probation Officer.

(4) Issue Juvenile Citation.

(5) Summons to Juvenile Court

(6) Transfer custody to Juvenile Intake/Probation Officer.

(e) Complete incident report if needed.

(f) Copy of incident report will be forwarded to Juvenile Intake/Probation Officer.

(2) Person from other than local area:

(a) Issue Juvenile Citation.

(b) Summons to Juvenile Court

(c) Get assurance of court appearance.

(1) Parent or guardian co-sign citation with offender.

(2) Receive cash or commercial bond for violation.

(d) If violator is taken into custody:

(1) Advise of rights.

- (2) Notify Juvenile Intake/Probation Officer.
 - (e) Complete incident report if necessary.
 - (f) Copy of incident report will be forwarded to Juvenile Intake/Probation Officer.
- (3) Juvenile arrested on warrant:
 - (a) Advise of rights.
 - (b) Immediately take the Juvenile before the court that issued the warrant.

SECTION 47: LEAVE

POLICY:

Employees are encouraged to take advantage of accrued vacation and compensatory time consistent with manpower requirements.

PROCEDURE:

a. Annual Leave

- (1) Vacation (Annual Leave) time shall accrue at the rate set in the current City Of Tontitown Personnel Policies Manual and state law.
- (2) Annual Leave shall be granted pursuant to the current City Of Tontitown Personnel Policies Manual and state law.

b. Sick Leave

- (1) Sick Leave shall accrue at the rate set in the current City Of Tontitown Personnel Policies Manual and state law.

c. Family and Medical Leave Policy

- (1) This policy allows County employees to take an extended leave of absence. The conditions and criteria are contained in the current City Of Tontitown Personnel Policies Manual.

d. Abuse of Sick Leave

- (1) Abuse of sick leave will not be tolerated by this department. If any employee is suspected of abuse he/she may be required by the supervisor at any time to produce a doctor's excuse regardless of how many days of sick leave he/she has used.

SECTION 48: MEDIA RELATIONS

POLICY:

This agency will 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 interfere with departmental operation, infringe upon individual rights or violate the law.

PROCEDURES:

- a. Release of Information
 - (1) The Chief or his designated representative(s) shall coordinate and/or authorize all media contacts.
 - (2) Employees shall not release information to the media unless directed to do so by the Chief or his designated representative.

- b. Cooperation with the Media
 - (1) Authorized news media representatives shall have reasonable access to the Chief and operations of this department as governed by this policy.
 - (2) Public information shall be released to the media as promptly as circumstances allow, without Partiality and in as objective a manner as possible.
 - (3) Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated.
 - (4) Ranking officers at crime or incident scenes may release information of a factual nature to the media as governed by this policy or refer the inquiry to the Chief. Where the officer is unsure of the facts or the propriety of releasing information, he shall refer the inquiry to the Chief.
 - (5) Written press statements shall be released only following approval of the Chief

- c. Investigative Information - From the initial stage of a criminal investigation until the completion of trial, department personnel shall refer all requests for information to the Chief.
 - (1) 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, injuries sustained, damages and a general description of how the incident occurred;
 - (c) Type and quantity of property taken,
 - (d) The identity and approximate address of a victim with the exception of sex crime victims, and in other cases where reprisals or intimidation may be employed;
 - (e) Requests for aid in locating evidence, a complainant or a 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 (exception: the name of any undercover officer will not be released).
- (2) Information that *may not be released* in connection with an investigation of a crime, unless authorized by the Chief include:
- (a) The identity of a suspect prior to arrest unless such information would aid in apprehending 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 victims 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 the jurisdiction of the juvenile court;
 - (e) The identity of any critically injured or deceased person prior to notification of next of kin,
 - (f) The results of any investigative procedure such as lineups, polygraph tests, fingerprint comparison, ballistics tests 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 law enforcement personnel, or information that may cause the suspect to 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 department member.

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, whether weapons were used, charges placed against the suspect and description of contraband seized;
 - (c) The identity of the arresting officers and the duration of the investigation unless the officers 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 the express permission of the Chief.

- (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 tests such 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; or
- (f) Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

e. Special Considerations - Criminal Matters

- (1) Personnel of this department shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of media personnel and equipment than available to the general public to the degree that it does not interfere with the law enforcement mission or 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 or otherwise prejudiced by its existence being published or portrayed. Once evidence has been processed, removed and secured by the department, the media may be allowed to enter by permission of the senior officer at the scene.
 - (a) On private property, photography, film or videotaping by the media requires the permission of the owner or the owner's representative.
 - (b) Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts or interviews, nor shall department personnel pose with suspects or accused persons in custody.
 - (c) 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 be released unless authorized by the Chief.

f. Special Considerations - Noncriminal matters

- (1) 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 decision to enter on his own volition.
- (2) Daily administrative reports of criminal activity will be made available on a routine basis to media representatives.

SECTION 49: OFF-DUTY EMPLOYMENT

POLICY:

The policy of this department is to provide guidelines to law enforcement employees to inform them of the types of off-duty employment that are appropriate; and to establish procedures to maintain accountability for the welfare of the department. These requirements are essential for the efficient operation of the department and for the protection of the community. All off-duty employment obligations **MUST** be pre-approved by the Chief in writing.

PROCEDURES:

There are two types of off-duty employment in which an employee may engage:

- a. *Regular Off-Duty Employment.* Employees may engage in off-duty employment that meets the following criteria:
 - (1) Employment of a non-law enforcement nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
 - (2) Employment that presents no potential conflict of interest between their duties as a law enforcement officer and their duties for their secondary employers. Some examples of employment representing a conflict of interest are:
 - (a) As a process server, reposessor, or bill collector, towing of vehicles, or in any other employment in which law enforcement authority might tend to be used to collect money or merchandise for private purposes.
 - (b) Personnel investigations for the private sector or any employment which might require the law enforcement officer to have access to law enforcement information, files, records or services as a condition of employment
 - (c) In a law enforcement uniform in the performance of tasks other than that of a police nature.
 - (d) Which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.
 - (e) For a business or labor group that is on strike.
 - (f) In occupations that are regulated by, or must be licensed through the law enforcement agency or its civilian board.
 - (3) Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation. Examples of employment representing a threat to the status or dignity of the law enforcement profession are:
 - (a) Establishments which sell pornographic books, magazines, sexual devices, or videos, or that otherwise provide entertainment or services of a sexual nature.
 - (b) Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.
 - (c) Any gambling establishment not exempted by law.

- b. *Extra-Duty Employment.* Law enforcement officers may engage in extra-duty employment as follows:
- (1) Where a government, profit-making or not-for-profit entity has a contract agreement with the law enforcement agency for law enforcement officers in uniform who are able to exercise their police duties.
 - (2) Types of extra-duty services that may be considered for contracting are:
 - (a) Traffic control and pedestrian safety.
 - (b) Crowd control.
 - (c) Routine law enforcement for public authorities.
 - (d) Plainclothes assignments.
- c. *Limitations on regular off-duty employment and extra-duty employment are as follows:*
- (1) In order to be eligible for off-duty employment, a law enforcement employee must be in good standing with the department. Continued departmental approval of a law enforcement employee's off-duty employment is contingent on such good standing.
 - (2) Those officers who have not completed their probationary period, or who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.
 - (3) Prior to obtaining off-duty employment, a law enforcement employee shall comply with departmental procedures for granting approval of such employment, or registration for extra-duty employment
 - (4) A law enforcement officer may work a maximum of 24 hours of off-duty-regular employment, or a total of 64 hours in combination with regular duty in each calendar week.
 - (5) Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the law enforcement officer's performance of duty.
 - (6) A law enforcement officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.
 - (7) Permission for a law enforcement employee to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such outside employment is not in the best interests of the department.
- d. Any employee considering *off-duty* or *extra duty* employment must request permission in writing to the Chief stating the working hours and duties of such employment. Such requests must be approved prior to the commencement of outside employment

SECTION 50: OFF DUTY: POLICE ACTIVITY, NEIGHBORHOOD DISPUTES

POLICY:

It is the policy of this agency for employees to have time for themselves and their families. Due to the nature of law enforcement activities, it is sometimes necessary for employees to be subject to recall.

PROCEDURES:

- a. Members of this agency shall have regular hours assigned to them for active duty and when not so employed shall be considered "off-duty".
 - (1) During "off-duty" time, members of the department shall be subject to call-out duty as assigned.
 - (2) Members shall be subject to emergency stand-by as deemed necessary by the Chief.
- b. Law Enforcement Action While Off-Duty

A certified officer shall act in his official capacity, whether on or off-duty, if he observes an incident requiring law enforcement action in which time is of the essence, or if his action will safeguard life or property or prevent the escape of a criminal.
- c. Neighborhood Disputes
 - (1) Officers shall not intentionally become involved in neighborhood quarrels or disputes involving their neighbors. These disputes shall be handled by disinterested persons, and the officer assigned to patrol the area shall be called when necessary.
 - (2) Officers shall not make arrests in their personal quarrels or those of their family or neighbors unless such action is warranted by the immediate threat of serious bodily harm or property damage.

SECTION 51: OUT-OF-TOWN HOME CHECKS AND ADDITIONAL PATROLS

POLICY:

Officers from this department shall make out of town home checks and/or additional patrols when the need arises. Citizens' requests for these services shall be honored whenever possible.

PROCEDURES:

- a. Requests for home checks and/or additional patrols shall be logged with dispatch.
- b. Dispatchers shall inform officers when home checks/additional patrols have been requested

SECTION 52: PATROL FUNCTIONS

POLICY:

The patrol function is a primary law enforcement function and embraces much more than the act of patrolling. It is a generalized function in which officers engage in a wide variety of activities to include, but not limited to; enforcing traffic/Criminal laws, answering complaints, conducting follow-up investigations, community relations, transporting prisoners, crime prevention activities, etc.

PROCEDURES:

a. Communications/coordination/cooperation between components:

All patrol officers must cooperate and exchange information with criminal investigators and personnel of other functional areas of the department. This cooperation and exchange is accomplished by, but not limited to:

- (1) Attendance of all personnel at staff meetings, where matters of departmental interest are discussed and ideas are exchanged.
- (2) Review daily by all patrol and investigative personnel of offense/incident reports and miscellaneous information made available by utilization of the daily reading file. This review should trigger the sharing of information and assistance.
- (3) Review of and input from all personnel in development of new policies and/or procedures.

b. Patrol Coverage

- (1) This law enforcement agency operates 24 hours a day, around the clock, seven days a week, to provide the citizens with law enforcement services. The department will provide, generally, the same services at all hours of the day or night in relation to answering calls for service, emergency, preventive patrol, traffic enforcement, etc.
- (2) Assignment of Officers to Patrol Areas: The assignment of officers to particular areas will be the responsibility of the Chief based on the following criteria:
 - (a) Number of calls for service
 - (b) Number of offenses/incidents
 - (c) Number of businesses
 - (d) Available manpower
 - (e) Other specific needs
- (3) Area Rotation Frequency:
 - (a) Normally, an officer will be assigned to the same area on a permanent basis. This is a preferred practice for the following reasons:
 - * Officer is able to become better acquainted with persons, businesses, organizations, and hazards in his area.
 - * Helps place responsibility and accountability for events occurring in a certain

area on a specific officer.

- (b) Rotation of area assignment, of necessity, must occur during the days off of the officer normally assigned.
 - (c) Partial rotation may also be necessary when a particular officer is required to perform a specific type of assignment in another part of this jurisdiction.
 - (d) The Chief will rotate area assignments as frequently as believed necessary to maintain a high level of officer interest and responsiveness to the law enforcement needs of the district
- (4) **Sharing Significant Law Enforcement Information:** Officers assigned to areas are encouraged to share significant law enforcement information concerning their area with other officers. Such information may be placed on an Information Memo or passed on personally.
- c. **Supervision/scheduling:** Supervisor scheduling responsibilities include:
- (1) Ensuring sufficient personnel are available for daily assignment to meet prescribed minimum staffing levels.
 - (2) Anticipating pre-planned major events and ensuring availability of personnel as required.
 - (3) Monitoring accrual of/and mandatory pay back requirements for compensatory time.
 - (4) Monitoring of leave time accrual in order to ensure that no individual leave is lost due to excess accrual at year-end.
 - (5) Coordinating officer attendance at required and optional training, range firing, physical fitness evaluation, etc.
 - (6) Within staffing guidelines encouraging officer participation in college courses.
 - (7) Requesting Auxiliary officer assistance in meeting emergency or other planned law enforcement activities.
 - (8) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations, directed patrol activity, and changes in the status of wanted persons, the stolen property list, and major investigations.
 - (9) Notifying officer of schedules and assignments or changes therein.
 - (10) Informing officers of new directives or changes in directives.
- d. **Prisoner Transport Vehicles:** The department does not have officers or vehicles that are designated exclusively for prisoner transport purposes. Any officer while performing his regular duties may be utilized to transport prisoners as the need arises. See TRANSPORTING ARRESTED PERSONS this manual.
- e. **Patrol Activities**
- (1) Response to certain incidents. Response to some calls may require several officers to deal effectively and safely with the problem. Typical situations that may require the response of several officers are:
 - (a) Potential or actual assault on an officer

- (b) Possibility of or actual on-scene arrest for a felony or violent misdemeanor
 - (c) Potential or actual resistance to arrest
 - (d) Possibility of or actual use of force
 - (e) Crime in progress
 - (f) Fleeing suspect
 - (g) Domestic Abuse Incidents
- (2) Dispatchers will attempt (based on officer availability) to dispatch two officers to the calls listed above and any other high-risk calls. An officer finding the circumstances listed above will evaluate the scene and request back-up assistance when necessary. Two officers assigned to such a call will coordinate their simultaneous arrival, where possible.
- f. Incidents requiring notification of Chief. The Chief will be notified of the following types of incidents:
- (1) Serious injury to a police officer,
 - (2) Accident involving a police vehicle especially if an officer is injured, other persons are injured, or major damage is involved
 - (3) Major crimes to include murder, bank robbery,, heinous crime, and assault where death may occur;
 - (4) Barricade/hostage situation;
 - (5) Disasters, catastrophes, or severe weather producing emergency conditions;
 - (6) Serious complaint or incident involving a law enforcement officer,
 - (7) Serious accident, injury, or incident involving agency personnel or property-,
 - (8) Any other incident where he is requested.
- g. Public Hazards/Potential Hazards
- (1) A wide variety of hazardous situations in this jurisdiction such as bad road/weather conditions, unsafe structures, potentially dangerous calls for service, etc., will normally be identified by the patrol officers on the street or called in to communications by citizens or announced by local media. Information as to any of these hazardous or potentially hazardous situations should be reported, shared among officers and other agencies that ought to know, and passed on to subsequent shifts.
 - (2) Information concerning hazardous/potentially hazardous situations that is received by the dispatcher should be passed on to all personnel during shift change in order to prepare and plan for the situations.
- h. Special Notifications:
- (1) Emergency/Next-of-Kin Messages

- (a) Subject to the availability of personnel, emergency messages of any legitimate type, as defined by the person receiving the message here in the department, may be delivered. Any message pertaining to a death, serious injury, or serious illness will be delivered.
 - (b) Notifying next-of-kin in a case where there is a death, serious injury, and/or serious illness, can place the officer in a delicate and uncomfortable situation. The following procedures should be utilized whenever possible and practical:
 - * Notification should be made as promptly as possible
 - * The presence of a minister or relative/close friend (if known) should be obtained whenever possible prior to notification.
 - * If notification has to be made alone, the officer should offer assistance to the next-of-kin in contacting a relative, close friend, and/or minister.
 - * The person receiving notification should be advised of the means used in transmitting the notification to the department, i.e., teletype or call from another law enforcement agency, unverified telephone call to the department, etc.
 - (c) When requested by another agency to make notification of next-of-kin, the dispatcher and/or officer should attempt to obtain whatever pertinent information about the situation is available in order to assist the relative receiving the message here.
- (2) Coroner: The Coroner will be notified in all situations where an officer responds to a location where a death has occurred. Notification will normally be made by the dispatcher on request from the responding officer. The name of the victim, location, telephone number and any preliminary facts pertaining to the death will be given to the Coroner.
- (3) Street/Highway/Public Utility Personnel: At any time when a situation exists that creates a hazard or potential hazard, the officer identifying the situation will request that the dispatcher make proper notification in order that the situation may be corrected in as short a time as possible. Typical situations and timing of notification are as follows:
- (a) Immediate notification to proper agency
 - * Essential traffic light in need of repair
 - * Large holes in road
 - * Electrical power lines down
 - * Large debris etc., in roadway
 - * Breaks in water, gas, or other utility
 - * Snow/ice, etc. on roads
 - * Fire hazards needing immediate attention
 - (b) Notification at beginning of next business day
 - * Non-essential traffic lights in need of repair
 - * Small (non-hazardous) holes in road
 - * Street lights in need of repair
 - * Telephone/video cables down but not creating hazard
 - * Dead animals in road
 - * Potential fire hazards not requiring immediate attention
 - * Excessive growth of weeds, grass. Etc.

- (c) Some hazardous situations may demand immediate notification of the local radio station(s) in order to request immediate public service announcements. Normally, the Chief will advise dispatchers to notify the stations when such a hazard exists.

- i. Preliminary Court Appearances Not Required: Court appearance by the law enforcement officer is not required in the following types of cases:
 - (1) Any initial appearance that requires appointment of counsel to the defendant
 - (2) Any initial appearance of a driving under the influence charge unless requested by the court
 - (3) Any prepaid traffic infraction
 - (4) Any other cases when officer is notified by the court/Prosecuting Attorney that his presence is not required.

- j. Daily Briefing
 - (1) The shift sergeant or senior officer in charge of each shift will assimilate all the necessary information for a briefing session.
 - (a) This information will be assimilated from the incident reports, criminal reports, arrest reports, B.O.L.O. and extra patrol book.
 - (2) The on duty Sergeant or his senior officer in charge, after gathering the necessary information will hold a Roll Call and Briefing if needed for the next shift officers coming on duty.
 - (a) For example: At 06:00 am each day midnight shift sergeant or his senior officer in charge will hold roll call for the second shift officers and sergeant. This will be accomplished either by Phone, e-mail or fax.
 - (3) Patrol Officers: You will be expected to be at your assigned area sub-station at the top of the hour that your shift is supposed to start. At this time you will receive the laptop computer and other needed equipment and a short briefing from the officer you are relieving.
 - (a) For example: if your shift starts at 06:00 am, you will be expected to be at your assigned area sub-station at 06:00 am.
 - (4) In the event that the officer you are to relieve is tied up on a call or assignment, dispatch will apprise you of that when you check in from your unit upon leaving home.
 - (5) If it appears that the officer you are to relieve will continue to be tied up beyond the roll call and briefing time, you will proceed directly to that officer's location and assist in completing the call or assignment.
 - (6) After completing the call or assignment you will report to your sergeant, senior officer in charge or the lieutenant for your briefing.

SECTION 53: PERFORMANCE EVALUATION

POLICY:

The purpose of the evaluation system is to standardize the nature of the personnel decision making process; ensure the public that our department personnel are qualified to carry out their assigned duties; and to provide job incumbents with necessary behavior modification information to allow them to maintain behaviors that are appropriate from the department's standpoint and to eliminate inappropriate behavior.

PROCEDURE:

- a. The Chief retains ultimate authority for the implementation of the performance evaluation system. The Chief will ensure that the system is administered in a manner that demonstrates a fair and equal assessment of an employee's performance and potential for increased responsibility.
- b. It is significant that the purpose of our evaluating system be communicated to all employees so they understand that our objective is to ensure all personnel receive a fair and timely evaluation of their efforts and potential toward growth and development.
- c. Supervisors shall conduct timely performance evaluations and shall continue throughout the year to monitor the employees' performance of duties.
- d. Supervisors shall immediately inform an employee that his/her performance is unsatisfactory.
- e. Supervisors shall counsel an employee when his/her performance is unsatisfactory and shall keep a written record of the counseling session(s).
- f. Supervisors shall not submit a performance evaluation of "unsatisfactory" on an employee unless it is accompanied by written counseling statements in which the employee was informed of his/her unsatisfactory performance and told what action was required to remedy the unsatisfactory performance.
- d. All employees have the right to appeal any performance evaluation. This appeal will be submitted within five (5) working days after the closeout date of the evaluation. (Employees on leave, holiday, etc., will be authorized to appeal any performance evaluation written during their absence. The appeal date will be extended to five (5) working days after their date of return). The appeal must be in writing and must state the specific reason why the employee believes the evaluation to be invalid. In all cases, an employee has the right to continue an appeal through all levels of supervision until it has reached the Office of the Chief. If the conflict cannot be settled at this point, then the employee has the option of appealing directly to the Quorum Court. All appeals will be filed with the original document that generated the appeal, unless the employee executes a written request to withdraw the appeal.

SECTION 54: PERSONAL PROPERTY AND EQUIPMENT

POLICY:

Employees may use personal property and equipment in the performance of official duties. The use of personal equipment must first be approved in writing by the Chief. Personal equipment used in the performance of official duties must be maintained to department standards.

PROCEDURE:

- a. Any employee desiring to use personal property shall submit a written request to the Chief citing the reason and justification for the use of such property. The decision of the Chief shall be final.
- b. No personal vehicle may be used as a police unit. There will be no justification for an officer to use a personal vehicle as a police emergency response unit.
- c. Under certain circumstances and with the approval of the Chief, employees may be authorized to use their personal vehicle when on official business. EXAMPLE: Travel to and from a conference, training course, etc. Amount of reimbursement for personal vehicle use may be authorized by the Chief.

SECTION 55: POLICE OFFENSES: DISCIPLINARY

POLICY:

Employees of the department who violate any of the following offenses may be subject to disciplinary action. These offenses may or may not be identified in other sections of this manual.

PROCEDURE:

- a. Drinking any type of intoxicating beverage while on duty, except in the performance of assigned duties.
- b. Intoxication off-duty that affects the department
- c. Any conduct unbecoming an employee of the department.
- d. Immoral conduct.
- e. Neglect of duty.
- f. Violation of any statute, law, or ordinance.
- g. Sleeping while on duty.
- h. Inattention to duty.
- i. Disobedience to a lawful order.
- j. Using threatening or profane language toward a supervisor or other employee of this department
- k. Receiving a bribe, gratuity, money, or any other thing of value related to job performance.
- l. Insubordination.
- m. The mistreatment of any person in the performance of duty.
- n. The unlawful or unauthorized use of any person in the performance of duty.
- o. Making a false report.
- p. The unauthorized release of any information concerning cases, incident records, or other items of interest to the department.
- q. Failure to wear prescribed uniform while performing a law enforcement function.
- r. Refusing to provide name and badge number when requested.
- s. Absence from duty without approved leave.
- t. Failure to immediately turn in property recovered or taken from persons arrested.
- u. Failure to appear in court on proper day and time.
- v. Failure to report any employee of the department suspected or known to have violated any rule, regulation, policy, or procedure of the department.

- w. Failure to give statements or testimony concerning the true facts in any case or by changing statements or testimony to avoid the truth or facts.
- x. Failure to properly care for and use departmental equipment
- y. Faking illness or injury to avoid duty.
- z. Recommending the names of attorneys, bondsmen, wreckers, or physicians to any person arrested or in police custody. Exception: Members of officer or employees family.

SECTION 56: POLICE VEHICLE: MAINTENANCE

POLICY:

Each officer shall be responsible for assuring at the beginning of a shift that the vehicle is clean, inside and out and that the fuel, oil, water, battery, brakes, lights, tires, and emergency equipment of the assigned vehicle are at their capacity levels and in good working order.

PROCEDURE:

- a. Following inspection, any defects, including body or interior damage, will be reported to the supervisor prior to beginning the tour of duty.
- b. Each officer shall search the vehicle for contraband and weapons at the beginning of the tour of duty, and after any person is placed or transported in the vehicle.
- c. Each officer will be responsible for keeping assigned police vehicles washed and clean.
- d. The driver of a police vehicle will be responsible for keeping the interior of the unit clean and free from dirt, trash, and objects on the floor and under the seats.
- e. Officers shall not allow their vehicle fuel level to drop below ½ full.
- f. Officers shall use low octane fuel unless otherwise directed.
- g. Officers shall promptly turn-in monthly expense reports/receipts as directed.

SECTION 57: POLICE VEHICLE: OCCUPANTS

POLICY:

Officers operating police vehicles on duty shall not permit passengers to ride, except when specifically authorized by the Chief.

PROCEDURE:

- a. The purpose of the policy is to reduce the possibility of liability resulting from the death or injury of an unauthorized person in a departmental vehicle.
- b. Employees who violate this policy will assume the responsibility and personal liability for their actions and results of their actions.

SECTION 58: POLICE VEHICLE: RESPONDING TO EMERGENCY CALLS

Vehicular Pursuits
Tontitown Police Department

Purpose and Scope

The purpose of this policy is to define the Tontitown Police Department Policies and Procedures governing the pursuits of motor vehicles by the members of this Department

Policy

The primary concern is to protect lives and property by making reasonable efforts to apprehend violators while complying with the statues regulating the operation of emergency vehicles, and discontinuing pursuits when the risk to public safety outweighs the need for an immediate apprehension.

Responsibilities

The Chief of Police or his designated authority will be responsibility of Command Staff of the Tontitown Police Department Police Department to ensure Officers and civilian employees adhere to this policy.

Definitions

- ▣ **Forcible Stop:** the use of force or other physical acts to COMPEL the driver of a fleeing to stop, e.g., rolling or stationary roadblocks, ramming, firearms, etc.
- ▣ **Primary Pursuit Officer:** the officer initiating a vehicular pursuit or the one officer most directly in pursuit after a vehicular pursuit has started, e.g., the closest to the violator's vehicle.
- ▣ **Secondary Pursuit Officer:** any officer in pursuit of a fleeing vehicle in close proximity to and assisting the primary pursuit officer.
- ▣ **Vehicular Pursuit:** an active attempt by a law enforcement officer in an emergency vehicle to apprehend an occupant of a moving motor vehicle when the driver of such vehicle is AWARE of the officer's intent and actively tries to avoid apprehension through the evasive tactics or by ignoring the lawful signal of the officer to stop.
- ▣ **Intentional Intervention:** The use of a Tontitown Police Department Police Vehicle to intentionally cause a collision with another motor vehicle.
- ▣ **Precision Immobilization Technique (PIT):** A method to reduce risks in bringing pursuits to a conclusion. PIT is a forced rotational vehicle stop of a suspect vehicle in an effort to end the suspect's flight.

Procedures

Circumstances Leading to Pursuit

Officers will weigh the circumstances leading to the pursuit against the safety of the citizens and the officers. The following circumstances will be considered before initiating or joining a pursuit and must be continually re-evaluated during a pursuit to determine if the pursuit should be continued

- The seriousness of the original offense that led to the pursuit. (What is the core transaction?) Infractions, misdemeanors, and property crimes do not warrant the same level of risk as might be taken to apprehend violent felons.
- If the suspect is known, or the likelihood of identifying the suspect at a later date.
- The actions of the subject during a pursuit which increases the danger to the public, thus justifying heightened law enforcement presence.
- Visibility, weather, road conditions, and the time of the day or night.
- The Officer's familiarity with the area.
- The type of highway and the area of the pursuit is in or about to enter, (i.e., rural, business, industrial, residential, school zone, etc.)
- The speed, direction(s), and the density of vehicular and pedestrian traffic in the area about to be entered.
- The presence of passengers or prisoners inside the pursuit vehicle
- The known mechanical condition of the pursuit vehicle and its emergency equipment.
- The likelihood of safely apprehending the fleeing suspects through continued pursuit and the effect onto the community if the suspect is not apprehended.
- Other unknown or unseen circumstances.

Initiating Officer's Responsibilities

1. Be the primary officer until another officer assumes that responsibility.
2. Will immediately notify dispatch of the pursuit. The following information will be reported, if known:
 - a. Description and license information of the fleeing vehicle.
 - b. Location, direction of travel, and approximate speed of the vehicle**
continually updating location and the direction through the duration of the pursuit.
 - c. Description and number of occupants.
3. Will provide or arrange for assistance to persons who may be injured during the pursuit.
4. May request assistance of others, aircraft, or equipment.

Secondary/Backup Officer's Responsibilities

1. Assume the responsibility and relieve the primary Officer of continually updating dispatch with the location and direction of the pursuit
2. Maintain a reasonable following distance with all other vehicles to ensure proper reaction time and braking distance.
3. Assume the primary pursuit position if necessary or instructed to do so.
 1. If a secondary Officer is requested to take a supporting role, he/she will do so only after or if another backup unit is directly involved, and when it is safe to do so.
 2. Assist the primary Officer with the apprehension and arrest of suspects following a pursuit.

Supporting Officers

- ☐ A need may arise where an Officer may be requested in a support role by the pursuing Officer(s) or Departmental Supervision. Upon being requested as a supporting Officer, he/she will take an active role and may parallel the pursuit and/or operate emergency equipment as needed. An Officer not requested to participate in a supporting role will not parallel the pursuit nor operate in an emergency status. (Command staff upon being notified of the pursuit will respond in a support role.)

Support Units Responsibilities

1. Cover Escape Routes
2. Deploy “Stop-sticks”
3. Assume a backup role if requested
4. Obtain additional suspect and vehicle description along with any additional information if observed or obtained (i.e., density of vehicular or pedestrian traffic)
5. Render aid in the event of a collision involving third parties
6. Recover evidence
7. Assist with the apprehension and arrest of suspects following the pursuit

Police Vehicles

1. A vehicle not equipped with a siren and emergency lighting visible when viewed from the front and rear, will not participate in a vehicle pursuit.
2. All emergency equipment will be turned on during a pursuit, which includes emergency lights, and sirens. (The Officer should keep in mind that the use of takedown lights may “washout” emergency lights to on-coming traffic)
3. An unmarked police vehicle not assigned to Patrol can initiate a vehicle pursuit when exigent circumstances occur or under emergency situations (provided the vehicle is equipped with emergency lights and sirens)
4. When feasible an assigned patrol vehicle will be used to pursue, and particularly function as the primary pursuit vehicle.
5. It is recommended that no more than three law enforcement vehicles should be directly involved in a pursuit of a fleeing vehicle.
6. A police vehicle sustaining damage or failure of essential vehicular equipment (i.e., inflated tires, siren, emergency lighting, etc.) shall not continue in the pursuit.
7. Police vehicles will not be used to create a roadblock
8. Officers will not follow a fleeing vehicle into oncoming traffic on any divided highway unless “Intentional Intervention” is needed

Termination of Pursuit

1. The decision to terminate pursuit may be the most rational means of preserving the live and property of both the public and the Officers engaged in the pursuit. Officers who have terminated a pursuit shall deactivate emergency equipment, and drive at a speed not above the posted speed limit. Pursuits will be immediately terminated under the following conditions:
2. The primary Officer, shift supervisor, any Sergeant of the Tontitown Police Department, or any higher-ranking Officer, determines the risk to the public outweighs the need for immediate apprehension and/or instructs the pursuit to end.
3. The Officer knows the suspect's identity and knows that the suspect is wanted only for traffic violation, misdemeanor or non-violent felony
4. The Officer loses visual contact with the fleeing vehicle for an extended period of time (approximately 20 seconds)
5. Upon termination of a pursuit the primary Officer will notify dispatch that he/she has terminated the pursuit. The Officer may follow the suspect vehicle's predicted route of travel within the city limits to determine no injury has occurred to the innocent citizens of the City. **Any Officer or Supervisor's decision to terminate a pursuit will not be subject to review or discipline.**

Pursuits Initiated by Tontitown Police Department Police Department

1. In other jurisdictions within the State

- a. An Officer will notify when a pursuit leaves the city limits.
- b. Officers will maintain their pursuit positions in their efforts to bring the pursuit to conclusion
- c. Officers will notify dispatch when changing primary radio frequencies to continue pursuits which exceed Tontitown Police Department communication capabilities

2. Out of State

- a. Officers will notify dispatch when a pursuit leaves the state of Arkansas
- b. Officers pursuing into another state will relinquish the primary position in pursuits to an Officer of the state which they have entered, as soon as feasibly possible
- c. Officer will continue in a backup role, and with the approval of the shift supervisor if available

Pursuits Initiated by Other Agencies in Tontitown

1. Tontitown Police Officers involved in outside agency pursuits shall adhere to the Tontitown Police Department Pursuit Policy. Units will assume a support role in pursuits conducted through or in the city limits by other law enforcement agencies. Officers will not assume a backup role or participate in the outside agency pursuit beyond the city limits unless needed by the outside agency. If possible Tontitown Police Department Police Officers will make a reasonable effort to deploy "Stop-Sticks"; near the city limits in an effort to terminate the pursuit prior to or as the pursued vehicle enters the city.

Supervisor Responsibilities

1. The on-duty shift supervisor upon hearing of a police pursuit will take command of the situation. The shift supervisor will be responsible for the compliance with this policy until the pursuit has ended or relieved by a higher ranking Officer. His/her duties will include but not limited to:
 - a. Evaluating the circumstance leading to the pursuit, continually reevaluating the criteria in an effort to determine if the pursuit should continue or be terminated.
 - b. Assigning Officers responsibilities and re-assigning if necessary to quickly and safely bring the pursuit to an end.
 - c. Direct Dispatch to notify Administrative Command.

Supervisory Pursuit Review

A formal review of all pursuits will be conducted by all Patrol Sergeants. The purpose of this is to determine if:

- A. The pursuit was conducted within the Department Policy parameters.
- B. There are training needs to be considered.
- C. Any policy changes need to be considered.

An interdepartmental memorandum of the review will be completed and signed by all participating review Sergeants. The memorandum will include all views of the pursuits, including any dissenting views. The "senior" Sergeant will be responsible for the completion of the memorandum. The memorandum will be forwarded through the chain of command

SECTION 60: POLITICAL ACTIVITY

POLICY:

All involvement in political activity shall be in compliance with existing Arkansas Codes and with the City Of Tontitown Personnel Policies Manual.

PROCEDURE:

- a. Consult the current City Of Tontitown Personnel Policies Manual and current Arkansas law.

SECTION 61: PROPERTY: DEPARTMENTAL

POLICY:

Officers of the department shall be responsible for the proper care of departmental property assigned to them for use.

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 officer who damages or destroys departmental property by a deliberate act or by negligence may be required to pay all cost of repair or replacement in addition to any disciplinary action resulting from the violation of this section.
- c. The Chief or designee will be responsible for the strict enforcement of this section.

SECTION 62: PROPERTY: DISPOSITION

POLICY:

Property that has been held by the department as evidence, found, recovered, seized, or stored, must be disposed of in a manner authorized by law. Under no circumstances will an employee convert any property of this type to his/her personal use.

PROCEDURES:

- a. **Evidence:** All evidence stored by the department will be held until final disposition of the case in court or a decision has been made that it will not be used in court. Disposal of evidence shall be done in a manner ordered by a court.
- b. **Found Property:** Maybe held for a limited period of time and shall be disposed of by public auction or in a manner authorized by law.
- c. **Recovered Property:** Property that has been recovered as a result of an investigation and the owners are not known, shall be held for a limited period of time and then disposed of by public auction, or in a manner authorized by law.
- d. **Seized Property:** Property or contraband that has been seized during the execution of a lawful act by an officer and the ownership of the property cannot be established, shall be disposed of in accordance with a court order.
- e. **Stored Property:** Property that the identity or the owner is known and the owner has failed to claim, shall be returned to its rightful owner, or, if the owner refuses to claim the property, it shall be disposed of according to law.

SECTION 63: RADIO PROCEDURES

POLICY:

Law Enforcement Radio Stations are licensed by the Federal Communications Commission (FCC) and are required to follow the regulations of the FCC. All employees shall limit their use of the law enforcement radio to messages that pertain to the conducting of official law enforcement business.

PROCEDURE:

For further information refer to the Communications Policy Manual

a. Instructions for Transmitting

- (1) Pronounce words slowly and distinctly.
- (2) Refer to officer by call number.
- (3) Speak without emotion.
- (4) Do not transmit until message is clearly in mind.
- (5) If necessary to transmit a lengthy message, write it down in logical order before transmitting; BREAK message periodically.
- (6) Keep mouth close to microphone and speak as you if using a telephone.
- (7) Use the minimum number of words necessary to convey the message.
- (8) In describing persons, give the following information:

(a) Name	(h) Color of Hair
(b) Alias	(i) Color of Eyes
(C) Race	(j) Complexion
(d) Sex	(k) Scars or Tattoos
(e) Age	(l) Clothing
(f) Height	(m) Home Address
(g) Weight	(n) Felony-misdemeanor or reason for Broadcast
- (9) Names of persons should be spelled and their initials coded (A-Adam; B-Boy, C-Charles, etc.) Unusual words will be spelled.
- (10) When transmitting numbers, group them in groups of three.
- (11) When an emergency exists, the officer with the emergency and the dispatcher WILL have first priority use of the radio until emergency traffic is concluded.
- (12) Officers not involved in the emergency shall not call with requests for information. By listening; officers can get the available information and if their assistance is needed, it will be requested.
- (13) When stopping a vehicle for any reason, the following procedure should be followed for the personal safety of the officer:
 - (a) Traffic Stop: When a decision has been made to stop a vehicle for a traffic violation, the officer shall notify the communications center of the:

- (1) Intent to stop a vehicle;
- (2) Location where vehicle is stopped;
- (3) Complete description of the vehicle, including vehicle tag;
- (4) Number and description of occupants;
- (5) Need for back up;

(b) Felony Stop:

- (1) When a vehicle is observed that is thought to be occupied by felons or suspected felons, officers should notify the communication center the location of the vehicle if stationary, or the location and direction of the travel if moving;
- (2) Officers should keep the vehicle in sight, notify the communications center and request sufficient back-up to have manpower superiority

b. Instructions for Receiving:

- (1) Keep radio on when in unit or standing by.
- (2) Keep volume control loud enough to easily be heard.
- (3) Have notebook and pencil so messages may be written.
- (4) Do not acknowledge receipt of message until the complete text is accurately known.

c. Alphabetical Word Code: Employees shall use this word code when transmitting:

- | | | |
|--------------|---------------|---------------|
| 1. A-Adam | 10. J-John | 19. S-Sam |
| 2. B -Boy | 11. K-King | 20. T-Tom |
| 3. C-Charles | 12. L-Lincoln | 21. U-Union |
| 4. D-David | 13. M-Mary | 22. V-Victor |
| 5. E-Edward | 14. N-Nora | 23. W-William |
| 6. F-Frank | 15. O-Ocean | 24. X-X-Ray |
| 7. G-George | 16. P-Paul | 25. Y-Young |
| 8. H-Henry | 17. Q-Queen | 26. Z-Zebra |
| 9. I-Ida | 18. R-Robert | |

d. Courtesy Messages:

- (1) Law enforcement radio facilities may be used to locate persons for emergency purposes whenever public service facilities have failed, are inadequate, non-existent, or whenever a person sought is en-route to destination when emergency arises.
- (2) Courtesy messages should be carefully considered before acceptance. Communications that are not urgent should not be transmitted.
- (3) In handling or delivery of a courtesy message, no employee shall convey the text of the message or the nature of the emergency. Employees shall inform the person that an emergency exists and the name and telephone number of the person who is trying to reach them.
- (4) The law enforcement radio system is for official law enforcement messages only and shall not be used for a paging system for any private individual or organization.

e. Checking in and out of Service:

- (1) Officers shall check "10-10" or "10-7" each time they get out of service, giving the dispatcher the location and telephone number if possible.
- (2) Officers shall promptly check "10-8" each time they return to service.

f. Reporting Disasters and Other Serious Incidents:

- (1) Any employee learning of any civil disorder, robbery, or disaster such as an explosion,

tornado, etc., shall immediately give the description of what happened to the dispatcher by radio or any other available source of communication.

- (2) The Dispatcher will immediately contact a supervisor.

g. **Hit and Run Reports:** Officers reporting hit-and-run cases shall transmit the information in the following manner:

- (1) location of hit-and-run accident
- (2) was personal injury involved?
- (3) date and time of the accident
- (4) the color, year, make, body style, accessories, and license information of vehicle.
- (5) identifying features of damages.
- (6) description of driver and passengers, if known.
- (7) direction of travel of hit-and-run vehicle when last seen.

h. **Car-to-Car Transmissions:**

- (1) Employees using the law enforcement communications system are prohibited from using slang expressions, joking; making humorous remarks, using profanity or keying the microphone to music, internal or external noises, etc.
- (2) All communication will be in the performance of official law enforcement business, using as few words as possible to complete transmissions.

SECTION 64: REPORTS: OFFENSE/INCIDENT

POLICY:

Having written reports and written documentation concerning law enforcement activities is essential in meeting the management, operational, and informational needs of this agency. All employees shall properly complete all required reports and paperwork as prescribed.

PROCEDURES:

- a. Reporting: Written reports, on appropriate forms, will be required in all of the following situations:
 - (1) Citizen Complaints
 - (2) Citizen reports of crime
 - (3) Follow-up investigations
 - (4) Incidents involving arrests, citations, or summons
 - (5) All situations where an officer is dispatched
 - (6) All situations where an officer is assigned to take action at a later time
 - (7) Criminal and non-criminal cases initiated by officers

- b. Radio Dispatch Logs:
 - (1) Normally radio dispatch log entries will be made on all cases listed above and will become the first, and in some cases, only record of law enforcement action taken.
 - (2) Requirements for Radio Dispatch Log Entries include, at a minimum:
 - (a) Date and time of initial report of incident/activity
 - (b) Name/address/phone number of citizen requesting service, victim or complainant
 - (c) Nature of incident
 - (d) Nature, date, and time of action taken by officer

- c. Field Reports:
 - (1) This agency utilizes the following preprinted report formats for field operation reporting:
 - (a) Offense reports
 - (b) Incident reports
 - (c) Supplementary reports
 - (d) Traffic accident reports
 - (e) Arrest reports
 - (f) Arkansas Uniform Traffic Ticket and Complaint

- (g) Property/evidence reports
 - (h) Case folders
- (2) Case Numbering
- (a) All offense/incident reports initiated by this agency will be assigned a report number obtained by requesting the next available number from Dispatch. This number is obtained from the Master Offense Report Log. The offense report #200100117 would mean that the offense was the 117th offense of 2001.
 - (b) The report numbering system utilized by this agency ensures that no two cases will be assigned identical numbers.
- (3) Review of Reports: The Chief or his designated representative(s) will review the report for accuracy, completeness, legibility, etc.
- (4) All entries on the Offense Report, Incident Report, and the Supplementary Report forms, shall be legibly written. If printing is preferred, the reporting officer will use the block letter alphabet. This alphabet utilizes all capital letters, since the mixing of capital letters and small letters may result in mistaking one letter for another.
- d. Offense Report
- (1) The Offense Report has been designed to accomplish the following:
- (a) To provide a means whereby officers can conduct and record a preliminary investigation of a criminal offense.
 - (b) To provide complete and accurate information for follow-up investigation and prosecution.
 - (c) To provide the officer, supervisor and Chief with certain decision-making points that will enable them to identify follow-up investigative needs.
 - (d) To improve control of the report flow process within the department thereby improving report access and statistical recording.
 - (e) To aid the Chief in the collection of data relating to crime types, patterns, suspect information, etc.
- (2) The Offense Report is a permanent and public record. It will be scrutinized at times by law enforcement administrative personnel, attorneys, judges, the media, and may be used in court as evidence. The following good habits should be developed.
- (a) Take pride in writing good reports
 - (b) Survey the facts before you begin writing
 - (c) Be a stickler for accuracy and details
 - (d) Use the dictionary when you are not sure of the correct spelling of a word
- (3) Guard against the following common errors in report writing:

- (a) Incorrect spelling
 - (b) Bad grammar and punctuation
 - (c) Mistakes in addresses and telephone numbers
 - (d) Failure to identify the names of witnesses
 - (e) Exaggerated value of property
 - (1) Incorrect offense classification
 - (g) Incompleteness
- e. The Incident Report has been designed to accomplish the following:
 - (1) To provide a means for recording non-criminal incidents to be brought to the attention of law enforcement personnel.
 - (2) To provide a means of recording any information that an officer feels should be brought to the attention of any agency personnel.
- f. Supplementary Report
 - (1) The Supplementary Report has been designed to accomplish the following.
 - (a) To provide a means of adding investigative information to a preliminary report
 - (b) To provide a means of recording follow-up investigative data in an on-going investigation.
 - (c) To record data concerning an offense incident not releasable to the news media.
- g. The original of all reports along with follow-up reports will be maintained in the Criminal Administrative Office.

SECTION 65: SEARCH: MOTOR VEHICLES

POLICY:

Officers of this department shall conduct motor vehicle searches that are legal and thorough. Such searches are to be conducted in strict observance of the constitutional rights of the owner and occupants of the motor vehicle being searched, and with due regard for the safety of all officers, other persons and property involved.

PROCEDURE:

- a. Whenever feasible, a warrant will be obtained for the search of a motor vehicle. Warrantless searches are to be conducted only when lack of time or other exigencies make it impractical for officers to obtain a warrant. In other cases, vehicles may be searched:
 - (1) When probable cause to search the vehicle exists;
 - (2) With consent of the operator,
 - (3) Incidental to an arrest of the occupants of the vehicle;
 - (4) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle; or
 - (5) Under emergency circumstances not stated above.
 - (6) To inventory the contents (in accordance with section 38 of this manual)

- b. Scope of Vehicle Searches
 - (1) *Searches made with a warrant.* When searching under a warrant officers may search all areas of the vehicle in which the item(s) searched for could be located, unless the warrant states otherwise.
 - (2) *Probable cause searches.* Probable cause searches may extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area of the vehicle.
 - (3) *Consent searches.* The extent of the consent search depends upon the terms of the consent itself. If the consent is limited to specific areas of the vehicle, officers may search only portions of the vehicle covered by the consent written consent should be obtained whenever possible before conducting these searches.
 - (4) *Searches incident to arrest* Searches of vehicles incident to arrest of an occupant shall be limited to areas within reach of the arrestee (normally the passenger area of the vehicle). The trunk, the engine compartment and locked compartments within the passenger area may not be searched.
 - (5) *Entries to examine a vehicle identification member or determine ownership of the vehicle.* Entries made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.
 - (6) *Emergencies.* Search of a motor vehicle under emergency circumstances not otherwise listed above must be co-extensive with the nature of the emergency. The proper extent of the search must therefore be determined by search personnel in each specific situation, but in no event will the extent of the search exceed that necessary to respond properly to the emergency.
Note: where the initial search discloses probable cause to believe that other portions of the

vehicle may contain fruits, instrumentalities or evidence of a crime or contraband any additional portions of the vehicle may be searched that could reasonably contain the items being sought.

- c. Search of Containers Found in a Vehicle. In no instance shall a container in a motor vehicle be searched unless it could contain the item(s) being sought. In addition:
- (1) Unlocked containers found in motor vehicles are governed by the nature of the search, as follows:
 - (a) In a probable cause search, containers such as paper bags, cardboard boxes, wrapped packages, etc., wherever found in the vehicle, may be opened.
 - (b) When the passenger compartment of a vehicle is being searched incident to an arrest, such containers found within the passenger compartment may be opened.
 - (c) Containers discovered during a consent search of the vehicle may be opened provided that the terms of the consent expressly permit or reasonably imply that the particular container may be opened.
 - (d) Containers found in or discarded from a vehicle under circumstances that do not justify their search under probable cause rules or in connection with a search incident to arrest should be secured but not searched until a warrant is obtained to search them.
 - (2) Locked containers such as attaché cases, suitcases and footlockers found during a vehicle search should be opened only if
 - (a) The search is being conducted under a warrant; or
 - (b) A valid consent to open the locked container is first obtained. Where these conditions are not met, locked containers should be secured by search personnel and opened only after a warrant has been obtained.
- d. Whenever possible, search of a motor vehicle, and containers found therein should be conducted at the location where the vehicle was discovered or detained. Under exigent circumstances, search of the vehicle or container may be delayed and/or conducted after the vehicle or container has been moved to another location. However, in all instances searches shall be conducted as soon as reasonably possible; that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all officers, citizens and property concerned.
- e. Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search.

SECTION 66: SEARCH: EXECUTION OF WARRANT

POLICY:

This law enforcement agency shall (1) accomplish a thorough and legal search, (2) observe the constitutional rights of the person(s) the warrant is being served upon; (3) minimize the level of intrusion experienced by those who are having their premises searched (4) provide for the highest degree of safety for all persons concerned; and (5) establish a record of the entire execution process.

PROCEDURES:

a. Uniform and Equipment Requirements

- (1) The search team shall at all times include at least one uniformed officer. All non-uniformed officers shall be clearly identified as law enforcement officers by wearing a distinctive armband; jacket or some other indicator of office.
- (2) All members of the search team should be equipped with body armor and a safety holster.

b. Time Limitations on Search Warrant Execution

- (1) A search warrant shall be executed as soon as possible within the conditions as stated in the warrant Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to:
 - (a) The need to have many searches occur at the same time, which requires coordination and mobilization of law enforcement resources.
 - (b) The items to be seized have not arrived at the search site.
 - (c) The probability that substantial resistance will be encountered.
 - (d) A particular person(s) is absent from the search site and it is determined that the search would best be conducted if that person were present
- (2) Absent court approval, necessity or authorization by law, a search should be conducted during daylight hours.

c. Preparation for Execution of Warrant

- (1) Prior to entering the premises, the supervisory officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow, a simulation of the conditions of the search (using maps, charts and diagrams, when appropriate) and tactics and equipment to be used in the event of forced entry.
- (2) The supervisory officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.
- (3) The supervisory officer shall ensure that the entire search warrant execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs, and, if practical, a videotaping of the entire search site from start to finish.

d. Entry Procedures

- (1) The approach to the scene shall be executed without sirens. If a pre-execution surveillance team is on the scene, radio contact shall be made to ensure that it is an appropriate time to serve the search warrant
 - (2) The supervisory officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.
 - (3) The search personnel shall position themselves in the following manner:
 - (a) Exits from the premises will be covered.
 - (b) Uniformed officers shall be the most visible members of the search team, and shall conduct the entry.
 - (c) Non-uniformed officers shall be the last members to enter the search site.
 - (4) Notification
 - (a) The supervisory officer, or a uniformed officer, shall 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.
 - (b) No-knock entries will be used only as a last resort and executed under the personal supervision of the supervisory officer.
- e. On Premises Activities
- (1) The supervisory officer shall ensure that a member of the search team conducts a security sweep of the search site.
 - (2) After the search site has been secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.
 - (3) One person shall be designated to record the entry and exit of all persons from the search site.
 - (4) The supervisory officer shall designate the individuals responsible for collecting, preserving and documenting all items seized until possession is transferred to the evidence custodian.
 - (5) 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.
 - (6) If damage occurs, a special report shall be prepared on the actions that caused the damage and a detailed description of the nature and extent of the damage.

SECTION 67: SEARCH: PERSON

POLICY:

It is the policy of this agency that searches of arrestees shall be conducted no more than is reasonably necessary, and with proper regard for the dignity of the arrestees and personal safety of the searching officer, in accordance with law.

PROCEDURES:

- a. **Rule 12.1 and Rule 12.2, Arkansas Rules of Criminal Procedure** provide the guidelines for Search and Seizure Incidental to Arrest.
- (1) **Permissible purposes** - An officer who is making a **lawful arrest** may, without a **search warrant** conduct a **search** of the person or property of the accused for the following purposes only:
 - (a) To protect the officer, the accused, or others;
 - (b) To prevent the escape of the accused;
 - (c) To furnish appropriate custodial care if the accused is jailed; or
 - (d) To obtain evidence of the commission of the offense for which the accused has been arrested or to seize contraband, the fruits of the crime, or other things criminally possessed or used in conjunction with the offense.
 - (2) **Permissible Scope** - An officer making an arrest and the authorized officials at the police station or other place of detention to which the accused is brought may conduct a search of the accused's garments and personal effects ready to hand, the surface of his body, and the area within his immediate control.
- b. **Search Procedure for Routine Search Incidental to Arrest**
- (1) Officers may use any approved search method to conduct a search of a person.
 - (2) Search the following:
 - (a) Hair
 - (b) Open Mouth
 - (c) Collar
 - (d) Back of neck
 - (e) Both arms
 - (f) Armpits
 - (g) Chest
 - (h) Back
 - (i) Waistline (feel inside pants)

- (j) Inside belt
- (k) Crotch
- (l) Down both legs
- (m) Cuffs
- (n) Socks
- (o) Inside shoes

- c. **Field strip search - Field strip searches of detainees shall be conducted only in the rarest of circumstances under exigent circumstances where the life of officers or others may be placed at risk and only with the explicit approval of a supervisory officer.**
- d. **In-custody strip search - In-custody strip searches shall conform to the procedures outlined in the detention facility policy and procedures manual.**
- e. **Body cavity searches- Body cavity searches shall be accomplished in accordance with Arkansas Rules of Criminal Procedure Rule 12.3.**

SECTION 68: SOBRIETY CHECKPOINT (ROADBLOCK)

POLICY:

It is the policy of this agency to conduct sobriety checkpoints and other roadblocks only when deemed necessary to resolve an identified problem.

PROCEDURE:

- a. As a general rule, roadblocks are conducted by this agency only when directed by the Chief in cases of compelling law enforcement and public concern (e.g., prison or jail escape where escapees have been determined to be a risk to society, serious felony offense having just occurred, etc.)
- b. Sobriety checkpoints are deemed constitutionally reasonable only when a balancing test is employed, considering:
 - (1) The gravity of public concerns served by the sobriety checkpoint (state's interest in reducing drunk driving versus large number of alcohol related vehicle accidents in vicinity of where checkpoint is to be conducted);
 - (2) The degree to which the roadblock advances public interest (arrest rate adequately demonstrates the checkpoint was a reasonable law enforcement effort to combat a serious public danger); and
 - (3) The severity of the interference with individual liberty.
 - (a) Duration of the seizure and intensity of the investigation.
 - (b) Potential to generate fear and surprise in a motorist.
- c. Sobriety checkpoints will be conducted only after there is a demonstrated compelling need for reducing a severe drunk-driving problem in the vicinity of the sobriety checkpoint. Drinking in public and over-possession of alcohol concerns will not be considered
- d. When research shows that a sobriety checkpoint will be the most effective law enforcement response to the serious problem, the following steps will be taken prior to conducting any sobriety checkpoint:
 - (1) The Chief or his designee will prepare written guidelines for conduct of the checkpoint, establishing that the drunk driving problem is severe enough for the checkpoint, and set out the goals and specific objectives for the checkpoint. The guidelines will include:
 - (a) Rules governing the who, when, where, and how for setting up and operating the sobriety checkpoint.
 - (b) Steps that minimize officer discretion, and
- e. The public must be notified that a sobriety checkpoint will be conducted.

SECTION 69: SMOKING AND USE OF TOBACCO

POLICY:

Many people are allergic to tobacco smoke, some find it offensive, and others may have a respiratory illness, which could be aggravated by cigarette, cigar, or pipe smoke. To avoid the possibility of offending someone, the following policy will be followed:

PROCEDURE:

- a. No Employee shall smoke while making personal contacts with citizens in the course of their official duties in homes, offices, places of business, public places, or on the public streets.
- b. Employees are prohibited from smoking while working traffic, while investigating accidents, or any on-the-scene criminal investigations.

SECTION 70: SWORN EMPLOYEES - DRUG TESTING

POLICY:

It is the policy of this department that the critical mission of law enforcement justifies maintenance of a drug-free work environment through the use of a reasonable employee drug-testing program. The law enforcement profession has several uniquely compelling interests that justify the use of employee drug-testing. The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances, and other forms of drug abuse will seriously impair an employee's physical and mental health, and thus, their job performance. Where law enforcement officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession, and public confidence in it are destroyed. This confidence is further eroded by the potential for corruption created by drug use. Therefore, in order to ensure the integrity of the department, and to preserve public trust and confidence in a fit and drug-free law enforcement profession, this department shall implement a drug-testing program to detect prohibited drug use by sworn employees.

PROCEDURE:

a. *Prohibited Activity:*

The following rules shall apply to all applicants, probationary and sworn employees, while on and off duty:

- (1) No employee shall illegally possess any controlled substance.
- (2) No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.
 - (a) Employees shall notify their immediate supervisor when required to use prescription medicine that they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication, and the prescribed period of use.
 - (b) Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in a secured file.
 - (c) The employee may be temporarily reassigned to other duties, where appropriate.
- (3) No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
- (4) Any employee who unintentionally ingests, or is made to ingest a controlled substance shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the officer's health and safety.
- (5) Any employee having a reasonable basis to believe that another employee is illegally using, or in possession of any controlled substance shall immediately report the facts and circumstances to their supervisor.
- (6) Discipline of sworn employees for violation of this policy shall be in accordance with the due process rights provided in the department's grievance and discipline procedures.

b. *Applicant Drug-Testing:*

- (1) Applicants for the position of sworn law enforcement officer may be required to take a drug

test as a condition of employment during a pre-employment medical examination.

- (2) Applicants shall be disqualified from further consideration for employment under the following circumstances:
 - (a) Refusal to submit to a required drug-test; or
 - (b) A confirmed positive drug-test indicating drug use prohibited by this policy.

c. **Probationary Employee Drug-Testing:**

- (1) All probationary employees may be required as a condition of employment to participate in any unannounced mandatory drug tests scheduled for the probationary period. The frequency and timing of such tests shall be determined by the Chief
- (2) In addition, where the probationary employee has a past history of drug use, he/she shall be required to submit to random testing until the probationary period is successfully completed. The frequency and timing of such testing shall be determined by the Chief

d. ***Employee Drug Testing:***

Sworn officers will be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use, as provided below:

- (1) A supervisor may order an employee to take a drug test upon documented reasonable suspicion that the employee is or has been using drugs. A summary of the facts supporting the order shall be made available to the employee prior to the actual test.
- (2) A drug test will be administered as part of any regular physical examination required by this department
- (3) All sworn officers may be uniformly tested during any unannounced mandatory testing required by the department. The Chief shall determine the frequency and timing of such tests.

e. ***Drug-Testing Procedures:***

- (1) The testing procedures and safeguards provided in this policy to ensure the integrity of department drug testing shall be adhered to by any personnel administering drug tests.
- (2) Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before they enter the testing area.
- (3) A pre-test interview shall be conducted by testing personnel with each employee in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result.
- (4) The bathroom facility of the testing area shall be private and secure.
 - (a) Authorized testing personnel shall search the facility before an employee enters it to produce a urine sample, and document that it is free of any foreign substances.
 - (b) Testing personnel of the same sex as the employee shall listen for the normal sounds of urination as the sample is produced.
- (5) Where the employee appears unable, or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug-test report form. The

employee shall be permitted no more than eight hours to give a sample, during which time he/she shall remain in the testing area, under observation. Reasonable amounts of water may be given to the employee to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a drug-test.

- (6) Employees shall have the right to request that their urine sample be split and stored in case of legal disputes. The urine samples must be provided at the same time, and marked and placed in identical specimen containers by authorized testing personnel. One sample shall be submitted for immediate drug testing. The other sample shall remain at the facility in frozen storage. This sample shall be made available to the employee or his attorney should the original sample result in a legal dispute or the chain of custody is broken.
- (7) Specimen samples shall be sealed, labeled and checked against the identity of the employee to ensure the results match the tested specimen. Samples shall be stored in a secured and refrigerated atmosphere until tested or delivered to the testing lab representative.
- (8) Whenever there is a reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct supervision of the testing personnel.

f. *Drug-Testing Methodology:*

- (1) The testing or processing phase shall consist of a two-step procedure.
 - (a) Initial screening test, and
 - (b) Confirmation test.
- (2) The urine sample is first tested using the initial drug screening procedure. An initial positive test result will not be considered conclusive; rather it will be classified as “confirmation pending.” Notification of test results to the supervisor shall be held until the confirmation test results are obtained.
- (3) A specimen testing positive will undergo an additional confirmatory test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.
- (4) The drug screening tests selected shall be capable of identifying marijuana, cocaine, and every major drug of abuse including heroin, amphetamine and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.
- (5) Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial immunoassay drug-screening test:

	<i>Initial Test Level (mg/ml)</i>
Marijuana metabolite.....	100
Cocaine metabolite.....	300
Opiate metabolites.....	300*
Phencyclidine.....	25
Amphetamines.....	1000
* 25ng/ml if immunoassay specific for free morphine	

Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory GUMS test on a urine specimen that tested positive using a technologically different initial screening method:

	<i>Confirmatory Test Level (ng/ml)</i>
Marijuana metabolite.....	15(1)
Cocaine metabolite.....	150(2)
Opiates:	
Morphine.....	300
Codeine.....	300
Phencyclidine.....	25
Amphetamines:	
Amphetamine.....	500
Methamphetamine.....	500
(1) Delta-9-tetrahydrocannabinol-9-carboxylic acid	
(2) Benzoylecgonine	

- (6) The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise, and demonstrated proficiency in urinalysis.
- (7) Employees having negative drug tests results shall receive a memorandum stating that no illegal drugs were found. If the employee requests such, a copy of the memorandum will be placed in the employee's personnel file.
- (8) Any employee who breaches the confidentiality of testing information shall be subject to discipline.

g. Chain of Evidence-Storage:

- (1) Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.
- (2) Where a positive test result is confirmed, urine specimens shall be maintained in secured, refrigerated storage for an indefinite period.

h. Drug-Test Results:

- (1) All records pertaining to department required drug tests shall remain confidential, and shall not be provided to other employees or agencies without the written permission of the person whose records are sought.
- (2) Drug test results and records shall be stored and retained for an indefinite period in a secured area.

SECTION 71: TRAINING

POLICY:

Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad purposes; first, well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, it fosters cooperation and unity of purpose. Furthermore, agencies are now being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training. This agency recognizes the importance of training and is committed to providing the best training available to all personnel.

PROCEDURE:

- a. **Goals:** The goals of this agency's training program include:
- (1) Meet mandatory and in-service training requirements;
 - (2) Provide better-educated, more professional personnel;
 - (3) Provide more efficient and effective accomplishment of departmental objectives;
 - (4) Improve law enforcement/community relations;
 - (5) Provide career development opportunities within the department;
 - (6) Provide training in specialized areas of law enforcement; and
 - (7) Provide consistency in training with department law enforcement responsibilities.
- b. **Responsibilities:** While training is a continual, never-ending process involving all members of this agency, the overall training function is a primary responsibility of the Chief. This responsibility will include at a minimum:
- (1) Training for both sworn and civilian personnel;
 - (2) Planning and developing training programs;
 - (3) Notifying personnel of required training and training that is available to department personnel;
 - (4) Assuring that training programs are attended,
 - (5) Maintaining liaison with the Arkansas Law Enforcement Training Academy, Criminal Justice Institute, and other sources of training; and
 - (6) Overseeing the department's field training program.

SECTION 72: TRAINING REQUIREMENTS

POLICY:

Every officer employed by this department must satisfactorily complete the Basic Police Training Course within twelve (12) months from the date of appointment.

PROCEDURE:

- a. If an officer has had previous certified law enforcement training consisting of 360 or more hours, this may be accepted in lieu of a basic course upon completion of a one-week refresher course presented by the Arkansas Law Enforcement Training Academy (ALETA).
- b. An officer who fails to satisfactorily complete the training requirements within twelve (12) months will not be eligible for retraining nor certification for twenty-four (24) months following the failure of the training course or the date of expiration of the probation period, unless waivers are granted by the CLEST.
- c. Reappointment or reemployment as a law enforcement officer will be considered only after the person has been separated from law enforcement for at least twenty-four (24) months. Upon reappointment or reemployment an officer would be eligible to begin a new twelve (12) month probationary period, unless waivers are granted by the CLEST.
- d. Should an officer fail to meet the minimum training requirements for a second time, he or she will not be eligible for certification as a law enforcement officer in the State of Arkansas.

SECTION 73: TRANSPORTING ARRESTED PERSONS

POLICY:

It shall be the policy of this law enforcement agency to take the precautions necessary while transporting prisoners to protect the lives and safety of the officers, public, and the person in custody.

PROCEDURES:

a. Vehicle inspection

- (1) At the beginning and end of each tour of duty, all vehicles regularly used for prisoner transport shall be inspected for readiness as follows:
 - (a) The safety screen shall be securely in place and undamaged,
 - (b) All windows shall be intact, and outer door latches in proper working order,
 - (c) Rear seat door handles and window controls should be deactivated, and
 - (d) The interior shall be thoroughly searched to ensure that no weapons or contraband have been left or hidden within the vehicle.
- (2) Prior to placing a prisoner in the vehicle for transport, the transporting officer shall again inspect the interior for weapons or contraband. The vehicle shall be searched again after the prisoner has been delivered to the detention facility or other destination.

b. Handcuffing

- (1) Officers shall handcuff (double locked) all prisoners with their hands behind their back and palms facing outward unless waist chains are used in which case the hand may be cuffed to the chain either in front or at the side.
- (2) The officer may handcuff the prisoner with his/her bands in front, or utilize other appropriate restraining devices where the prisoner:
 - (a) Is in an obvious state of pregnancy.
 - (b) Has a physical handicap; or
 - (c) Has injuries that could be aggravated by standard handcuffing procedures.
- (3) Prisoners shall not be handcuffed to any part of the vehicle during transport
- (4) Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or who manifests mental disorders such that he poses a threat to himself or the public.

c. Transport

- (1) Prior to transport, all prisoners shall be thoroughly searched for any weapons or tools of escape.
 - (a) If practical, the protective search should be conducted by an officer of the same sex of the prisoner.

- (b) The transporting officer should search the prisoner, unless a search was conducted in his presence.
- (2) When transporting prisoners, the officer shall provide the dispatcher with the following information when possible:
 - (a) Identity of the prisoner,
 - (b) Arrest location and destination of transport; and
 - (c) Time and mileage readings before and after transport, male or female.
- (3) The officer should use care when assisting a prisoner into the vehicle for transport.
- (4) Prisoners shall be transported in the following manner:
 - (a) Where the vehicle has a security screen but only one transporting officer, the prisoner or prisoners shall be placed in the back seat. When the vehicle is not equipped with a security screen and has only one transporting officer, the prisoner shall be placed in the right front seat
 - (b) Leg restraints shall be used at all times.
 - (c) One transporting officer should not attempt to transport more than one prisoner in a vehicle without a security barrier.
- (5) Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.
- (6) Prisoners shall not be left unattended during transport. Any escape shall be immediately reported to the communications center.
- (7) Officers shall also comply with the transport requirements outlined in the detention facility policy and procedures manual.
- (8) Whenever you have a prisoner in your vehicle you will not use the keypad on the entry gate. You should call control on jail frequency and request they open "Gate 4", or press the intercom button to request the gate be opened.

SECTION 74: UNIFORMS/GROOMING

POLICY:

All officers and employees of this agency will present a neat and clean appearance and image to the general public.

PROCEDURES:

Detailed in the Dress and Appearance Policy.

SECTION 75: USE OF FORCE

POLICY:

This department recognizes and respects the value and special integrity of each human life. In vesting law enforcement officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this agency that law enforcement officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another.

DEFINITIONS:

- a. **Deadly force:** Any use of force that is likely to cause death or serious bodily harm.
- b. **Non-deadly force:** Any use of force other than that which is considered deadly force.

PROCEDURES:

- a. **Parameters for use of deadly force:**

An officer may use deadly force only in compliance with State and Federal law.

- (1) A law enforcement officer may additionally discharge a weapon under the following circumstances:
 - (a) During range practice or competitive sporting events.
 - (b) To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
- (2) Law enforcement officers shall adhere to the following restrictions when their weapon is exhibited.
 - (a) Except for maintenance or during training, law enforcement officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance to this policy.
 - (b) Warning shots are prohibited.
 - (c) Firearms shall not be discharged when it appears likely that an innocent person may be injured.

- b. **Parameters for use on non-deadly force:**

- (1) Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
- (2) Law enforcement officers are authorized to use non-deadly force techniques and issued equipment for resolution of incidents, as follows:
 - (a) To protect themselves or another from physical harm; or
 - (b) To restrain or subdue a resistant individual; or
 - (c) To bring an unlawful situation safely and effectively under control.

c. Training and qualifications:

(1) Deadly weapons:

- (a) While on duty, law enforcement officers shall carry only weapons and ammunition authorized by and registered with this agency.**
- (b) Authorized weapons are those with which the law enforcement officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.**
- (c) This agency shall schedule regular training and qualification sessions for duty, off-duty and specialized weapons, which will be graded on a pass/fail basis.**
- (d) Law enforcement officers who fail to receive a passing score with their duty weapon(s) in accordance with department testing procedures shall be assigned to administrative duty and scheduled for an appointment with the Chief.**
- (e) A law enforcement officer shall not be permitted to carry any weapon with which he has not been able to qualify during the most recent qualification period.**
- (f) A law enforcement officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.**

(2) Non-deadly force weapons and methods:

- (a) A law enforcement officer is not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures.**
- (b) The following non-deadly weapons are authorized:**
 - (1) Pepper Spray**
 - (2) Weaponless Defense/Arrest Tactics - Officers may use defense tactics in which departmental training has been given to control or arrest uncooperative suspects.**
 - (3) Canine - The use of a police canine to search for or apprehend suspects will be considered a use of force under this policy when the canine inflicts injury.**
 - (4) Expandable Baton**

d. Reporting uses of force:

- (1) A written report prepared according to departmental procedures will be required in the following situations:**
 - (a) When a firearm is discharged outside the firing range.**
 - (b) When a use of force results in death or injury.**
 - (c) When a non-lethal weapon is used on a person.**

- (2) A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by the department in the following situations:
 - (a) When a firearm is discharged outside of the firing range.
 - (b) When a use of force results in death or serious injury.
 - (c) When a subject complains that an injury has been inflicted.
- e. Agency response:
 - (1) Deadly force incident
 - (a) Where a law enforcement officer's use of force causes death, the officer shall be placed on administrative leave after completing all internal investigative requirements, and until it is determined by a mental health professional that the law enforcement officer is ready to return to duty.
 - (b) This agency will conduct an administrative investigation of the incident and determine if an outside agency should conduct an independent investigation.
 - (2) Administrative review of critical incidents:
 - (a) All reported uses of force will be reviewed by the appropriate departmental authority to determine whether:
 - (1) Departmental rules, policy or procedure were violated;
 - (2) The relevant policy was clearly understandable and effective to cover the situation; and
 - (3) Department training is currently adequate.
 - (b) All findings of policy violations or training inadequacies shall be reported to the Chief for resolution and/or discipline.
 - (c) All use of force incident reports shall be retained indefinitely.

SECTION 76: HOSTAGE/BARRICADED SUBJECT SITUATIONS

POLICY:

In hostage/barricaded subject situations it shall be the policy of this law enforcement agency to consider the lives of the hostages, civilians and officers involved to be of the utmost importance; whenever possible, to enhance the prospects of peacefully resolving the incident through communication with the suspect; whenever possible, to develop and maintain the ability to use alternative approaches to resolve the incident should communications fail; and in hostage situations, to make every reasonable effort to effect the safe release of the hostages.

DEFINITIONS:

- a. **Barricaded Subject:** Any individual who is reasonably believed to be a threat to commit serious bodily injury or death to hostages, officers or others in the community and who is in a stronghold position.
- b. **Hostage:** Any person held by another against his will by force or threat of force, expressed or implied.

PROCEDURES:

- a. **Patrol Officers.** Patrol officers confronting hostage/barricaded subject incidents shall not initiate tactical actions other than those necessary to protect the lives and safety of themselves or others consistent with this department's use of force policy. Officers shall then
 - (1) Notify dispatch of the situation and request other on-duty patrol units' assistance at the scene, including any state police and highway police units on patrol in the jurisdiction.
 - (2) Direct dispatch to notify the Chief immediately of the situation. The Chief will make the decision to call out additional support
 - (3) Contain and isolate the incident scene, establishing an inner containment perimeter to provide a reasonable degree of safety while maintaining contact with the incident scene and as time and resources permit establish an outer containment perimeter to control pedestrian and vehicular traffic into the area;
 - (4) Whenever possible, evacuate occupants of affected residences and businesses to a point beyond the perimeter; and
 - (5) Attempt to make contact with the subject to calm, distract and to gain information, while you
 - (a) Avoid soliciting demands;
 - (b) Listen carefully for clues regarding the subject's emotional state;
 - (c) Avoid bargaining or making concessions;
 - (d) Reassure subject that police will not storm the building;
 - (e) Do not offer subjects anything;
 - (f) Minimize seriousness of subject's crimes;
 - (g) Do not refer to people being held as "hostages";
 - (h) Avoid tricks and try to be honest;

- (i) Never say “No” to a demand (you do not have to say “Yes”, either);
 - (j) Do not make suggestions; and
 - (k) Do not use “outsiders” to talk to subjects.
- b. **Officer in Command (OIC).** The ranking officer at the scene shall be in command until specifically relieved by a superior. The OIC shall
- (1) inform the Chief about the nature and circumstances surrounding the incident;
 - (2) delegate the tactical mission to the OIC of the tactical response team;
 - (3) ensure development of a communications/negotiations process and an emergency response team reaction;
 - (4) ensure establishment of an inner and outer perimeter, command post, tactical operations center, negotiations center and a staging area for officers and others arriving for assignment;
 - (5) assign a press center and an officer for press liaison;
 - (6) ensure that responsibility for traffic and crowd control is established, and that routes for emergency vehicles have been designated;
 - (7) make provisions for recording personnel assignments and developing a chronological record of events at the command center and tactical operations center;
 - (8) ensure that necessary equipment from the fire department is made available at the staging area together with any other units or equipment such as canine teams; and
 - (9) ensure that emergency medical services are available at the site.
- c. **Tactical Response Team Commander.** The commander of the tactical response team shall
- (1) assist the OIC in assessing the situation and formulate and provide the OIC with recommended tactical alternatives should communications with the subject fail to resolve the incident;
 - (2) determine equipment needs and assign personnel to control and contain the inner perimeter
 - (3) designate marksmen and entry teams as necessary
 - (4) ensure that personnel manning the inner perimeter maintain firearms discipline and are provided with periodic relief by appropriate tactical response team members;
 - (5) prepare appropriate logistical plans to include diagrams of the location in question;
 - (6) ensure the establishment of a tactical operations center if necessary; and
 - (7) maintain contact with and keep the command post informed of all developments and operations.
- d. **Hostage Communications Team.** The individual in charge of communicating with the subject shall
- (1) provide any requested assistance to the OIC;

- (2) provide trained primary and secondary negotiators and, as available and necessary, a negotiations investigator.
- (3) obtain all pertinent information about the hostage taker, the hostages, hostage site and other barricaded subjects;
- (4) designate a location to interview witnesses, released hostages and others; and
- (5) debrief hostages following the incident.

SECTION 77: TOWING/WRECKER SERVICE

POLICY:

Officers of this agency must know when the towing of certain vehicles is authorized. Whenever possible, owners or operators of vehicles for which towing is required will be encouraged to specify a towing service of their own choice. When required, the officer will summons needed tow trucks on a rotation basis, unless a specific request for a particular tow service has been made by the owner or operator of the vehicle to be towed. A Tow Book will be maintained by this agency to insure tow trucks are called on a rotation basis.

PROCEDURES:

a. Towing Situations:

- (1) **Accident:** Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after necessary accident investigation information has been obtained. Vehicles shall be removed from the shoulder without unnecessary delay.
 - (a) Vehicles may be pushed at no expense to owner to the shoulder of the road or other legal parking spot, which does not obstruct or impede vehicle travel on the roadway.
 - (b) If this is not possible, and a traffic hazard is potentially created, towing of the vehicle at the expense of the owner, may be ordered by the investigating officer.
- (2) **Emergency Situation:** Any vehicle found illegally parked, in the vicinity of a fire, traffic or airplane accident or area of emergency, which creates a traffic hazard or interferes with the necessary work of law enforcement, fire, or other rescue workers may be ordered towed, at the expense of the owner, by a law enforcement officer.
- (3) **Impeding/Danger to Traffic:** No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway of others, except in cases of mechanical breakdown or accident. If such disabled vehicle is not promptly removed and creates a traffic hazard the law enforcement officer may order the vehicle towed at the expense of the owner.
- (4) **Blocking Driveway or Parking Area:** Any law enforcement officer discovering or having report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission may order the vehicle towed at the expense of the owner of the vehicle.
- (5) **Unattended Traffic Hazard/Violation of Law:** Officers may tow any motor vehicle found on the public street or grounds unattended by the owner/operator that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law.
- (6) **Unattended Vehicle:** Whenever any motor vehicle is left unattended for more than 10 days upon any public or privately owned property other than the property of the vehicle owner, the law enforcement officer may order it towed at the expense of the owner of the vehicle.
- (7) **Abandoned Vehicle:** Whenever any motor vehicle is abandoned upon public property, a law enforcement officer may order it towed at the expense of the owner of the vehicle. A vehicle may be presumed to be abandoned it
 - (a) it is inoperable and left unattended on public property for more than 48 hours;
 - (b) has remained illegally on public property for more than 48 hours; or

- (c) has remained, without consent on private property, including, but not limited to any commercial parking space, motor vehicle storage facility or establishment for the service, repair, maintenance or sale of motor vehicle, whether or not such vehicle was brought onto or left at such property with or without the consent of the owner or person in control of the property, for more than 48 hours.
 - (d) it has been in a specific location for ten days without being moved.
- (8) Removal from Private Property:
- (a) Property owners, etc., may act immediately to have vehicles towed which are occupying lot, area, space, building or part thereof without their permission.
 - (b) Evidence/Crime Involvement: Vehicles that must be processed for or as evidence, having been involved in the commission of a crime, will normally be towed at the request of the officer to the department. When all evidentiary processing has been completed, vehicles may be released to owners upon presentation of proof of payment of tow bill.
- (9) DWI Vehicles: A vehicle driven by a DWI suspect shall be towed unless, the suspect turns the keys over to a friend or relative who will move the vehicle. The suspect may request the vehicle be towed a particular towing service. Officers shall inform the owner the name of the tow service, where the tow service is located, and that the tow is at the expense of the owner.

b. Towing Procedure

- (1) The law enforcement officer should know under which provision of departmental policy the vehicle will be towed.
- (2) It is always preferred to have the vehicle owner/operator name the towing company to be used.
- (3) If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer will ask the dispatcher to send the next wrecker from the wrecker rotation list.
- (4) In an emergency situation involving major traffic congestion and tie up, the officer will so notify the dispatcher and will request the closest/most readily accessible wrecker.
- (5) If the vehicles involved are larger than normal passenger vehicle or pickup size, the officer should so advise the dispatcher who has a separate list of specially equipped wrecker services.
- (6) When a vehicle owner/operator requests that a specific wrecker be called, the Dispatcher will make an entry of such on the Citizen Wrecker Request Log sheet, showing the service called, date, time, arrival time at the scene, any comments, and requesting officer's and dispatcher's signal numbers.
- (7) When the wrecker arrives on the scene, the officer will advise the dispatcher of the time of arrival and any other subsequent problems.
- (8) Dispatchers will be notified of all vehicles being towed by officers or owners of private property and will record the information.
 - (a) Officer requests will be recorded on the Wrecker Rotation List, with vehicle description and reason for towing recorded in the "Comment" column.

(b) Private property owners must advise the name of the wrecker service summoned, description of the vehicle to be towed, where the vehicle is being towed from and to, and their name and the reason for towing.

(9) Unless directed otherwise by the owner, a towed vehicle will normally be towed to and stored at the wrecker company towing the vehicle. It is then the responsibility of the wrecker company to collect the tow bill. On occasions where a vehicle is towed to the department for processing, the owner of the vehicle will have to present a paid tow bill before the vehicle is released to the owner. A copy of this paid tow bill should be forwarded to the Chiefs Office.

(10) Towed vehicles will normally not have a "hold" placed on them by law enforcement officer for reasons of defective equipment, altered equipment, etc., and will be released to the owner following payment of the tow bill.

c. Inventory

(1) Vehicles that are towed shall be inventoried.

(2) A vehicle inventory tow-in report will be completed when an officer assumes responsibility for towing a vehicle.

(3) Prior to the vehicle being removed, officers will obtain the signature of the tow truck driver on the inventory report and provide the tow driver a duplicate copy of the report

(4) Officer will turn in original copy of inventory report to dispatcher, who will in turn file the report in the Towed Vehicle File.

(5) At the beginning of each month, inventory reports filed during the previous month will be transferred to Records and retained for a period of three years.

d. Wrecker Rotation List

(1) All wrecker services wishing to be called by this agency must meet the following criteria:

(a) Each towing and recovery company after being licensed by the towing and recovery board will automatically be placed on the department rotation list The Chief shall have the authority to accept or reject any towing or recovery companies.

(b) Each towing or recovery company must provide twenty-four (24) hour continuous service for both the acceptance and release of vehicles and for requests for service.

(c) All wreckers used to tow on behalf of this agency must be properly permitted by the Arkansas Towing and Recovery Board. All wrecker operations must meet the minimum insurance requirements set forth by the Arkansas Towing and Recovery Board, including on-hook cargo insurance.

(d) Maximum 30-minute response time from time dispatcher logs call until time the law enforcement officer reports arrival at scene.

(e) No towing company shall proceed to any scene being investigated by this agency unless requested by this agency or the owner or person in control of the vehicle. Should a towing company or any of its employees receive notification that a tow truck is needed from a source other than a law enforcement agency of the owner or person in control of the vehicle, the towing company should immediately notify this department. Upon arrival at a scene the tow operator shall not take any action until

directed by the law enforcement officer in charge.

- (f) Rates charged will be “reasonable, necessary costs”.
- (g) Wrecker services failing to meet the above criteria will be so advised in writing and warned only once. Any further discrepancies will result in the wrecker service listing being deleted from the wrecker rotation list and being advised in writing accordingly.

e. Use of Wrecker Rotation List:

- (1) Officer requests next wrecker and advises if special equipment needed.
- (2) Dispatcher, using correct wrecker list, calls wrecker service whose turn is next.
 - (a) If phone is busy and dispatcher cannot reach tow service by radio, place “B” on list and call next wrecker.
 - (b) If phone and radio is not answered or wrecker is not available, place “NA” on list and call next wrecker.
 - (c) On completed call, note time and service called on Wrecker Log. When officer calls in wrecker arrival time, note this on Wrecker Log. If more than 30 minutes or if officer identifies other problems, dispatcher should leave note for the Supervisor.
 - (d) If a wrecker is called to a scene, and for any reason the tow is canceled, this will not count as a turn on the rotation list, unless the wrecker driver receives payment for services rendered. Dispatchers will note that the call was “canceled,” and when another wrecker is again required will call that wrecker company again.
- (3) At least monthly, the Supervisor will check the wrecker rotation list, slow arrival notes, and officer comments and take appropriate action regarding warning and/or disqualifying wrecker services.
- (4) Officer Feedback: To insure efficient tow service is being rendered, officer’s comments are strongly encouraged.

f. Complaints. Any complaints against the department or towing service that the owner or person in charge of any vehicle that this agency has caused to be towed wishes to make should be in written form to the Chief. The Chief shall make a determination of the merit of such complaint and take such actions as necessary to correct the matter if the complaint is validated.

SECTION 78: DEATH/SERIOUS INJURY NOTIFICATION

POLICY:

It is the policy of this agency that all officers become familiar with procedures to be used to provide next of kin and other family members with adequate information and support when notifying them of the death or serious injury of a family member. Death or serious injury notification will be accomplished in a manner consistent with professionally accepted crisis intervention techniques.

PROCEDURES:

- a. Gathering of Information and Preparing for Notification Assignment
 - (1) All death and serious injury notifications made by this agency will be made in person, with the exception of a serious injury notification where the delay in notification might prevent the family from arriving at the hospital before the injured person's death.
 - (2) Officers shall be prepared to spend as much time as necessary with survivors to provide assistance.
 - (3) Prior to contacting next of kin, notification officers shall gather and become familiar with essential details concerning the deceased or seriously injured person, to include full name, age, race and home address. The notification officers shall be well informed as to the details of the death or serious injury, location of the body/personal effects and any other pertinent information.
 - (4) Notification officers shall establish the identity of the next of kin of the deceased or seriously injured person for purposes of notification. The order of priority for notification will be the spouse, followed by parents, brothers or sisters, then any children. Where time permits parents should be notified after notification of spouse.
 - (a) Only where substantial delays would be required to make contact with next of kin should other family members be contacted.
 - (b) Notification officers should contact the Chief or Supervisor for guidance when in doubt concerning next of kin or any delay in notification.
 - (5) When another agency must be contacted to notify the next of kin, officers should
 - (a) request that the notification be made in person, and
 - (b) request immediate verification when notification has been accomplished.
 - (6) Notification officers should gather available information concerning the survivors that may aid in notification. This information would include whether survivors are elderly, disabled, visually or hearing impaired, have medical problems or may not speak English. If possible, obtain the names of the survivor's closest relative, friend, family doctor and clergyman.
 - (7) Officers will not use the name of the deceased or seriously injured person over the radio and will not release name to news media until assured that next of kin notification has been made.
 - (8) Where possible, two officers (preferably a male and female team) should be assigned to a death or serious injury notification.
 - (9) Notification officers should request the assistance of a local minister, preferably the survivor's

minister, where feasible.

- (10) Personal effects of the deceased will not be delivered to survivors at the time of death notification.

b. Making Notification

- (1) Upon arrival at the residence or place of business, the notification officers will:
 - (a) check the accuracy of the location;
 - (b) request to speak to the next of kin;
 - (c) identify themselves by name and agency;
 - (d) verify the relationship of the next of kin to the deceased or seriously injured person;
and
 - (e) ask permission to enter the residence or (in the case of a business or other location) move to a place of privacy.
- (2) Every reasonable effort shall be made to make the death or serious injury notification in the privacy of the next of kin's home or in another location away from public scrutiny.
- (3) Prior to making notification, officers should, where possible, bring members of the family together if they are immediately available.
- (4) Notification officers should address the next of kin 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 seriously injured or dead.
 - (a) Officers should not use words such as "passed on" or "no longer with us" in order to avoid using the term "dead" as those words may create confusion or false hope.
 - (b) Officers should avoid graphic aspects of the incident and the use of law enforcement jargon.
 - (c) Officers should refer to the deceased or seriously injured person using his/her first name or in terms reflecting the deceased's or seriously injured person's relationship to the next of kin (i.e., husband, wife, son, daughter, etc.).
- (5) Officers should be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack.
- (6) Officers should provide survivors with sufficient time to regain composure before proceeding. Avoid attempts in the interim to provide comfort by using such phrases as "I know how you feel" or "I know how hard this is for you."

c. Providing Assistance and Referral

- (1) Notification officers shall not leave upon completion of the notification until reasonable assured that the next of kin has adequate personal control and/or family or close friend(s) readily available to provide support. In gauging the need for assistance, notification officers shall also consider the following:
 - (a) the emotional reaction and the physical condition of the next of kin;

- (b) the availability of other adults in the home;
 - (c) responsibility for infants or small children,
 - (d) home environment (e.g., evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.); and
 - (e) availability of a support system (e.g., including friends, family, close neighbors, access to clergy, means of transportation, etc.)
- (2) Officers should provide any additional information of a fatal incident requested by survivors. While graphic details may not be necessary, officers should provide information if asked specifically concerning the cause of death, condition of the body or other details of the fatality.
- (3) 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.
- (4) Officers should be aware of confusion on the part of survivors; speak slowly and deliberately, and write down any pertinent information that the survivor may need. This includes such matters as the following:
- (a) disposition of the body
 - (b) location of personal effects;
 - (c) identification requirements/procedures; and
 - (d) notification officers' names, agency and telephone numbers.
- (5) Officers should assess the physical and emotional well-being of the survivor before departing. Officers should be reasonably assured that survivors can take care of themselves and those for whom they may be responsible.
- (6) Notification officers should not leave a lone survivor unattended until all reasonable efforts have been made to obtain first-hand support from the survivor's family, friends, co-workers, neighbors, family clergy or counselors.
- (7) Notification officers should conduct a follow-up within 24 hours with any survivor when there is a concern for the survivor's well-being.

SECTION 79: LINE OF DUTY DEATHS

POLICY:

The policy of this agency is to immediately respond to an employee's death by not only conducting a thorough investigation into the circumstances, but also by providing comprehensive support to next-of-kin.

PROCEDURE:

- a. 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 an emergency situation will prepare to respond as directed.
 - (1) 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 assist the First officer in securing the scene, notifying the supervisor and the Chief through dispatch.
 - (2) First officer on scene will notify dispatcher by radio that an employee death has occurred, and whether the death is accidental or felonious. DO NOT USE NAMES ON RADIO.
 - (3) Upon notification that an employee's death has occurred, the dispatcher will immediately notify the Chief. If radio is used for means of communication, DO NOT USE NAMES ON RADIO. In all cases, the Criminal Investigation Division will be notified.
 - (4) First officer on the scene will be responsible for complete and detailed written report; unless handled by the Criminal Investigation Division. First officer on scene will not leave scene until investigation of scene is complete or relieved by the Chief.

- b. Notification of Next-of-Kin
 - (1) 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 to these two officers, the agency chaplain or a member of the clergy may be dispatched if available to respond quickly. 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.
 - (2) If the family wants to go to the hospital, they should be transported via police vehicle.
 - (3) Make arrangements for any young children.
 - (4) Surviving parents will be notified in the same manner as spouses if they live within the county. If they live elsewhere, a request will be made to the appropriate agency to make notification.
 - (5) If the tactical situation permits, the Chief will accompany the back-up officer and will be the primary notification officer.

- c. Assisting the Family at the Hospital.
 - (1) 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).
 - (2) Arrangements will be made for transportation of the family back to their residence.

- (3) Arrangements will be made 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.

d. **Family Support**

- (1) 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:
 - (a) ensure the needs of the family come before the wishes of the department;
 - (b) meet with the family and tell them what his responsibilities will be during this time;
 - (c) 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”;
 - (d) know all the information concerning the death and the continuing investigation to answer family questions;
 - (e) provide as much assistance as possible, oversee arrangements for travel and lodging for out-of-town family members;
 - (f) be constantly available to the family;
 - (g) see that the surviving parents are afforded recognition and will have proper placement arranged for them during the funeral and funeral procession;
 - (h) 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.);
 - (i) 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. Baby-sitting needs for all family members should be met. Have someone screen phone calls. Make sure someone is always at the residence;
 - (j) coordinate pallbearers, ushers, and 21-gun salute manpower requirements with other law enforcement agencies if the family desires a “law enforcement funeral”;
 - (k) make available department patrol vehicles to the family if they desire transportation to and from the funeral home; and
 - (l) provide information and assistance to obtain benefits to the surviving family.
 - (1) The same person appointed as liaison officer for family support will be appointed as 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 family to ensure that these benefits are being received.
 - (2) 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

- * workers compensation;
- * social security;
- * federal public safety officer death benefit, 42 USC 3796 (currently \$119,894.00);
- * state public safety officer death benefit, ACA 2 1-5-705 (currently \$100,000.00 if a felonious act, plus \$25,000.00 if wearing a bulletproof vest, or \$25,000.00 for accidental death);
- * National Chief's Association (\$2,500.00);
- * personal life insurance;
- * educational benefits for dependent children;
- * Veterans Administration, and
- * health benefits will continue for six months after death upon payment of premium.

SECTION 80: CIVIL PROCESS

POLICY:

Civil process shall be served in a timely fashion in accordance with current State law and the court's order. A file shall be maintained on every civil paper to insure fair, impartial, and legal service. Every civil paper received by this office shall be annotated with the day, month, year, and time of its receipt. Officers shall act in good faith and use reasonable discretion in the service of civil process.

PROCEDURE:

- a. Filing: All civil process shall be delivered to the Civil Process Office to be recorded prior to service.
- b. Worksheets: A civil process worksheet shall be attached to every civil paper served by this office. Officers shall complete the worksheet in full to include: date and time of attempted service or actual service
- c. Summons: A summons and all accompanying paperwork shall be served in accordance with the Rule 4 of the Arkansas Rules of Civil Procedure. Officers shall obtain proof of service.
- d. All other civil process: All other civil process shall be served in accordance with Rule 5 of the Arkansas Rules of Civil Procedure. Officers shall obtain proof of service.
 - (1) Order of Protection: Officers shall attempt to serve an Order of Protection as soon as possible after its receipt. Officers shall serve the process on the defendant personally. Officers shall read the Order of Protection and shall act in accordance with the Court's directive.
 - (2) Restraining Order: Officers shall attempt to serve a Restraining Order as soon as possible after its receipt. Officers shall serve the process on the defendant personally. Officers shall read the order and shall act in accordance with the Court's directive.
 - (3) Subpoena: Officers shall attempt to serve subpoenas in a timely fashion. A subpoena for a trial or hearing may be served by telephone when the trial or hearing will occur in Washington County, otherwise the subpoena shall be served on the person. A subpoena duces tecum shall be served on the person.
 - (4) Writ of Execution: Officers shall serve Writs in the order in which they are received (i.e. first in, first out). Officers shall read the Writ and seize only that property which is specified in the Writ. A Return shall be filed with the clerk of the court from which it issued within 60 days from the day it was received by this office, regardless of whether property is seized or not
 - (5) Auction: Auctions shall be conducted in accordance with current State law.
- e. Good Faith and Reasonable Judgment: Officers shall exercise reasonable care and judgment in the service of civil process.
- f. Towing, Moving, and Storage: Officers may request the plaintiff to provide towing, moving, and secure storage facilities for the property seized upon.
- g. Bonds: Under certain situations, an officer may request the plaintiff to post a bond. Officers shall consult current law to determine whether grounds exist for this request

SECTION 81: CHIEF'S OFFICE RECOGNITION PROGRAM

POLICY:

It is the policy of the Tontitown Police Department Chief to create a recognition program for all employees who have performed their duties in an exemplary manner above and beyond the call of duty.

PROCEDURE:

- a. This program will incorporate the issuing of certain citations and decorations.
- b. These awards and decorations may be obtained by a letter of recommendation to the Awards Committee.
- c. The Chief will then convene an Awards Committee to review all recommendations. It will be the Awards Committee's responsibility to ensure the members eligibility for the award and make a recommendation to the Chief.
- d. The following are authorized awards and decorations for officers within the Tontitown Police Department Enforcement Division:
 - (1) **Medal of Valor** - The Medal of Valor is the Chief's Office's highest award and may be awarded to members who distinguish themselves by extraordinary bravery or heroism when all of the following exist:
 - (a) The act was above and beyond the normal call of duty.
 - (b) Where there was imminent personal risk to life and the member had knowledge of the risk.
 - (c) Where the objective was of sufficient importance to justify the risk.
 - (2) **Medal of Merit** - The Medal of Merit may be awarded to members who distinguish themselves by bravery or heroism, or by exceptional behavior, when all of the following exists:
 - (a) Where the risk of life or great physical danger actually existed.
 - (b) Where an Officer, who by exemplary conduct and demeanor during an extraordinary hazardous situation, resolves the same without injury to any person, or resolves the same with substantially reduced injuries or death to others than may otherwise have been reasonable expected.
 - (3) **Distinguished Service Bar** - The Distinguished Service Bar may be awarded to members who distinguish themselves by performing exceptional service in a duty of great responsibility or of critical importance to law enforcement. Awards for distinguished service are based on exceptional performance of duty, clearly above that normally expected, which has contributed materially to the success of the Chief's Office.
 - (4) **Commendation Bar** - The Commendation Bar may be awarded to members when all of the following exists:
 - (a) Unusual attention to duty.
 - (b) Performance of their assigned functions in an unusually effective manner.
 - (c) For use of exemplary initiative in performance of duty.
 - (5) **Life Saving Award** – Awarded to a member who makes a major contribution toward saving the life of another person. This award may be given to any employee acting in the line of duty where risk of injury or death to the employee was minimal.
 - (6) **Community Service Award** – Awarded to a member who makes a significant contribution above and beyond the ordinary call of duty to the community.

- (7) **Chief's Award of Excellence** – Awarded to a member who exemplifies the highest standards of service to the community by virtue of their diligence, dedication, and character. This award may also be granted to employees who develop new, innovative programs, policies, or procedures that clearly enhance the mission of the Chief's Office or improve the quality of life to the citizens of The City of Tontitown. This award may be presented alone or in addition to any other award. Only the Chief may give this award.
- (8) **Chief's Unit Citation** – Awarded to two or more members who perform an act or a series of acts over a period of time which demonstrate a high degree of teamwork and professionalism and which resulted in the attainment of Chief's Office goals, thus increasing the Chief's Office's effectiveness and efficiency. This award may be presented alone or in addition to any other award. Only the Chief may give this award.

f. SECTION 82: PUBLIC SAFETY EMPLOYEE DRUG AND ALCOHOL TESTING

POLICY:

It is the policy of the Tontitown Police Chief to meet minimum standards set by City Of Tontitown Personnel Policy. .

PROCEDURE:

- A. Public safety employees are subject to testing by the county to detect the presence of controlled substances and alcohol in their body, including:
 - 1. Pre-employment Testing (controlled substances only)
 - 2. Reasonable Suspicion Testing
 - 3. Random Testing
 - 4. Post-accident Testing
 - 5. Return-to-duty and Follow-up Testing
- B. Public safety employees subject to testing shall include only employees whose duties require them to:
 - 1. Maintain a commercial driver's license,
 - 2. Carry a firearm, or
 - 3. Routinely operate an emergency vehicle (one equipped with siren and red or blue lights) in order to lawfully carry out their duties.
- C. The Drug and Alcohol Testing Procedures required by the U. S. Department of Transportation (the Rules) shall be the procedures followed by the county, which procedures shall not be contrary to procedures promulgated by the Association of Arkansas Counties.
- D. Upon the county's adoption of this policy, or at the point of hiring, each county employee shall certify in writing that:

1. The employee has been informed of and understands his or her obligations under the County's drug and alcohol testing policy and the drug and alcohol regulation of the U. S. Department of Transportation;
 2. The employee understands that the use or possession of alcohol in any form is prohibited in the workplace, and that there are restrictions on alcohol use for a period prior to reporting for work and after an accident;
 3. The employee understands that the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not; and
 4. The employee understands that, as a condition of employment, the employee must submit to collection of breath, urine, blood, and/or saliva samples when requested by the county employer or contractor acting for the county employer and, also, that the employee may be subject to drug and alcohol testing in other circumstances including, but not limited to post-accident and when the employer has reasonable suspicion to believe the driver has engaged in prohibited actions concerning controlled substances or alcohol.
- E. Drug and alcohol testing will be administered to the employees in the circumstances and in the manner mandated by the Rules.
- F. Reasonable suspicion testing shall not be conducted until after the facts are reviewed by the prosecuting attorney, a deputy prosecuting attorney, or the county civil attorney and the reviewing attorney agrees with the supervising elected official that reasonable suspicion exists under the particular facts of the particular case.
- G. The following shall result in immediate discharge:
1. Refusal to take a mandated test for drugs or alcohol;
 2. A positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test; or
 3. A positive alcohol test result.
- H. Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the County's "Designated Representative" receives the results of the second (split sample) test. Such second test will be paid by the employer to be reimbursed to the County by the employee. The County shall withhold from the employee's paycheck the cost of the second (split sample) test to reimburse the County. A negative result from the second (split sample) drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.
- I. An employee suspected of unlawful use of drugs or abuse of alcohol while on duty, as established by the Rules, or who is involved in an accident as defined in 49 CFR 390.4 (and receives a citation for a moving traffic violation in this section) by the Rules, shall be suspended immediately with pay until the results of the drug or alcohol test are received by the county's "Designated Representative."

SECTION 83: DRUG FREE WORKPLACE ACT

POLICY:

It is the policy of the Tontitown Police Department to meet minimum standards set by City Of Tontitown Personnel Policy. .

PROCEDURE:

- A. Drug abuse and alcohol use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs and alcohol may impair the well-being of all employees, the public at large, and result in damage to county property. Therefore, it is the policy of Washington County that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in a county agency's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:
1. County agencies will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on agency premises will be subject to discipline up to and including termination.
 2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack". They also include "legal drugs" which are not prescribed by a licensed physician.
 3. Each employee is required by law to inform the agency within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the agency's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.
 4. Washington County must notify the U.S. government agency with which it has a grant or contract within ten (10) days after receiving notice from the employee or other notice of such a conviction.
 5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the agency may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
 6. As a condition of further employment on any federal government contract, the law requires all employees to abide by this policy.

Note: At The City of Tontitown, section 3, and 4, of the Drug Free Workplace Policy will be carried out by requiring the convicted employee to inform his or her department head or elected official or other appropriate supervisor of the conviction immediately and having that appropriate supervisor report the conviction immediately to the County Judge. The County Judge so notified will convey the information, on behalf of The City of Tontitown, within the required ten (10) day period, to the U.S. agency with whom the federal contract in question is held.

SECTION 84: FRATERNIZATION

POLICY:

It is the policy of the Tontitown Police Department that no employee of the Tontitown Police Department Office will *fraternize* with subordinates if they are also the subordinate's immediate supervisor or at any time may be the subordinate's immediate supervisor or compromise their supervisory authority or could result in preferential treatment. Relationships are also prohibited if they appear to involve the improper use of rank or position for personal gain. Relationships are also forbidden if they will have an adverse impact on unit morale or the ability of command to accomplish its mission.

This policy is necessary to prevent a supervisor or employee from making a decision based on an interpersonal relationship rather than professional relationship.

No employee shall ever *fraternize* with any inmate at any time.

Fraternization is defined as: Association in a friendly or *familiar* or romantic way with anyone they have or may have authority over.

This policy is not intended to preclude Normal team building events vital to this office success such as unit based social functions, picnics, family gatherings, office parties or athletic competitions.

SECTION 86: MOBILE VIDEO RECORDING SYSTEM

- I. **Purpose**
To establish guidelines for the use of the MVR system installed in the Tontitown Police Department patrol vehicles and to provide a secure and uniform method of recording and storing public contacts.

- II. **Policy**
 - A. The Tontitown Police Department requires the use of the MVR system which has been installed in the Department vehicles for the purpose of collecting evidence for the prosecution of those who violate the law, to provide protection for its officers, to provide a higher level of service to the public and to assist in training. Officers operating patrol vehicles equipped with recording equipment shall record all traffic stops, pursuits, arrests and incidents. Officers shall also record other events, situations, and circumstances including but not limited to, armed encounters, acts of physical violence and felonious activities.
 - B. MVR operators shall utilize their MVR equipment to record:
 - 1. Probable cause or reasonable grounds for your planned enforcement action.
 - 2. Actions of suspects during interviews, performing field sobriety tests, or when placing a suspect in custody if the recording would prove useful in later judicial proceedings.
 - 3. Circumstances at crime scenes and crash scenes or other events such as the confiscation and documentation of evidence or contraband.
 - 4. Audio portions of a conversation with a citizen or a witness.

- III. **General Use and Operations**
 - A. It is not the policy of this Office to require its officers to cease recording an event, situation, or circumstance solely at the demand of any person.
 - B. MVR operators are not required to disclose the fact that recording equipment is in use.
 - C. MVR operators shall inform those who ask if video/audio recording equipment is in use. Officers shall not allow violators to view recordings while still at the scene.

- IV. **Pre-operational Procedures**
 - A. **Training**
 - 1. Officers shall not use the MVR equipment until they have received training in its use and the provisions of this policy.
 - 2. Patrol Sergeants shall ensure MVR operators receive additional training if required.
 - B. **Inspection, Maintenance, and Repair**
 - 1. Supervisors shall ensure MVR equipment is operated in accordance with the manufacturer's recommendations and provisions of this policy.
 - 2. Officers operating vehicles equipped with MVR equipment shall ensure all pre-operation checks are performed in accordance with the manufacturer's recommendations.
 - 3. Operational problems with the MVR equipment shall be reported to the operator's immediate supervisor for corrective action. MVR equipment shall be adjusted or repaired only by MVR technicians who have been trained to repair or adjust the recording equipment.

- V. **MVR Operator**
 - A. The MVR operator shall:
 - 1. Ensure proper care and maintenance of the MVR equipment according to the manufacturer's recommendations.
 - 2. Utilize only that equipment which has been issued and approved by the Tontitown Police Department.

3. Ensure that an adequate amount of recording capacity is available to complete a tour-of-duty.
- 4.
7. Not deactivate MVR equipment until the recorded contact is complete.
 - a. A contact is considered to be over after the deputy advises dispatch that they have cleared and given a disposition.
 - b. In the case of an arrest, the contact is not considered over until the Officer has taken the detainee out of the car at the holding facility.
8. When required, request a duplication of those recordings that have possible evidentiary value. Only portions applicable to the event/incident shall be copied.
9. Ensure the proper care and security of the MVR in accordance with Policy and Procedure for equipment.
10. Ensure all battery-powered components are kept charged.
 - a. Operators shall keep spare batteries available for those components that use common-type batteries (9v, AA, etc.)
 - b. Components that recharge shall be placed in the appropriate charger as needed.
 - c. If the operator is not able to keep a component charged, due to circumstances beyond their control, they shall notify their immediate supervisor(s) as soon as possible.
11. Download their digital recordings before the unit's capacity is less than 50%. (E.g. when 2 gigabytes are saved out of 4 gigabytes possible).
 - a. The intent of this rule is so that the deputy has the capability to record most any event he/she would regularly encounter.
 - b. One benefit of this practice will be shorter download times.
 - c. Operators shall not stop or postpone priority calls-for-service or investigations for the sole purpose of driving to the office to download.
 - d. Operators shall know the abilities and limitations of their MVR equipment so they can properly comply with this policy/procedure
12. Not disconnect fuses, antennae, or other components of their MVR.
13. Not mute or deactivate their MVR or body microphone until the contact is complete.
 - a. The only exception for this rule is, when the operator is soliciting confidential information from an informant, he/she may mute the microphone. The video shall not be deactivated.
 - b. The operator shall signify this by speaking into his microphone "muting for confidential information", or something similar.
 - c. The operator shall reactivate his/her microphone when he/she is no longer obtaining confidential information.
14. Assign an appropriate "Priority Level" to digital recordings when they are complete. Setting the Priority Level is accomplished when the recording is stopped.
 - a. Priority 1 shall not be used by officers.
 - b. Priority 2 = all routine contacts which do not qualify as a higher priority (E.g. abandoned vehicles, criminal investigations, animal complaints, etc.).
 - c. Priority 3 = all traffic stops, routine K9 sniffs, field sobriety checks (suspect passed), warrant service, checks of suspicious persons, routine accident investigations that do not qualify as a higher priority.
 - d. Priority 4 = when the recording has evidentiary value (e.g. all citations, traffic or criminal, and K9 alerts that do not qualify as higher priority. Plus any time the operator believes the contact may complain about him/her).
 - e. Priority 5 = all physical arrests, DWI arrests, lights and siren (code 3) responses, all uses of force, pursuits, or accidents involving Chief's Office vehicles.

- B. Prior to its use, operators shall ensure MVR equipment is functioning properly in order to record traffic stops or other enforcement actions. In doing so, operators shall ensure that the:

1. Video recorder is positioned and adjusted (contrast, night-vision, etc.) to visually record events.
 2. Wireless microphone is activated and properly positioned and equipped with an external microphone in order to provide the best quality audio and the camera is aimed in a manner to record driver impairments, hazardous violations, or other pertinent information.
 3. The entire unit is functioning properly.
- C. Operators are encouraged to inform their supervisors of any video that may be of value for training purposes.

VI. Recording Identification- all recordings and their duplications are the property of Tontitown Police Department.

- B. Digital Recordings shall be identified by information, which is programmed into each unit. All digital recordings with evidentiary value must be saved as "Cases" and officers shall enter pertinent information into the in-house MVR management system with the following designations:
1. "Owner" = Officer who recorded the event
 2. "Visibility" = Set as "Private or Public"
 3. "Display Name" = Case number (if one exists), Citation number, or Warning number, in that order. No other identifiers shall be entered or appended on the number.
 4. Incident Date = date of incident
 5. Case Number = if applicable
 6. Citation Number = if applicable (may use warning number)
 7. Car Registration # = not used
 8. Car Plate = if applicable
 9. All other defendant information if available and applicable

VII.

VIII. Duplications of Recordings- All recordings and their duplications are the property of Tontitown Police Department.

- A. All copies of recordings that contain evidence shall be inventoried and safeguarded as other forms of evidence.
- B. Judicial Requests
1. When a Prosecuting Attorney requests a duplication of a recording...
 - a. The request shall be submitted to the Chief at least 72 hours prior to the time needed.
 3. Prosecuting or Defense Attorneys may request to add their copy of a recording to their permanent files.
- C. Law Enforcement Requests
1. The Tontitown Police Department may provide other agencies copies of recordings subject to certain guidelines:
 - a. Requests must be made in writing to the Chief's Office on an official letterhead of the requesting agency.
 - b. Requests must be signed by the chief administrative officer of the requesting agency.
 - c. The copy of the recording shall be labeled or stamped with the intent of this paragraph: "This copy is for the expressed use of the requester and further duplication and/or distribution is prohibited without the express written authorization of the Chief or his designee."
 - d. Any of these guidelines may be waived, with the Chief's authorization, in cooperation with an external investigation from an agency with greater jurisdiction.

- D. **Media and Public Requests**
 - 1. Officers shall not release recordings produced by the MVR system to any member of the media or public.
 - 2. Request for copies of any recordings shall be forwarded immediately to the Chief or his designee.
- E. Only portions applicable to the event/incident shall be copied. The original recording shall be retained by the Tontitown Police Department.

IX.

- X. **Quality Control**

Patrol supervisors shall conduct periodic spot checks of MVR recordings to ensure that Tontitown Police Department policy and procedures are being followed.

SECTION 87: RIFLE CARRY POLICY

- a. Officers may carry department owned rifles under the following conditions:
1. Officers must have completed a department approved certified training course and completed a qualification course. The training course shall cover topics such as:
 - Firearms safety
 - Nomenclature
 - Maintenance
 - Malfunction clearance
 - Transition drills
 - Marksmanship
 - Deployment guidelines
 - Practical shooting exercises
 2. Certified operators shall qualify at least annually, to retain authorization to carry.
 3. Officers are responsible for keeping the rifle clean to ensure it is in working order.
 4. Officers will not modify or add anything to any department rifle. The Chief firearms instructor will specify and approve what accessories and other specifications must be adhered to on a department wide basis.
 5. Officers carrying any department firearms that have the capability of fully automatic fire must have prior approval of the Chief before carrying.
- b. Officers may carry personally owned rifles but must abide by provisions in a. (1), (2), and (3) and the following conditions:
- Slings are required on all rifles
 - Prior to placing in service the Chief Firearms Instructor or his designee shall approve the rifle and any modifications/add-ons allowed on the rifle.
 - No rifle shall have a trigger pull lighter than 4.9 pounds
 - Any further modifications must be approved in advance by the Chief Firearms Instructor or his designee.
 - Personally owned weapons capable of fully automatic fire must have prior approval of the Chief before carrying.
 - Scopes (magnification) in use must not interfere with iron sights so iron sights may be used as a backup.
 - Officers will supply their own qualification ammunition if the caliber is not one the Chief's Office normally stocks.
- c. All rifles will be carried "cruiser ready" in a discreet manner in the patrol trunk in a hard or soft case under normal patrol conditions. The rifle may be carried in the passenger compartment if the vehicle is equipped with a department provided gunlock device.
- "Cruiser ready" is further defined as:
- Chamber empty
 - Bolt forward (in battery)
 - Safety On

- d. Deployment – The rifle should only be deployed in a potential deadly force situation or as directed by a supervisor. When deploying, officers shall adhere to all state statutes and departmental policies governing use of force.
- e. Officers shall carry only TPD approved ammunition as designated by the Chief Firearms Instructor or his designee.
- f. Securing of firearms off-duty – Officers are responsible at all times for the safe storage of their firearms, whether in a vehicle, residence or other facility. Officers assume the responsibility for taking reasonable precautions so their firearms do not fall into the hands of minors or other unauthorized persons.
- g. Officers shall maintain firearm(s) they carry in a clean, serviceable condition and are subject to routine inspections (including personally owned firearms) by any firearms instructor.

SECTION 88: ELECTRONIC CONTROL DEVICES

POLICY:

It is the policy of this agency to use only that level of force that is reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Authorized **Tontitown Police Department Officers**, in accordance with this use of force policy and additional guidelines established herein, may use electronic control devices.

PURPOSE:

The purpose of this policy is to provide officers with guidance and direction on the use of electronic control devices.

DEFINITIONS:

- (1) **Electronic Control Device (ECD):** Devices designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
- (2) **AFIDs:** (Anti-Felon IDentification tag) Confetti-like pieces of paper that are expelled from the cartridge when fired. Each "aphid" contains an alpha-numeric identifier unique to the specific cartridge used.
- (3) **Electronic Security Belt System (ESBS) –** A remote controlled electronic restraint system that may be worn by in-custody individuals. Policy and procedure for the ESBS are not addressed in this ECD policy but will be covered in a separate policy document.

PROCEDURES:

- (1) Authorized Users
 - (a) Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry ECDs.
- (2) Device Readiness
 - (a) The device will be carried in an approved holster on the support side of the body. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the device consistent with department training.
 - (b) The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
 - (c) Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridges shall be

stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

- (d) Only agency approved battery power sources shall be used in the ECD.
- (e) At the start of each duty shift, officers shall turn their safety off and ensure the digital power display indicates a battery charge of 90% or more on the Taser-Cam and 20% or more on devices without the Taser-Cam. Officers who have assigned ECDs are responsible for keeping the batteries charged.
- (f) At the start of each duty shift, officers shall also conduct a 5 second "spark test" to ensure the ECD is operating normally. Proper procedures for conducting a "spark test" will be covered in departmental training.
- (g) The ECD shall be stored in a secure, clean, dry location when not worn. Batteries may deteriorate or fail when the unit is left in temperatures of less than 20 degrees or more than 114 degrees.
- (h) Officers shall deliver a malfunctioning ECD to the designated department individual for repair or replacement.

d. DEPLOYMENT

- (1) The ECD is generally analogous to Oleoresin Capsicum (OC) spray on the use of force continuum, and decisions to use an ECD involve the same basic justification. As such, the device is prohibited from being used:
 - (a) In a punitive or coercive manner.
 - (b) On a handcuffed/secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
 - (c) On any suspect who does not demonstrate their overt intention (1) to use violence or force against the officer or another person or (2) to flee in order to resist/avoid detention or arrest (in cases where officers would pursue on foot).
 - (d) In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).
 - (e) In any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).
- (2) In preparation for firing, the ECD shall be pointed in a safe direction, taken off safe, and then aimed. Center mass of the subject's back should be the primary target where reasonably possible; center mass of the chest or the legs are the secondary targets.
- (3) Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
- (4) Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective. The subject shall be

secured as soon as practical while disabled by ECD power to minimize the number of deployment cycles.

- (5) The device may also be used in certain circumstances in a "drive stun" mode. A "drive-stun" may be applied by removing the cartridge or leaving it in place on the device. This involves pressing the device against an appropriate area of the body based on training. It is important to note that when the device is used in this manner it is:
 - (a) Primarily a pain compliance tool due to a lack of probe spread.
 - (b) Minimally effective when compared to conventional cartridge type deployments.
 - (c) More likely to leave marks on the subject's skin.
 - (d) Subject to the same deployment (use) guidelines and restrictions as that of the ECD in cartridge deployments.
- (6) The ECD shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.

e. AFTERCARE

- (1) The ECD probes shall be removed from the subject after being restrained following the procedures outlined in training. Probes may be removed by officers except when they are in sensitive body areas such as face, throat, or groin or female breast. Officers shall ensure both barbs are still intact after removal. Medical personnel shall remove any probes imbedded in a sensitive body area. If one or more barbs are not intact, immediate medical attention is required. Removed probes are to be considered a potential biohazard and handled as such. Removed or fired probes shall be placed back into the expended cartridge barb down and secured from falling out and then submitted as evidence.
- (2) Photographs of the affected area shall be taken after the darts are removed.
- (3) Medical evaluations and clearance shall follow the procedures outlined in training.
- (4) When the device has been used operationally, the officer will collect the cartridge, wire leads, probes, and some AFIDs as evidence.

f. REPORTING

- (1) The deploying officer shall notify his/her sergeant as soon as practical after using the device, and complete a use of force report and supply the ECD so electronic data including video (if so equipped) may be uploaded to computer storage.

g. SUPERVISOR RESPONSIBILITIES

- (1) Sergeants will be responsible for uploading firing data and videos using appropriate department software whenever an ECD has been fired.

- (2) Specifically assigned sergeants shall be responsible for periodic uploading of data from all ECDs. This is to insure that ECDs are being maintained properly and daily “spark tests” are being conducted.

**SECTION 89: BIASED LAW ENFORCEMENT PRACTICES PROHIBITION AND PREVENTION
POLICY**

PURPOSE:

This policy serves to (1) reaffirm the Tontitown Police Department commitment to unbiased law enforcement practices, (2) further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and (3) reinforce procedures that assure the public this agency is providing service and enforcing laws in an equitable and lawful fashion.

DEFINITIONS:

- a. "Probable Cause" means that set of facts or circumstances based on reliable information or 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 applications and precisions made by the federal and state courts interpreting applicable law.
- b. "Reasonable suspicion" means a suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is, a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.
- c. "Reasonable cause to believe" means a basis for belief in the existence of facts which, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective, and sufficient to satisfy applicable constitutional requirements. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.
- d. "Reasonable belief" means a belief based on reasonable cause to believe. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.
- e. "Unlawful 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 unlawful racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

POLICY:

- a. Prohibition and Prevention of Racial/Bias Profiling;
 - (1) Law enforcement officers of the Tontitown Police Department shall not violate citizens' equal protection rights. Toward this end, members are prohibited from engaging in unlawful racial/bias profiling in any aspect of law-enforcement activity as defined by this policy.
 - (2) It shall be the policy of the Tontitown Police 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.
 - (3) Law enforcement officers of the Tontitown Police Department shall be prohibited from utilizing race, ethnicity, national origin or religion as the sole factors in making law enforcement decisions, except to determine whether a person matches the description of a particular suspect.

b. Field Officer Responsibilities

- (1) Members of the Tontitown Police Department 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.
- (2) 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.
- (3) Upon initial contact, and when feasible and reasonable to do so, each law enforcement officer shall provide his or her full name, written identification, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the law enforcement officer shall oblige by providing such information again when feasible and reasonable to do so.
- (4) 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.
- (5) Officers shall document each pedestrian or motor vehicle stop, detentions, investigative activities, or arrests using established reporting procedures.
- (6) Officers shall record each traffic stop on their Mobile Video Recorder as directed in the Mobile Video Recording System policy (Section 86). Those recordings shall be preserved indefinitely, for as long as the lifespan of the media allows.

c. Supervisor Responsibilities

- (1) 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.
- (2) Each supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by his or her field officers, either on the scene or by telephone and documenting same in writing using departmentally approved forms.
 - (a) 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.
 - (b) If the supervisor arrives at the scene of the allegation, then she/he shall provide a Citizen Complaint Form and collect the mobile video/audio recording (MVR) tape, if applicable, from the field officer.
 - (c) The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explain the department's policy and in particular the investigative process.
- (3) Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
 - (a) Evaluate, provide a written report, and process each Citizen Complaint Form alleging biased law enforcement practices to the Chief or his/her designee.
 - (b) Written reports shall be completed and submitted to the Chief or his designee within twenty-four (24) hours of filing by complainant.
- (4) Refer to the Tontitown Police Department policy on internal investigations.

d. Allegations of Biased Law Enforcement Practices

- (1) When accused of biased law enforcement practices, the field officer shall first contact their immediate supervisor for advisement on the situation.
 - (a) When practical to do so, the supervisor shall report to the scene to mediate the situation.
 - (b) 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 or his/her designee, or the supervisor of the Internal Affairs Unit, if applicable.
 - (c) 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.
- (2) Along with their written report, field officers shall submit the MVR tape containing the encounter in question, if applicable, to his or her supervisor.
- (3) All allegations of biased law enforcement practices shall be investigated by the department in a like and consistent manner.

e. Review and Reporting Requirements

- (1) Management of the Tontitown Police Department shall implement a systematic review process to generate analyses of the statistical information collected from the Citizen Complaint Form.
- (2) These analyses shall identify allegations specific to biased law enforcement practices.
- (3) If a pattern is identified, the agency head or his or her designee shall be responsible for conducting an investigation to determine whether officers of the agency have violated the provisions of this policy and/or other department policies and procedures.
- (4) 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.

f. Training

- (1) Training in compliance with Ark. Code Ann. 12-12-1404 and regarding this policy. This training shall include:
 - (a) Training of all current and future agency employees as to this policy and the prohibition against racial/biased profiling;
 - (b) 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;
 - (c) Specific lesson plans for patrol officers, supervisors, etc.;
 - (d) A review of the agencies, operating procedures that implement the prohibition against racial profiling and the affirmation by agency employees that they have copies of, understand, and are following the policy, and
 - (e) If necessary and possible, foreign language instruction to ensure adequate communication with residents of a community.

g. Retaliation

- (1) No member of the Tontitown Police Department, 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.

- (2) Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to dismissal.

e. Application

- (1) This order constitutes agency policy and 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.

SECTION 90: OFFICE OF PROFESSIONAL CONDUCT (OPC)

POLICY:

To establish written procedures for the efficient reception of citizen complaints, as well as the administration and operation of internal investigations. Such procedures will promote positive discipline and provide for the prompt and thorough investigation of alleged or suspected misconduct of department personnel.

A law enforcement agency is often evaluated and judged by the conduct of individual members. While the public has a right to expect efficient, fair and impartial law enforcement, employees must be protected against false allegations of misconduct.

The Office of Professional Conduct will be charged with the responsibility of following department operational procedures in processing, investigating and recording citizen complaints against the department or its employees.

DEFINITIONS

Dispositions are defined as follows:

- a. UNFOUNDED – When an investigation clearly indicates the act complained of did not occur.
- b. EXONERATED – When the investigation clearly indicates the act occurred, but the act was justified, lawful, and proper.
- c. NOT SUSTAINED – When the investigation discloses insufficient evidence to prove or disprove the allegation made in the complaint.
- d. SUSTAINED – When the investigation discloses the act did occur and constitutes misconduct.

PROCEDURES

The OPC will serve to assist all command personnel in regard to investigations of alleged misconduct of sworn or civilian employees. The Chief will select all personnel of the OPC and designate a head of OPC. Assigned personnel will report directly to the Chief on OPC matters and will pursue their responsibilities under the direction of the Chief. If investigations uncover personnel who are engaging in serious acts of misconduct, or who have demonstrated they are unfit for law enforcement, information pertaining to the investigation will be reported directly to the Chief by the head of OPC.

- a. Selection Criteria
 - (1) Officers selected for assignment to OPC must have demonstrated in their previous performance a high degree of investigative skills. The officer should have a personnel record clean of serious sustained complaints. The officer should be familiar with state codes and Chief's Office policies and procedures related to internal affairs.
- b. Receipt of Complaints
 - (1) All complaints against employees or the Chief's Office are to be initially directed to any supervisor on duty.
 - (a) Exceptions – Complaints will not be received and/or logged concerning summons or arrests made which have not been adjudicated in a court of law unless the complaint alleges misconduct or illegal activity by the officer. The mere dislike of a charge or feeling of innocence does not, by itself, justify the formal filing of a complaint against any officer performing his duties.
 - (2) Upon receipt of a complaint, the supervisor shall provide the complaining party a "Tontitown Police Department OPC Complaint Form."

- (a) Supervisors may encourage phone-in complainants to come to the Chief's Office to complete the "complaint form" but must understand it is not mandatory for the complainant to do so.
 - (b) In the event a complainant refuses to come to the Chief's Office, the supervisor should take the information and complete the form. The supervisor should so note the complainant's refusal.
 - (c) Supervisors are not prohibited from going to a complainant's location to complete the OPC Form.
- (3) Complaint forms will also be completed on anonymous complaints and forwarded to the Chief.
 - (a) Discipline shall not be taken against any officer solely on the basis of an anonymous complaint. Before any discipline occurs, a case should have to be substantiated through investigation.
- (4) Supervisors will explain to the complainant the process of completing the OPC Complaint Form.
 - (a) Upon request, complainants who have completed an OPC Complaint Form are entitled to a photocopy of their completed complaint form at no charge.
- (5) Supervisors shall enclose completed complaint forms in a sealed envelope and clearly mark the envelope with the wording "CHIEF – COMPLAINT ENCLOSED". The envelope should either be delivered to the Chief or to his office by 8:00 AM the following weekday.
- (6) After review of the complaint by the Chief, the complaint will be forwarded to the head of OPC for logging and assignment for investigation.
- (7) Supervisors will avoid exposing the content or subject of a completed complaint form to anyone until the matter is resolved, or otherwise directed by the Chief to discuss the matter.
- c. Records Security and Storage
 - (1) All records pertaining to an internal investigation will be kept in confidentiality and stored in a locking file accessible only to the Chief and the head of OPC.
 - (2) OPC investigative files that have received a sustained disposition shall be retained indefinitely. All other files shall be purged after three years, unless ordered prior to a purge period, by a court of competent jurisdiction to maintain particular file(s) longer than the specified three years.
- d. Investigations
 - (1) When an officer is the subject of a criminal investigation or has been charged with a criminal offense, the Chief's Office may suspend any related administrative investigation until the criminal matter has been resolved.
 - (2) Whenever related criminal and administrative investigations are being conducted simultaneously, no statements made by the officer in the administrative investigation shall be provided to those conducting the criminal investigation. No law enforcement personnel having knowledge of such statements shall participate in the criminal investigation.
 - (3) Employees being required to submit a report or be interviewed in regard to a complaint will receive an OPC Investigation Warning Form.
 - (a) The OPC Investigation Warning Form will advise the officer he is part of an official investigation, advice of certain rights associated with self-incrimination, and possible departmental charges for refusing to cooperate.
 - (4) Before a written report is required, the officer will be advised of the nature of the complaint and allowed to read the complaint form.
 - (5) Before a taped interview is conducted, the officer will be advised of the complaint and allowed to read the complaint form. The officer may have an attorney present and/or the officer's immediate supervisor.
 - (a) Interview sessions shall be for reasonable periods and shall allow for such personal necessities and rest periods as are reasonably required.
 - (b) Interview sessions shall be conducted while the officer is on-duty whenever practical.
 - (c) If an officer is required to submit to an interview during off-duty time, the officer shall be compensated in accordance with normal department procedures used for compensation of extra hours.

- (6) Officers may be compelled to answer questions related to their duties or fitness for duty. (Garrity v. New Jersey, 385 USC 493)
 - (a) When an officer refuses to answer questions posed in an administrative investigation on the grounds or fear of criminal self-incrimination, the officer may be ordered to answer such questions, and shall be informed none of the information provided can or will be used against him/her in any subsequent criminal prosecution.
 - (b) The officer is subject to possible disciplinary action (up to termination of employment) for refusal to answer questions, including immediate suspension for refusing to obey a direct order. The suspension of an officer with or without pay shall not affect the officer's obligation to cooperate in an investigation.
 - (7) OPC Investigators will complete their investigations and return their findings to the OPC Supervisor no later than 30 days from the date of assignment. Should extenuating circumstances develop preventing the investigation from being completed within the deadline, the OPC Investigator shall provide an explanation and extension request in writing to the OPC Supervisor.
- e. Dispositions
- (1) Only case dispositions that have a finding of "Sustained" shall be filed in the employee's personnel file.
 - (2) Dispositions will be decided according to the following categories:
 - (a) UNFOUNDED
 - (b) EXONERATED
 - (c) NOT SUSTAINED
 - (d) SUSTAINED
 - (3) Officers will be notified of the final disposition of any complaint within 14 days of the conclusion of an investigation.
 - (4) Whenever an officer is dismissed, demoted, or suspended according to policies and procedures, he/she may grieve such action in accordance with Tontitown Police Department policy.
 - (5) Complainants, if at all possible, will be notified in writing of the disposition of a complaint within 14 days of resolution of a complaint.

Change Tracking

1. Purpose: The purpose of Change Tracking is to keep track of when changes are made and to easier inform personnel of changes.
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