




To: Mayor Lioneld Jordan and City Council
From: Greg Tabor, Chief of Police 
Date: Wednesday, March 28, 2012
Re: Police Department Policies

Recommendation:

Council approves a resolution adopting Fayetteville Police Department Policies: 1.2.1, Limits of Authority; 1.3.1, Use of Force; 12.1.1, Direction; 12.2.1, Policies, Procedures and Rules Development and Review Procedures; 26.1.2 Harassment and Discrimination in the Workplace; 41.1.1, Patrol; 42.1.1, Criminal Investigations; 41.2.11, Use of Department Vehicles; 44.1.1, Juvenile Operations; 61.1, Traffic Enforcement; 6.1.11, DWI, DUI; and 61.3, Traffic Direction and Control.

Background and Discussion:

The current Fayetteville Police Department Policies were approved by council resolution #3-99 on January 5th, 1999. The department is currently in the process of reviewing all policies and updating as necessary to conform to current practices and to comply with accreditation standards.

Budget Impact:

None

RESOLUTION NO. _____

A RESOLUTION APPROVING FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY, 1.3.1 USE OF FORCE, 12.1.1 DIRECTION, 12.2.1 POLICIES, PROCEDURES AND RULES DEVELOPMENT AND REVIEW PROCEDURES, 26.1.2 HARASSMENT AND DISCRIMINATION IN THE WORKPLACE, 41.1.1 PATROL, 42.1.1 CRIMINAL INVESTIGATIONS, 41.2.11 USE OF DEPARTMENT VEHICLES, 44.1.1 JUVENILE OPERATIONS, 61.1 TRAFFIC ENFORCEMENT, 6.1.11 DWI, DUI, AND 61.3 TRAFFIC DIRECTION AND CONTROL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Fayetteville Police Department policies 1.2.1 Limits of Authority, 1.3.1 Use of Force, 12.1.1 Direction, 12.2.1 Policies, Procedures and Rules Development and Review Procedures, 26.1.2 Harassment and Discrimination in the Workplace, 41.1.1 Patrol, 42.1.1 Criminal Investigations, 41.2.11 Use of Department Vehicles, 44.1.1 Juvenile Operations, 61.1 Traffic Enforcement, 6.1.11 DWI, DUI, and 61.3 Traffic Direction and Control.

PASSED and APPROVED this 17th day of April, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.1 Limits of Authority	Effective Date:
Reference: 41.2.7, 71.1.1	Version: 1
CALEA: 1.1.3, 1.1.4, 1.2.1, 1.2.2, 1.2.5, 1.2.6, 1.2.7, 1.3.5, 11.3.1, 22.2.7	No. Pages: 8

I. Purpose

The purpose of this policy is to outline the limits of law enforcement authority delegated to officers of the Fayetteville Police Department pertaining to the enforcement of laws, statutes and ordinances within their jurisdiction.

It also defines circumstances and establishes limits involving officer discretion and provides guidelines for exercising such discretion utilizing alternatives to arrest and/or pre-arraignment confinement.

II. Definitions

Arrest: Arrest is the taking of a person into custody, the purpose of which is to restrain the accused until he can be held accountable for the offense at court proceedings.

Probable Cause: Probable cause has been interpreted as facts and circumstances that amount to more than mere suspicion but less than proof beyond a reasonable doubt that would lead a prudent person to believe a crime has been committed or is about to be committed.

Felony: A felony is a serious offense, which carries a penalty of incarceration usually for one year or more. Persons convicted of felony offenses lose certain rights such as the right to vote, hold an elective office of federal government position or maintain certain licenses.

Misdemeanor: A misdemeanor is a less serious offense punishable by incarceration for not more than one year in a county jail or fine or similar penalty.

Off-Duty: For the purposes of this section, officers are considered to be "off-duty" when not working in furtherance of departmental objectives during regularly scheduled hours or other hours as required by a police supervisor or court order.

III. Policy

A. JURISDICTION AND STATUTORY AUTHORITY

Comment [rt1]: Policy is a combination of old FPD 1.2.1, 1.2.2 and new language to meet CALEA Standards

1. Officers of the Fayetteville Police Department shall have within the corporate limits of the City of Fayetteville all the powers invested in law enforcement officers as described under Arkansas Code Annotated 14-52-203. [CALEA 1.2.1, 1.2.2], [CALEA 11.3.1 a.]
2. Officers shall also have the power to serve all civil and criminal process that may be directed to them by any officer of the court and enforce the ordinances and regulations of the city as the city council may direct.
3. In addition to their authority within the corporate limits, officers shall have all the powers invested in law enforcement officers by the Arkansas Constitution, State statutes and the Rules of Criminal Procedure.
4. An officer outside his or her jurisdiction may affect an arrest without a warrant upon having both probable cause and the request or permission of the agency having jurisdiction. Upon doing so, the officer must notify the law enforcement agency having jurisdiction as soon as practicable and relinquish custody of the suspect to that agency as described under Arkansas Code Annotated 16-81-106.
5. An officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the city shall be entitled to all privileges, immunities and benefits to which he would be entitled if acting within the city, including coverage under the worker's compensation laws.
6. Each employee of the department is accountable for the use of delegated authority invested by statute [CALEA 11.3.1 b.].

B. ARREST AUTHORITY

An officer may affect an arrest if there is probable cause to believe a person has committed an offense as it is defined in the Arkansas Criminal Code. Probable cause is the legal requirement for an arrest [CALEA 1.2.5].

1. An arrest occurs when the following conditions exist:
 - a. The officer believes that sufficient legal evidence exists that a crime is being committed, and intends to restrain the suspect;
 - b. The officer deprives the individual of his liberty; and
 - c. The suspect believes he or she is in custody of the police and cannot voluntarily leave.
2. An arrest can be initiated with or without a warrant and must be based on probable cause.
 - a. Arrest Pursuant to Warrant – An arrest warrant issued by the court determines an arrest should be made and directs the police to bring the named person before court.
 - (1) An officer having a warrant in possession may arrest the person named on or described in the warrant at any time and at any place within the jurisdiction of the City of Fayetteville.
 - (2) An officer, who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant

in his possession, may arrest the person named in the warrant according to Arkansas State Law.

- a. The officer must inform the person arrested of the existing warrant, and
- b. The officer must serve the warrant on the person as soon as possible.

b. Arrest Without a Warrant – According to Rule 4 of the Arkansas Court Rules of Criminal Proceedings, a law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed [CALEA 1.2.5]:

- (1) a felony;
- (2) domestic violence; as further detailed in FPD 1.2.4, Domestic Violence
- (3) a traffic offense involving:
 - a. death or physical injury to a person; or
 - b. damage to property; or
 - c. driving a vehicle while under the influence of intoxicants or narcotics;
- (4) Any violation of law in the officer's presence.
- (5) A private person may make an arrest where he has reasonable grounds for believing the person arrested has committed a felony.
- (6) It is not necessary that an officer or citizen be able to articulate the specific offense at the time of the arrest.
- (7) A warrant-less arrest by an officer not personally possessed of information sufficient to constitute reasonable cause is valid where the arresting officer is instructed to make the arrest by a police agency, which collectively possesses knowledge sufficient to constitute reasonable cause.
- (8) In the case of a misdemeanor, probable cause as well as the officer's presence at the time of the offense is required, with the following exceptions:
 - a. The officer believes the suspect may cause physical injury to self or others, or damage to property unless immediately arrested (see ACA 16-81-113) and Domestic Abuse Act as defined by Arkansas State Law.
 - b. The suspect has committed the offense of shoplifting when the officer, merchant or merchant's employee who has observed the person accused of shoplifting shall provide a written statement which shall serve as probable cause to justify the arrest (See ACA 5-36-116).
 - c. The officer has reason to believe the suspect will not be apprehended unless immediately arrested.

Comment [rt2]: Language added

3. Upon making an arrest, an officer must:

- a. Identify himself as a law enforcement officer unless his identity is otherwise apparent;
 - b. Inform the arrested person that he is under arrest; and
 - c. As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.
4. An arrest is complete when:
 - a. The person submits to the control of the arresting officer who has indicated his intention to arrest, or
 - b. The arresting officer, with intent to make an arrest, takes a person into custody by the use of physical force.
5. An officer may enter private premises or vehicles to effect an arrest when:
 - a. The officer has in his possession a warrant or order for arrest of a person or is authorized to arrest a person without a warrant or order having been issued;
 - b. The officer has reasonable cause to believe the person to be arrested is present, and
 - c. The officer has given, or made reasonable effort to give notice of his authority and purpose to an occupant thereof, unless there is reasonable cause to believe the giving of such notice would present a clear danger.
6. Arrest for Serious Crime – When an officer arrests a person for a serious crime, the officer shall advise the supervisor on duty and a determination will be made if the detective division shall be notified of the arrest for further interviewing and investigation.
7. Arrest of Military Deserter – Officers with probable cause that a person is a military deserter may arrest that person and arrange as soon as possible to release the person to the proper military authority.
8. Arrest of Injured Person – Upon arresting a person who has been injured, or is injured during the arrest process, the officer shall conduct an assessment of the injury based on visual and/or verbal clues of the person and/or injury. In doing so, the officer shall [CALEA 1.3.5]:
 - a. Transport the person for normal booking procedures if the injury is apparently non-debilitating and not life threatening.
 - b. Request for Emergency Medical Services to respond to the scene if the injury appears to be life threatening or debilitating.
 - c. Not transport the person to a medical facility if the injury is life threatening or debilitating unless exigent circumstances exist. Further reference may be made to FPD 71.1.1, Detainee Transportation.

Comment [rt3]: Language added to meet CALEA standards

9. Arrest of Unconscious or Semiconscious Person – Whenever an officer arrests an individual who is unconscious, semiconscious, or otherwise apparently suffering from some disabling condition, and who is unable to provide information on the causes of the condition, the officer should make a reasonable effort to determine if the person arrested is wearing a bracelet or necklace containing the Medic Alert Foundation’s emergency alert symbol to indicate that the person suffers from diabetes, epilepsy, cardiac condition or any other form of illness which would cause a loss of consciousness. If such a symbol is found indicating that the person being arrested suffers from one of those conditions, the officer must make a reasonable effort to have appropriate medical care provided.
10. Arrest of Foreign Nationals – Whenever a foreign national is arrested or detained in the United States, there are legal requirements contained in the Vienna Convention on Consular Relations to ensure that the foreign national’s government can offer him/her appropriate consular assistance. In all cases the foreign national must be told of the right of consular notification and access. According to the Department of State, this requirement applies even if the foreign national is not in the United States legally. A list of contact information for embassies and consulates within the United States is available in the squad room and the Washington County Detention Center.

Comment [rt4]: Location of information changed from LT Office to Squad room

In some cases, mandatory notification must be made to the nearest consulate or embassy without delay, or within the time specified in a bilateral agreement between the United States and the foreign national’s country, regardless of whether the foreign national request such notification. If the foreign national’s country is on the list of mandatory notification countries, notify that country’s nearest consular official, without delay, of the arrest/detention. A list of the mandatory notification countries is available in the squad room and the Washington County Detention Center.

Comment [rt5]: Location of information changed from LT Office to squad room

Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. The notification process should still be honored, but it is possible to take precautions regarding disclosure of information. The State Department should be consulted in these situations. Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person’s government.

It is the responsibility of the arresting officer, not the detaining facility, to notify the arrested person’s nearest consular official. It is also the arresting officer’s responsibility to inform the arrestee notification has been made. A form documenting arrest notification that can be sent via FAX is available in the squadroom and the Washington County Detention Center. A copy of this notification process should be attached to the arrest report. [CALEA 1.1.4]

11. Misuse of Arrest Authority – Officers of the Fayetteville Police Department shall not misuse the arrest authority that has been delegated to them.

C. USE OF DISCRETION AND ALTERNATIVES TO ARREST

The Chief of Police shall determine what measures (policies and procedures) shall be enforced to influence officer discretion at the operative level of patrol.

Officers are encouraged to be sensitive to cues as the probability of clearance, witness identification, victim prosecution and other factors when making arrests, issuing citations or other law enforcement activities.

In the instances of lesser violations, the officer may weigh the seriousness of the offense and the surrounding circumstances and choose an alternative to arrest. The proper exercise of discretion does not relieve the officer of his responsibility to conduct a thorough investigation. [CALEA 1.2.7]

1. Alternatives to Arrest [CALEA 1.2.6]

- a. Issuance of a citation or criminal summons (when the district judge determines the offense to be citable) which would allow the arrested person to appear in court on his/her own recognizance.
- b. Informal resolution; or
- c. Warnings.

2. At his discretion, an officer may assist, as an alternative to arrest and incarceration, an individual found intoxicated in a public place by taking the following actions [CALEA 1.2.7]:

- a. The officer may transport the intoxicated individual home;
- b. The officer may transport the intoxicated individual to the residence of another individual willing to accept him/her;
- c. The officer may transport the intoxicated individual to a public or private shelter facility if the individual is apparently in need of and unable to provide for himself food, clothing or shelter but not in need of medical care;
- d. The officer may transport the intoxicated individual to a medical facility if it is apparent the individual is in need of but unable to provide for himself immediate medical care.

3. Criminal justice and social services programs are available resources that should be considered and utilized when possible. Officers should carefully weigh the available options in any given situation; supervisory consultation may be necessary. Diversion programs available may include, but are not limited to [CALEA 1.1.3]:

- (1) Juvenile offender diversions via the Juvenile Division of the Fourth Judicial Circuit Court
- (2) Fourth Judicial District Victim's Rights Advocate
- (3) The Fayetteville Women's Shelter

- (4) Northwest Arkansas Rape Crisis Center
- (5) Salvation Army
- (6) Local churches and homeless shelters
- (7) Local mental health facilities (See FPD 41.2.7)

Comment [rt6]: Section added to meet CALEA standard

D. OFF-DUTY ARREST

Officers of the Fayetteville Police Department have liability protection for on-duty and off-duty performance of official duties. This protection does not extend to willful acts to cause injury, to damage or to those actions that the police officer knew, or reasonably should have known, were in conflict with the established policies of this department.

1. When off-duty and within legal jurisdiction of this department, a police officer may make an arrest when:
 - a. There is an immediate need for the prevention of bodily injury or property loss/damage or apprehension of a suspect;
 - b. The arresting officer is in possession of appropriate police identification.
2. Off-duty officers shall not enforce minor traffic offenses or utilize personal vehicles to pursue or attempt the apprehension of persons.
 - a. Off-duty officers may cautiously follow suspects to obtain vehicle and suspect descriptions or destinations, but officers must realize there is no authorization under state law or departmental policy to violate traffic laws while operating a private vehicle.
 - b. If an off-duty arrest is made, the off-duty officer shall abide by all departmental policies and procedures and shall notify an on-duty supervisor of the circumstances of the arrest and complete any documentation required by procedure.
 - c. No prisoner or arrestee, under any circumstances, shall be transported in a privately owned vehicle.

E. POST ARREST PROTOCOL

Comment [rt7]: Section added for CALEA standards

The Chief of Police, state law requirements, and jail procedures will dictate what protocol will be followed post-arrest pertaining to preparing reports, fingerprinting, and photographing.

1. For probable cause arrests made by officers that do not include warrants issued by a judge, officers will complete a preliminary report as part of the booking process as well as an arrest incident report in the police department's reporting system. If the arrest also includes a criminal offense involving a victim, the officer will complete that part of the report as well as the suspect's arrest report [CALEA 1.2.5 a.].
2. Fayetteville Police Department is responsible for the fingerprinting and photographing of arrested subjects per state law requirements. Per Arkansas 12-12-1006, immediately following an arrest for an offense, a law enforcement official at the receiving criminal detention facility shall take, or cause to be taken, the fingerprints and a photograph of the arrested person if the offense is a felony or a

Class A misdemeanor. Juvenile requirements are set forth in Arkansas 9-27-320, and requires when a juvenile is arrested for any offense that if committed by an adult would constitute a felony or a Class A misdemeanor in which violence or the use of a weapon was involved, the juvenile shall be photographed and fingerprinted by the law enforcement agency. These processes will commonly be completed during booking at the Washington County Detention Center [CALEA 1.2.5 b., c.].

F. Personnel Identification Measures

Comment [18]: added 7-19-11 for CALEA 22.2.7

The following will govern identification requirements of all police department personnel [CALEA 22.2.7]:

1. All personnel will be issued an identification card that is required to be carried and accessible while the employee is on duty [CALEA 22.2.7 b.]
2. All employees shall be able to display their identification card upon a reasonable and safe request. Sworn personnel should display this in the accompaniment of their issued badge. Exceptions to this display are when necessary during the performance of police duties at an incident where the officer's status is obvious or in a required undercover capacity where doing so would jeopardize the mission of the operation or the officer's cover [CALEA 22.2.7 a.]
3. In cases where an officer is unable to show identification during an incident, that officer should make every attempt to show his credentials to the requesting party once the scene is secured [CALEA 22.2.7 a.]
4. All officers including uniformed officers should have access to their full credentials while on duty for cases where additional credential checks may be required. Exceptions to this requirement may occur in undercover assignments [CALEA 22.2.7 a.]
5. The issuance of identification shall be considered a standard procedure. A record will be maintained documenting the date of issuance, the person issuing, and the person issued. Employees will be expected to maintain their identification in a professional manner. Lost or stolen identification cards shall be reported to the immediate supervisor.
6. Upon separation of employment, the employee shall relinquish his or her identification card to police personnel.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.1 Use of Force	Effective Date: November 3, 2009
Reference: 1.3.4, 41.3.5	Version: Version
CALEA: 1.3	No. Pages: 6

I. PURPOSE

The purpose of this directive is to state the Fayetteville Police Department policy regarding the use of force, including deadly force, less lethal force and defensive tactics.

Comment [JF1]: This is an existing policy that has been updated to meet CALEA standards.

II. DISCUSSION

The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must at all times be secondary to the protection of life. The officer's responsibility for protecting life must include his own.

III. DEFINITIONS

Deadly Force – Deadly force is that force which may cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

Physical Force – Physical force is any bodily impact, restraint, confinement or the threat thereof.

Reasonable Belief – Reasonable believe is fact or circumstances the officers knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

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

IV. POLICY

It shall be the policy of the Fayetteville Police Department that its officers shall not use more force in any situation than is reasonably necessary under the circumstances. [CALEA 1.3.1]

A. Use of Deadly Force

1. An officer may use deadly force to protect him or others if he has reasonable belief of immediate threat of death or serious physical injury [CALEA 1.3.2].
2. The use of deadly force should be prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor offense.
3. Deadly force shall never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer shall either have witnessed the crime or have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is permissible.
4. Officers shall not be permitted to fire at felony suspects when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.
5. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another person.
6. Officers shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass".
7. An officer may use deadly force to effect the capture or prevent the escape if the officer reasonably believes that the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.
8. In order to protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force and to shield officers who have not exceeded the scope of their authority from possible confrontations with the community, officers whose actions or use of force in an official capacity results in death or serious physical injury shall be relieved from line-duty assignment pending administrative review. [CALEA 1.3.8]
9. The killing of an animal is justified by the following conditions:
 - a. For self-defense,
 - b. To prevent substantial harm to the officer or another, or
 - c. When the animal is so badly injured that humanity requires its relief from further suffering
 - d. A seriously wounded or injured animal may be destroyed upon approval from a supervisor.
 - e. The destruction of vicious animals should be guided by the same rules set forth for self-defense and safety of others.
 - f. A use of force form and memorandum to the officer's direct supervisor shall be completed when an animal is killed.

B. Use of Physical Force and Less-Lethal Weapons

All police officers of the Fayetteville Police Department are directed to obtain defensive tactics training and certification to carry and use the departmental authorized less-lethal

weapons. Officers will be issued copies of 1.3.1 and will be instructed in this policy. [CALEA 1.3.12] Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty.

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in accordance with guidelines set forth in section 1.3.4.

All departmentally approved less-lethal devices are deployed as additional police tools and are not intended to replace firearms or self-defense techniques. Officers choosing to use these devices **should not** compromise their safety.

Further reference may be made to section 1.3.4, Less Lethal Weapons and Defensive Tactics.

C. Firearms

1. Issuance of "Use of Force" policy: All officers of the Fayetteville Police Department shall be issued individual copies of and receive instruction on the department's policy regarding use of deadly force prior to being issued a firearm [CALEA 1.3.12]. Officers will receive in-service training on the department's use of force policy on an annual basis [CALEA 1.3.11].
2. Proficiency in Use of Agency-Authorized Firearms: Qualification with the issued service weapon is an **essential job function** of a Fayetteville Police Officer. Failure to qualify may result in the imposition of discipline, up to and including termination of employment. Additionally, failure to qualify with any other department-approved weapon would prohibit that officer from being allowed to carry that particular weapon [CALEA 1.3.10]. A certified weapons instructor shall conduct training and qualification [CALEA 1.3.11 a].
 - a. Officers shall qualify with the issued service weapon four times each year, at least one of which will meet the Arkansas Law Enforcement Standards and Training (ALETA) Standard Qualification Course of Fire for one target [CALEA 1.3.11].
 - b. On all other qualification relays, officers shall qualify with a score equal to or better than the established standard set by the Chief of Police in consultation with the Firearms Instructor.
 - c. Officers certified on the department-approved shotgun or rifle shall qualify annually.
 - d. All firearms training and qualification scores, including remedial training if necessary, will be documented and maintained by the firearms division until an officer separates from the department [CALEA 1.3.11 b].
 - 1) An officer who fails to qualify with his/her issued service weapon after two consecutive attempts shall be referred for immediate remedial training by a certified firearms instructor.
 - 2) The firearms instructor providing the remedial training shall notify the officer's immediate supervisor and the Chief of Police in the
 - 3) event the officer is still unable to qualify at the conclusion of the extra training session. Upon such notification, the supervisor shall immediately relieve the unqualified officer of the issued service weapon and patrol duty, with pay. The unqualified officer will be directed to report to the

training division the next working day for additional remedial training. The officer's authority to carry a firearm shall remain revoked until such time as the officer qualifies or that the determination is made that the officer is not responding to further training [CALEA 1.3.11 c].

- 4) Any officer who fails to qualify and receives remedial training more than twice during a calendar year shall be subject to disciplinary action. If an unqualified officer does not satisfactorily respond to remedial training and remains unqualified, the Chief of Police shall be notified in writing. At such time, the officer will be referred for termination.
 - e. Officers shall attain and demonstrate knowledge of the laws concerning the use of firearms and be familiar with and recognize safe-handling procedures for the use of these weapons.
 - f. Any officer returning to duty after an absence exceeding three months shall report to the training division for remedial training and qualification prior to being permitted to return to full duty.
3. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
 4. Warning Shots: Officers are not justified in using a firearm to fire a warning shot for any purpose. Warning shots endanger the lives of innocent bystanders and may also prompt a suspect to return fire [CALEA 1.3.3].
 5. Off-Duty Possession of Weapons: It shall be the policy of the Fayetteville Police Department to permit full-time sworn members of the department to possess and carry a concealed weapon while off-duty within the corporate limits of Fayetteville. Officers should also be aware that Federal Law, known as the Law Enforcement Officers Safety Act of 2004, provides certified law enforcement officers with the right to carry a concealed firearm in any jurisdiction of the United States.
 - a. Officers are not required to carry a weapon while off-duty but may do so at their option.
 - b. Officers exercising the option to carry a weapon while off-duty are authorized to carry their issued weapon.
 - c. Authorization for officers to carry weapons while off-duty shall be subject to the following conditions:
 - 1) Officers will be required to have in their possession the department-issued badge and official identification card.
 - 2) Officers in plain clothes wearing their firearms exposed to the public view shall display their department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.
 - 3) Officers who choose to carry a weapon other than one issued by the police department shall qualify to demonstrate proficiency in the use of that weapon on an annual basis at their own expense.
 6. Department-Issued Weapons and Ammunition: Reference may be made to section 41.3.5 for specifications of department-issued weapons and ammunition.
 - a. All department-issued firearms will be inspected on an annual basis by a certified armorer and must be approved by the armorer before being issued and/or carried [CALEA 1.3.9 c,d,e].
 - 1) The firearms division will maintain weapons inspections reports.

- 2) Weapons deemed irreparable will be removed from service with a report indicating such status.
- 3) The firearms division will maintain a record on all weapons in service to include inspection date(s) and maintenance.
- b. Officer Responsibility for Department-Issued Firearm
 - 1) Officers must take reasonable and adequate care of any firearm issued to them.
 - 2) In the event a firearm is lost, damaged, destroyed or stolen, the officer may be subject to financial liability and/or dismissed if a preponderance of evidence establishes negligence or willful destruction or damage of the firearm by the officer.
 - 3) In the event of the loss of department-issued firearm, the officer will immediately notify the shift supervisor who will in turn notify the Chief of Police. The supervisor will also notify local law enforcement authorities of the firearm loss and ensure that the loss is reported through the department's ACIC/NCIC terminal.
 - 4) Officers may choose to leave their issued weapons in their locked lockers at the department. If officers choose to remove their issued weapon from the department while off-duty, it is recommended they be stored in a locked box, separate from the ammunition [CALEA 1.3.9 f].
7. Discharge of Weapon: If an officer, on or off duty, fires a department-issued weapon while acting in his official capacity (except for training purposes such as range qualifications) or in the event of an accidental discharge, the officer shall comply with the following:
 - a. The officer who fired the weapon shall notify the shift supervisor as soon as practicable after the firing has taken place.
 - b. The supervisor shall make a preliminary investigation each time an officer under his command fires a weapon.
 - c. The supervisor shall cause a report to be filed immediately with the Chief of Police regarding the firing of any weapon by police personnel [CALEA 1.3.6 a.].
 - d. If during the performance of duty or on any occasion an officer fires a weapon and in doing so wounds or kills a suspect or perpetrator of a crime, the following procedure is to be followed immediately:
 - 1) Medical aid, to the extent possible, should be given to anyone injured [CALEA 1.3.5].
 - 2) The shift supervisor is to be notified immediately.
 - 3) The shift supervisor will notify the Chief of Police immediately.
 - 4) A shooting team, the members of which will be designated by the Chief of Police, will be called to the scene.
 - 5) The shooting team will be responsible for conducting a thorough investigation into the circumstances surrounding the shooting. The shooting team will, at the conclusion of the investigation, submit a report to the Chief of Police including relevant facts and circumstances surrounding the incident and a conclusion as to whether the discharge violates departmental policy.
 - 6) The shooting team will be functioning with the full authority of the Chief of Police. The team will be in complete control of the internal investigation. All officers, including shift supervisors, shall give the team their full cooperation. No one shall interfere with such an investigation.

- 7) If the facts of the incident support a conclusion that the shot was the result of negligence, the officer shall be required to undergo firearms certification training again.

D. Use of Force Reports: The purpose of this section is to establish specific guidelines that define the situation when a Use of Force Report must be completed. Not every touching by an officer requires a report; circumstances that require a report are outlined in this section [CALEA 1.3.6].

All officers are directed to complete a Use of Force Report when the following criteria are met and turn it in to his supervisor before the end of his shift:

1. Situations that require supervisor notification and completion of the Use of Force Report [Calea 1.3.6 b, c, d]:
 - a. An officer exercising police authority uses force which causes death or any visible or apparent physical injury, or which results in the subject saying that he or she was injured.
 - b. An officer exercising police authority uses any object including but not limited to a baton, flashlight, hand, fist or foot to strike a blow to a subject.
 - c. An officer exercising police authority bodily removes or drags a struggling subject from one place to another, or forcibly places or keeps a person in a prone position.
 - d. An officer exercising police authority uses force during or after which a subject loses consciousness.
 - e. An officer uses any aerosol irritant or inflammatory agent (see 1.3.4).
 - f. An officer uses a Conducted Energy Weapon (see 1.3.4).
 - g. An officer discharges a firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. (Exception: range activity and other lawful and safe target practice)
 - h. An officer points a firearm at anyone.
2. Use of Force Reports will be submitted by the shift supervisor to the department's administration [CALEA 1.3.7]:
 - a. Each Use of Force Report will be reviewed by the division's respective captain and by the Chief's designated head of Office of Professional Standards (OPS) [CALEA 1.3.7].
 - b. The designated head of OPS will conduct an annual review and analysis of all Use of Force Reports and submit a report to the Chief of Police [CALEA 1.3.13].

Comment [rt2]: To satisfy 1.3.6 b

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 12.1.1 Direction	Effective Date:
Reference:	Version: 1
CALEA: 11.1.1, 11.2.1, 11.2.2, 11.3.1, 11.3.2, 12.1.1, 12.1.2, 12.1.3, 12.1.4	No. Pages: 3

I. PURPOSE

The purpose of this policy is to define the responsibilities and position of the Chief of Police as the highest ranking member of the Fayetteville Police Department, to designate command during his absence, to establish the agency's organizational structure, to ensure chain and unity of command, to delineate responsibility, to delegate authority, and to make supervisors accountable for the performance of subordinates [CALEA 11.1.1].

Comment [rt1]: Amended language is in yellow high lights and are added to satisfy CALEA standards.

Comment [JF2]: "Chief Executive Officer" replaced with "highest ranking member".

II. POLICY

A. CHIEF OF POLICE

The Chief of Police is the highest ranking member of the Fayetteville Police Department, and as such shall be solely responsible for the management, direction, and control of the operations and administration of Department activities [CALEA 12.1.1]:

1. The Mayor appoints the Chief of Police.
2. The Chief of Police is under the direct supervision of the Mayor.
3. The Chief of Police is responsible for the appointment and supervision of all subordinate employees under his command in the Department.
4. The Chief of Police is also responsible for the direction, planning, training and regulation of discipline within the Department [CALEA 12.1.1].

B. CHAIN OF COMMAND

In order to ensure leadership is available when the Chief of Police is incapacitated, off duty, out of town, or otherwise absent from the decision making process, a supervisory contingency plan shall be in effect. [CALEA 12.1.2 a]. This may also be in effect in exceptional situations, in situations involving personnel of different functions, in normal day-to-day agency operations, and in predetermined emergencies, incidents, or functions that are predetermined for a unique occurrence and set forth in policy [CALEA 12.1.2 b., c., d.]. For anticipated absences for extended periods, the Chief of Police should designate in writing an acting authority during his absence.

The following list of supervisors specifies the chain of command that shall be followed during the Chief's absence. Job descriptions are maintained in Human Resources [CALEA 11.1.1]:

1. Deputy Chief(s) of Police by seniority in rank
2. Captain(s) by seniority in rank
3. Lieutenant(s) by seniority in rank
4. Sergeant(s) by seniority in rank
5. Corporal by seniority in rank

C. SWORN SUPERVISORY RESPONSIBILITY [CALEA 11.1.1]

1. Supervisory personnel shall be responsible for maintaining the Department's high level of standards and shall be held accountable for the activities and performance of employees under their immediate supervision [CALEA 11.3.2].
2. In order to achieve the basic goals and objectives of the Fayetteville Police Department, each supervisor must effectively direct, coordinate, and control the performance of each employee under his immediate supervision.
3. It shall be the policy of the Fayetteville Police Department to assign supervisory personnel with peripheral assignments at the order of the Chief of Police in addition to their primary responsibility of supervising subordinates so that Department goals and plans are being performed properly according to policies and procedures.

D. NON-SWORN SUPERVISORY RESPONSIBILITY [CALEA 11.1.1]

1. Non-sworn supervisors in the department will follow the same tenets of supervision as sworn supervisors and meet the same standards as set forth in this policy.
2. The following is a list of non-sworn supervisory positions. Job descriptions are maintained in Human Resources:
 - a. Dispatch Manager
 - b. Assistant Dispatch Manager
 - c. Lead Dispatcher
 - d. Support Services Manager
 - e. Records Coordinator
 - f. Property and Evidence Manager
 - g. Information Technology Manager

E. AUTHORITY AND RESPONSIBILITY [CALEA 11.3.1]

1. All personnel shall exercise such authority as is commensurate with their responsibilities to perform the tasks and duties described in their job description [CALEA 11.3.1 a.].
2. All personnel shall be responsible for that authority which is delegated to them and shall be held accountable for the exercising of that authority [CALEA 11.3.1 b.].

F. UNITY OF COMMAND

One supervisor will be responsible for an organizational unit. Personnel will be accountable to one supervisor at any given time. Normally, this will be the immediate supervisor of the employee's organizational unit. [CALEA 11.2.1, 11.2.2]

G. LAWFUL ORDER OF A SUPERVISOR

All employees shall promptly and to the best of their ability carry out any lawful orders directed by a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank. A "lawful order" is an order which officers or employees should reasonably believe to be in keeping with the performance of their duties [CALEA 12.1.3].

1. Officers or employees shall not obey any order which they know or should know would require them to commit any illegal act.
2. Insubordination shall include conduct directed at a superior officer which is disrespectful, mutinous, insolent, or abusive in nature.
3. Supervisory personnel shall retain a proper reserve and respect in all official relations with subordinates, being careful to abstain from violent or abusive language in giving orders or direction to subordinates.

H. CONFLICTING ORDERS

In the event an employee receives an order which is in conflict with a previous order, rule, regulation, or directive, the employee shall immediately and respectfully inform the supervisor issuing the order of the conflict [CALEA 12.1.3].

1. If the supervisor does not alter or retract the conflicting order, the most recent order shall stand and the responsibility for the conflict shall be placed on the supervisor. The employee shall not be held responsible for disobedience of the order.
2. The employee shall advise his immediate supervisor through departmental correspondence of the situation surrounding the conflicting order and the supervisor shall resolve the situation.
3. The Chief of Police shall be provided a copy of all correspondences concerning the conflicting order and resolution.

I. FUNCTIONAL COMMUNICATION [CALEA 12.1.4]

1. STAFF MEETINGS: The Chief of Police or his designee will conduct a staff meeting as needed:
 - a. Time will be set-aside at the end of the staff meeting for discussing areas of special interest to staff members.
 - b. The staff meeting will include those individuals whose presence is deemed necessary.

2. COOPERATION

- a. The department shall strive to maintain good internal communication and encourage full cooperation among organizational components. To that end, regular meetings are suggested among personnel of separate organizational components to provide an effective network of personnel communication.
- b. Other means of personnel communications are available for use including patrol shift briefings, staff meetings, Labor-Management meetings, e-mail, voice mail, and the exchange of daily bulletins/memorandums.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 12.2.1 Policies, Procedures, & Rules Development & Review Procedures	Effective Date:
Reference:	Version: 1
CALEA: 12.2.1, 12.2.2	No. Pages: 2

I. PURPOSE

The purpose of this directive is to establish procedures for development of new or revised department policies, procedures, and rules. Departmental "General Orders" will also be covered in this policy.

II. POLICY

A. It shall be the policy of the Fayetteville Police Department that its members receive written communications in an orderly manner so that accurate information flows smoothly throughout the organization. For the purpose of clarification:

1. A "Policy, Procedure, & Rule" is a written directive concerning policies, procedures, and rules for department personnel which must be approved by the governing body of the municipality (Arkansas Code Annotated 14-51-302). [CALEA 12.2.1 f., g.]

2. A "General Order" is a written statement defining in more specific terms the procedures for day-to-day operation of the department. General Orders are approved and issued by the Chief of Police as necessary for maintaining an efficient operation. General Orders are intended to greatly benefit an officer by giving more specific details for a particular subject but maintaining the spirit of the more formal Policies, Procedures, & Rules which require approval of City Council. [CALEA 12.2.1 h]

3. The Chief of Police has the authority to issue, modify, or approve policies in order to seek approval by resolution of the City Council and has the authority to issue, modify, or approve general orders. [CALEA 12.2.1 b.]

4. Other officers of the Fayetteville Police Department assigned to Administration have the authority to identify and/or author the necessity for changes or additions to policy and general orders; however, only the Chief of Police or his acting designee have the authority towards issuance. [CALEA 12.2.1 c.]

B. The following method will be used for review of newly proposed or revised policies, procedures and rules.

Comment [rt1]: All underlined language has been added to meet CALEA standards

1. The Chief of Police will assign ranking members of the department to policy review that will include the identification of policy needs, writing new policy, updates, indexing, purging, and revisions. [CALEA 12.2.1 e.]

2. The ranking members assigned to policy review will analyze and research policy needs to ensure policies meet all governing standards, suit the operations of this department, and do not contradict other agency directives or law. [CALEA 12.2.1 i.]

3. The following shall have the opportunity to review new or updated policies, procedures, and rules and provide feedback prior to approval by the City Council.

a. Mayor

b. City Legal Staff

c. All employees of the department

C. Dissemination and Storage of Policies and General Orders [CALEA 12.2.2]

Comment [rt2]: Section added to meet CALEA standard

1. The department's written policies and general orders will be stored in the agency's policy management software system [CALEA 12.2.2 b.):

- a. The agency's policy management software system will be accessible to all personnel.
- b. Hard copies of the entire computer manual will be placed in Administration and in the officers' squad room.
- c. The manual will be kept up to date regarding any changes that are made in policies or general orders.
- d. The dissemination of existing, new, and newly revised directives to all personnel will be accomplished through the agency's policy management software system. [CALEA 12.2.2 a.]
- e. The policy management software system will ensure and log receipt and review of disseminated directives.[CALEA 12.2.2 c]

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 26.1.2 Harassment & Discrimination in the Workplace	Effective Date:
Reference: 26.1.1	Version: 1
CALEA: 26.1.3	No. Pages: 3

I. PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. Federal law provides for protection of classes of persons based on race, color, sex, religion, age, disability and national origin. [Calea 26.1.3]

Comment [rt1]: Areas in yellow high light were amended to reflect changes to the city's policy

II. DISCUSSION

It is the policy of this department that all employees have the right to work in an environment free of harassment or discrimination. This department will not tolerate, condone or allow harassment or discrimination by employees, whether sworn, civilian, or other non-employees who conduct business with this agency. This department considers harassment and discrimination of others a form of serious employee misconduct. Therefore, this department shall take direct and immediate action to remedy all reported instances of harassment and discrimination.

III. POLICY

A. Prohibited Activity

1. No employee will be given or denied any assignment based only upon age, sex, race, religion, politics, physical handicap or sexual orientation unless such action would avoid a direct threat to the safety of the individual or others.
2. No employee shall harass or bully another employee.
3. Employees shall not make offensive or derogatory comments to, or concerning, any person or group of people, either directly or indirectly, based on race, color, sex, religion, age, disability, national origin, or sexual orientation. Such harassment is a prohibited form of discrimination under state and federal employment law and is misconduct subject to disciplinary action by the department.
4. Sexual harassment is prohibited. Sexual harassment includes 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;
- 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.

5. Individuals covered under this policy include department members defined as employees.

B. Management Responsibilities

1. Each supervisor shall be responsible for preventing acts of harassment and discrimination. This responsibility includes:

- a. Monitoring the work environment on a daily basis for signs that harassment or discrimination may be occurring;
- b. Counseling all employees on the types of behavior prohibited, and the department's procedures for reporting and resolving complaints of harassment and discrimination;
- c. Stopping any observed acts that may be considered harassment or discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
- d. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment or discrimination, pending investigation:
 - If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.
 - Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
- e. Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.

2. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment or discrimination in documenting and filing a complaint with the Chief of Police.

3. Each employee is responsible for assisting in the prevention of harassment through refraining from participation in, or encouragement of, actions that could be perceived as harassment or discrimination.

C. Complaint Procedures

1. Any employee encountering harassment or discrimination is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of this nature in order to provide the fullest basis for investigation.

2. Any employee who believes that he or she is being harassed or discriminated against shall report the incident(s) as soon as possible so that steps may be taken to protect the employee, and so that appropriate investigative and disciplinary measures may be initiated. The employee may report a complaint to any supervisor, the Chief of Police or the Human Resources Division.

a. The person taking the complaint shall promptly report the complaint to the Chief of Police, who will, in turn, notify the Human Resources Division.

3. The City's Human Resources shall be responsible for investigating any complaint alleging harassment or discrimination.

4. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.

5. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

6. This policy does not preclude any employee from filing a complaint or grievance with an outside agency.

D. Retaliation

1. Retaliation against any employee for filing harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint, is illegal and is prohibited by this agency and by federal statutes.

2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

3. Monitoring to ensure that retaliation does not occur is the responsibility of the Chief of Police or any supervisor within the department.

4. Any employee experiencing retaliation for having brought forth a complaint should report it immediately to his/her supervisor, supervisor's supervisor, the Chief of Police or the Human Resources Division.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 41.1.1 Patrol	Effective Date: June 7, 2011
Reference: 41.2.17, 41.3.5, 1.2.2, G.O. #24	Version: 1
CALEA: 41, 81	No. Pages: 6

I. PURPOSE

The purpose of this directive is to state policies relating to the organization, administration, and operations of the patrol component of the Fayetteville Police Department.

Comment [JF1]: Highlighted sections have been added to more fully meet CALEA requirements.

II. POLICY

The patrol function is a primary law enforcement responsibility and embraces much more than the act of patrolling. It is a generalized service in which officers engage in a wide variety of activities to include, but not limited to, enforcing traffic/criminal laws, apprehending criminals, responding to calls for service, crime prevention, accident investigation, conducting preliminary and follow-up investigations, community relations, maintenance of public order, etc. It is the policy that the Fayetteville Police Department shall be available for public service and emergency calls 24 hours a day, each day of the week. [CALEA 41.1.1a]

A. ORGANIZATION AND ADMINISTRATION

1. Patrol Performance

- a. The Chief of Police shall be responsible for reviewing annual patrol performance measures.
- b. These performance measures must be attainable, quantifiable, and measurable.

2. The Chief of Police will be responsible for establishing procedures to ensure positive communication between patrol and other divisions and programs within the department.

3. Officer Assignment

- a. The Chief of Police will be responsible for assigning officers to a shift [CALEA 41.1.1 b].
- b. The assignment will be based on a uniform procedure to ensure impartiality in the decision making process. Supervisors assigned to patrol will make decisions pertaining to any shift scheduling amongst personnel and shall

consider this based on department needs and personnel requests [CALEA 41.1.1 c].

c. Patrol shift supervisors scheduling responsibilities include:

- 1) Beat assignment and beat rotation schedules [CALEA 41.1.1 d,e].
- 2) Ensuring sufficient personnel are available for daily assignment to meet prescribed minimum staffing levels.
- 3) Anticipating pre-planned major events and ensuring availability of personnel required.
- 4) Monitoring and minimizing overtime expenditures.
- 5) Coordinating officers' attendance at training, meetings, court, etc.

d. The shift supervisor(s) will be responsible for field operations.

e. When determining scheduling for patrol officers and first line supervisors, daily workload requirements, maximum coverage and departmental needs take priority over personal preference. [CALEA 41.1.1 f].

4. Roll Call and Briefing

a. Officers shall attend roll call and briefing at the beginning of each shift until released by the shift supervisor. Shift roll call/briefing shall include [CALEA 41.1.2]:

- 1) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations;
- 2) Notifying officers of potential and actual police hazards in the area;
- 3) Notifying officers of changes in schedules and assignments;
- 4) Notifying officers of new or revised policies, procedures, rules and general orders; and
- 5) Evaluating officer readiness to assume patrol (uniform, equipment, vehicle, etc).

5. Response to some calls may require additional officers in order to deal effectively with the incident. The Chief of Police and/or his designee will determine these call types. Examples include, but are not limited to [CALEA 81.2.4 e.]:

- a. An assault/battery on an officer;
- b. On-scene arrest for a felony or violent misdemeanor;
- c. Resistance to arrest;
- d. Use of force;
- e. A crime in progress; or
- f. A fleeing suspect.

Central Dispatch Center shall ensure the dispatch of two officers to these call types and patrol supervisors have the authority to increase/decrease the number of officers responding to any incident. When necessary, officers should request back-up assistance, and when possible, responding officers should coordinate their simultaneous arrival.

6. Certain responses may require the presence of a patrol supervisor at the scene for the purpose of assuming command. Examples include, but are not limited to [CALEA 81.2.4 f.]:

- a. Critical incident requiring scene organization;
- b. Confirmed robbery with ensuing investigation;
- c. Major events or multi-faceted special event;
- d. Officer involved death or serious injury investigation.

7. The Chief of Police shall determine what calls do not require the dispatch of an officer and can be effectively handled by receiving information through an alternative method (telephone, on-line, etc).

8. The Chief of Police shall be notified through the chain of command as soon as possible of the following types of incidents:

- a. Serious injury to police officer.
- b. Accident involving police vehicle where an officer or citizen is injured or major property damage is involved.
- c. Major crimes to include murder, bank/store robbery, prisoner escape, or any heinous crime.
- d. Barricaded/hostage situation.
- e. Disasters or catastrophes.
- f. Serious complaint or incident involving an officer.
- g. Fatality accidents.
- h. Any incident where there may be a question of the department's liability or which may result in a heightened community interest [CALEA 11.4.5].

9. Incidents of a less serious nature shall be reported through the chain of command as directed.

B. OPERATIONS

1. Preliminary and Follow-up Investigations.

Preliminary investigation is a matter of routine for patrol officers. Follow-up investigations may be done at the officer's initiation or supervisor direction. Follow-up investigations on certain crimes may be coordinated and/or conducted by investigative personnel as determined by a supervisor.

2. An emergency mode of operation with emergency lights and siren activated may be used when responding to the following listed emergencies. Officers may exceed the speed limit, proceed with caution through stop signs and red lights, and may disregard other traffic laws when done safely in response to the following listed emergencies [CALEA 41.2.1]:

- a. Authorized pursuits
- b. Aggravated assault in progress
- c. Rape in progress
- d. Armed robbery in progress
- e. Kidnapping in progress

- f. Injury accident
- g. Officer in need of assistance
- h. Any other serious incident or with supervisor authorization

This exemption shall not relieve any officer of an authorized emergency vehicle from the lawful responsibility to drive with due regard for the safety of all persons, nor shall it protect the officer from the consequence of a reckless disregard for the safety of others.

3. In the course of routine patrol and in response to non-emergency calls, officers will operate their vehicles without the use of emergency lights or siren.

4. Officers assigned to patrol must understand, as first responders, they may find themselves on many occasions at scenes where they need to make additional notifications to personnel or agencies with specific expertise and/or authority [CALEA 41.2.4]:

- a. Officers of the Fayetteville Police Department are expected to make logical decisions in this area and fully consider various types of notifications that may need to be made for safety as well as case or investigation preservation and purposes.
- b. In cases of death response/investigation, officers with the assistance of dispatch should notify the shift supervisor, detective supervisory personnel, and the coroner's office.
- c. In incidents where medical treatment is warranted, officers should ensure Emergency Medical Services personnel are notified.
- d. In cases where public utilities have been disturbed, officers should request dispatch assist them in making the proper notifications to public utilities personnel.
- e. In cases involving crimes in other jurisdictions, officers shall be responsible for making prompt notification to the appropriate law enforcement agency. Officers shall also be responsible for applicable reports or documentation.

5. Officers responding to an investigation of missing persons will apply the following protocol:[CALEA 41.2.5] [CALEA 41.2.6 e]:

- a. If the missing person is determined to be a child, elderly (age 65 or older or an Alzheimer's patient) or disabled, the officer shall notify the supervisor and follow the guidelines set forth in appropriate FPD General Orders [CALEA 41.2.5] [CALEA 41.2.6 b].
- b. In cases of missing persons where foul play is suspected, the officer shall report this information to his supervisor who shall make notification to a supervisor of CID [CALEA 41.2.5 f].
- c. In other types of missing person reports, officers will investigate without delay. The responding officer shall gather investigative information and a detailed description of the missing person and initiate the notification process through NCIC/ACIC. Upon locating the missing person, officers will ensure the missing person's status is updated in NCIC/ACIC [CALEA 41.2.5 a, b, c].
- d. Follow up investigation will be conducted by patrol and/or investigative personnel when necessary [CALEA 41.2.5 d, e].

e. In each missing person report situation, officers and their supervisors will make a determination as to what type of field search effort will be undertaken. Requests for additional resources or coordination with other agencies may be necessary. Factors to be considered in this determination include:

- 1) Length of time that has passed since the disappearance;
- 2) Age and mobility of the missing person;
- 3) Infirmary and/or need for medication;
- 4) Suspicious circumstances to include foul play suspected.

f. Types of searches that may be used include, but are not limited to [CALEA 41.2.5e]:

- 1) At the time of report, officers should always begin with a search of the missing person's residence and surrounding area. Children in particular may be hiding or have gone unnoticed inside the residence;
- 2) Door to door (foot search making contacts with residents/passers-by);
- 3) Neighborhood canvas (larger scale foot and vehicle search);
- 4) Use of canine.

g. The supervisor will ensure the following information, if known, is broadcasted:

- 1) Name, race, sex, and date of birth;
- 2) Physical description;
- 3) Clothing description;
- 4) Physical/Mental disabilities;
- 5) Unusual circumstances;
- 6) Vehicle information.

6. Field Interviews/Intelligence Reports - Patrol personnel will document all field interviews/intelligence reports to provide other officers and detectives with information concerning suspicious persons (See FPD 1.2.2).

7. Officer Access to Radio Communications

- a. When possible, all patrol officers shall be equipped with a portable radio and/or a mobile radio unit.
- b. Patrol officers shall give their badge number as their unit number in radio communications.
- c. Patrol officers shall utilize the appropriate 10-code, signals and dispositions in keeping each other, supervisors, and dispatchers informed of locations, the nature or status of a call, and developments in an investigation.

8. Uniforms – Refer to 41.3.5 Grooming and Uniform Requirements.

9. Specialized Assignments - Fayetteville Police Department recognizes the need to staff specialized units which provide a supportive function to the patrol division [CALEA 16.2.3].

- a. An announcement shall be made and posted to all personnel when an opening occurs to a specialized unit.
- b. The announcement will contain requirements and criteria for personnel to be appointed to the specialized unit.
- c. The announcement will describe the selection process to be used for appointment to the specialized unit.
- d. The following are specialized units within the department:

- 1) Detective
- 2) Emergency Response Team
- 3) Crisis Negotiation Team
- 4) Canine Officer
- 5) Bicycle Patrol
- 6) Motorcycle Patrol
- 7) School Resource Officer
- 8) Field Training Officer

9. Canine, motorcycle and bicycle units - The canine, motorcycle and bicycle units provide a specialized, supportive function to patrol units.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 42.1.1 Criminal Investigations	Effective Date:
Reference: 44.1.1, 82.1.1	Version: 1
CALEA: 42	No. Pages: 6

I. PURPOSE

The purpose of this directive is to establish procedures relating to the Fayetteville Police Department's Criminal Investigation function. This policy will provide guidance to both uniformed officers and officers specializing in investigations.

Comment [rt1]: This is a new policy per CALEA standards. Most of the information in this policy had been done in practice but not documented in formal policy.

II. POLICY

A. Administration

1. Fayetteville Police Department will provide and support 24-hour service capabilities for its various criminal investigation functions [CALEA 42.1.1]:

- a. Supervisors assigned to each criminal investigation function of the police department will manage and maintain call-out protocol to include an on-call investigator duty roster.
- b. Prior to assignment to an investigative position, officers must understand the importance and necessity of an on-call function and agree and accept their individual role in this function.

2. Fayetteville Police Department will utilize a computerized case file management system to manage reports and investigations [CALEA 42.1.3 a.], [CALEA 82.1.5]:

- a. Information regarding status of cases will be systematically recorded and updated by employees assigned to the investigative divisions and overseen by investigation supervisors.
- b. Investigators will determine the status of each case [CALEA 42.1.3 b.]:
 1. Open/Active- Indicates a report has been submitted and may be, or has been, assigned for investigation.
 2. Cleared by Arrest- A suspect has been identified and arrested.
 3. Cleared by Exception- The case has been investigated to a satisfactory conclusion.
 4. Inactive- All available leads have been exhausted, but the case has not been brought to a satisfactory conclusion.
 5. Unfounded- Investigation has determined the offense did not occur.
- c. Case files should contain preliminary investigative reports, records of statements, results of examinations of physical evidence, case status reports, and other reports needed for investigative purposes [CALEA 42.1.3 c.].
- d. Case files will be maintained, updated, and primarily accessed by assigned investigators [CALEA 42.1.3 d.].
- e. Case files will only be purged under court order or in compliance with State or Federal guidelines [CALEA 42.1.3 e.].

3. The following guidelines will apply to the intelligence function of the Fayetteville Police Department [CALEA 42.1.6]:

- a. The intelligence function of the Fayetteville Police Department will be maintained by the Criminal Investigation Division (CID). The administration of the intelligence function will be overseen by the lieutenant assigned to CID [CALEA 42.1.6 a.].
- b. The Fayetteville Police Department expects and requires that all levels of agency personnel value information that may be categorized as intelligence and report such information according to the requirements of this policy. All levels of sworn officers are required to report on intelligence matters to the CID. Non-sworn personnel may seek the assistance of sworn officers to collect and report information, or depending on the circumstances of the reporting person, non-sworn personnel of the police department may collect the information and report it to the CID [CALEA 42.1.6 b.].
- c. Training for sworn personnel on the identification, reporting, and dissemination of intelligence will be accomplished during the Field Training Officer Program [CALEA 42.1.6 c.].
- d. The CID lieutenant is responsible for the analysis, security, storage, and dissemination of intelligence information. The CID lieutenant will safeguard the integrity of all intelligence files, ensure that legal requirements are being followed, and ensure the security of these files. Intelligence files will be maintained separately from other agency records to prevent compromise of the integrity of the file system [CALEA 42.1.6 d.].
- e. The CID lieutenant will ensure that intelligence information will be limited to criminal conduct and activities presenting a threat to the community [CALEA 42.1.6 e.].
- f. Legal and privacy requirements of the intelligence function will be maintained by the CID lieutenant [CALEA 42.1.6 f.].
- g. The CID lieutenant will ensure that vital intelligence information is acted upon and successfully disseminated or transferred to corresponding components within the police department and to outside agencies and components where that information is practical, vital, as well as legally required [CALEA 42.1.6 g.].
- h. Intelligence information believed to be out of date or incorrect will be purged under the authority of the CID lieutenant [CALEA 42.1.6 h.].
- i. An annual review of procedures and processes of the intelligence function will be overseen by the CID lieutenant [CALEA 42.1.6 i.].

B. Operations

1. Officers in every assignment of the department shall value the importance of each investigation. The following steps will be considered in the preliminary investigation and documented when applicable [CALEA 42.2.1]:

- a. Securing the scene;
- b. Providing aid, to the extent possible, to the injured;
- c. Maintaining and protecting the crime scene and arranging for the collection of evidence [CALEA 42.2.1 c.];
- d. Observing all conditions, events, and remarks [CALEA 42.2.1 a.];
- e. Locating and/or identifying witnesses and suspects [CALEA 42.2.1 b.];
- f. Interviewing and obtaining statements from complainants, witnesses, and suspects [CALEA 42.2.1 d.];
- g. Determining whether an offense has been committed and the exact nature of the offense;
- h. Effecting an arrest at the scene or through immediate pursuit of the suspect;

- i. Furnishing other units with descriptions, method, direction of flight, and other relevant information;
 - j. Accurately recording all pertinent information using prescribed reporting methods.
2. The following steps will be considered when conducting follow-up investigations and will be completed when applicable [CALEA 42.2.2]:
 - a. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations [CALEA 42.2.2 a.];
 - b. Conducting additional interviews and interrogations [CALEA 42.2.2 b.];
 - c. Seeking additional information from uniformed officers and informants [CALEA 42.2.2 c.];
 - d. Planning, organizing, conducting searches, and collecting, preserving, analyzing, and evaluating evidence [CALEA 42.2.2 d.];
 - e. Identifying and apprehending suspects [CALEA 42.2.2 e.];
 - f. Determining suspect involvement in other crimes [CALEA 42.2.2 f.];
 - g. Determining in detail the exact circumstances of the offense;
 - h. Checking suspects' criminal histories [CALEA 42.2.2 g.];
 - i. Recovering stolen property;
 - j. Maintaining contact with case principals [CALEA 55.2.4];
 - k. Reporting information obtained in investigations in accordance with departmental reporting methods;
 - l. Preparing cases for court presentation [CALEA 42.2.2 h.].
3. Officers of the Fayetteville Police Department must understand that persons must be afforded certain constitutional rights in respect to interrogation and access to counsel [CALEA 1.2.3 b, c]:
 - a. Interrogation refers not only to express questioning, but also to any words or actions on the part of the police, other than those normally associated with arrest and custody, that the police should know are reasonably likely to elicit an incriminating response from a suspect.
 - b. When questioning a person in custody, officers shall provide the person with Miranda Rights. (For juveniles, see FPD 44.1.1.)
 - c. Upon a person invoking their right to counsel, officers shall cease any line of questioning relating to an alleged criminal offense. Once a person has invoked their right to counsel, an interrogation may precede only in the following two scenarios: the interrogation is conducted in the presence of an attorney, or the person that has invoked his rights makes a self-initiated declaration to the officer that he wants to initiate further communications, exchanges, or conversations with the police. Prior to any discussion pertaining to an alleged criminal offense when a person makes a self-initiated declaration after having invoked his rights to counsel, the officer should discuss clearly and openly with the person that he invoked his rights to an attorney, is under no obligation to answer questions, and is entering discussion with the officer at his or her own prerogative and direction.
4. For each long-term multi-jurisdictional investigative task force of which the department is a participant, the department will ensure it maintains a directive that includes the following criteria [CALEA 42.2.5]:
 - a. a written purpose [CALEA 42.2.5 a.];
 - b. defining authority, responsibilities, and written agreements [CALEA 42.2.5 b.];
 - c. evaluating results and the need for continued operations [CALEA 42.2.5 c.].

5. The following rules shall apply to the department's use of technical aids for the detection of deception [CALEA 42.2.6]:

- a. The Chief of Police may choose from a variety of devices used for the detection of deception;
- b. Use of these devices will be restricted to trained personnel that have graduated from the accepted training institutions and have demonstrated sound fundamentals in the use of equipment;
- c. Testing of juveniles requires both the consent of the juvenile and the juvenile's parent or legal guardian.

6. The department will retain directives in its Criminal Investigation Division governing confidential informants to include [CALEA 42.2.7]:

- a. Inclusion of informants in a master file [CALEA 42.2.7 a.];
- b. Content of the informant file, to include biographical and background information, criminal history record, if any, and code name or number of each informant [CALEA 42.2.7 b.];
- c. Maintenance and security of informant file and related codes [CALEA 42.2.7 c.];
- d. Other methods to protect the identity of informants [CALEA 42.2.7 d.];
- e. Criteria for paying informants, if applicable [CALEA 42.2.7 e.];
- f. Precautions to be taken with informants, generally [CALEA 42.2.7 f.]; and
- g. Special precautions to be taken with juvenile informants [CALEA 42.2.7 g.].

7. The following procedures shall apply to uniform and non-uniformed personnel utilizing designated interview and interrogation rooms [CALEA 42.2.10]:

- a. In the presence of persons being interviewed, officers shall not enter the interview room with their firearms but may retain possession of other non-lethal weapons. Firearms shall be locked in departmental provided lock boxes [CALEA 42.2.10 a.].
- b. Detainees and arrested persons should be searched prior to being placed in an interview room. The room should be searched prior to and after the person has been in the room. Consideration shall also be given for possession of firearms to persons not under arrest [CALEA 42.2.10 b.].
- c. A detainee is under the immediate officer's care until that time he has verbally or physically relinquished control of the detainee to another officer, either for the purposes of interviews or transport [CALEA 42.2.10 b.].
- d. During interviews, there shall be no more than one suspect and two investigators in the interview room. An exception to this rule is that suspects are afforded legal representation [CALEA 42.2.10 c.].
- e. After hours, officers and detectives should make shift supervisors assigned to the station aware of interviews taking place [CALEA 42.2.10 d.].
- f. Supervisors assigned to CID are responsible for maintaining minimal furnishings in the interview room and should see that the rooms remain uncluttered. All officers/detectives conducting interviews are responsible for inspection of the interview rooms and removal of hazardous items prior to interviews [CALEA 42.2.10 e.].
- g. Officers/detectives conducting interviews and interrogations should ensure that persons are afforded adequate access to restrooms, water, and breaks [CALEA 42.2.10 f.].

8. Eyewitness identification is a frequently used investigative tool. The following is to establish procedures for the eyewitness identification of suspects through the use of photographic line-ups. This department does not utilize physical line-ups. A witness' degree of attention and their

opportunity to view the criminal during the crime, the accuracy of a witness' prior description of the suspect and their overall confidence regarding witness statement and conduct, and the length of time between the crime and subsequent identification should be considered relevant observations in considering a line-up [CALEA 42.2.11]:

- a. Photograph line-ups will consist of a minimum of six individual photographs (six is recommended). Only one member of the photographic line-up will be a suspect in the case. Each member of a photographic line-up should resemble the witness's description of the suspect's significant features, such as: age, race, facial features, weight, build, and any unique or unusual features. If possible, the photograph should be recent and resemble the suspect's appearance at the time the offense was committed. Photographic line-ups should be compiled using the same quality of photo, i.e. all black and white or all color, and not a mixture [CALEA 42.2.11 a.].
- b. If possible, photographic line-ups should be video and/or audio recorded [CALEA 42.2.11 b.].
- c. If the same photographic line-up is to be presented to multiple witnesses, then those witnesses should be separated before and during the administration of the identification process [CALEA 42.2.11 c.].
- d. Before a photographic line-up identification procedure begins, the witness should be informed that the offender may or may not be among the photographs shown. Also, before a photographic line-up identification procedure begins, the witness should be informed that they may take as much time as needed to review the line-up, and they are not required to make identification [CALEA 42.2.11 d.]. The officer presenting the line-up will be alert to the level of confidence expressed by the witness [CALEA 42.2.11 e.].
- e. The officer presenting the line-up is prohibited from indicating in any way the identity of the suspect. The witness should understand that their contribution is important whether they can identify the suspect or not and that the investigation will continue [CALEA 42.2.11 f.].
- f. All line-ups will be documented (along with the results) in a supplemental report added to the original investigative case file [CALEA 42.2.11 g.].

9. Eyewitness identification is a frequently used investigative tool. The following is to establish procedures for the eyewitness identification of suspects through the use of show-ups or field identifications. Because of the inherent suggestiveness of these types of identifications, they should be avoided if possible. However, circumstances are not always conducive to preferable identification techniques and sometimes necessitate the use of these types of identifications. When these show-ups or field identifications are utilized, or considered for use, the following conditions should be considered: the witness' degree of attention and their opportunity to view the criminal during the crime, the amount of time that the suspect was detained and brought before the witness and the length of time since the incidents passing is reasonable, a photographic line-up is impractical, the accuracy of the witness' prior description of the suspect, and there is an immediate need to arrest the suspect [CALEA 42.2.12 a.]:

- a. If possible, show-up / field identification line-ups should be video and/or audio recorded.
- b. The witness should be transported to the suspect's location in a police vehicle [CALEA 42.2.12 b.].

- c. If there are multiple witnesses, only one should participate in the show-up / field identification. If a positive identification is made, the other witnesses should be shown a photographic line-up [CALEA 42.2.12 c.].
- d. Before a show-up / field identification viewing, the witness should be advised the subject being viewed may not be the offender, and they are not required to make identification [CALEA 42.2.12 d.].
- e. The officer presenting the line-up will be alert to both: the level of confidence expressed by the witness, and the level of certainty demonstrated by the witness at the identification. This information should be documented in the officer's report [CALEA 42.2.12 e.].
- f. The officer presenting the show-up / field identification is prohibited from indicating in any way, the identity of the suspect. The witness should understand that their contribution is important whether they can identify the suspect or not and that the investigation will continue [CALEA 42.2.12 f.].
- g. All show-ups / field identifications will be documented (along with the results) in an officer's report and included in the investigative case file [CALEA 42.2.12 g.].

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.11 Use of Department Vehicles	Effective Date:
Reference: 41.2.8, 41.2.13	Version: 1
CALEA: 41.3.1, 41.3.2, 53.1.1	No. Pages: 4

I. Purpose

The purpose of this policy is to establish guidelines for the use and operation of vehicles owned, leased or operated by the Fayetteville Police Department.

II. Policy

Officers and employees of this department shall operate department vehicles in a legal, safe and courteous manner. Employees shall not abuse or misuse department vehicles and equipment. Employees are responsible for the care and maintenance of vehicles in their control. Employees shall make proper use of vehicle safety equipment while operating department owned or authorized vehicles.

III. Procedures

A. Vehicle Safety Inspection - Patrol vehicles shall be inspected on a daily basis by the officer assigned to the vehicle. [CALEA 53.1.1]

1. Deficiencies shall be noted and brought to the attention of a supervisor to make a determination as to whether the vehicle should be removed from service until repaired. Repair requests will be completed on vehicle maintenance requests.
2. Equipment required for patrol vehicles will be replenished or repaired upon inspection or as needed.
3. The inspection will be documented on officers' daily activity reports.

B. Vehicle Equipment

1. Patrol vehicles will be conspicuously marked and outfitted with the following specifications: [CALEA 41.3.1]
 - a. Exterior mounted operational emergency lights
 - b. Siren
 - c. Agency's name in reflective materials
 - d. Unit number
 - e. Reflective striping on sides

2. Equipment required for patrol vehicles will be replenished or repaired or as needed. The department will assign a primary and secondary supervisor to monitor equipment needs and deficiencies through the use of inspections and the daily vehicle inspection process. Equipment for vehicles to maintain operational readiness includes but is not limited to [CALEA 41.3.2]:

- a. Fire extinguisher
- b. Tire deflation device
- c. Spare tire/jack
- d. 50 ft. measuring tape and rolling tape measure
- e. Blanket
- f. Crime scene tape
- g. Paper towels and bags
- h. Personal protective equipment – gloves, masks, shoe covers, tyvex suit
- i. Radar unit and tuning forks
- j. Digital camera
- k. VL removal tool
- l. Prisoner leg straps/belly chain

C. Take Home Units- Officers will be assigned either a marked or unmarked vehicle for use according to the responsibilities of the officer's position and the needs of the department (i.e. canine units, drug task force officers, etc).

1. To serve as a crime deterrent, take home units that are marked will be parked in the officer's driveway or an openly prominent location at the officer's residence.
2. The assignment of a take home unit is a privilege, not a right, and can be revoked at any time. Assignment of a take home unit is determined by the Chief of Police.
3. No alcoholic beverages are to be consumed or carried in take home units, nor are they to be driven after the officer has been consuming alcoholic beverages.
4. While off duty, officers will not take law enforcement action to address a minor violation. The off duty officer in a marked unit should be prepared to assist in traffic control on motor vehicle collisions until assigned officers arrive.
 - a. While off duty,
 - b. Officers in take home units must carry their credentials and service weapon.
 - c. While off duty, officers in take home units will dress in such a manner as to not discredit the department should they have to perform in a professional capacity.
5. Use of take home vehicles is limited to commuting to and from work, court, training, and other approved functions or other de minimis use.
6. Take home vehicles can be driven to department approved extra jobs requiring the performance of law enforcement duties.
 - a. Assigned vehicles will not be used to patrol private property. The vehicle will be parked at a suitable location while security/protective services are being performed.

D. Command vehicles are assigned to positions of command responsibility critical to the operational efficiency of the police department as designated by the Chief of Police. Any member having a command assignment must be able to communicate with the department at all times and is subject to immediate response when needed. Use of command vehicles is determined by the Chief of Police.

E. Special Purpose Vehicles [CALEA 41.1.3]

1. Motorcycles, bicycles, the ERT Transport Vehicle, and any other non-conventional vehicles shall be considered special-purpose vehicles of the Fayetteville Police Department and shall be treated accordingly.
2. The above mentioned special-purpose vehicles shall only be operated by authorized and assigned personnel that have completed or are undergoing required training as determined by the Fayetteville Police Department. In the event of a life threatening situation, sworn personnel not typically authorized may make use of a special-purpose vehicle.
3. The supervisor assigned over the unit of primary use of each special-purpose vehicle shall be responsible for required maintenance and for the determination and upkeep of required equipment to be kept in or on the vehicle.

F. Vehicle Operation

1. Employees shall operate department vehicles in a careful and prudent manner. Unsafe, negligent or reckless driving is prohibited. Traffic laws and department policies shall be followed unless emergency circumstances warrant otherwise.
2. Department vehicles will be kept clean and serviceable at all times (i.e. washed, vacuumed, fueled, etc).
3. Seatbelt usage – refer to 41.2.13
4. When parked and/or unattended, department vehicles, when practical, shall be properly secured by:
 - a. Locking the doors
 - b. Ensuring the windows are up
 - c. Ensuring any firearm in the vehicle is locked/secured
5. Due to the nature of law enforcement work, officers are allowed to eat and/or drink in department vehicles; however, the vehicles must be kept clean of debris and trash by the end of the shift.
6. Passengers will generally be limited to police officers, city employees or other governmental officials. However, limited transportation of others is permissible, such as the transportation of an immediate family member to school or work or other incidental transportation needs. Exceptions to this rule include detainees, persons needing assistance, persons authorized in a ride along, persons assisting the officer or other persons with approval of a supervisor.
7. Authorization and protocol for citizen ride along program are as follows:
 - a. An “Indemnify, Defend and Hold Harmless” agreement must be signed by the citizen wishing to participate in a ride along.
 - b. The citizen shall only be permitted to ride with personnel approved by a supervisor.

- c. The citizen shall follow the directives of the patrol officer to whom they may be assigned.
 - d. The citizen shall remain in the patrol unit unless the officer directs the citizen that it is safe to exit the unit. The citizen shall not exit the vehicle on any "high risk" calls to which they may be assigned. This includes family violence calls unless no elements of risk are present nor are expected and only a reporting procedure is necessary.
 - e. Under no circumstances will a citizen be present in a patrol vehicle involved in any aspect of a pursuit.
8. Employees are prohibited from taking department vehicles outside the city limits of Fayetteville. Exceptions to this rule include:
- a. Following up on an investigation, with supervisor approval
 - b. Police pursuit (Further reference can be made to 41.2.8, Pursuit policy)
 - c. Completing an assignment, with supervisor approval
 - d. Picking up supplies
 - e. Going to court
 - f. Take home units authorized by the Chief of Police
 - g. Attending meetings, training, etc.

POLICIES, PROCEDURES, AND RULES

Subject: 44.1.1 Juvenile Operations	Effective Date:
Reference: 44.2.4	Version: 1
CALEA: 44	No. Pages: 3

I. PURPOSE

The purpose of this directive is to establish policies concerning the department's juvenile programs and the processing of juvenile offenders and victims [CALEA 44.1.1].

Comment: This is a new policy to meet C.A.L.E.A. standards. Many of these functions were done in practice but never documented in formal policy.

II. POLICY

A. ORGANIZATION AND ADMINISTRATION - The Fayetteville Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency and victimization.

1. The Fayetteville Police Department shall maintain an investigative division with specializations associated with juvenile matters, this division will fall under the command of the Criminal Investigation Division (CID).
2. The responsibility of juvenile operations and delinquency prevention efforts is to be shared by all agency personnel and not just limited to the responsibility of CID. In particular, all patrol officers should familiarize themselves in proper handling of juvenile problems, both criminal and non-criminal.
3. The Fayetteville Police Department will strive to maintain a working relationship with other elements of the juvenile justice system, namely the Washington County Juvenile Court and the Washington County Prosecutor's Office.
4. An additional resource regarding Juvenile Operations is the School Resource Officer Division (reference can be made to FPD 44.2.4).

B. OPERATIONS

1. Encountering Abuse and Neglect:
 - a. Any time an officer encounters a juvenile who has been exposed to neglect or abuse, the officer shall report the neglect and or abuse to the DHS Hot Line. Contacting the local DHS office or a local DHS employee does not fulfill the obligation of reporting to the hot line.

2. Taking Juvenile Into Custody - A juvenile may be taken into custody without a warrant:
 - a. Pursuant to an order of the court under Arkansas Code § 9-27-301 (Act 273 of 1989); or
 - b. By a law enforcement officer without a warrant under circumstances as set forth in Arkansas Rules of Criminal Procedure 4.1 (also see Policy 1.2.1); or
 - c. By a law enforcement officer or by a duly authorized representative of the Department of Human Services (DHS) if there are clear, reasonable grounds to conclude that the juvenile is in immediate danger and that removal is necessary to prevent serious harm from his surroundings or from illness or injury and if parents, guardians, or others with authority to act are unavailable or have not taken action necessary to protect the juvenile from the danger and there is not time to petition for and obtain an order of the court prior to taking the juvenile into custody [CALEA 44.2.2 b.].
 - d. When determining to take a child into protective custody, officers will follow the legal guidelines of Arkansas law. When necessary, officers may seek guidance from a supervisor [CALEA 44.2.2 b.].

3. Alternatives to Arrests of Juveniles for Delinquent Acts - Officers making contact with a juvenile who has committed a delinquent act which does not involve a victim, (such as loitering, etc.) or an act whose victim does not wish to press charges may use alternatives to arrest [CALEA 44.2.1 a.] [CALEA 44.2.2 a.].
 - a. Alternatives to arrest include: verbal warning, referral to a School Resource Officer or other juvenile services office, conference with the juvenile's parent(s) or guardian, or report and referral to Washington County Prosecutor's Office Juvenile Division [CALEA 42.2.1 c.].
 - b. If alternatives to arrest are employed, it is not necessary to contact any officials with the juvenile court system.

4. Taking a Juvenile into Custody - With or Without a Warrant
 - a. No juvenile shall be incarcerated in the Washington County Jail. An exception to this is afforded to prosecutors under state law, when charging juveniles as adults [CALEA 44.2.2 c.].
 - b. The officer should always attempt to make contact with the parent(s) or legal guardian of any juvenile taken into custody and advise them of the situation [CALEA 44.2.2 e].
 - c. When a juvenile is taken into custody the officer should also contact the juvenile intake officer of the Washington County Juvenile Court to discuss terms and conditions of release.
 - d. An alternative to taking a juvenile into custody is release of the juvenile through the use of a uniform traffic ticket/citation or an Arkansas Criminal Citation [CALEA 44.2.1 b.]. If the juvenile is to be released on a traffic violation that would go through Fayetteville District Court, it is not necessary to obtain the authorization of the Washington County Juvenile Court Intake

Officer. However, if the juvenile is to be released on a criminal violation that would go through Washington County Juvenile Court, the intake officer should be contacted.

- e. Traffic Offenses - If a juvenile is taken into custody for a warrant on a traffic offense from another jurisdiction, the jurisdiction which issued the warrant should immediately be contacted to determine conditions for release. If the juvenile cannot be immediately released, the juvenile detention center should be contacted [CALEA 44.2.2 d].

5. Taking a Juvenile into Custody - Protective Reasons

- a. An officer may take into custody any "Dependent-neglected juvenile". "Dependent-neglected juvenile" means any juvenile who as a result of abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness is at substantial risk of serious harm. When determining to take a child into protective custody, officers will follow the legal guidelines of Arkansas law. When necessary, officers may seek guidance from a supervisor [CALEA 44.2.2 b].
- b. Any officer taking a juvenile into custody as a "Dependent-neglected juvenile" should immediately contact the Washington County Department of Human Services and the juvenile intake officer. Custody of the juvenile will then be transferred to the Washington County Department of Human Services.

6. Investigation of Juvenile Offender- Interrogation

- a. Officers of the Fayetteville Police Department must understand that just like adults, juveniles must be afforded certain constitutional rights in respect to Miranda rights. When a juvenile is taken into custody for a delinquent act or criminal offense, a juvenile may invoke his or her right to speak to a parent or guardian in addition to standard Miranda.
- b. During an interview, the juvenile's parent or guardian must be present in the building; the parent or guardian must be aware the juvenile waived his/her rights; the parent or guardian must have had the chance to speak with the juvenile about the waiver and the parent or guardian should sign the waiver before an investigator questions a juvenile in custody.
- c. When questioning a juvenile in custody for a delinquent act or criminal offense, officers shall provide the juvenile his or her rights using the Juvenile Waiver of Right to Counsel form. Officers should refer to Arkansas Statute 9-27-317 that governs Questioning of a Juvenile.
- d. The duration of interviews that officers or detectives conduct will be reasonable in length, taking into consideration the age and psychological state of the juvenile.
- e. Juveniles who are in the custody of the Department of Human Services must be represented by their attorney ad litem before they can be questioned by police.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 61.1 Traffic Enforcement	Effective Date:
Reference: 61.1.11, 61.3	Version: 1
CALEA: 61	No. Pages: 5

I. Purpose

The purpose of this policy is to establish the procedures that enable the Fayetteville Police Department to execute its traffic related responsibilities and services. The department's activities are specifically directed toward reducing violations through preventive patrol and active enforcement, and our standards govern the relationships that exist with motorists, pedestrians, courts, and prosecutors.

Comment [rt1]: This is a new policy to meet CALEA standards. Although most of this information was done in practice, it was never documented in formal directives.

II. Policy

A. Traffic Enforcement

1. The prevailing goal of the Fayetteville Police Department's traffic enforcement efforts shall be the reduction and prevention of traffic collisions. The following measures shall be taken with that goal in mind [CALEA 61.1.1]:

- a. The patrol captain or designee will periodically review and compare traffic collision data [CALEA 61.1.1 a].
- b. The patrol captain or designee will oversee compilation and review of traffic enforcement activities data using the department's traffic records system [CALEA 61.1.1 b].
- c. The patrol captain or designee will compare collision data with that of traffic enforcement activities data with the overall purpose to develop the best implementation of selective traffic enforcement [CALEA 61.1.1 c].
- d. Traffic complaints taken from the public shall also be taken into consideration.
- e. Areas and specific times of the day and week where multiple collisions have occurred or where complaints have been validated shall be identified. Information will be provided by the patrol captain or his designee to the patrol lieutenants who shall oversee selective assignments of enforcement personnel. [CALEA 61.1.1 d] Traffic enforcement personnel may be assigned with the purpose of combating the problem areas identified [CALEA 61.1.1 e].
- f. The patrol captain or his designee will evaluate these areas where selective traffic enforcement assignments were made and identify and document reductions in traffic collisions and traffic complaints [CALEA 61.1.1 f].

2. Officers of the Fayetteville Police Department are required to take appropriate enforcement actions incidental to traffic law violations and should do so in a firm, fair, and impartial manner. Officers have the discretion to address traffic violations by the following courses of action [CALEA 61.1.2]:

- a. physical arrest;
- b. citation;
- c. warning.

3. This policy establishes procedures for officers in their response to violators of specific types of classifications [CALEA 61.1.3]:

- a. It is the policy of Fayetteville Police Department that non-residents of our agency's service area shall be treated with the same respect and dignity as residents [CALEA 61.1.3 a].
- b. It is the policy of Fayetteville Police Department that in the case of traffic violations involving juveniles, juveniles may be warned, ticketed, or arrested if justified. Officers shall follow the protocol set forth in 44.1.1 Juvenile Operations Policy [CALEA 61.1.3 b].
- c. By law, members of the United States Congress and the Arkansas Legislature are immune from arrest during their attendance at the session of their respective houses of the legislature and when going to and returning from these sessions, except in cases of treason, felony, and breach of the peace. Officers should exercise good judgment and discretion when facing traffic violators that fall in this category. [CALEA 61.1.3 c].
- d. Actions that may be taken regarding foreign diplomats, consular officials, and their staff members depend on the person's status. All persons who may have a legitimate claim to some sort of immunity should carry diplomatic identification issued by the U.S. State Department. It is the expectation of the Fayetteville Police Department and this policy that all dealings with such persons shall be handled with courtesy and respect and an awareness of the importance of avoiding an incident that will reflect unfavorably on our city, state, and country. Diplomatic and Consular Privileges differ upon category. If enforcement action is considered justified and required, a traffic citation is the preferred release method. Each category of official may be issued a traffic citation; however, certain categories of officials cannot be arrested or prosecuted due to immunities. Officers and supervisors faced with criminal charges on these officials should contact supervisory personnel of our Criminal Investigation Division for guidance [CALEA 61.1.3 d].
- e. Military personnel may be issued warnings, traffic citations, and may be arrested under the same circumstances as other violators in most cases. In cases where military personnel are legitimately in transport to an active duty station under orders of their commanding officer and when a physical arrest is at stake, officers should consult their supervisor. The supervisor will assist in making an appropriate determination based on a review of the military person's paperwork, communication with commanding officers that may apply, and review of Arkansas State Law 16-81-102 where immunity to arrest may apply [CALEA 61.1.3 e].

4. Officers of the Fayetteville Police Department will utilize electronic ticketing, when possible, at the time motorists are charged with violations. Fayetteville Police support personnel will provide patrol continued support in the operations of electronic ticketing. Officers shall provide the following information to motorists relating to the specific charge [CALEA 61.1.4]:

- a. court appearance date [CALEA 61.1.4 a.];
- b. a determination of optional or mandatory nature of court appearance by the motorist [CALEA 61.1.4 b.];
- c. notice of whether the motorist is allowed to pay the fine by mail or at the police department [CALEA 61.1.4 c.]; and
- d. other pertinent information that must be provided to the motorist prior to release [CALEA 61.1.4 d.].

5. It is the goal of this policy to provide officers with a consistent approach toward traffic law violations [CALEA 61.1.5]:

- a. It is the policy of the Fayetteville Police Department to aggressively enforce situations involving the operation of a vehicle by a driver under the influence of alcohol or drugs. A physical arrest is the preferred method in these situations. Officers will be guided by Fayetteville Police Policy 61.1.11 DWI, DUI [CALEA 61.1.5 a.].
- b. Officers encountering operators driving with a suspended or revoked driver's license based on a previous DWI are encouraged to make a physical arrest. Operators whose license has been suspended for other reasons may be issued a citation, but officers should ensure they don't continue to drive the vehicle [CALEA 61.1.5 b.].
- c. Officers of the Fayetteville Police Department shall be afforded discretion when deciding upon speeding violations. Officers may give consideration to weather conditions, the subject's manner of driving, traffic volume, location of the offense, and any pedestrian location in determining the appropriate course of action [CALEA 61.1.5 c.].
- d. Officers should be attuned to other hazardous violations that can result in motor vehicle collisions, injury, and death. Officers are asked to remain alert and to take appropriate actions with violators [CALEA 61.1.5 d.].
- e. Officers should be attuned to non-hazardous and non-moving violations. In these types of cases, officers are afforded discretion in ensuring violators understand the laws [CALEA 61.1.5 h.].
- f. Officers must also be prepared to deal with off-road vehicle violations. In these situations, officers must weigh potential impacts of the vehicle's actions, city ordinances, and state laws [CALEA 61.1.5 e.].
- g. Officers should be mindful of equipment violations of operators and be willing to take enforcement action. In many of these cases, operators in these situations may be displaying an overt disregard for the law and safety of others [CALEA 61.1.5 f.].
- h. In dealing with commercial vehicle violations, officers should be mindful of state laws regarding commercial drivers' licenses. Officers may utilize the Arkansas State Police, the Arkansas Highway Police, and the Department of Transportation [CALEA 61.1.5 g.].
- i. Officers may encounter violators that have violated multiple laws. This is often the case involving DWI offenses. Officers should be mindful of these different violations and cite or warn accordingly while documenting the various violations [CALEA 61.1.5 i.].
- j. Officers should understand that newly enacted laws and regulations will occur. The department's administration and supervisors will assist in identifying these newly enacted laws and introduce them during shift briefings, via email, and with new policies when necessary. Supervisors should keep an open mind with newly enacted laws and show a willingness to discuss them with their subordinates [CALEA 61.1.5 j.].

- k. Officers are expected to stay informed of current traffic law. Officers shall understand the difference between primary and secondary violations listed in state statutes and will not stop a vehicle based solely on a secondary violation.
- l. Investigating officers will have discretion and make all reasonable attempts to establish fault in motor vehicle collisions and may issue a citation or make a physical arrest when warranted [CALEA 61.1.5 k.].
- m. Officers should be familiar with state laws and city ordinances that govern the movement of pedestrians and bicycles. Officers are afforded the discretion to issue citations when practical and to take opportunities to educate persons when in the best interest of the safety of that person and the public [CALEA 61.1.5 l.].

6. The following will govern traffic law enforcement practices for the Fayetteville Police Department [CALEA 61.1.6]:

- a. Officers assigned to patrol will perform area traffic patrol assignments within their assigned patrol beats (area, line or directed) [CALEA 61.1.6 a.].
- b. Officers are permitted, independently or through orders, to conduct stationary observation of traffic. This can be conducted in either covert or overt fashion [CALEA 61.1.6 b.].
- c. Officers will use standard marked patrol units when making law enforcement traffic stops. Unless exigent circumstances are present, unmarked vehicles shall not be used to make law enforcement traffic stops [CALEA 61.1.6 c.].

7. The majority of violators contacted by police may be ordinary citizens who may form their opinion of the police department based on this one encounter. Officers shall engage in a professional manner in their contacts [CALEA 61.1.8]:

- a. Officers should extend a customary greeting to each person on stops, and officers should identify themselves by name and jurisdiction and explain the reason for the stop.
- b. Officers should afford the person the opportunity to provide their explanation of their driving behavior.
- c. Officers should attempt to politely ask for the person's identification and remain courteous while projecting a professional demeanor during the interview or questioning.
- d. Officers should minimize conflict with the violator while facilitating a professional interaction.

8. Routine enforcement, collision reporting, and investigation activities frequently lead to the discovery of drivers who have suspected incompetence, physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable care over a motor vehicle. An officer having grounds to believe a driver is incompetent shall forward report documentation with an attached letter to Arkansas Driver Control of the Office of Driver Services [CALEA 61.1.12].

9. Parking enforcement of the Fayetteville Police Department will be carried out in the following categories to include routine patrol, parking complaints, traffic hazards, and special events [CALEA 61.1.13]:

- a. Officers assigned to patrol should use sound judgment and appropriate discretion when encountering parking violations of their own observation ;

- b. Officers responding to a complaint of a parking violation should first investigate to determine the validity of the complaint and take appropriate action (warning, citation, towing, etc);
- c. Officers responding to a complaint where a traffic hazard exists shall attempt to locate the operator to remove it before towing the vehicle;
- d. Officers may often encounter parking violations during special events. Generally, the supervisor in charge of the event will have contingency plans for parking issues in areas of our venues. Officers should report newly found parking issues during the special event.

B. Safety Checkpoints - Roadside safety checks when used will be part of a directed patrol assignment. They are required to be planned and supervised by a ranking officer of this department [CALEA 61.1.6 d.].

1. Checkpoints are an effective means of enforcing the laws of the State of Arkansas while protecting all motorists. Safety Checkpoints will be conducted within the following parameters:
 - a. Each checkpoint must be conducted in a location furnishing adequate visibility for motorists traveling in either direction. When considering the location, the consideration for officer and public safety is paramount.
 - b. A pull-off area safe zone will be established for vehicles traveling both directions.
 - c. Marked units with activated emergency lights will be stationed at each end of the checkpoint area.
 - d. A supervisor of the department will be required to administer the safety check point.
2. Officers assigned to a safety checkpoint will abide by the following rules:
 - a. Officers are required to wear reflective vests.
 - b. Officers are to cautiously approach all vehicles and to be alert to suspicious movements and actions of the occupants.
 - c. Officers will allow the driver and occupants to remain inside their vehicle unless their removal from the vehicle is necessary due to facts leading the officer to reasonably suspect that: a crime has been or is being committed; the person presents some danger to the officer or others; or the person is armed and presently dangerous.
 - d. Officers are instructed to advise the driver of the vehicle, "This is a police safety checkpoint."
 - e. Officers should then check the vehicle operator's driver's license and vehicle registration.
 - f. Officers should take any action deemed necessary or appropriate.
 - g. Officers should close the stop by thanking the vehicle operator for his cooperation and by promptly releasing the vehicle and occupants unless an arrest is made.

Note: It should be noted that in the case of working in conjunction with the Arkansas State Police, the requirements set forth in this policy meet the requirements of the Arkansas State Police.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 61.1.11 DWI, DUI	Effective Date:
Reference:	Version: 1
CALEA: 61.1.11, 61.1.5, 61.1.10	No. Pages: 5

I. Purpose

The purpose of this policy is to provide guidelines to aid in the effective recognition, apprehension and prosecution of persons who are driving under the influence of alcohol or drugs. This policy shall apply to all sworn members of the Fayetteville Police Department. [CALEA-61.1.11]

II. Policy

- A. As part of its efforts to ensure the safety of motorists and pedestrians, the Fayetteville Police Department will aggressively enforce laws pertaining to traffic violations by drivers who operate a motor vehicle while under the influence of alcohol or drugs. This effort will be undertaken in the following manner: [CALEA- 61.1.10]
1. By fielding specially trained and equipped personnel;
 2. By identification of these offenses as a priority enforcement activity; and
 3. Participation in DWI Enforcement effort programs, provided program and funding is available.
 4. The Patrol Captain or designee will assign selective personnel at times and locations where analysis and history show a significant number of violations and collisions involving impaired drivers have occurred.
- B. A physical arrest is the preferred method in all cases where sufficient probable cause exists that an operator of a motor vehicle is DWI or DUI. [CALEA- 61.1.5.a]

III. Procedure [CALEA- 61.1.11]

- A. A police officer's observations are crucial in establishing the requisite probable cause necessary to arrest a motorist for a DWI violation. Police officers must rely on their formal training and experience, placing particular emphasis on those driving actions that give rise to the officer's belief a motorist is driving under the influence. The following basic detection methods should be utilized:
1. Conducting surveillance on a driver suspected of DWI in order to observe his or her behavior;
 2. Initiating a traffic stop after observing a moving or equipment violation;

Comment [rt1]: This is a new policy to meet CALEA standards. Although the information herein had been done in practice, it was never documented in formal policy.

3. Observing the actions of drivers during accident investigations; and
4. Acting upon the reports of witnesses in regard to erratic or improper vehicle operation.

B. After the decision has been made to stop a motorist suspected of DWI, the officer shall follow departmental procedures for initiating a misdemeanor traffic stop. Certain guidelines and competent evidence must be used to support an arrest, including the following:

1. Fully document all observations related to driver behavior, make sure to note erratic or improper vehicle operation, and utilize MVR anytime available.
2. Note any observations concerning the physical, mental, or emotional condition of the driver, aside from those concerned with vehicle operation, that add to the suspicion of intoxication and/or impairment. (Example: odor of intoxicants, slurred speech, bloodshot eyes, general appearance, etc.)
3. Closely observe driver for signs of impairment of physical or mental functions, as evidenced by poor coordination, equilibrium, or comprehension; or a lack of concentration or confusion. Note if the driver has difficulty following simple instructions, answering questions, or fumbling with wallet or papers.
4. Use of testimony by witnesses who observed the driver's behavior to establish operation and to describe erratic vehicle operation if noted. (Usually related to a traffic accident.)

C. After making contact with a person suspected of DWI, officers are strongly encouraged to conduct field sobriety or performance tests to support their probable cause a person is under the influence of some type of intoxicant or drug. The following tests are certified for use by the National Highway Traffic Safety Administration to determine probable cause indicative of a lack of sobriety:

1. Walk and Turn Test;
2. One-Leg Stand Test; and
3. Horizontal Gaze Nystagmus Test.

Officers are not limited to conducting only these tests. Any other tests, such as alphanumeric tests, finger to nose test, or others that will support probable cause that a person is under the influence may be utilized. Officers should record these tests on MVR whenever available (see G.O. #22).

D. Arkansas' Implied Consent Law, §5-65-202, states that any person who operates a motor vehicle or is in actual physical control of a motor vehicle in this state shall be deemed to have given consent to undergo this chemical test.

E. If after conducting field sobriety tests, an officer has sufficient probable cause to believe a driver has consumed a substance that is impairing his or her ability to operate a motor vehicle, the officer shall arrest the driver following standard arrest procedures. The

officer will request the driver submit to a chemical analysis in accordance with the Implied Consent Law.

- F. Upon arrival at the testing facility, the officer shall inform the arrested individual of his or her rights pertaining to the breath test, pursuant to Act 549 of 1983, also known as the Omnibus DWI Act. This statement of rights pertaining to DWI or DUI cites the following:
1. Implied consent statute;
 2. Type of chemical analysis to be utilized;
 3. Refusal to submit to this chemical test;
 4. Right to an additional test by a qualified person; and
 5. After taking an additional test, if found not guilty, the Fayetteville Police Department will reimburse the person for the cost of the additional test.
- G. Pursuant to Arkansas §5-65-203, which governs the administration of chemical tests, the law enforcement agency that employs the arresting officer shall designate which test shall be administered. The Fayetteville Police Department shall utilize chemical testing in the following order of preference:
1. Breath Test - If the arresting officer believes the offender is solely under the influence of alcohol, a formalized breath test will be conducted. The breath test will be the preferred test utilized by the Fayetteville Police Department.
 2. Blood Test – If circumstances make the administration of a breath test impractical or if the arresting officer has reason to believe the offender is under the influence of either a combination of alcohol and drugs or drugs only, a blood test may be utilized. If the officer has reason to believe drugs are involved, he is encouraged to seek the assistance of a certified “Drug Recognition Expert” (DRE).
 3. Urine Test – If the arresting officer believes the driver’s impairment is solely from drugs, a DRE should be contacted, and a complete drug recognition examination should be conducted. As a portion of this examination, a urine sample will be collected in accordance with methods set forth by the DRE.
- H. A certified officer will conduct the breath test and shall be responsible for completing all pertinent information and logbook requirements in a timely manner.
- I. The arresting officer is responsible for the disposition of all evidence collected as a result of the administration of a blood test. The blood vials will be placed in the custody of the Property and Evidence Division in accordance with policy. Blood samples shall be submitted for processing in the following manner:
1. Alcohol Only – Samples will be submitted to the Arkansas Department of Health for analysis. The arresting officer must complete an Arkansas Department of Health submission form to be submitted in addition to the FPD Evidence Submission Form. The chain of custody section on the Department of Health form must be completed.

2. Alcohol and/or Drugs – Samples will be submitted to the Arkansas Crime Laboratory for analysis. The arresting officer must complete a State Crime Lab submission form, in addition to the FPD Evidence Submission Form. Since a chain of custody form is not included with the State Crime Lab submission form, officers shall include the chain of custody information within the narrative of their report.
- J. The Drug Recognition Expert (DRE) who administers the drug recognition evaluation shall be responsible for properly submitting the urine sample to the custody of the Evidence Custodian:
1. The urine sample container shall be sealed with a biohazard label and then heat-sealed in a polyethylene bag before placing it in the refrigerator.
 2. In addition to the FPD Evidence Submission Form, a State Crime Lab submission form shall be completed.
 3. Since no chain of custody form is included with the State Crime Lab submission form, the DRE shall include the chain of custody information within the narrative of his report.
- K. When a driver of a motor vehicle submits to a chemical analysis at the request of a Fayetteville police officer, the driver then has the right to request an additional chemical test. Pursuant to state law, if this request is made, the arresting officer must assist the driver in obtaining the type of test that he or she has requested at the driver's expense. Officers must advise the person being tested that if they take an additional test and are found not guilty, the Fayetteville Police Department will reimburse the person the cost of the additional test.
- L. Arkansas law also states it is unlawful to operate or be in actual physical control of a motor vehicle while intoxicated. Officers should always be prepared to testify as to the level of intoxication observed at the time and not depend solely on the results of the chemical analysis. Arkansas law dictates more stringent legal limits of alcohol concentration for those persons under the age of 21.
- M. The arresting officer shall be responsible for delivering the arrested driver to the Washington County Jail in accordance with policy regarding prisoner handling and transportation. The arresting officer shall ensure that all appropriate intake forms, probable cause affidavits, and citations are completed at the time of booking.
- N. After the offender is arrested and secured, the arresting officer will be responsible for securing the arrested driver's vehicle. The arresting officer shall have the choice of vehicle impoundment, authorized release to a sober third party driver possessing a valid driver's license at the request of the arrested person, or secure and leave at the place of arrest with authorization from the arrested person.
- O. The arresting officer shall submit the following paperwork, per established departmental procedures:
1. Statements of Rights form;
 2. Arkansas Department of Health Breath / Blood Alcohol Report Form; and

3. BAC results.
4. State of Arkansas Department of Finance and Administration – Omnibus DWI Law Official Driver License Receipt and Notice of Suspension/Revocation Form – Yellow Copy

P. The arresting officer shall retain possession of the arrested person's driver's license and submit it along with the completed State of Arkansas Department of Finance and Administration – Omnibus DWI Law Official Driver License Receipt and Notice of Suspension/Revocation Form. After completion, the white copy and yellow copy along with the driver's license will be placed in our Records' mailbox. The two pink pages of this form shall be given to the driver as a receipt for his or her driver's license.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 61.3 Traffic Direction and Control	Effective Date:
Reference: 61.1	Version: 1
CALEA: 61	No. Pages: 3

I. Purpose

The purpose of this policy is to establish the procedures that enable the Fayetteville Police Department to execute its traffic related direction and control responsibilities and services.

Comment [rt1]: This is a new policy to meet CALEA standards. Many of these functions were done in practice but never documented in formal policy.

II. Policy

A. Traffic Direction and Control

1. The following protocol will govern performance of agency activities related to traffic engineering. Goals of this identification and reporting should be directly related to the discovery and remedy of collision and congestion hazards [CALEA 61.3.1]:

- a. Officers of the Fayetteville Police Department that observe what is believed to be a traffic engineering deficiency, or investigate a collision which is caused by a deficiency, should report it to the City of Fayetteville Transportation Division [CALEA 61.3.1 a.].
- b. The Patrol Captain shall include a summary of collision and enforcement data in the annual traffic report which will be provided to the City of Fayetteville Transportation Division [CALEA 61.3.1 b.].
- c. When requested, the department will participate in local and regional transportation system management planning and will provide a department representative to serve on active planning boards. Fayetteville Police will participate in criminal justice planning committees and will provide a department representative to active planning committees [CALEA 61.3.6].

2. The following protocol will pertain to traffic direction and control [CALEA 61.3.2]:

- a. Traffic collisions often leave roadways partially or fully blocked. Officers should perform the following at a collision scene of this variety [CALEA 61.3.2 a.):
 - (1) Officers should first attempt to protect the collision scene by properly positioning their police vehicles while using adequate emergency lighting.
 - (2) Officers may require and may therefore request additional officers to assist in directing traffic until the roadway can be cleared.
 - (3) Officers at the scene should coordinate their traffic direction to eliminate confusion on the part of motorists.

- (4) In cases of fatal or serious collisions, it may be necessary to completely or partially block the roadway for an extended time. The use of barricades as well as additional officers is authorized for such collisions.
- b. Officers of the Fayetteville Police Department will make use of uniform hand signals and gestures for manual traffic direction when working traffic [CALEA 61.3.2 b.].
- c. Officers may be requested to assist with traffic direction at scenes of critical incidents [CALEA 61.3.2 c.]:
 - (1) Officers, depending on assignment and self-initiated determination, may be asked to divert traffic flow away from the incident, stop traffic from entering, or bring traffic out of the area of the incident.
 - (2) Officers shall ensure motorists/citizens follow instruction and shall ensure they are not allowed to interfere with officials or apparatus. When assisting the fire department, officers shall prevent motorists from driving over fire hoses.
- d. Officers will also be required to assist during periods of adverse road and weather conditions [CALEA 61.3.2 d.].
- e. Traffic light locations may at times need manual operation by officers in times of special events, ballgames, or adverse weather conditions [CALEA 61.3.2 e.].
- f. Officers will at times make use of temporary traffic control devices that may include barricades, traffic cones, and illuminating instruction signs. During special events and ballgames with heavy traffic, these will normally be placed in the form of planned assignments. Temporary traffic control devices can also be requested and placed during serious collisions and for critical incidents that occur on a random basis [CALEA 61.3.2 f.].
- g. Any Fayetteville Police Officer directing traffic, or in the roadway controlling traffic, will be required to wear their department issued reflective vest at all times [CALEA 61.3.2 g.].

3. The following protocol will govern escorts [CALEA 61.3.3]:

- a. Planned escorts will be channeled through the Special Events Division for approval and assignment of personnel. Planned escorts may include ballgame request escorts, protection escorts of dignitaries and public officials, escorts of emergency vehicles, escorts of oversized vehicles, or escorts of hazardous vehicles [CALEA 61.3.3 a.].
- b. Sudden requests for the aforementioned types of requests that were not planned or pre-approved will be channeled through the on-duty supervisor. These requests should be accommodated when at all possible and will depend on staffing levels weighted against circumstances surrounding safety issues and the nature of the assignment [CALEA 61.3.3 a.].
- c. Funeral escorts may be assigned to patrol by dispatch personnel as a routine function.
- d. Escorts of civilian vehicles in medical emergencies are not authorized. Officers shall have the option of letting the civilian vehicle proceed to the hospital on its own or call for emergency medical services to respond. In very extreme circumstances, officers may transport injured individuals to the hospital [CALEA 61.3.3 b.].

B. Other Services

1. The following protocol will govern the provision of assistance to individuals or motorists [CALEA 61.4.1]:

- a. Fayetteville Police Officers will provide assistance to stranded motorists in the following capacities [CALEA 61.4.1 a]:
 - (1) Officers performing routine patrol should stop and provide reasonable assistance to stranded motorists.
 - (2) When en-route to a non-emergency call, officers should divert from that call and assist a stranded motorist where there is an appearance of emergency.
- b. Officers should assist stranded motorists by calling for mechanical or towing services [CALEA 61.4.1 b].
- c. Officers should ensure the vehicle is towed and persons are safely moved in cases that involve a hazardous or dangerous location [CALEA 61.4.1 c].
- d. When necessary, officers will request the fire department or ambulance service through dispatch and provide assistance to the extent possible [CALEA 61.4.1 d].

2. Roadway hazards are contributing factors in many traffic collisions. The following will provide protocol for taking action to correct hazardous highway and road conditions [CALEA 61.4.2]:

- a. Officers who locate or are dispatched to debris on the roadway or roadside that is easily removable by one person are encouraged to utilize their emergency lighting and position their vehicle for safety purposes as they remove the debris from the roadway.
- b. For dealing with debris or animals that are larger or more problematic, officers should utilize dispatch to notify the appropriate city service to remove it. For debris on highways with faster moving traffic where there is a likelihood of a collision, the police department will make every attempt to provide traffic control until such time the debris can be removed.
- c. Officers locating or being dispatched to defects in the roadway, highway safety equipment, signs, or damaged mechanical traffic control devices should report to dispatch in order to make proper and immediate notification.

3. The Fayetteville Police Department will utilize the department's website, social networking sites and various media outlets for dissemination of traffic safety information to the public. The Department's Community Oriented Policing Division will be in charge of this service [CALEA 61.4.4].

