

**CITY OF SPRINGDALE**  
**Committee Agenda**  
**Monday, July 17<sup>th</sup>, 2023**  
**Tiered Training Room (2<sup>nd</sup> Floor)**  
**201 Spring Street, Springdale, AR 72764**  
**Meetings begin at 5:30p.m.**

1. **A Presentation** from Springdale Water Utilities (Clear Creek). Presented by Heath Ward, Springdale Water Utilities, and Brad Hammond, Olsson Engineering.

**Finance Committee by Chairwoman Amelia Williams**

2. **A Resolution** authorizing the purchase of property located at 2122 Wagon Wheel Road, Springdale, Benton County, Arkansas. Presented by Blake Holte, Fire Chief.  
Pgs. 1-3
3. **A Resolution** authorizing the execution of a contract for Architect Services. Presented by Colby Fulfer, Chief of Staff. Pgs. 4-22

**Health, Sanitation, and Property Maintenance by Chairman Jeff Watson**

4. **An Ordinance** ordering the razing (demolition) and removal of a certain structure within the City of Springdale, Arkansas, located at 2101 W. Huntsville Avenue; to declare an emergency and for other purposes. Presented by Tom Evers, Building department. Pgs. 23-28

**Parks and Recreation Department by Chairman Mike Lawson**

5. **A Resolution** amending the 2023 Budget of the City of Springdale Parks and Recreation Department. Presented by Chad Wolf, Parks and Recreation Director. Pgs. 29-30

**Police and Fire Committee by Chairman Brian Powell**

6. **A Resolution** adopting the revisions to the Department Manual of the Springdale Police Department, pursuant to Ark. Code Ann. §14-51-302, and repealing and replacing all prior Resolutions pertaining thereto. Presented by Frank Gamble, Chief of Police. Pgs. 231-208

## Committee of the Whole

7. **A Resolution** requesting the Springdale Public Library ensure that materials contained within the children's section of the library are subject matter and age appropriate. Presented by Councilman Brian Powell. Pg. 209

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE PURCHASE OF  
PROPERTY LOCATED AT 2122 WAGON WHEEL ROAD,  
SPRINGDALE, BENTON COUNTY, ARKANSAS.**

**WHEREAS**, Gary White and LaQuita White currently own property located at 2122 Wagon Wheel Road, Springdale, Benton County, Arkansas, ("the Property"), and being more particularly described as follows:

Two (2) acres, more or less, being a part of Benton County Parcel No. 21-00134-000, and as shown on the attached Exhibit.

**WHEREAS**, the Property is uniquely situated and located in such a manner as to be desirable for the construction and operation of a Fire Station on the Property; and,

**WHEREAS**, the City of Springdale would like to enter into a contract with Gary White and LaQuita White for the purchase of the Property for the total sum of \$600,000.00; said contract being contingent upon the City obtaining a satisfactory appraisal for the Property, as well as a satisfactory feasibility study and environmental report on the Property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS** that the Mayor is hereby authorized to enter into a contract for the purchase of the Property, subject to the contingencies contained therein, and execute all documents necessary for the acquisition of the Property in the amount of \$600,000.00, plus associated costs, to be paid from the 2023 Fire Bond.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

352' - 0"

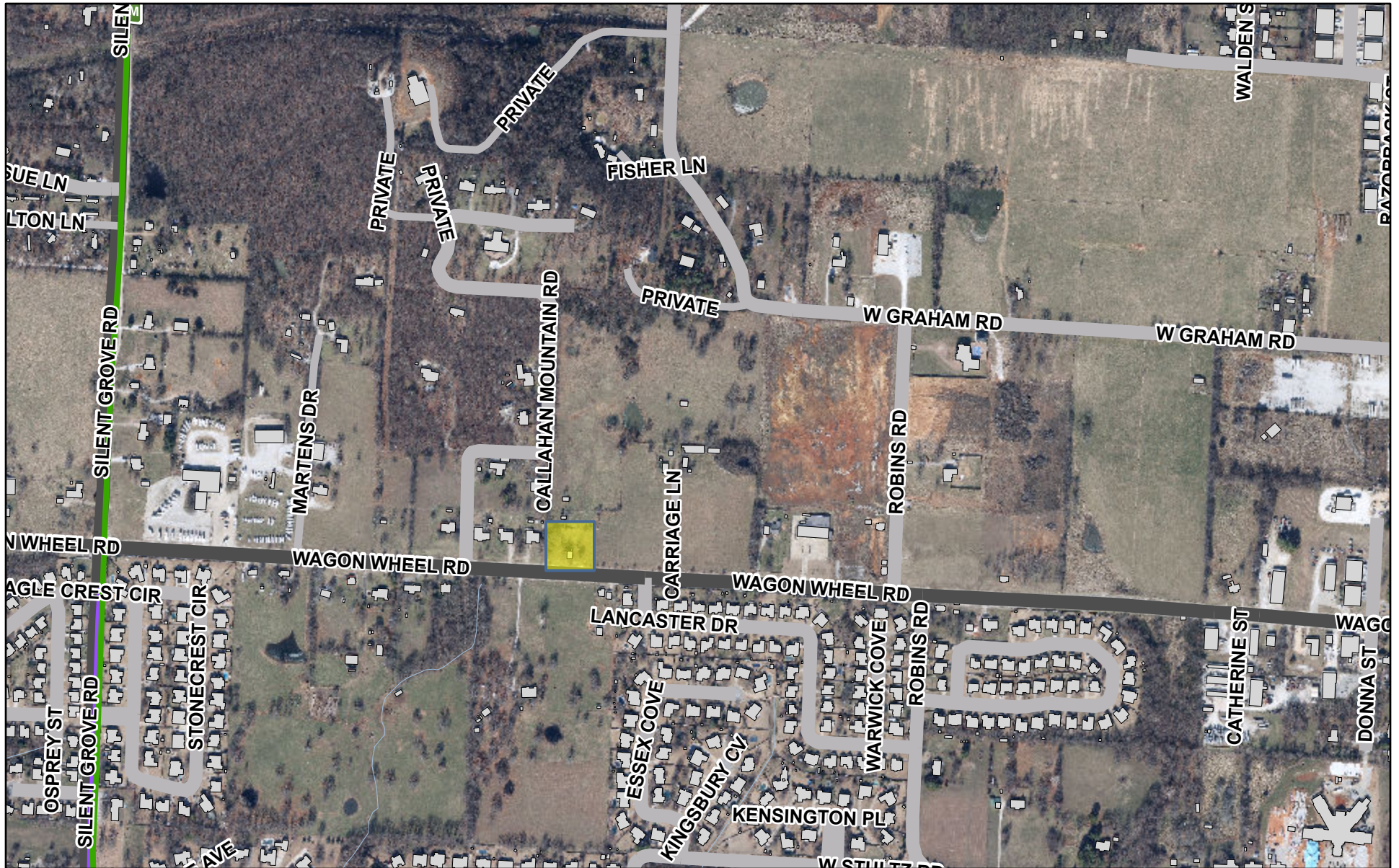
326' - 8"

339' - 1"

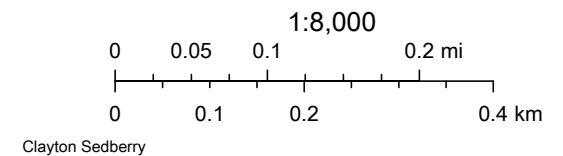
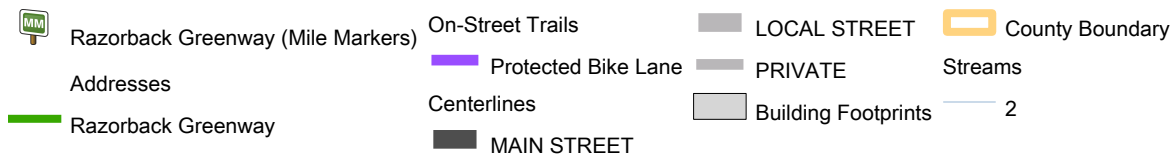
Wagon Wheel Rd



# City of Springdale Zoning Map



July 12, 2023



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF A CONTRACT FOR ARCHITECT SERVICES**

**WHEREAS**, the City of Springdale is planning to update and renovate the exterior of its historic building located at 200 Spring St, also known as the Beely-Johnson American Legion Building Post 139, and

**WHEREAS**, using the procurement procedures required by State Law, the city has selected Clements & Associates/Architecture, Inc. to design the exterior restoration, and

**WHEREAS**, the contract proposes a fee of 10 ½ % of the cost of work, totaling \$26,250.00, and

**WHEREAS**, project construction has been estimated to be \$250,000.00.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL  
FOR THE CITY OF SPRINGDALE, ARKANSAS**, that

**Section 1.** Expenditures for the architectural work on this project will be paid from the General Fund.

**Section 2.** The Mayor and City Clerk are hereby authorized to execute an architecture services contract with Clements & Associates/Architecture, Inc. for the renovation of the Beeley-Johnson American Legion Building Post 139.

**PASSED AND APPROVED** this 25<sup>th</sup> day of July, 2023.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney



May 25, 2023

The Honorable Mayor Doug Sprouse  
City Hall  
201 Spring Street  
Springdale, Arkansas 72764

Re: Exterior Restoration  
Beely-Johnson American Legion Post 139  
200 North Spring Street  
Springdale, AR

Greetings Mayor Sprouse,

It was a pleasure to meet you and the American Legion representatives at the facility, as well as to tour the historic building. The American Legion building is a significant historic structure located in a prime location next to Spring Street and across the creek from the Shiloh Museum grounds. The building appears to be largely unaltered since its original construction, though an addition was added at the rear and interior finishes has been updated over time.

Our discussion was to concentrate the initial efforts on the exterior restoration, which will provide us with more opportunity to study the existing conditions of the interior and the building's systems for later phases of the building's upgrade. The proposed exterior scope will include the restoration of the windows, roofing, exterior carpentry needs, and painting; but will also address code deficiencies and accessibility needs. Without performing an assessment of the exterior and interior needs, which can be a lengthy process, we have recommended that we be retained to design the first phase improvement scope of work and documents and while studying the building for the first phase, we will have the opportunity to explore the interior of the building and its conditions, including the attic and crawlspaces, for recommendations for later consideration.

The proposed fee for the first phase is 10 ½% based upon the Arkansas Building Authority consultant fee chart for historic buildings. This fee for complete architectural services, including bidding and construction administration. We believe that the scope and cost of the construction for the initial phase will be in the \$200-250k range. Architectural design services are provided in multiple steps. The initial step is referred to as the "Schematic Design Phase" which will result in a schematic cost estimate for the anticipated work, so the City will have an opinion of the cost about 20% into the design process; for the City's use and decision-making process.

We can begin this design work in a short period of time. Currently we are already providing design services for other local historic buildings in the area.

# AIA® Document B104® – 2017

## ***Standard Abbreviated Form of Agreement Between Owner and Architect***

**AGREEMENT** made as of the 5th day of July in the year 2023  
(In words, indicate day, month and year.)

**BETWEEN** the Architect's client identified as the Owner:  
(Name, legal status, address and other information)

City of Springdale  
City Administration Building  
201 Spring Street  
Springdale, Arkansas 72764

and the Architect:  
(Name, legal status, address and other information)

Clements & Associates/Architecture, Inc.  
507 Main Street  
North Little Rock, Arkansas 72114

for the following Project:  
(Name, location and detailed description)

Exterior Restoration of the Historic Beely-Johnson American Legion Post 139  
200 North Spring Street  
Springdale, Arkansas

The Owner and Architect agree as follows.

### **ADDITIONS AND DELETIONS:**

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Init.

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### ARTICLE 1 INITIAL INFORMATION

§ 1.1 This Agreement is based on the Initial Information set forth below:

*(State below details of the Project's site and program, Owner's contractors and consultants, Architect's consultants, Owner's budget for the Cost of the Work, and other information relevant to the Project.)*

The scope of this work is limited to exterior improvements including site access and code driven concerns. The building is a listed historic building, so the improvements are to be in compliance with the Department of Interior's Standards. The budget is not to exceed \$250,000.00 for construction.

§ 1.2 The Owner and Architect may rely on the Initial Information. Both parties, however, recognize that such information may materially change and, in that event, the Owner and the Architect shall appropriately adjust the schedule, the Architect's services and the Architect's compensation. The Owner shall adjust the Owner's budget for the Cost of the Work and the Owner's anticipated design and construction milestones, as necessary, to accommodate material changes in the Initial Information.

§ 1.3 The parties shall agree upon protocols governing the transmission and use of Instruments of Service or any other information or documentation in digital form to establish the protocols for the development, use, transmission, and exchange of digital data.

§ 1.3.1 Any use of, or reliance on, all or a portion of a building information model without agreement to protocols governing the use of, and reliance on, the information contained in the model and without having those protocols shall be at the using or relying party's sole risk and without liability to the other party and its contractors or consultants, the authors of, or contributors to, the building information model, and each of their agents and employees.

### ARTICLE 2 ARCHITECT'S RESPONSIBILITIES

§ 2.1 The Architect shall provide the professional services set forth in this Agreement consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same

or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

**§ 2.2** The Architect shall maintain the following insurance until termination of this Agreement. If any of the requirements set forth below are in addition to the types and limits the Architect normally maintains, the Owner shall pay the Architect as set forth in Section 11.8:

*(Identify types and limits of insurance coverage, and other insurance requirements applicable to the Agreement, if any.)*

**.1 General Liability**

\$1,000,000.00

**.2 Automobile Liability**

\$1,000,000.00

**.3 Workers' Compensation**

\$500,000.00

**.4 Professional Liability**

\$1,000,000.00

**ARTICLE 3 SCOPE OF ARCHITECT'S BASIC SERVICES**

**§ 3.1** The Architect's Basic Services consist of those described in this Article 3 and include usual and customary structural, mechanical, and electrical engineering services. Services not set forth in this Article 3 are Supplemental or Additional Services.

**§ 3.1.1** The Architect shall coordinate its services with those services provided by the Owner and the Owner's consultants. The Architect shall be entitled to rely on (1) the accuracy and completeness of the services and information furnished by the Owner and (2) the Owner's approvals. The Architect shall provide prompt written notice to the Owner if the Architect becomes aware of any error, omission, or inconsistency in such services or information.

**§ 3.1.2** As soon as practicable after the date of this Agreement, the Architect shall submit for the Owner's approval a schedule for the performance of the Architect's services. Once approved by the Owner, time limits established by the schedule shall not, except for reasonable cause, be exceeded by the Architect or Owner. With the Owner's approval, the Architect shall adjust the schedule, if necessary, as the Project proceeds until the commencement of construction.

**§ 3.1.3** The Architect shall assist the Owner in connection with the Owner's responsibility for filing documents required for the approval of governmental authorities having jurisdiction over the Project.

**§ 3.2 Design Phase Services**

**§ 3.2.1** The Architect shall review the program and other information furnished by the Owner, and shall review laws, codes, and regulations applicable to the Architect's services.

**§ 3.2.2** The Architect shall discuss with the Owner the Owner's program, schedule, budget for the Cost of the Work, Project site, and alternative approaches to design and construction of the Project. The Architect shall reach an understanding with the Owner regarding the Project requirements.

**§ 3.2.3** The Architect shall consider the relative value of alternative materials, building systems and equipment, together with other considerations based on program, aesthetics, and any sustainable objectives, in developing a design for the Project that is consistent with the Owner's schedule and budget for the Cost of the Work.

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§ 3.2.4 Based on the Project requirements, the Architect shall prepare Design Documents for the Owner's approval consisting of drawings and other documents appropriate for the Project and the Architect shall prepare and submit to the Owner an estimate of the Cost of the Work prepared in accordance with Section 6.3.

§ 3.2.5 The Architect shall submit the Design Documents to the Owner, and request the Owner's approval.

### § 3.3 Construction Documents Phase Services

§ 3.3.1 Based on the Owner's approval of the Design Documents, the Architect shall prepare for the Owner's approval Construction Documents consisting of Drawings and Specifications setting forth in detail the requirements for the construction of the Work. The Owner and Architect acknowledge that in order to construct the Work the Contractor will provide additional information, including Shop Drawings, Product Data, Samples and other similar submittals, which the Architect shall review in accordance with Section 3.4.4.

§ 3.3.2 The Architect shall incorporate the design requirements of governmental authorities having jurisdiction over the Project into the Construction Documents.

§ 3.3.3 The Architect shall submit the Construction Documents to the Owner, update the estimate for the Cost of the Work and advise the Owner of any adjustments to the estimate of the Cost of the Work, take any action required under Section 6.5, and request the Owner's approval.

§ 3.3.4 The Architect, following the Owner's approval of the Construction Documents and of the latest estimate of the Cost of the Work, shall assist the Owner in obtaining bids or proposals and awarding and preparing contracts for construction.

### § 3.4 Construction Phase Services

#### § 3.4.1 General

§ 3.4.1.1 The Architect shall provide administration of the Contract between the Owner and the Contractor as set forth below and in AIA Document A104™–2017, Standard Abbreviated Form of Agreement Between Owner and Contractor. If the Owner and Contractor modify AIA Document A104–2017, those modifications shall not affect the Architect's services under this Agreement unless the Owner and the Architect amend this Agreement.

§ 3.4.1.2 The Architect shall advise and consult with the Owner during the Construction Phase Services. The Architect shall have authority to act on behalf of the Owner only to the extent provided in this Agreement. The Architect shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, nor shall the Architect be responsible for the Contractor's failure to perform the Work in accordance with the requirements of the Contract Documents. The Architect shall be responsible for the Architect's negligent acts or omissions, but shall not have control over or charge of and shall not be responsible for, acts or omissions of the Contractor or of any other persons or entities performing portions of the Work.

§ 3.4.1.3 Subject to Section 4.2, the Architect's responsibility to provide Construction Phase Services commences with the award of the Contract for Construction and terminates on the date the Architect issues the final Certificate for Payment.

#### § 3.4.2 Evaluations of the Work

§ 3.4.2.1 The Architect shall visit the site at intervals appropriate to the stage of construction, or as otherwise required in Section 4.2.2, to become generally familiar with the progress and quality of the portion of the Work completed, and to determine, in general, if the Work observed is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. On the basis of the site visits, the Architect shall keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and promptly report to the Owner (1) known deviations from the Contract Documents, (2) known deviations from the most recent construction schedule submitted by the Contractor, and (3) defects and deficiencies observed in the Work.



**§ 3.4.2.2** The Architect has the authority to reject Work that does not conform to the Contract Documents and has the authority to require inspection or testing of the Work.

**§ 3.4.2.3** The Architect shall interpret and decide matters concerning performance under, and requirements of, the Contract Documents on written request of either the Owner or Contractor. The Architect's response to such requests shall be made in writing within any time limits agreed upon or otherwise with reasonable promptness.

**§ 3.4.2.4** When making such interpretations and decisions, the Architect shall endeavor to secure faithful performance by both Owner and Contractor, shall not show partiality to either, and shall not be liable for results of interpretations or decisions rendered in good faith.

**§ 3.4.2.5** The Architect shall render initial decisions on Claims between the Owner and Contractor as provided in the Contract Documents.

#### **§ 3.4.3 Certificates for Payment to Contractor**

**§ 3.4.3.1** The Architect shall review and certify the amounts due the Contractor and shall issue certificates in such amounts. The Architect's certification for payment shall constitute a representation to the Owner, based on the Architect's evaluation of the Work as provided in Section 3.4.2 and on the data comprising the Contractor's Application for Payment, that, to the best of the Architect's knowledge, information and belief, the Work has progressed to the point indicated, the quality of the Work is in accordance with the Contract Documents, and that the Contractor is entitled to payment in the amount certified.

**§ 3.4.3.2** The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.

#### **§ 3.4.4 Submittals**

**§ 3.4.4.1** The Architect shall review and approve, or take other appropriate action, upon the Contractor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. Review of such submittals is not for the purpose of determining the accuracy and completeness of other information such as dimensions, quantities, and installation or performance of equipment or systems, which are the Contractor's responsibility. The Architect's review shall not constitute approval of safety precautions or any construction means, methods, techniques, sequences or procedures.

**§ 3.4.4.2** If the Contract Documents specifically require the Contractor to provide professional design services or certifications by a design professional related to systems, materials or equipment, the Architect shall specify the appropriate performance and design criteria that such services must satisfy. The Architect shall review and take appropriate action on Shop Drawings and other submittals related to the Work designed or certified by the Contractor's design professional, provided the submittals bear such professional's seal and signature when submitted to the Architect. The review shall be for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. The Architect shall be entitled to rely upon, and shall not be responsible for, the adequacy and accuracy of the services, certifications, and approvals performed or provided by such design professionals.

**§ 3.4.4.3** The Architect shall review and respond to written requests for information about the Contract Documents. The Architect's response to such requests shall be made in writing within any time limits agreed upon, or otherwise with reasonable promptness.

#### **§ 3.4.5 Changes in the Work**

The Architect may order minor changes in the Work that are consistent with the intent of the Contract Documents and do not involve an adjustment in the Contract Sum or an extension of the Contract Time. Subject to Section 4.2.3, the Architect shall prepare Change Orders and Construction Change Directives for the Owner's approval and execution in accordance with the Contract Documents.

Init.

### § 3.4.6 Project Completion

The Architect shall conduct inspections to determine the date or dates of Substantial Completion and the date of final completion; issue Certificates of Substantial Completion; forward to the Owner, for the Owner's review and records, written warranties and related documents required by the Contract Documents and received from the Contractor; and issue a final Certificate for Payment based upon a final inspection indicating that, to the best of the Architect's knowledge, information, and belief, the Work complies with the requirements of the Contract Documents.

## ARTICLE 4 SUPPLEMENTAL AND ADDITIONAL SERVICES

§ 4.1 Supplemental Services are not included in Basic Services but may be required for the Project. The Architect shall provide the Supplemental Services indicated below, and the Owner shall compensate the Architect as provided in Section 11.2. Supplemental Services may include programming, site evaluation and planning, environmental studies, civil engineering, landscape design, telecommunications/data, security, measured drawings of existing conditions, coordination of separate contractors or independent consultants, detailed cost estimates, on-site project representation beyond requirements of Section 4.2.2, value analysis, interior architectural design, tenant related services, preparation of record drawings, commissioning, sustainable project services, and any other services not otherwise included in this Agreement.

*(Identify below the Supplemental Services that the Architect is required to provide and insert a description of each Supplemental Service, if not further described in an exhibit attached to this document.)*

§ 4.2 The Architect may provide Additional Services after execution of this Agreement without invalidating the Agreement. Upon recognizing the need to perform Additional Services, the Architect shall notify the Owner. The Architect shall not provide the Additional Services until the Architect receives the Owner's written authorization. Except for services required due to the fault of the Architect, any Additional Services provided in accordance with this Section 4.2 shall entitle the Architect to compensation pursuant to Section 11.3.

§ 4.2.1 The Architect shall provide services necessitated by a change in the Initial Information, changes in previous instructions or approvals given by the Owner, or a material change in the Project including size; quality; complexity; the Owner's schedule or budget for Cost of the Work; or procurement or delivery method as an Additional Service.

§ 4.2.2 The Architect has included in Basic Services six ( 6 ) visits to the site by the Architect during construction. The Architect shall conduct site visits in excess of that amount as an Additional Service.

§ 4.2.3 The Architect shall, as an Additional Service, provide services made necessary by a Contractor's proposed change in the Work. The Architect shall prepare revisions to the Architect's Instruments of Service necessitated by Change Orders and Construction Change Directives as an Additional Service.

§ 4.2.4 If the services covered by this Agreement have not been completed within twelve ( 12 ) months of the date of this Agreement, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated as Additional Services.

## ARTICLE 5 OWNER'S RESPONSIBILITIES

§ 5.1 Unless otherwise provided for under this Agreement, the Owner shall provide information in a timely manner regarding requirements for and limitations on the Project, including a written program which shall set forth the Owner's objectives, schedule, constraints and criteria, including space requirements and relationships, flexibility, expandability, special equipment, systems and site requirements.

§ 5.2 The Owner shall establish the Owner's budget for the Project, including (1) the budget for the Cost of the Work as defined in Section 6.1; (2) the Owner's other costs; and, (3) reasonable contingencies related to all of these costs. The Owner shall update the Owner's budget for the Project as necessary throughout the duration of the Project until final completion. If the Owner significantly increases or decreases the Owner's budget for the Cost of the Work, the Owner shall notify the Architect. The Owner and the Architect shall thereafter agree to a corresponding change in the Project's scope and quality.

Init.

§ 5.3 The Owner shall furnish surveys to describe physical characteristics, legal limitations and utility locations for the site of the Project; a written legal description of the site; and services of geotechnical engineers or other consultants, when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Project.

§ 5.4 The Owner shall coordinate the services of its own consultants with those services provided by the Architect. Upon the Architect's request, the Owner shall furnish copies of the scope of services in the contracts between the Owner and the Owner's consultants. The Owner shall require that its consultants and contractors maintain insurance, including professional liability insurance, as appropriate to the services or work provided.

§ 5.5 The Owner shall furnish tests, inspections and reports required by law or the Contract Documents, such as structural, mechanical, and chemical tests; tests for air and water pollution; and tests for hazardous materials.

§ 5.6 The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.

§ 5.7 The Owner shall provide prompt written notice to the Architect if the Owner becomes aware of any fault or defect in the Project, including errors, omissions or inconsistencies in the Architect's Instruments of Service.

§ 5.8 The Owner shall endeavor to communicate with the Contractor through the Architect about matters arising out of or relating to the Contract Documents.

§ 5.9 The Owner shall provide the Architect access to the Project site prior to commencement of the Work and shall obligate the Contractor to provide the Architect access to the Work wherever it is in preparation or progress.

§ 5.10 Within 15 days after receipt of a written request from the Architect, the Owner shall furnish the requested information as necessary and relevant for the Architect to evaluate, give notice of, or enforce lien rights.

## ARTICLE 6 COST OF THE WORK

### § 6

*(Paragraphs Deleted)*

§ 6.5 If at any time the Architect's estimate of the Cost of the Work exceeds the Owner's budget for the Cost of the Work, the Architect shall make appropriate recommendations to the Owner to adjust the Project's size, quality or budget for the Cost of the Work, and the Owner shall cooperate with the Architect in making such adjustments.

§ 6.6 If the Owner's current budget for the Cost of the Work at the conclusion of the Construction Documents Phase Services is exceeded by the lowest bona fide bid or negotiated proposal, the Owner shall

- .1 give written approval of an increase in the budget for the Cost of the Work;
- .2 authorize rebidding or renegotiating of the Project within a reasonable time;
- .3 terminate in accordance with Section 9.5;
- .4 in consultation with the Architect, revise the Project program, scope, or quality as required to reduce the Cost of the Work; or
- .5 implement any other mutually acceptable alternative.

§ 6.7 If the Owner chooses to proceed under Section 6.6.4, the Architect shall modify the Construction Documents as necessary to comply with the Owner's budget for the Cost of the Work at the conclusion of the Construction Documents Phase Services, or the budget as adjusted under Section 6.6.1. If the Owner requires the Architect to modify the Construction Documents because the lowest bona fide bid or negotiated proposal exceeds the Owner's budget for the Cost of the Work due to market conditions the Architect could not reasonably anticipate, the Owner shall compensate the Architect for the modifications as an Additional Service pursuant to Section 11.3; otherwise the Architect's services shall be without additional compensation. In any event, the Architect's modification of the Construction Documents shall be the limit of the Architect's responsibility under this Article 6.

Init.



## **ARTICLE 7 COPYRIGHTS AND LICENSES**

**§ 7.1** The Architect and the Owner warrant that in transmitting Instruments of Service, or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project.

**§ 7.2** The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights. Submission or distribution of Instruments of Service to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Architect and the Architect's consultants.

**§ 7.3** The Architect grants to the Owner a nonexclusive license to use the Architect's Instruments of Service solely and exclusively for purposes of constructing, using, maintaining, altering and adding to the Project, provided that the Owner substantially performs its obligations under this Agreement, including prompt payment of all sums when due pursuant to Article 9 and Article 11. The Architect shall obtain similar nonexclusive licenses from the Architect's consultants consistent with this Agreement. The license granted under this section permits the Owner to authorize the Contractor, Subcontractors, Sub-subcontractors, and suppliers, as well as the Owner's consultants and separate contractors, to reproduce applicable portions of the Instruments of Service, subject to any protocols established pursuant to Section 1.3, solely and exclusively for use in performing services or construction for the Project. If the Architect rightfully terminates this Agreement for cause as provided in Section 9.4, the license granted in this Section 7.3 shall terminate.

**§ 7.3.1** In the event the Owner uses the Instruments of Service without retaining the authors of the Instruments of Service, the Owner releases the Architect and Architect's consultant(s) from all claims and causes of action arising from such uses. The Owner, to the extent permitted by law, further agrees to indemnify and hold harmless the Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from the Owner's use of the Instruments of Service under this Section 7.3.1. The terms of this Section 7.3.1 shall not apply if the Owner rightfully terminates this Agreement for cause under Section 9.4.

**§ 7.4** Except for the licenses granted in this Article 7, no other license or right shall be deemed granted or implied under this Agreement. The Owner shall not assign, delegate, sublicense, pledge or otherwise transfer any license granted herein to another party without the prior written agreement of the Architect. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to the Architect and the Architect's consultants.

**§ 7.5** Except as otherwise stated in Section 7.3, the provisions of this Article 7 shall survive the termination of this Agreement.

## **ARTICLE 8 CLAIMS AND DISPUTES**

### **§ 8.1 General**

**§ 8.1.1** The Owner and Architect shall commence all claims and causes of action against the other and arising out of or related to this Agreement, whether in contract, tort, or otherwise, in accordance with the requirements of the binding dispute resolution method selected in this Agreement and within the period specified by applicable law, but in any case not more than 10 years after the date of Substantial Completion of the Work. The Owner and Architect waive all claims and causes of action not commenced in accordance with this Section 8.1.1.

**§ 8.1.2** To the extent damages are covered by property insurance, the Owner and Architect waive all rights against each other and against the contractors, consultants, agents, and employees of the other, for damages, except such rights as they may have to the proceeds of such insurance as set forth in AIA Document A104-2017, Standard Abbreviated Form of Agreement Between Owner and Contractor. The Owner or the Architect, as appropriate, shall require of the contractors, consultants, agents, and employees of any of them, similar waivers in favor of the other parties enumerated herein.

**§ 8.1.3** The Architect and Owner waive consequential damages for claims, disputes or other matters in question, arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination of this Agreement, except as specifically provided in Section 9.6

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## § 8.2 Mediation

§ 8.2.1 Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to binding dispute resolution. If such matter relates to or is the subject of a lien arising out of the Architect's services, the Architect may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by binding dispute resolution.

§ 8.2.2 Mediation, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Mediation Procedures in effect on the date of this Agreement. The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

§ 8.2.3 If the parties do not resolve a dispute through mediation pursuant to this Section 8.2, the method of binding dispute resolution shall be the following:  
(Check the appropriate box.)

☒ [ X ] Arbitration pursuant to Section 8.3 of this Agreement

☐ [ ] Litigation in a court of competent jurisdiction

☐ [ ] Other: (Specify)

If the Owner and Architect do not select a method of binding dispute resolution, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, the dispute will be resolved in a court of competent jurisdiction.

## § 8.3 Arbitration

§ 8.3.1 If the parties have selected arbitration as the method for binding dispute resolution in this Agreement, any claim, dispute or other matter in question arising out of or related to this Agreement subject to, but not resolved by, mediation shall be subject to arbitration which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules in effect on the date of the Agreement.

§ 8.3.1.1 A demand for arbitration shall be made no earlier than concurrently with the filing of a request for mediation, but in no event shall it be made after the date when the institution of legal or equitable proceedings based on the claim, dispute or other matter in question would be barred by the applicable statute of limitations. For statute of limitations purposes, receipt of a written demand for arbitration by the person or entity administering the arbitration shall constitute the institution of legal or equitable proceedings based on the claim, dispute or other matter in question.

§ 8.3.2 The foregoing agreement to arbitrate, and other agreements to arbitrate with an additional person or entity duly consented to by parties to this Agreement, shall be specifically enforceable in accordance with applicable law in any court having jurisdiction thereof.

§ 8.3.3 The award rendered by the arbitrator(s) shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

## § 8.3.4 Consolidation or Joinder

§ 8.3.4.1 Either party, at its sole discretion, may consolidate an arbitration conducted under this Agreement with any other arbitration to which it is a party provided that (1) the arbitration agreement governing the other arbitration permits consolidation; (2) the arbitrations to be consolidated substantially involve common questions of law or fact; and (3) the arbitrations employ materially similar procedural rules and methods for selecting arbitrator(s).

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§ 8.3.4.2 Either party, at its sole discretion, may include by joinder persons or entities substantially involved in a common question of law or fact whose presence is required if complete relief is to be accorded in arbitration, provided that the party sought to be joined consents in writing to such joinder. Consent to arbitration involving an additional person or entity shall not constitute consent to arbitration of any claim, dispute or other matter in question not described in the written consent.

§ 8.3.4.3 The Owner and Architect grant to any person or entity made a party to an arbitration conducted under this Section 8.3, whether by joinder or consolidation, the same rights of joinder and consolidation as the Owner and Architect under this Agreement.

§ 8.4 The provisions of this Article 8 shall survive the termination of this Agreement.

## ARTICLE 9 TERMINATION OR SUSPENSION

§ 9.1 If the Owner fails to make payments to the Architect in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Architect's option, cause for suspension of performance of services under this Agreement. If the Architect elects to suspend services, the Architect shall give seven days' written notice to the Owner before suspending services. In the event of a suspension of services, the Architect shall have no liability to the Owner for delay or damage caused the Owner because of such suspension of services. Before resuming services, the Owner shall pay the Architect all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 9.2 If the Owner suspends the Project, the Architect shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the Architect shall be compensated for expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 9.3 If the Owner suspends the Project for more than 90 cumulative days for reasons other than the fault of the Architect, the Architect may terminate this Agreement by giving not less than seven days' written notice.

§ 9.4 Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

§ 9.5 The Owner may terminate this Agreement upon not less than seven days' written notice to the Architect for the Owner's convenience and without cause.

§ 9.6 In the event of termination not the fault of the Architect, the Architect shall be compensated for services performed prior to termination, Reimbursable Expenses incurred, and all costs attributable to termination, including the costs attributable to the Architect's termination of consultant agreements.

§ 9.7 In addition to any amounts paid under Section 9.6, if the Owner terminates this Agreement for its convenience pursuant to Section 9.5, or the Architect terminates this Agreement pursuant to Section 9.3, the Owner shall pay to the Architect the following fees:

*(Paragraphs Deleted)*

§ 9.8 Except as otherwise expressly provided herein, this Agreement shall terminate one year from the date of Substantial Completion.

## ARTICLE 10 MISCELLANEOUS PROVISIONS

§ 10.1 This Agreement shall be governed by the law of the place where the Project is located excluding that jurisdiction's choice of law rules. If the parties have selected arbitration as the method of binding dispute resolution, the Federal Arbitration Act shall govern Section 8.3.

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§ 10.2 Terms in this Agreement shall have the same meaning as those in AIA Document A104–2017, Standard Abbreviated Form of Agreement Between Owner and Contractor.

§ 10.3 The Owner and Architect, respectively, bind themselves, their agents, successors, assigns and legal representatives to this Agreement. Neither the Owner nor the Architect shall assign this Agreement without the written consent of the other, except that the Owner may assign this Agreement to a lender providing financing for the Project if the lender agrees to assume the Owner's rights and obligations under this Agreement, including any payments due to the Architect by the Owner prior to the assignment.

§ 10.4 If the Owner requests the Architect to execute certificates or consents, the proposed language of such certificates or consents shall be submitted to the Architect for review at least 14 days prior to the requested dates of execution. The Architect shall not be required to execute certificates or consents that would require knowledge, services or responsibilities beyond the scope of this Agreement.

§ 10.5 Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Owner or Architect.

§ 10.6 The Architect shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

§ 10.7 The Architect shall have the right to include photographic or artistic representations of the design of the Project among the Architect's promotional and professional materials. However, the Architect's materials shall not include information the Owner has identified in writing as confidential or proprietary. The Owner shall provide professional credit for the Architect in the Owner's promotional materials for the Project. This Section 10.7 shall survive the termination of this Agreement unless the Owner terminates this Agreement for cause pursuant to Section 9.4.

§ 10.8 The invalidity of any provision of the Agreement shall not invalidate the Agreement or its remaining provisions. If it is determined that any provision of the Agreement violates any law, or is otherwise invalid or unenforceable, then that provision shall be revised to the extent necessary to make that provision legal and enforceable. In such case the Agreement shall be construed, to the fullest extent permitted by law, to give effect to the parties' intentions and purposes in executing the Agreement.

## ARTICLE 11 COMPENSATION

§ 11.1 For the Architect's Basic Services described under Article 3, the Owner shall compensate the Architect as follows:

- .1 Stipulated Sum  
(Insert amount)

Lump Sum of \$26,250.00, based upon a maximum construction cost of \$250,000.00

- .2 Percentage Basis  
(Insert percentage value)

( ) % of the Owner's budget for the Cost of the Work, as calculated in accordance with Section 11.6.

- .3 Other  
(Describe the method of compensation)

§ 11.2 For Supplemental Services identified in Section 4.1, the Owner shall compensate the Architect as follows:  
(Insert amount of, or basis for, compensation. If necessary, list specific services to which particular methods of compensation apply.)

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Unless otherwise negotiated, supplemental services shall be compensated on an hourly basis as per paragraph 11.7 of this agreement.

**§ 11.3** For Additional Services that may arise during the course of the Project, including those under Section 4.2, the Owner shall compensate the Architect as follows:  
(Insert amount of, or basis for, compensation.)

Unless otherwise negotiated, additional services shall be compensated on an hourly basis as per paragraph 11.7 of this agreement.

**§ 11.4** Compensation for Supplemental and Additional Services of the Architect's consultants when not included in Section 11.2 or 11.3, shall be the amount invoiced to the Architect plus percent ( %), or as follows:

**§ 11.5** Where compensation for Basic Services is based on a stipulated sum or percentage of the Cost of the Work, the compensation for each phase of services shall be as follows:

Design Phase	Twenty-five	percent (	25	%)
Construction Documents Phase	Fifty	percent (	50	%)
Construction Phase	Twenty-Five	percent (	25	%)
Total Basic Compensation	one hundred	percent (	100	%)

**§ 11.6** When compensation identified in Section 11.1 is on a percentage basis, progress payments for each phase of Basic Services shall be calculated by multiplying the percentages identified in this Article by the Owner's most recent budget for the Cost of the Work. Compensation paid in previous progress payments shall not be adjusted based on subsequent updates to the Owner's budget for the Cost of the Work.

**§ 11.6.1** When compensation is on a percentage basis and any portions of the Project are deleted or otherwise not constructed, compensation for those portions of the Project shall be payable to the extent services are performed on those portions. The Architect shall be entitled to compensation in accordance with this Agreement for all services performed whether or not the Construction Phase is commenced.

**§ 11.7** The hourly billing rates for services of the Architect and the Architect's consultants, if any, are set forth below. The rates shall be adjusted in accordance with the Architect's and Architect's consultants' normal review practices.

(If applicable, attach an exhibit of hourly billing rates or insert them below.)

Employee or Category	Rate
Principal's Hourly Rate at \$174.00/hour	
Project Architect's Hourly Rate at \$145.00/hour	
Project Manager's Hourly Rate at \$128.00/hour	
Intern Architect's Hourly Rate at \$100.00/hour	
Technician's Hourly Rate at \$86.00/hour	
Office Manager/Clerical Hourly Rate at \$76.00/hour	
Other's Hourly Rate at Three (3) Times Direct Expenses	

**§ 11.8 Compensation for Reimbursable Expenses**

**§ 11.8.1** Reimbursable Expenses are in addition to compensation for Basic, Supplemental, and Additional Services and include expenses incurred by the Architect and the Architect's consultants directly related to the Project, as follows:

.1

(Paragraph Deleted)

- .3 Permitting and other fees required by authorities having jurisdiction over the Project;
- .4 Printing, reproductions, plots, and standard form documents;
- .5 Postage, handling, and delivery;
- .6
- .7 Renderings, physical models, mock-ups, professional photography, and presentation materials requested by the Owner or required for the Project;
- .8 Expense of professional liability insurance dedicated exclusively to this Project or the expense of additional insurance coverage or limits requested by the Owner in excess of that normally maintained by the Architect and the Architect's consultants;
- .9 All taxes levied on professional services and on reimbursable expenses;
- .10
- .11 Other similar Project-related expenditures.

§ 11.8.2 For Reimbursable Expenses the compensation shall be the expenses incurred by the Architect and the Architect's consultants plus fifteen percent ( 15 %) of the expenses incurred.

#### § 11.9 Payments to the Architect

##### § 11.9.1 Initial Payment

An initial payment of N/A (\$ ) shall be made upon execution of this Agreement and is the minimum payment under this Agreement. It shall be credited to the Owner's account in the final invoice.

##### § 11.9.2 Progress Payments

§ 11.9.2.1 Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. Payments are due and payable upon presentation of the Architect's invoice. Amounts unpaid thirty ( 30 ) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Architect.

*(Insert rate of monthly or annual interest agreed upon.)*

10 % per annum

§ 11.9.2.2 The Owner shall not withhold amounts from the Architect's compensation to impose a penalty or liquidated damages on the Architect, or to offset sums requested by or paid to contractors for the cost of changes in the Work unless the Architect agrees or has been found liable for the amounts in a binding dispute resolution proceeding.

§ 11.9.2.3 Records of Reimbursable Expenses, expenses pertaining to Additional Services, and services performed on the basis of hourly rates shall be available to the Owner at mutually convenient times.

#### ARTICLE 12 SPECIAL TERMS AND CONDITIONS

Special terms and conditions that modify this Agreement are as follows:

*(Include other terms and conditions applicable to this Agreement.)*

Unknown at this time.

#### ARTICLE 13 SCOPE OF THE AGREEMENT

§ 13.1 This Agreement represents the entire and integrated agreement between the Owner and the Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Owner and Architect.

§ 13.2 This Agreement is comprised of the following documents identified below:

- .1 AIA Document B104™–2017, Standard Abbreviated Form of Agreement Between Owner and Architect

(Paragraph Deleted)



**.3 Exhibits:**

*(Clearly identify any other exhibits incorporated into this Agreement, including any exhibits identified in Section 4.1.)*

letter of Proposal dated May 25, 2025 (attached)

**.4 Other documents:**

*(List other documents, if any, including additional scopes of service forming part of the Agreement.)*

This Agreement entered into as of the day and year first written above

OWNER (Signature)

Honorable Doug Sprouse, Mayor of Springdale,  
Arkansas

*(Printed name and title)*

ARCHITECT (Signature)

Gary Clements, President Clements &  
Associates/Architecture, Inc.

*(Printed name, title, and license number, if required)*

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May 25, 2023

Honorable Mayor Doug Sprouse  
City Hall  
201 Spring Street  
Springdale, AR 72764

Re: Exterior Restoration  
Beely-Johnson American Legion Post 139  
200 North Spring Street  
Springdale, AR

Greetings Mayor Sprouse,

It was a pleasure to meet you and the American Legion representatives at the facility, as well as to tour the historic building. The American Legion building is a significant historic structure located in a prime location next to Spring Street and across the creek from the Shiloh Museum grounds. The building appears to be largely unaltered since its original construction, though an addition was added at the rear and interior finishes has been updated over time.

Our discussion was to concentrate the initial efforts on the exterior restoration, which will provide us with more opportunity to study the existing conditions of the interior and the building's systems for later phases of the building's upgrade. The proposed exterior scope will include the restoration of the windows, roofing, exterior carpentry needs, and painting; but will also address code deficiencies and accessibility needs. Without performing an assessment of the exterior and interior needs, which can be a lengthy process, we have recommended that we be retained to design the first phase improvement scope of work and documents and while studying the building for the first phase, we will have the opportunity to explore the interior of the building and its conditions, including the attic and crawlspaces, for recommendations for later consideration.

The proposed fee for the first phase is 10 ½% based upon the Arkansas Building Authority consultant fee chart for historic buildings. This fee for complete architectural services, including bidding and construction administration. We believe that the scope and cost of the construction for the initial phase will be in the \$200-250k range. Architectural design services are provided in multiple steps. The initial step is referred to as the "Schematic Design Phase" which will result in a schematic cost estimate for the anticipated work, so the City will have an opinion of the cost about 20% into the design process; for the City's use and decision making process.

We can begin this design work in a short period of time. Currently we are already providing design services for other local historic buildings in the area.

Thank you for this opportunity to preserve another historic building for the City of Springdale.  
If you have any questions, please contact me.


Respectfully,

Gary Clements, AIA



Thank you for this opportunity to preserve another historic building for the City of Springdale.  
If you have any questions, please contact me.

Respectfully,

  
Gary Clements, AIA





ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 2101 W. HUNTSVILLE AVE.; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, Amanda A. Berganza, is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

A Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 34, Township 18 North, Range 30 West, Washington County, Arkansas, described as beginning at the Northwest corner of said 40 acre tract and running thence East four hundred sixty-nine and thirty-one one-hundredths (469.31) feet for a beginning corner to the lands herein conveyed and running thence South six hundred eighty-six and seven-tenths (686.7) feet; thence East one hundred ninety and three-tenths (190.3) feet; thence North six hundred eighty-six and seven-tenths (686.7) feet; thence West one hundred ninety and three tenths (190.3) feet to the place of beginning, containing three (3) acres, more or less. Less and except the following described land: part of the NE 1/4 of the SE 1/4, of Section 34, Township 18 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: starting at the SW corner of the NE 1/4 of the SE 1/4 of Section 34; thence North 01 degree 16'25" East along the West line thereof a distance of 1282.20 feet to a point on the Southerly existing right-of-way line of West Huntsville Avenue; Thence South 88 degrees 17'51" East along said existing right-of way line a distance of 165.06 feet to a point; then North 01 degrees 16'25" East along said existing right-of-way line a distance of 5.00 feet to a point; thence South 88 degrees 17'51" East along said existing right-of-way line a distance of 306.70 feet for the point of beginning; thence continue South 88 degrees 17'51" East along the Southerly existing right-of-way line of West Huntsville Avenue a distance of 192.72 feet to a point; thence South 01 degrees 57'47" West a distance of 13.00 feet to a point on the Southerly proposed right-of-way of West Huntsville Avenue; thence North 88 degrees 17'51" West along said proposed right-of-way line a distance of 53.40 feet to a point; thence South 01 degrees 42'09" West along said proposed right-of-way line a distance of 2.00 feet to a point; thence North 88 degrees 17'51" West along said proposed right-of-way line a distance of 139.16 feet to point; thence North 01 degrees 19'21" East a distance of 15.00 feet to the point of beginning and containing 0.06 acres, more or less.

Commonly known as 2101 W. Huntsville Avenue, Springdale, Washington County, Arkansas

Tax Parcel No.815-29825-000

**WHEREAS**, the structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, *et seq.*);

**WHEREAS**, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

**WHEREAS**, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

**WHEREAS**, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

**WHEREAS**, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:**

**Section 1.** That the structure located at 2101 W. Huntsville Avenue, Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

**Section 2.** That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

**Section 3.** If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

**Section 4. EMERGENCY CLAUSE:** The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Ernest B. Cate  
City Attorney  
ecate@springdalear.gov

Taylor Samples  
Senior Deputy City Attorney  
tsamples@springdalear.gov

David D. Phillips  
Deputy City Attorney  
dphillips@springdalear.gov

Garrett Harlan  
Deputy City Attorney  
gharlan@springdalear.gov



**SPRINGDALE**<sup>TM</sup>  
WE'RE MAKING IT HAPPEN

**OFFICE OF CITY ATTORNEY**

201 Spring Street • Springdale, Arkansas 72764

Phone (479) 750-8173 • Fax (479) 750-4732

[www.springdalear.gov](http://www.springdalear.gov)

Giselle Gonzalez  
Case Coordinator/Victim Advocate  
ggonzalez@springdalear.gov

Steve Helms  
Investigator  
shelms@springdalear.gov

Dixie Putt  
Administrative Legal Assistant/Paralegal  
dputt@springdalear.gov

Sasha Bennett  
File/Discovery Clerk  
sabennett@springdalear.gov

May 26, 2023

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Amanda Berganza  
288 Brandon's Loop  
Springdale, AR 72762

United Bank  
2600 South Thompson Street  
Springdale, AR 72764

RE: Property located at 2101 West Huntsville Ave.  
Springdale, Washington County, Arkansas

Dear Ms. Berganza:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 2101 West Huntsville Ave. and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 2101 West Huntsville, Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be reviewing the enclosed ordinance at a Committee Meeting that will take place at 5:30 p.m. on Wednesday, July 5, 2023, in the Tiered Training room located on the second floor of the City Administration Building at 201 N. Spring Street, Springdale, Arkansas. Also, the enclosed ordinance will be placed on the Council Agenda to be considered on Tuesday, July 11, 2023. This meeting will take place in the Tiered Training room of the City Administration Building at 6:00 PM. I strongly encourage you to attend these meetings.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity; the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am sending this letter to you via regular mail as well.

Sincerely,



Ernest B. Cate  
City Attorney

Enclosure  
EBC:dp

cc: Chief Building Inspector



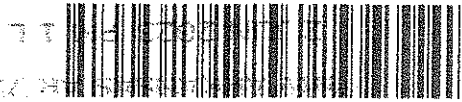
Office of the City Attorney  
301 North Spring Street  
Springdale, AR 72764

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**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3.

Print your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Amanda Berganza  
288 Brandon's Loop  
Springdale, AR 72764



9590 9402 7283 2028 6476 54

Article Number (Transfer from service label)

7020 0640 0001 3065 6417

Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Berganza

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☒ Signature Confirmation™

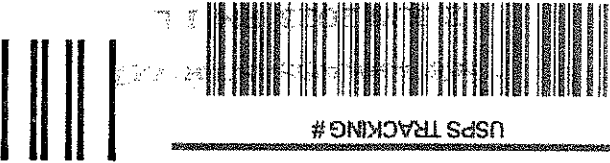
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Office of the City Attorney  
221 North Spring Street  
Springdale, AR 72704

United States  
Postal Service

9590 9402 7283 2028 6476 47



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

United Bank  
2600 South Thompson  
Springdale, AR 72764



9590 9402 7283 2028 6476 47

Article Number (Transfer from service label)

7020 0640 0001 3065 6424

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Patton Seal*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Patton Seal

C. Date of Delivery

6/2/2023

D. Is delivery address different from Item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

**RESOLUTION NO.**

**A RESOLUTION AMENDING THE 2023  
BUDGET OF THE CITY OF SPRINGDALE  
PARKS AND RECREATION DEPARTMENT**

**WHEREAS**, the Parks and Recreation Department has received funds that have not been appropriated from insurance settlements, and

**WHEREAS**, the Parks and Recreation Director has requested that these funds be appropriated for Buildings and Grounds;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the 2023 budget of the City of Springdale Parks and Recreation Department is hereby amended as follows:

			Present		Proposed
<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Budget</u>	<u>Increase</u>	<u>Budget</u>
Parks and Rec	10103014515101	Buildings and Grounds	\$330,0000	\$79,950	\$409,950

**PASSED AND APPROVED** this 25<sup>th</sup> day of July, 2023.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney



## DEPARTMENT FUNDING REQUEST

Department: <b>Parks &amp; Recreation</b>		Date: <u>7/12/2023</u>
Point of Contact: Chad Wolf	Amount Requested: \$ 79,950	
Date to be Presented to Committee: <u>July</u> / <u>17</u> / <u>2023</u>		
Brief Description of Funding Request:  2023 Budget of Parks and Rec be amended to transfer \$79,950 from the "Insurance Recovery Account" to "Buildings and Grounds Account" for damage to the gym floor		
Funding Source: (General Fund, Special Fund, etc.) Buildings and Grounds		
<b>IS IT BUDGETED?</b>		
<b>YES <input checked="" type="checkbox"/></b>		<b>NO <input type="checkbox"/></b>
\$0 - \$34,999 No Council approval needed		<input type="checkbox"/> \$0 - \$4,999
Request to waive bidding? <input type="checkbox"/> Buy Board <input type="checkbox"/> Sole Source		<input type="checkbox"/> \$5,000 - \$34,999 Requires <b>3</b> Quotes
Signature: <i>Chad Wolf</i>		<input type="checkbox"/> \$35,000+ Requires Bid
Please attach supplemental information		Request to waive bidding? <input type="checkbox"/> Buy Board <input type="checkbox"/> Sole Source



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING THE REVISIONS TO THE  
DEPARTMENT MANUAL OF THE SPRINGDALE POLICE  
DEPARTMENT, PURSUANT TO ARK. CODE ANN. §14-51-  
302, AND REPEALING AND REPLACING ALL PRIOR  
RESOLUTIONS PERTAINING THERETO**

**WHEREAS**, on April 9, 1996, the City Council for the City of Springdale, Arkansas, passed Resolution 15-96, adopting the Operations Manual of the Springdale Police Department;

**WHEREAS**, the Operations Manual of the Springdale Police Department was subsequently amended by resolutions passed by the City Council for the City of Springdale, Arkansas, most recently by Resolution 49-20 passed by the City Council for the City of Springdale, Arkansas, on April 28, 2020;

**WHEREAS**, Ark. Code Ann. §14-51-302 provides that employees in any police department shall be governed by rules and regulations set out by the Chief of Police after rules and regulations have been adopted by the governing body of the municipality;

**WHEREAS**, the Operations Manual of the Springdale Police Department has been revised and updated, and the Chief of Police wishes to repeal and replace all prior resolutions pertaining to the Operations Manual of the Springdale Police Department, and to incorporate the revisions to the Department Manual for the Springdale Police Department effective August 1, 2023;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that a document known as the Department Manual for the Springdale Police Department, dated August 1, 2023, is hereby adopted, pursuant to Ark. Code Ann. §14-51-302, the employees of the Springdale Police Department shall be governed by this Department Manual, and all prior resolutions pertaining to the operations manual of the Springdale Police Department are hereby repealed and replaced.

**PASSED AND APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney



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## MEMORANDUM

To: Mayor Doug Sprouse, Colby Fulfer, Ernest Cate, and Gina Lewis

From: Chief Frank Gamble

Date: July 12, 2023

Re: 2023 SPD Policy Manual Changes

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The Springdale Police Department is required to do an annual review of our policy and procedure manual as part of our continued accreditation process. I have attached a memo from Assistant Chief Hudson explaining the changes that are being made that will go into effect on August 1st, 2023. We are requesting that the council have the opportunity to review and approve our 2023 policy manual changes. Please let me know if there are any questions or concerns. We request that this be brought forward at the July 17<sup>th</sup> City Council committee meeting.

Respectfully,

A handwritten signature in blue ink, appearing to read "Frank Gamble".

Chief Frank Gamble  
Springdale Police Department



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To: Chief Frank Gamble  
From: Assistant Chief Derek Hudson  
Date: July 11, 2023  
**Re: SPD Annual Policy Review**

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As per our accreditation standards and best practices, an annual review of our SPD Department Manual has been completed. We have accepted input from all department members and reviewed any changes to Federal Law, State Law and ALEAP Standards, since the last review. With these changes, our department manual remains fully compliant.

Below is a summary of all the changes that I am asking you to approve for distribution to all employees:

- **Memo 2023-002**
  - Changes to Class A and Class B Uniforms pin placement.
- **Policy 1.04 Organizational Structure**
  - Add Division Commander reports to Assistant Chief under Descriptions for Division Commander.
- **Policy 2.03 Internal Affairs**
  - Changes to Chain of Command and Division assigned.
- **Policy 4.01 General Appearance**
  - Add clarity to sideburns and cosmetics sections.
- **Policy 4.02 Uniforms and Dress**
  - Changes to Class C Uniforms (BDU and Bike Patrol)

- **Policy 5.01 Use and Care of Vehicles**
  - Change chains “shall” not to “should” not be operated over 30 MPH.
  - Change when vehicles are allowed to be left on to reflect “Absent any legitimate police function, vehicles shall be turned off and properly secured any time the driver is away from the immediate area of the vehicle.”
  - Add “UTVs” to special purpose vehicles list.
  - Updated that when contraband is located in vehicle it will be submitted to evidence by the end of the shift as well as change “incident report number” to “incident number”.
  - Updates to fueling, maintenance and inspection requirements.
- **Policy 5.03 (BWC) and Policy 5.04 (MVR)**
  - Remove Electronic Storage and add to 17.03 Retention and Destruction.
- **Policy 7.09 Military Activations**
  - Corrected City Policy number when referencing “Military Leave and Re-Employment of Veterans”
  - Standardized “assigned partner” instead of FTO for the reintegration program.
- **Policy 7.12 Stress Management (CISM)**
  - Add “to” to “may not wish to participate” on the bottom of page 5.
- **Policy 7.13**
  - Added a Death Notification Policy
- **Policy 7.14**
  - Added a Line of Duty Death Policy
- **Policy 8.03 Fingerprinting and Photographing**
  - Updated Juvenile Fingerprinting to match current law saying when a juvenile is arrested for an offense that if committed by an adult would constitute a Class Y, Class A, or Class B felony



the juvenile shall be photographed and fingerprinted by the law enforcement agency.

- **Policy 9.01 Response to Resistance**
  - Add Building Security Officer to Officer Definition
- **Policy 9.02 Response to Resistance Reporting**
  - Minor changes to definitions.
  - Updates to reflect current practices due to digital reporting.
- **Policy 9.03 Conducted Electrical Weapons**
  - Minor changes to definitions.
- **Policy 9.04 OC/CS Based Weapons**
  - Specify JPX deployment zone to being different than normal OC/CS by defining primary target to be nose, eyes and mouth with the laser aimpoint being the upper lip and secondarily the upper chest and neck area.
- **Policy 10.03 Vehicle Pursuit and Emergency Vehicle Operations**
  - Remove code-two from emergency operation definition
  - Change report process to match current practices.
- **Policy 10.08 Impoundment of Vehicles**
  - Remove some redundant wording, and make minor changes to discretionary tow exceptions to say “as otherwise authorized by law” instead of specific statutes.
- **Policy 10.10 Missing Persons**
  - The wording on when checking the house for a missing child from “shall” to “should” check the house and grounds to include places where children could be trapped, asleep, or hiding.

- **Policy 10.13**
  - Added StarChase Policy. Add that a device will not be deployed at a vehicle with an open cab. Change wording to clarify the device will not be used to track a vehicle for any other purpose than to locate and recover the tagged vehicle and suspect apprehension.
- **Policy 11.14**
  - Added Incident Command Policy which is designed to lay out the organizational structure for when the Incident Command System is utilized.
- **Policy 12.01 Collisions Investigation**
  - Private Property Collisions have been reworded to “Private property traffic collisions involving personal injury or damage in excess of \$1000 (per A.C.A.27-19-501) shall be completed on the state form.” In accordance with the new law updates.
- **Policy 13.02 Lethal Force Incident**
  - “Critical Incidents” has been renamed to be “Lethal Force Incident”
  - Throughout the policy the wording was changed to reflect the term “lethal force incidents”
  - Added section in regards to a public safety statement.
- **Policy 13.09 “T” “U” Visa Certifications**
  - Changed definitions regarding I-918B Form.
- **Policy 15.02 Holding Facilities**
  - Change reporting an escaped detainee to on “duty-supervisor” from “officer”, change “body cavity search” to “strip search” in the processing section.
- **Policy 15.03 Strip and Body Cavity Searches**
  - Change to “On the basis of a search warrant, a body cavity search shall be performed only by trained medical personnel at a designated hospital or medical facility.”

- Change to “An officer of the same sex shall stay present during the search to ensure chain of custody of any weapons, evidence, or contraband found.”
- **Policy 16.02 Court and Subpoenas**
  - Update docket website for the new city website as well as where the location of the docket is posted for officers to see.
- **Policy 17.01**
  - Remove Evidence Retention and Property Disposal and add to Policy 17.03 Retention and Destruction.
- **Policy 17.03**
  - Added Retention and Destruction Policy.
- **Policy 18.01 Canine Operations**
  - Update Canine pursuit to allow for involvement in a pursuit without supervisor permission but if the canine is primary, they should drop back to secondary once another unit arrives.
  - Add requirement for Basic Handler/Canine Training or a National Certification being required prior to the Canine being deployed.
- **Policy 18.03 Crisis Negotiation Unit**
  - Incident Command now refers to the new Incident Command Policy 11.14.
- **Policy 18.05 Special Weapons and Tactics**
  - Add “Terrorist Incident” to Mission details
  - Incident Command new refers to the new Incident Command Policy 11.14.
  - The incident commander can make exceptions to the primary and secondary duties of a SWAT member in relation to call outs.
  - The role of “Precision Marksman Element Leader” has been removed and “Squad Leader” has been added.

- New specialties within the unit have been added to include Reconnaissance/Precision marksmen, Less Lethal, Logistics, and Technology.
- Tactical Medics qualifications have been added to include part time 2 certified and carrying less lethal options.
- The SWAT selection process has added additional minimum requirements
- The “PepperBall System” was added to the training list
- Monthly training is no longer subject to such things as "if possible, if time permits, or when staffing allows."
- Performance Standards have been updated.

It should also be noted that we added proper ALEAP labeling to various policies in compliance with the newest Edition 4 for our accreditation standards and made other minor grammatical changes which do not affect the meaning of the policy.

Once approved I have all policies set to go into effect on August 1, 2023.

Respectfully,

A handwritten signature in blue ink, appearing to read "Derek Hudson". The signature is stylized with a large, sweeping initial "D" and a cursive "Hudson".

Derek Hudson  
Assistant Chief of Police  
Springdale Police Department



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## DEPARTMENT MEMO 2023-002

To: All SPD Employees  
From: Chief Frank Gamble  
Date: August 1, 2023  
Re: **Uniform Pin Placement**

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In compliance with SPD Policy 4.02 Uniforms and Dress, this memo shall serve as a standard operating procedure for the placement of pins and insignia on Class A and Class B Department Uniforms.

### **Name Plate:**

- Shall be placed above the right pocket, centered.
- Bottom of name plate shall rest on top of pocket seam.

### **Years of Service Pin:**

- Shall only wear the "Star" pin.
- Shall be placed on right pocket, below the name plate.
- Shall be centered to the button hole, centered between the top of the pocket and the button.
- The Years of Service Pin may also be worn on Class-A, and considered an award/medal for purposes of this memo.

### **Specialty Pins – Class A and Class B Dress Uniform Only:**

- Shall be placed on the left pocket.
- Shall be centered to the button hole, centered between the top of the pocket and the button, below the badge.
- Maximum of 2 displayed on the uniform.
- Must be current and active in specialty to wear pin.



### **Awards & Medals – Class A Uniform Only:**

- Shall be placed on right pocket.
- Medals shall be centered to button hole, centered between the top of the pocket and the button, below name plate.
- Multiple medals shall extend in a single line, parallel to top pocket seam, evenly spaced. The entire line of medals shall be centered with button hole, centered between the top of the pocket and the button.
- No more than 3 awards/medals shall be worn at one time. The Years of Service Pin may be considered an award/medal for purposes of this memo.
  - For consistency, if the Years of Service Pin is worn with medals, it shall either be centered with 3 pins, or to the left w/ 2 pins.

### **Department Tie – Class A Uniform Only:**

- Shall be worn with round State of Arkansas pin.
- Bottom of the tie should be at or near the top of the gun belt.

### **Collar Brass:**

- Officer (Class A Dress Uniform Only)
  - SPD Pin on both collars.
  - Bottom of SPD Pin shall be parallel to and rest upon bottom seam/stitching and be ½ inch from front of collar.
- Corporal (Class A Dress Uniform Only)
  - Corporal rank insignia on both collars.
  - Bottom of chevrons shall be parallel to and rest upon bottom seam/stitching and be ½ inch from front of collar.
- Sergeant (Class A Dress Uniform Only)
  - Sergeant rank insignia on both collars.
  - Bottom of chevrons shall be parallel to and rest upon bottom seam/stitching and be ½ inch from front of collar.
- Lieutenant
  - Lieutenant rank insignia on both collars.

- Bar shall be parallel with and rest upon front seam/stitching, centered on the bottom of the collar.
- Captain
  - Captain rank insignia on both collars.
  - Bar shall be parallel with and rest upon front seam/stitching, centered on the bottom of the collar.

An addendum to this memo will include all department approved pins. No other pins and insignia shall be worn on the SPD Uniform unless otherwise approved by the Chief of Police.

Sincerely,




Chief Frank Gamble  
Springdale Police Department



# Springdale Police Department



Policy 1.04	Organizational Structure
ACA:	ALEAP: 1.08
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** To describe the Department's organizational structure and to assign responsibilities, functions, and other duties of each organizational component.
- II. **Policy:** The organization of the agency will be structured to efficiently deliver services and achieve goals.
- III. **Definitions:** The organizational structure of the Springdale Police Department is outlined in definitions as set forth in the following paragraphs and charts. These definitions provide the standard terminology by which the various functional levels of operation within the department are to be designated. [See GO-0104 Organizational Charts]
  - A. **Department** -- Department means the Springdale Police Department.
  - B. **Division** -- A division is a primary subdivision of the department with responsibility for providing specific functions.
  - C. **Shift** -- A shift is one of several tours of duty, usually consisting of a designated number of hours within a twenty-four-hour period.

## IV. Procedures

### A. Chain of Command

1. To preserve the unity of command and for the purpose of reporting and accountability, employees will adhere to the following chain of command:
  - a. The Assistant Chief of Police is accountable to and will report to the Chief of Police.
  - b. Captains are accountable to and will report to the Assistant Chief of Police or the Chief in the absence of the Assistant Chief.
  - c. Lieutenants are accountable to and will report to their Captains, Assistant Chief or the Chief of Police in the absence of their Captains.

- d. Sergeants are accountable to and will report to their Lieutenant or the Captain in the absence of their Lieutenant.
- e. Corporals are accountable to and will report to their Sergeant or the Lieutenant in the absence of their Sergeant.
- f. Employees below the rank of Corporal and civilian employees are accountable to and will report to their respective immediate supervisor.
- g. At the scene of a police incident where procedure is not clearly indicated by policy, the ranking on duty supervisor at the scene will be in charge and responsible for the proper conclusion of that incident. In the absence of a supervisor, the senior officer present will be in charge of and responsible for the handling of the incident. The supervisor or senior officer will remain at the incident until the incident is under control and is being properly handled in accordance with existing policies. Where two or more officers of the same rank are present and one of these is assigned to the investigative detail that will follow up the investigation, that officer will be in charge.

## **B. General Orders Relative to the Chain of Command**

- 1. The Chain of Command descends from the Chief of Police and ascends from the lowest rank. The Chain of Command shall be adhered to and be respected in the delegation of tasks and authority and all inter-departmental communications.
- 2. Members shall not by-pass their Supervisor except as set forth in policy and procedure.
- 3. If a member of the department believes that an unfair decision has been made by an immediate supervisor, that member may request that the matter be reviewed by the next higher supervisor in the chain of command or the Chief of Police. The member may also file a grievance with Human Resources.
- 4. In no way will a member of the chain of command discourage, harass or in any way prohibit another member from reaching the top of the chain of command, this being the Chief of Police. Any member in the chain of command who is guilty of such activities will be in violation of this order, regardless of rank.
- 5. In case of a violation, the member alleging the violation should make a written request for a meeting with the Chief of Police and should specify the violation and the violator.

## **C. Succession of Command**

- 1. In order to identify the Springdale Police Department leadership, the following succession of command is established:
  - a. In the absence of the Chief of Police, the Assistant Chief of Police assumes command.

- b. In the absence of the Assistant Chief of Police, the Administrative Captain assumes command.
- c. In the absence of the Administrative Captain, the senior Division Commander assumes command unless otherwise appointed by the Chief of Police.
- d. Concerning absence within a Division, the next senior ranking supervisor assumes command or supervision responsibilities unless otherwise appointed by the Chief of Police or Division Commander.
- e. In the extended absence within a Division, the Chief of Police may appoint a temporary replacement.
- f. In exceptional situations involving personnel of different functions engaged in a single operation, and time permits, the Chief of Police or appropriate Division Commander will appoint a Command Officer for the operation. In emergency situations, the Senior Officer in Rank will assume control until relieved by superior command.

#### **D. Command and Supervision Responsibilities**

- 1. Command and supervisory officers are responsible and accountable for the performance of employees under their control. The accountability includes, but is not limited to, the direction, coordination, control of assigned personnel, and discipline.

#### **E. Employee Responsibilities**

- 1. In order to permit effective supervision, direction and control, employees shall promptly obey a lawful order of a superior. This includes orders relayed by an employee of the same or lesser rank. [ALEAP 1.08]

#### **F. Conflicting Orders**

- 1. In the event conflicting orders are issued, the employee shall inform the superior who gave the last order of the conflict. If a resolution is not reached the employee shall follow the last order given and shall not be held responsible for the disobedience of the order previously issued. [ALEAP 1.08]

#### **G. Organizational Structure**

- 1. The department is managed by the Chief of Police and has four divisions reporting administratively and operationally through the Chief of Police. The four divisions are;
  - a. Patrol Division
  - b. Criminal Investigation Division
  - c. Administrative Division
  - d. Services Division



2. Supervisory personnel within the ranks of the department are accountable for the activities of employees under their immediate control.
3. To staff and manage the functions of the Springdale Police Department, certain ranks are incorporated into the structure to identify lines of responsibility and authority. The ranks also serve readily to identify the chain of command. These are the approved ranks of the Springdale Police Department. However, the organizational structure and policy provide that the Chief of Police may make assignments within the department despite rank. The rank structure is listed below in descending order:
  - a. Chief of Police
  - b. Assistant Chief of Police
  - c. Captain
  - d. Lieutenant
  - e. Sergeant
  - f. Corporal
  - g. Police Officer
4. Civilian Employees are accountable to and will report to their respective immediate supervisor.

#### **H. Responsibilities**

1. The Chief of Police is responsible for the operations of the Police department as a whole.
2. The Assistant Chief of Police is responsible for the day to day operations of the Police Department.
3. Captains are responsible for the operations of their respective divisions.
4. Lieutenants, Sergeants and Corporals are responsible for the operations of their respective shifts or units.
5. All supervisors are responsible for monitoring the performance of employees under their command.

#### **I. Division Description**

1. Patrol Division

The Patrol Division is operated under the command of the Patrol Commander reporting directly to the Assistant Chief. The Patrol Division is comprised of shifts that hold the responsibility of providing patrol services. Each shift is commanded by a Lieutenant and joined by Sergeants and Corporals that share the

supervisory tasks. The numerical composition of patrol officers within a shift may vary at times, depending on allocation, service demand and deployment of personnel.

## 2. Criminal Investigation Division

The Criminal Investigation Division is commanded by the Criminal Investigations Commander who reports directly to the Assistant Chief. The Criminal Investigations Division's responsibilities include the management of general crimes, conducting investigations and preparing for trial.

## 3. Administrative Division

The Administrative Division is commanded by the Administrative Commander reporting directly to the Assistant Chief. The Administrative Commander is responsible for the business operations of the department.


## 4. Service Division

The Service Division is commanded by the Services Commander reporting directly to the Assistant Chief. The Services Commander is responsible for functions of the department that support law enforcement activities.



# Springdale Police Department



Policy 2.03	Internal Affairs
ACA:	ALEAP: 2.04, 2.05, 2.09
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. Purpose:** To establish the authority, functions and responsibility of the Internal Affairs Unit.
- II. Policy:** It is the policy of the Springdale Police Department to promptly investigate all serious allegations of member misconduct in a thorough and expeditious manner to ensure the integrity of the Department and its members. The Department will maintain an internal system whereby this is accomplished.
- III. Procedures** [ALEAP 2.04]

**A. Internal Affairs:**

1. Internal Affairs will consist of the Administrative Captain and Administrative Lieutenant and will have responsibility for the internal affairs function, reporting to the Chief of Police.
2. The Internal Affairs Unit is the investigative unit of the office of the Chief of Police and shall be afforded the full assistance and cooperation of the departmental employees.
3. The Internal Affairs Unit will investigate all non-criminal incidents and allegations and any other such inquiry as directed by the Chief of Police.
4. The Internal Affairs Unit shall maintain a photo of all employees that can be used for internal investigations.
5. When the Chief of Police determines a matter requires investigation by the Internal Affairs, he will assign in writing an Investigative Officer(s) to investigate. The Investigative Officer will report on the investigation directly to the Chief of Police.

**B. Time Limits:**

1. Internal affairs investigations shall be completed within 30 days from the time of their receipt. However, the Chief of Police may grant an extension. [ALEAP 2.05]
2. At the completion of the internal affairs Investigation, the case file will be

forwarded to the Chief of Police for review. The Chief of Police will then have 14 days to assign a disposition to the case, including any necessary discipline. This timeline can be extended by the Chief of Police if necessary.

**C. Responsibilities:**

1. Allegations of violations of Departmental policy and Rules and Regulations will generally be investigated by the immediate supervisor of the involved employee unless otherwise assigned by the Chief of Police (i.e., rudeness, tardiness, insubordination, inefficiency, sleeping on duty, traffic violations, etc.).
2. Allegations of violations of criminal law, reports of corruption, breach of civil rights, major policy violations, allegations of excessive force and other allegations of a sensitive nature will be investigated by the Internal Affairs unless otherwise assigned by the Chief of Police.
3. The Chief of Police may direct the Internal Affairs to review any investigation conducted by a line supervisor.
4. The Internal Affairs will maintain a system of logging complaints against the department or its members, employee disciplinary action, defensive action reports investigations of officer involved accidents, and investigations of vehicle pursuits. The Internal Affairs unit will also maintain a record of officer commendations. The Internal Affairs will review and analyze such data for statistical comparisons and to identify positive and negative trends within the department.
5. All records and documents associated with personnel complaints and internal investigations will be maintained by the Internal Affairs. Those documents will be considered confidential in nature and will only be released under specific guidelines for disclosure as contained in the Arkansas Freedom of Information Act. [ALEAP 2.09]

**D. Notification and Investigation:**

1. Whenever department employees are notified that they have become the subjects of an internal affairs investigation, the employee shall be notified in writing of the incident or issue in question and the employee's rights and responsibilities relative to the investigation. However, the Chief or the Internal Affairs can elect not to notify the employee when to do so could jeopardize the investigation.
2. Questioning sessions shall be for reasonable periods, if possible. The sessions will be scheduled during the member/employee's normal duty hours and there shall be times allowed for personal necessities and rest periods as necessary. If questioning does occur during the member/employee's off-duty time, they shall be compensated for that time at the rate of one and one-half (1 1/2) times their normal rate of pay.
3. It shall be required that the member/employee under investigation cooperates fully and answers all questions. In the event the member/employees refuse to

answer questions or give a statement, further disciplinary action up to and including discharge will be considered.

4. If a member/employee is the target of a criminal investigation or is under arrest, the criminal investigation will be conducted prior to the completion of the Internal Affairs investigation. The purpose of the Internal Investigation is to determine if departmental policy has been violated, not to enter into any criminal investigation.
5. The member/employee will be advised of protection afforded them under the doctrine set forth in *Garrity vs. New Jersey*, 385 U.S. 493 (1967).
6. Upon completion of an internal investigation the Internal Affairs will submit a written report as to the findings. The investigating officer in all internal investigations shall be a finder of fact and shall not make any form of recommendation as to disciplinary action.
7. All department members involved in an internal affairs investigation will be advised, in writing, of the final finding of such investigation as pertaining to them personally.
8. The Chief of Police shall have the authority to assign an investigation outside the Internal Affairs should he/she determine a need to do so.

**E. Polygraph use in internal affairs investigations:**

1. All police employees are required to answer all questions and to answer truthfully. The Chief of Police may order any employee of the Springdale Police Department who is the subject of, or a witness in, an internal affairs investigation to submit to a polygraph examination. The questions asked in the polygraph examination will be narrow and specific in scope, relating only to the internal affairs investigation.
2. The examiner shall be selected by the Chief of Police or designee shall not be a member of the Springdale Police Department.
3. When an employee is ordered to submit to a polygraph examination, the information gained cannot be used against the employee in any subsequent criminal proceedings unless so stipulated by the employee.

**F. Evidence Collection:**

1. The Chief of Police or designee can direct any employee to submit to any medical or laboratory examination, to participate in a line up or submit to photographs when the actions are relevant to a specific internal investigation. All tests will be at the expense of the Department.
2. All documents, audio or video recording relative to the investigation will be collected by the Internal Affairs.
3. All material collected during the investigation will be maintained in a secure location by Internal Affairs.

**G. Right of officers to legal representation:**



1. The member/employee being questioned for a criminal matter shall have the right to be represented by counsel and they may be present during questioning.
2. An employee will be allowed to consult legal counsel during any phase of an internal affairs investigation and to have the attorney present during an internal affairs interview for personal consultation. This interview is not an adversarial process and therefore the attorney does not play a role in the process. All attorney cost will be the responsibility of the employee.


**H. Disposition of Internal Investigations: [ALEAP 2.04]**

1. Exonerated - The acts which provide the basis for the complaint or allegation occurred; however, the investigation revealed that they were justified, lawful, and proper.
2. Not Sustained - The investigation failed to disclose sufficient evidence to prove or disprove the allegations.
3. Sustained- The allegation(s) is supported by sufficient evidence to indicate the member/employee did, in fact, commit one or more of the alleged acts. Sustained complaints must be based on facts determined during the investigation or a preponderance of factual evidence.
4. Unfounded - The complaint has been investigated and found to be without merit or the acts or omissions did not occur or are not factual or the member/employee was not involved in the incident.
5. Policy failure - The allegation is true. However, the investigation reveals departmental policy or operational procedures are inadequate and require change.
6. Administratively Closed - A disposition used when investigations are completed with no final conclusion and action cannot be taken.
7. All corrective action will be noted within the investigation report and shall adhere to departmental policy and procedure.
8. All completed complaint investigations will be considered a part of the affected employee's job performance/evaluation record.



# Springdale Police Department



Policy 4.01	General Appearance
ACA:	ALEAP: 2.13
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. **Purpose:** This policy provides grooming and appearance standards for sworn police officers and uniformed employees. Officers should refer to this department's policy on uniform and dress standards for additional information on appearance. Non-sworn, non-uniform employees shall refer to City of Springdale Policy 3.3 "Attire/Grooming".
- II. **Policy:** Professional appearance of officers furthers the goals of this department by projecting a positive and professional image to the public. A positive image also reflects an officer's sense of pride, self-confidence, and command presence, which can enhance overall effectiveness. As such, this policy provides officers with departmental requirements for on-duty appearance related to grooming and personal hygiene.
- III. **Procedures:**
  - A. Exceptions to this policy may be made for officers working undercover assignments or for specialized assignments as authorized by a supervisor.
  - B. The Chief of Police, or his or her designee, has the final authority in determining acceptable standards for personnel grooming and appearance.
  - C. Officers shall be well groomed, clean, and maintain personal hygiene while on duty. Should incidents result in soiled clothing, unsanitary conditions, or a disheveled appearance, corrective measures shall be taken as soon as reasonably possible.
  - D. Body Art or Modification
    1. Intentional, non-medical body modification that cannot be concealed or eliminated, such as split tongues, gauged piercings, and facial implants is prohibited. Any additional piercings that cannot be concealed by clothing, such as those in the tongue, nose, lip, etc., must be removed while on duty or in uniform.
  - E. Tattoos, Brandings, or Intentional Scarring

1. Tattoos, brandings, or intentional scarring shall not be offensive, obscene or otherwise inappropriate.
2. Tattoos, brandings, or intentional scarring that are gang related; that convey sexual, racial, religious, ethnic, or related intolerances; that promote a partisan political statement or expression; or that portray derogatory or offensive characterizations contrary to the values of this department are prohibited.
3. Tattoos, brandings, or intentional scarring are not permitted on the neck, face, head or scalp.
4. Tattoos not prohibited in this section are permissible and do not require covering while on duty.

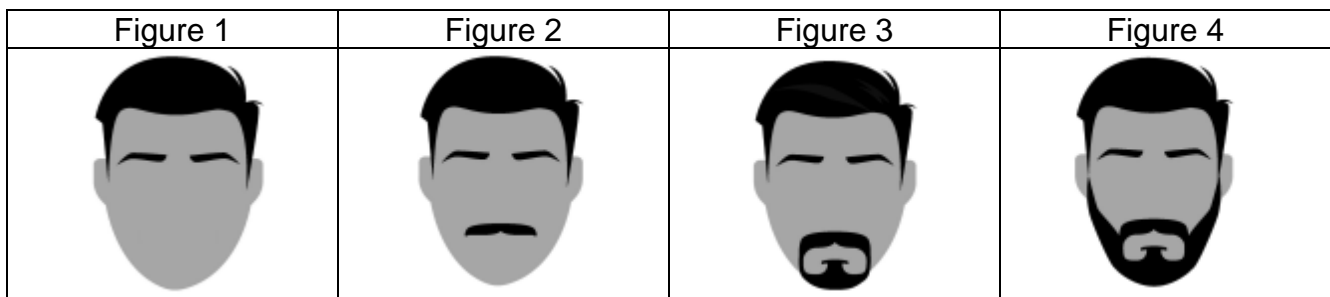
#### **F. Head Hair**

1. Head hair shall be neat, clean, and trimmed.
2. Hair coloring is permitted only in natural hair colors.
3. Wigs and hairpieces shall conform to standards for natural hair.
4. Male officers:
  - a. Male officers shall trim their hair so that it does not touch the uniform collar or top of the ears.
5. Female officers:
  - a. Shall wear their hair in professional styles and may be worn to the shoulder. If the hair begins to drape over the shoulder or lie on the shoulder, it must be secured back by a plain fastener.
  - b. No ribbons or ornaments will be worn in the hair except for neat and inconspicuous bobby pins, bands, and barrettes necessary to secure hair.

#### **G. Facial Hair**

1. Sideburns shall not extend beyond the middle of the ear, even in width not to exceed 1" at the bottom.
2. Male officers shall be permitted to maintain the following approved styles of facial hair:
  - i. **Clean Shaven** – no facial hair **(Figure 1).**
  - ii. **Mustache** – hair below the nose and above the upper lip **(Figure 2).**

- a. Shall be trimmed and not extend below the upper line of the upper lip.
  - b. If worn alone, may not extend below the corners of the mouth.
  - c. Extreme styles such as handlebar mustaches are prohibited.
- iii. **Goatee** – a mustache that extends down around the side of the mouth and joins hair on the chin, also referred to as a circle beard **(Figure 3)**.
  - a. Shall be worn with a mustache.
  - b. The cheeks, jaw line, and neck shall remain clean shaven.
- iv. **Natural Beard** – also referred to as a full set **(Figure 4)**.
  - a. Shall be worn with a mustache.
  - b. Shall cover the complete jaw line.
  - c. Cheeks shall be shaved on and above the cheekbone.
  - d. The neck shall be shaven on and below the Adam's apple.



3. The following styles of facial hair are **NOT** permitted:

- i. Chin Strap Beards – Beards that are trimmed to a thin line along the jaw.
- ii. Patchy Beards – Beards of uneven or patchy growth.
- iii. Beards Taking Excessive Time to Grow – If, after one week of growth, the beard remains patchy.
- iv. Designer Stubble – Beards shorter than 1/16th of an inch.

4. **All** facial hair shall conform to the following restrictions:

- i. The bulk of the beard (distance that the mass of facial hair protrudes from the skin of the face) shall not exceed  $\frac{1}{4}$  of an inch;
- ii. No portion of the beard shall be exceptionally longer than the rest;
- iii. No designs may be shaved into facial hair;
- iv. Facial hair must be neatly sculpted and trimmed at all times;
- v. Officers shall not claim a constant state of growth, only to avoid shaving on a regular basis; and,
- vi. Officers in assignments where the frequent use of a negative pressure respirator is likely, will only be permitted to maintain a style of approved facial hair that does not come into contact with the seal.

5. Supervisors shall:

- i. Ensure officers conform to an approved style of facial hair; and,
- ii. Retain final approval and judgement on whether facial hair is acceptable in appearance.
- iii. If at any time a supervisor determines the facial hair is not within policy standards, the employee will be required to make required changes or return to a clean-shaven face.

**H. Fingernails:**

- 1. Fingernails shall be clean and neatly cut at all times and not extend more than one-quarter inch beyond the fingertip.
- 2. Jewelry or ornamentation on fingernails is prohibited.

**I. Eyewear:**

- 1. Conservative design eyeglasses and sunglasses may be worn.

**J. Jewelry:**

- 1. Officers may wear a memorial band and / or a medical alert bracelet. All other bracelets are prohibited while on duty or in uniform.
- 2. Officers may wear watches and wedding bands.
- 3. Necklaces and neck chains of small diameter are permitted if they do not hold multiple or lengthy attachments, can be worn under the officer's uniform, and would not create a safety risk.



4. Female officers may wear conservative, small, matching earrings that do not extend below the earlobe. Earrings are prohibited for male officers while on duty or in uniform.

**K. Cosmetics:**

1. Cosmetics shall be applied in good taste so that colors blend with natural skin tone and enhance natural features.


**L. Dental Ornamentation:**

1. The use of gold, platinum, silver, or other veneer caps for the purpose of ornamentation is prohibited.
2. Teeth, whether natural, capped, or veneered, shall not be ornamented with designs, logos, jewels, initials, etc.
3. Unnatural shaping of teeth for nonmedical reasons is prohibited.



# Springdale Police Department



Policy 4.02	Uniforms and Dress
ACA:	ALEAP: 2.13
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. **Purpose:** This policy is established to regulate and standardize the appearance of uniforms and clothing worn by on-duty employees of the Springdale Police Department.
- II. **Policy:** It is the policy of the Springdale Police Department to promote a professional public image and maintain standardization in appearance.

### III. Definitions:

- A. **Soft Uniform:** Soft uniforms are intended for situations where identification as a department member is desired but the official uniform is not necessary or practical.
- B. **Duty Uniform:** The class B or C operational uniform for everyday police activities.
- C. **Dress Uniform:** A class-A uniform for wear on formal occasions.
- D. **Business Casual:**
1. For women, a reasonable length skirt, dress or dress trousers, or khaki style pants combined with a top (such as a dress shirt, or sweater set), and coordinated footwear is considered acceptable.
  2. For men, a combination of collared shirt (such as a dress shirt or polo shirt), mock-neck shirts, sweaters, dress pants or cotton trousers (such as khaki style pants), with a belt, and coordinating shoes.
- E. **Master Clothing and Equipment Checklist (MCEC):** The MCEC shall include all uniforms and equipment that are authorized for purchase and wear. The MCEC shall also include photographs of how to properly wear all uniform accessories.

### IV. Procedures:

- A. Uniforms:
1. The CLASS – A Dress Uniform will consist of a black long sleeve button up shirt, black pants without thigh pockets, black boots/shoes that will hold

a shine, authorized hat and black tie with department approved tie tack. The uniform shirt will have a police department patch on each shoulder, below which will be any stripes signifying authorized rank.

- a. Accessories for the uniform will consist of a pin-on badge, years of service pin, and name plate. All Officers will wear collar brass, approved specialty pins and awards.
  - b. Duty belt shall be basket weave leather with gold or silver buckle and gear shall only consist of authorized items. All items other than the inner belt and less-lethal weapon holder will be basket weave style with gold or silver snaps, unless otherwise approved by the Chief of Police.
  - c. Athletic type shoes / tennis shoes are not permitted with the Dress Uniform.
2. The CLASS – B Duty Uniform for sworn employees will consist of a black short or long sleeve button up uniform shirt, black pants, black undershirt and solid black boots / shoes. The uniform shirt will have a police department patch on each shoulder and when applicable stripes signifying their rank attached below the department patch on each arm. Officers may also wear an approved external vest carrier.
- a. Accessories for the uniform will consist of a pin-on badge, years of service pin, and name plate. Officers with the rank of Lieutenant and above will wear their rank on the collar.
  - b. Duty belt shall be basket weave leather with gold or silver buckle and gear shall only consist of authorized items. All items other than the inner belt and less-lethal weapon holder will be basket weave style with gold or silver snaps (rank), unless otherwise approved by the Chief of Police.
  - c. Approved SPD baseball caps are only allowed during bad weather conditions such as rain or snow.
3. The CLASS – C Duty Uniforms for sworn employees will consist of either of the two operational uniforms:
- a. K-9 Style BDU: Consists of a black short or long sleeve BDU style uniform shirt and pants, black undershirt and solid black boots / shoes. The BDU uniform shirt will have a police department patch on each shoulder and when applicable stripes signifying their rank attached below the department patch on each arm. The BDU uniform shirt will have a badge patch over the left pocket and a name patch over the right pocket. Officers may also wear an approved external vest carrier.
  - b. Bike Patrol Style Uniform: Consists of a black short or long sleeve polo style uniform shirt and either black Class-B pants or black bike

patrol style pants/shorts, black undershirt and solid black boots/shoes. If worn with shorts, officers will wear black tennis shoes with black ankle or quarter height socks. The bike uniform shirt will have a police department patch on each shoulder and when applicable stripes signifying their rank attached below the department patch on each arm. The bike uniform shirt will have a badge patch over the left pocket, a name patch over the right pocket, and a reflective "POLICE" patch on the back. Officers may also wear an approved external vest carrier.

- c. No accessories will be worn on either Specialty Uniform, including no pin-on badge, years of service pin, nor name plate. Officers with the rank of Lieutenant and above will have a patch of their rank on the collar.
- d. Duty belt shall be nylon and gear shall only consist of authorized items. All items other than the inner belt and less-lethal weapon holder will be nylon or kydex unless otherwise approved by the Chief of Police.
- e. Approved SPD baseball caps are authorized to wear with both Class-C Duty Uniforms.

#### 4. Hats:

- a. Authorized knit caps are permitted during periods of cold weather. They must be solid black, with the exception of optional wording of either "SPD" or "Police"; they are plain, they are form fitting, with no tassels or other attachments, and must be worn in a professional manner. Any cap deemed inappropriate by a supervisor will be denied use.
- b. Use of the campaign hat is optional unless directed by a supervisor. No hats will be worn indoors, while in uniform, with the exception of Honor Guard.
- c. When assigned to special duties such as SWAT, Negotiator, K-9, Bike Patrol, Special Events, etc. Officers may be allowed to wear authorized baseball type caps.

- 5. Jackets & Raingear: Refer to the Master Clothing & Equipment Checklist.
- 6. Body Armor: The department will issue body armor to each sworn officer of the department. When in uniform, officers shall wear body armor at all times, unless specifically exempted by the Chief of Police.
- 7. Officers are permitted to wear a turtle neck beneath their uniform shirt during periods of cold weather provided the turtleneck is solid black. It is permissible to have "SPD" or "Police" written on the turtle neck.

8. Uniformed employees may wear a black mourning band across the uniform badge in the event that a local law enforcement officer is killed in the line of duty, during law enforcement week, or with the approval of the Chief of Police.
9. Officers assigned to patrol duties or working uniform extra non-duty assignments are required to wear a Taser or JPX, and at least one additional less lethal force option. Certain exceptions may be granted by the division commander.

**B. Other Uniformed Personnel**

1. Traffic Safety Officers:

- a. The duty uniform will consist of a blue short sleeve or long sleeve button up shirt, black pants, and solid black boots/shoes. The uniform shirt will have a Traffic Safety patch on each shoulder.
  - i. Accessories for the uniform will consist of a pin on badge, name plate, and collar brass.

2. Building Security:

- a. The approved Building Security Uniform will consist of a blue short or long sleeve button up shirt, tan uniform pants, black undershirt and solid black boots / shoes. The uniform shirt will have a badge patch over the left pocket and a Velcro name patch over the right pocket. The police department patch will be sewn on the left sleeve and the American Flag will be sewn on the right sleeve
- b. No accessories will be worn on the Building Security Uniform, including no pin-on badge, years of service pin, nor name plate.
- c. Duty belt shall be nylon and gear shall only consist of authorized items. All items other than the inner belt and less-lethal weapon holder will be nylon or kydex unless otherwise approved by the Chief of Police.
- d. Approved SPD baseball caps are only allowed outside the criminal justice building.

3. Other Personnel

- a. In the event that specialized clothing or equipment is determined to be required for a particular assignment, the Division Commander will ensure proper attire is issued to the individual.

**C. Special Assignments and Units**



1. When assigned to special duties such as SWAT, Negotiator, Special Events, etc. Officers may be allowed to wear an approved alternate uniform.

**D. Sworn Non-Uniform Duty Assignments:**

1. Business casual shall be the normal daily attire, unless otherwise approved by a Division Commander.
2. All plain clothed assigned employees will be required to maintain at least one complete duty uniform, and one complete dress uniform ready to be worn at all times.
3. When not actively engaged in law enforcement activities non-uniformed officers should keep their weapon and badge covered from public view. The covering, jacket or vest, shall not be marked as law enforcement attire in any way including with Police, a badge or patch of any type.

**E. Soft Uniforms**

1. The soft uniform may be worn as deemed appropriate for an event or situation.
2. The uniform may consist of a shirt with sewn on badge or department insignia, pants, or other clothing authorized by the Division Commander.

**F. Extra Duty Jobs or Special Assignments**

1. Sworn Officers working extra duty employment or in special assignments will wear the specified uniform as designated for the detail.

**G. Training Classes:**

1. Business casual shall be the normal daily attire for classroom training, unless otherwise approved by a Division Commander.
2. Jeans or 5-11 style pants are permissible, provided they are neat, properly fitted and free of holes and tears.
3. Other exceptions may include classes involving defensive tactics, physical fitness or similar activity.

**H. Uniform Regulations**

1. Employees authorized to wear the police uniform must do so only as provided herein. Items not appearing on the Master Clothing and Equipment Checklist are not permitted to be worn on the uniform.
2. All uniform personnel will report at the designated time for roll call or detail in full uniform. Officers may not wear the Dress Uniform except when directed to do so by a supervisor or department directive.

3. Changes in style, type, and wearing of the uniform require the approval of the Chief of Police.
4. All employees are responsible for the proper maintenance and repair of any uniform, clothing, leather, or accessories issued to them. Employees are responsible for keeping their uniforms neat, clean, well pressed, and in good repair at all times.
5. No part of the official uniform may be worn except as part of a complete uniform. This includes the prohibition of the patrol duty jacket being worn with civilian clothing. Special jackets, such as bike patrol or negotiations may not be worn while on normal patrol duty.
6. No member of the department is permitted to wear any part of the uniform while on administrative leave or under suspension.

**I. Equipment**

1. Department equipment must be used in accordance with established procedures. Employees shall not abuse, alter, damage, or lose equipment, and every individual shall exercise responsibility in their care and use of equipment.
2. Employees must notify their supervisor immediately upon discovery of defective or hazardous equipment. Personnel are not permitted to make repairs or to alter equipment without the permission of their Division Commander or designee.

**J. Quartermaster System:** For information regarding the acquisition, replacement and inventory of uniforms and equipment, employees should refer to Policy 4.03 Quartermaster System.


**K. Supervisor Responsibility**

1. All supervisors will perform periodic inspections of their personnel to ensure compliance with these regulations.



# Springdale Police Department



Policy 5.01	Use and Care of Vehicles
ACA:	ALEAP: 7.22, 7.26, 7.27
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish departmental policy regarding the non-emergency operation, vehicle assignment, and care of department vehicles.
- II. **Policy:** It is the police department's policy for members to operate motor vehicles in a safe and defensive manner while observing all laws concerning motor vehicle operation. At all times, departmental vehicles are to be operated with due regard for the safety of lives and property. Vehicles are an expensive investment. Members are expected to operate and care for department vehicles in a manner to protect this investment.

### III. Procedures

#### A. Operation of vehicles generally:

1. Members will comply with all city ordinances and state laws when operating vehicles owned, rented, leased, or seized by the city.
2. Members are responsible for operating vehicles with care and preventing unnecessary wear and tear.
3. Personnel are responsible for their assigned vehicle's cleanliness and equipment. This will include the interior and exterior of the vehicle, ensuring that all fluids are at their proper levels and the tires are properly inflated.
4. All members will wear a properly adjusted seat belt when operating or riding in a city owned or operated vehicle while that vehicle is in motion as required by state law and city policy. (Does not apply to vehicles not equipped with seatbelts by the manufacturer). [ALEAP 7.22]
  - a. Members operating city owned or operated vehicles are responsible for ensuring that all passengers in the vehicle wear seatbelts while the vehicle is in motion.
  - b. Officers will seat belt all prisoners except when the prisoner is so combative that it makes the procedure hazardous.
5. Exceptions:

- a. Officers working in undercover assignments are not required to wear seatbelts while in the immediate presence of an informant or suspect.
  - b. Officers responding to a call or making a stop may release the seatbelt within 100 yards of their destination to facilitate a quick exit if the situation dictates.
  - c. No driver shall add, modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle that affects its operation or any equipment without permission from the Chief of Police.
  - d. The Department assumes no responsibility for personal equipment that is lost, stolen or damaged while in a Department vehicle.
6. No member will push another vehicle with a police vehicle unless properly equipped to do so. In no case will a police vehicle tow another vehicle.
7. During periods of snow and ice, chains or studded tires may be installed on police vehicles to aid traction. Vehicles equipped with chains should not be operated over 30 mph. Studded tire applications are not subject to the speed restriction.
8. Absent any legitimate police function, vehicles shall be turned off and properly secured any time the driver is away from the immediate area of the vehicle.
9. Special Purpose Police Vehicles [ALEAP 7.27]
- a. Special purpose police vehicles are employed for certain special conditions where typical vehicles will not be able to do the job. They may include, but are not limited to prisoner transport vans, community service vans, mobile command vehicles, armored SWAT vehicles, and UTVs.
  - b. No member will operate any special purpose vehicle or the equipment thereon unless he is familiar or has been trained in its operation.
  - c. When utilized, special purpose vehicles will only be driven to and from incident scenes, training locations or other designated duty-related locations. They are prohibited from being used for any other non-duty related stops.
  - d. All special purpose vehicles and the equipment thereon shall have a documented readiness inspection at least twice annually.
10. While operating a police vehicle each member of this department will abide by all regulations relating to radio communications.
11. While on duty officers will monitor their assigned primary radio channel.
12. All department vehicles shall be parked in a manner as to not impede the flow of traffic and with due regard for the safety and courtesy of others.
13. If an officer is required to park his vehicle on or adjacent to the roadway, the officer will make the vehicle as visible as possible with the use of emergency lights and flashers. Lights and flashers are not required when the vehicle is legally

parked, or when circumstances exist that would make the use of lights or flashers unsafe.

**B. Vehicle Inspections: [ALEAP 7.26]**

1. Prior to going on shift, members will inspect their vehicle for the following:
  - a. Unreported damage
  - b. Missing or inoperable equipment
  - c. Sufficient fuel, oil and other fluids
  - d. Properly inflated tires
  - e. Adequate tire tread depth
  - f. Contraband in the rear seat area
  - g. Properly secured and usable spare tire
  - h. Cleanliness
2. Members will report any missing equipment or damage in writing to their immediate supervisor prior to placing the vehicle into service. The supervisor shall forward the information to the Services Sergeant. Failure to report damage or missing equipment prior to placing the vehicle into operation may result in the member being held responsible for the damage or missing or found equipment

**C. Contraband**

1. Each vehicle will be inspected for contraband prior to its operation.
2. If contraband is recovered, the officer will obtain an incident number and will submit the contraband to the Property & Evidence Section prior to the end of shift.
3. The finding officer will immediately advise a supervisor of the situation.
4. The supervisor will make all reasonable attempts to locate the source of the contraband and will then take any and all action required based on that investigation.

**D. Preventative Maintenance**

1. Vehicle motor oil is to be changed in accordance with owner manual recommendations. Vehicle operators are responsible for ensuring their assigned vehicle's oil is changed as required.
2. Officers assigned to specific vehicles will ensure their vehicles are serviced in accordance with the vehicle owner's manual.

**E. Corrective Maintenance**

1. Except in emergency circumstances, no vehicle will be taken to an outside vendor for repairs without the authorization of the Support Sergeant or designee.
2. A vehicle that has been slightly damaged and is safe to operate can continue to be operated until repairs can be made. This is at the discretion of the on-duty supervisor.
3. All requests for routine maintenance work will be scheduled through the front office via fleet maintenance email or phone call.
4. It is the responsibility of an officer assigned a vehicle to take the vehicle to the department or any other location at the discretion of the Support Sergeant for repair or maintenance when requested to do so.
  - a. All weapons will be removed from the vehicle

**F. Emergency Repair Procedures**

1. If an emergency repair situation occurs on weekdays and during business hours, the officer will contact their immediate supervisor for instructions.
2. During all other hours, weekends and holidays, the officer will contact an immediate supervisor for instruction. The immediate supervisor will use their judgment to determine the best method to handle the situation.

**G. Vehicle Refueling Procedures:**

**1. Fuel Cards**

- a. Each departmental vehicle is equipped with a fuel card assigned to that vehicle.
- b. The fuel card is to remain with the vehicle at all times.
- c. The vehicle fuel cards shall not be used to obtain fuel for other vehicles.
- d. Should the card be lost, stolen, or damaged, the driver will immediately notify his/her supervisor and the Support Sergeant.
- e. Fuel cards are to be used for the purchase of fuel for department owned and operated vehicles only.

**2. Card Maintenance**

- a. Fuel cards operate by using a magnetic strip coding system. Cards can fail if exposed to magnetic or strong electrical fields. They should not be placed near strong magnetic sources or electrical fields, such as TV sets or store price scanners.
- b. Replacement cards can be obtained from the Fleet Sergeant.



- c. It is the responsibility of each driver to ensure that their assigned vehicle is properly fueled during his/her tour of duty. It is recommended that gas tanks do not get below half a tank.

### 3. Fueling Locations

- a. All departmental vehicles will be fueled at any location accepting the Department's provided card.

### 4. Gasoline

- a. Only unleaded, 87 octane gasoline will be used in departmental vehicles unless instructed otherwise by the Service Division Commander or designee.

### 5. Mileage

- a. Mileage must be entered correctly when fueling department vehicles, as this information is necessary for proper scheduling of preventative maintenance and vehicle replacement.

## H. Vehicle Contamination

1. The definition of contamination for the purpose of this directive is: exposure to blood borne pathogens.
2. Blood borne pathogen kits may be used to clean minor contamination. These kits will either be available in the patrol vehicle or in the SPD Shop.
3. More serious contamination will be reported to the Support Sergeant who will direct the decontamination.

## I. Fleet Manager Responsibility

1. The Fleet Manager is responsible for stocking oil, transmission fluid, fuses, and headlights in an area accessible to the Patrol Division for use when the city garage is closed.
2. The Fleet Manager is responsible for reviewing vehicle manufacturer's recommendations, and developing and implementing a preventative maintenance schedule for department vehicles.

## J. Supervisor Responsibility

1. It shall be the supervisor's responsibility to monitor the driving habits of personnel under their command and take corrective action when necessary.
2. It shall be the supervisor's responsibility to inspect vehicles on a quarterly basis.
3. Commanders/supervisors observing a police vehicle being operated in an unsafe manner or in violation of a traffic ordinance or department procedure shall forward a report of the incident, through the chain of command, to the proper division/unit commander. The report will state the act, time, location, and identity of the vehicle


and/or the operator. The commander receiving such a report will review the circumstances and take appropriate disciplinary action.

4. The supervisor will initiate an investigation into damage and missing items to determine the cause and document his/her findings. The supervisor will forward a copy of the member's communication to the Support Sergeant.
5. Reports concerning vehicle damage will be forwarded through the chain of command to the Division Commander for resolution. A copy of the resolution will be forwarded to the Support Sergeant.
6. Supervisors are responsible for ensuring that members under their command properly maintain and care for their assigned vehicles.
7. The Support Sergeant will be responsible for maintaining files of all vehicle records.



# Springdale Police Department



Policy 5.03	Body Worn Camera (BWC) Program
ACA: 14-2-204	ALEAP: 2.01, 13.15, 13.16
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to direct Officers and Supervisors in the proper use and maintenance of Body Worn Cameras (BWC) as well as directing how video will be utilized as evidence and as a quality control mechanism. The use of body-worn cameras are expected to promote officer safety, strengthen police accountability, create a greater operational transparency, provide for more effective prosecution, and improve protection against false allegations of excessive use of force, misconduct or biased-based profiling while protecting civil liberties and privacy interests. [ALEAP 13.16]
- II. **Policy:** It is the policy of this department to provide officers as designated by the Chief of Police with BWC devices as feasible. Officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of recording devices used in undercover operations or in-car-video covered under separate policy or directive.

### III. Definitions:

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

### IV. Procedures

- A. Body worn cameras shall be checked out each shift by all sworn uniformed officers, if cameras are available, and returned at the end of the shift or assignment.
- B. Sworn personnel that are assigned a body camera shall wear the camera when wearing a uniform, unless approved by a supervisor.
- C. Officers using BWC equipment will test such equipment at the beginning of each tour of duty or special event to ensure proper operation and required battery life. Improperly functioning equipment shall be reported to the immediate supervisor or

other reporting mechanism established by this department for purpose of replacement or repair.

- D.** Officers assigned BWC are required to wear such devices unless otherwise directed by the Chief of Police or their designee or other unforeseen circumstances prevent the wearing of the device. BWC will be worn on the officer's body in a manner that will optimize the recording of events.
- E.** Only department issued cameras are allowed, no personally owned cameras will be permitted.
- F.** BWC activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations. Officers are authorized to record events when the officer is a party to the conversation, or when an individual is in custody and there is generally no expectation of privacy. Officers will audibly and video-graphically record, as feasible, the following events, including but not limited to: [ALEAP 2.01 H] [ALEAP 13.15 H]
  - 1. Calls for service in which citizen contact is made;
  - 2. Traffic stops;
  - 3. All transports excluding ride-alongs;
  - 4. Investigative stops;
  - 5. Foot pursuits;
  - 6. Arrests, Searches, Seizures;
  - 7. Consensual encounters;
  - 8. Verbal Witness/Suspect Statements;
  - 9. Miranda Warnings, Arrestee Interviews;
  - 10. When arriving at law enforcement events and/or citizen contacts initiated by other Officers; and
  - 11. Other incidents the officer reasonably believes should be recorded for law enforcement purposes.
- G.** Officers will make reasonable efforts to ensure the BWC recording equipment is accurately capturing events. Officers are prohibited from turning off the BWC during any citizen contact or law enforcement event unless otherwise authorized by this policy and officers shall not erase, alter, modify or tamper with BWC recordings.
- H.** Recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or the officer discontinues his or her participation in the law enforcement event or citizen contact by leaving the scene.

1. When at a crime scene, the body-worn camera may be deactivated when the scene is no longer active.
  2. Officers may deactivate or not activate the body-worn camera when dealing with reluctant witnesses or victims.
  3. When discussing sensitive tactical or law enforcement information away from citizens officers may deactivate body worn cameras.
  4. During consensual contacts at private residences a citizen may request that an officer turn off their body-worn camera. Should exigent circumstances develop the officer may reactivate the device where feasible to do so irrespective of the desire of the resident.
  5. Upon approval by a supervisor body-worn cameras may be deactivated.
- I. In the event an officer deems it necessary to stop recording or becomes aware that a recordable event was not recorded, the officer will document such event.

#### **V. Issues Related to Privacy:**

- A. BWC should not be activated when: the officer is on break, engaged in personal activities, involved with citizen encounters outside the scope of a law enforcement contact or purpose, or when the officer is in a location under circumstances requiring a respect for an expectation of privacy such as a restroom, locker room, or other area where people are in an exposed or otherwise compromised state. However, should exigent circumstances develop where the need to record an event outweighs any privacy concern, the officer will activate the device where feasible to do so.
- B. BWC will not be activated when encountering undercover officers or confidential informants.
- C. BWC should be activated when legally entering a residence without the consent of the resident, such as serving a warrant or exigent circumstances.
- D. The BWC will not be activated during personal or administrative conversations between officers, or between officers and supervisors.
- E. If an officer is asked by a citizen if they are being recorded, the officer will advise if the BWC is actively recording.

#### **VI. Electronic storage:**

- A. All evidentiary and non-evidentiary video/audio recordings will be maintained in accordance with SPD Policy 17.03 Retention and Destruction.

#### **VII. TRAINING**

- A. Only officers who have successfully completed department approved training are authorized to use body-worn cameras.

- B.** Users and supervisors shall receive additional training annually to ensure the continued effective use and operation of the equipment and to incorporate changes, updates or other revisions in policy and equipment.
- C.** The Training Unit will maintain a record of all training as required by this policy.
- D.** The Training Unit Supervisor is authorized to review BWC footage to evaluate current and future department training needs.

#### **VIII.BWC Evidentiary/Administrative Procedures:**


- A.** When an officer becomes aware that a BWC recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this department.
- B.** It is the officer's responsibility to ensure that all videos are properly categorized and tagged as the system requires.
- C.** Officers and/or supervisors will provide limited/temporary access to prosecutors, defense attorneys, and courts upon request.
- D.** Officers are not allowed to access or review other officer's BWC footage without approval from a supervisor. FTOs may review BWC footage for training purposes and supervisors are allowed to review BWC footage for internal review.
- E.** When a BWC recording related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server or other electronic media and disseminated per department procedures.
- F.** Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or F.O.I.A. request.
- G.** Springdale Police Department employees are prohibited from releasing to the public any BWC video associated with an active investigation.
- H.** Officers are authorized to review their videos for the purpose of completing criminal investigation and preparing official reports. They are also allowed to review videos prior to court testimony and for training purposes.
- I.** If an officer is the subject of an open/active administrative investigation, he or she will be given an opportunity to review their body worn camera videos.





# Springdale Police Department



Policy 5.04	Mobile Video Recording (MVR) Program
ACA: 14-2-204	ALEAP: 2.01, 7.26, 13.15, 13.16
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to direct Officers and Supervisors in the proper use and maintenance of MVR devices (MVR) as well as directing how video will be utilized as evidence and as a quality control mechanism. The use of MVR devices are expected to promote officer safety, strengthen police accountability, create a greater operational transparency, provide for more effective prosecution, and improve protection against false allegations of excessive use of force, misconduct or biased-based profiling while protecting civil liberties and privacy interests. [ALEAP 13.16]
- II. **Policy:** It is the policy of this department to provide marked police units with MVR devices as feasible. Officers shall activate the MVR when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of recording devices used in undercover operations or Body Worn Cameras (BWC) covered under separate policy or directive.

### III. Definitions:

- A. **Law Enforcement Contact:** A law enforcement contact within the meaning of this policy is any contact or activity whereby an Officer stops a person's movement by a means intentionally applied or conducts any activity requiring probable cause, reasonable suspicion, or consent to form the legal basis for the conduct. A law enforcement contact or activity does not include mere conversation or other contact outside the scope of a law enforcement purpose when such contact does not require any legal basis.
- B. **In-Car Camera System and Mobile Video Recording (MVR)**-are synonymous and defined as any recorded media that captures audio and visual signals.

### IV. Procedures

#### A. General Procedures

1. It shall be the responsibility of the Springdale Police Department Fleet Manager or designee to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations. Any intentional alteration, modification, or unplugging of components to alter or disrupt the

camera or microphone's ability to function may result in disciplinary action up to and including termination.

2. The MVR equipment shall be installed in a manner which ensures that the system will automatically activate when the emergency equipment (lights) are operating, activated via body worn camera or when the system is manually activated using the record button on the control panel affixed to the interior of the vehicle. Officer safety shall be the primary consideration for placement of the system components within the vehicle and the use of the equipment.
3. MVR activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations. Officers are authorized to record events when the officer is a party to the conversation, or when an individual is in custody and there is generally no expectation of privacy. Officers will audibly and video-graphically record, as feasible, the following events, including but not limited to: [ALEAP 2.01 H] [ALEAP 13.15 H]
  - a. Calls for service in which citizen contact is made;
  - b. Traffic stops;
  - c. All transports excluding ride-alongs;
  - d. Investigative stops;
  - e. Foot pursuits;
  - f. Arrests, Searches, Seizures;
  - g. Consensual encounters;
  - h. Verbal Witness/Suspect Statements;
  - i. Miranda Warnings, Arrestee Interviews;
  - j. When arriving at law enforcement events and/or citizen contacts initiated by other Officers; and
  - k. Other incidents the officer reasonably believes should be recorded for law enforcement purposes.
4. Officers will make reasonable efforts to ensure the MVR recording equipment is accurately capturing events. Officers are prohibited from turning off the MVR during any citizen contact or law enforcement event unless otherwise authorized by this policy and officers shall not erase, alter, modify or tamper with MVR recordings.
5. Recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or the officer discontinues his or her participation in the law enforcement event or citizen contact by leaving the scene.

- a. When at a crime scene, the in-car camera may be deactivated when the scene is no longer active.
  - b. Officers may deactivate or not activate the in-car camera when dealing with reluctant witnesses or victims.
  - c. When discussing sensitive tactical or law enforcement information away from citizens officers may deactivate MVR devices.
  - d. Upon approval by a supervisor in-car cameras may be deactivated.
6. In the event an officer deems it necessary to stop recording or becomes aware that a recordable event was not recorded, the officer will document such event.

**B. Officer's Responsibilities**

1. Inspection, maintenance and repair requests of MVR equipment installed in a departmental vehicle shall be the responsibility of the officer assigned to that vehicle and shall be operated in accordance with the manufacturer's recommended guidelines and departmental policies. [ALEAP 7.26]
2. The MVR will be assigned to a patrol unit; some units are Fleet Vehicles and may have more than one person assigned. Operators of fleet vehicles and new officers in the FTO program may need to log-on to the MVR using the display monitor to indicate the officer driving the vehicle.
3. Prior to the beginning of each shift, the assigned officer will log into their system utilizing the MVR display if required, and perform a preoperational inspection to ensure the MVR is performing in accordance with the manufacturer's recommendations. The inspection will consist of the following steps:
  - a. Officer will synchronize the BWC to the MVR system.
  - b. Officer will activate the emergency lights to ensure the emergency light trigger is working, and the body worn camera is connected into a recording group with the MVR.
  - c. Officer will stop the video using the stop button on the MVR and categorize the video as a test video.
  - d. Officer will ensure that both the MVR and BWC deactivate upon conclusion of the categorizing process.
4. In the event the USB flash drive malfunctions, the MVR system will still be used in accordance with departmental policy and a supervisor will be notified of the malfunction.
5. Individually owned USB drives are not to be used in the MVR system.
6. Assure the body worn camera is functional, is connected to the MVR system, and is capable of remote activation of the system via the BWC.

- a. This BWC will be worn by the officer at all times during his/her shift.
- 7. All recordings whether audio or visual are considered evidence and as such neither device should be used to record unauthorized non-police related events.
  - a. Practical jokes should never become part of an audio/visual recording.
- 8. Assure the camera lens and windshield is clean and free of debris.
- 9. Officers shall review previously recorded evidence using Evidence Library to ensure audio and visual information is being captured in accordance to department policy and manufacturer's recommendations.
- 10. The supervisor shall make a determination in regards to the status of the unit being placed into service. If the vehicle is placed into service without an operating MVR, a notation shall be made on the dispatch log.
- 11. In the event an MVR has any malfunction or becomes inoperable, it is the officer's responsibility to notify his direct supervisor and make arrangements with the Fleet Manager for repair.
- 12. Officers are encouraged to review recordings at scenes such as vehicle accidents when preparing written documentation of the event.
- 13. Officers will ensure the volume from other electronics devices within the police vehicle such as: radios, scanners, CD players, cell phones etc. are disabled or turned off when the MVR system is activated (this does not apply to police radios).
- 14. When an officer detects that the recording time remaining on the media is low, he/she should proceed to the police department to download data.

#### **V. Issues Related to Privacy:**

- A.** MVR should not be activated when: the officer is on break, engaged in personal activities, involved with citizen encounters outside the scope of a law enforcement contact or purpose, or when the officer is in a location under circumstances requiring a respect for an expectation of privacy. However, should exigent circumstances develop where the need to record an event outweighs any privacy concern, the officer will activate the device where feasible to do so.
- B.** MVR will not be activated when encountering undercover officers or confidential informants.
- C.** The MVR will not be activated during personal or administrative conversations between officers, or between officers and supervisors.
- D.** If an officer is asked by a citizen if they are being recorded, the officer will advise if the MVR is actively recording.

#### **VI. Electronic storage:**

- A.** All evidentiary and non-evidentiary video/audio recordings will be maintained in accordance with SPD Policy 17.03 Retention and Destruction.

## **VII. TRAINING**

1. Only officers who have successfully completed department approved training are authorized to use in-car cameras.
2. Users and supervisors shall receive additional training annually to ensure the continued effective use and operation of the equipment and to incorporate changes, updates or other revisions in policy and equipment.
3. The Training Unit will maintain a record of all training as required by this policy.
4. The Training Unit Supervisor is authorized to review MVR footage to evaluate current and future department training needs.

## **VIII.MVR Evidentiary/Administrative Procedures:**

1. When an officer becomes aware that a MVR recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this department.
2. It is the officer's responsibility to ensure that all videos are properly categorized and tagged as the system requires.
3. Officers and/or supervisors will provide limited/temporary access to prosecutors, defense attorneys, and courts upon request.
4. Officers are not allowed to access or review other officer's MVR footage without approval from a supervisor. FTOs may review MVR footage from trainees for training purposes, and supervisors are allowed to review MVR footage for internal review.
5. When a MVR recording related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server or other electronic media and disseminated per department procedures.
6. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or F.O.I.A. request.
7. Springdale Police Department employees are prohibited from releasing to the public any MVR video associated with an active investigation.
8. Officers are authorized to review their videos for the purpose of completing criminal investigation and preparing official reports. They are also allowed to review videos prior to court testimony and for training purposes.


9. If an officer is the subject of an open/active administrative investigation, he or she will be given an opportunity to review their body worn camera videos.





# Springdale Police Department



Policy 7.09	Military Activations
ACA:	ALEAP: 3.06
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

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

## II. Definitions:

- A. **Veteran:** A member of the Department who separated from the department to serve on active duty for a period of more than 180 days and was discharged/released with other than a dishonorable discharge; was discharged/released from active duty because of a service-connected disability or as a member of a reserve component or national guard unit under an order to active duty; served on active duty for any length of time during a period of war or in a campaign or expedition for which a campaign badge is authorized; and was discharged/released from such duty with other than a dishonorable discharge.
- B. **Reintegration:** The process of integrating and assimilating returning veterans into Department operations in a safe and comprehensive way.
- C. **Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA):** a federal statute that protects service-members' and veterans' civilian employment rights. USERRA provides that returning service-members will be able to return to their jobs with their same pay, benefits, and status that they would have attained had they not been absent for military service.

## III. Procedure:

### A. Employee Responsibilities:

1. Employees are responsible to provide to their supervisors copies of all military orders which will result in a leave of absence for active military duty. Orders must specify the duties of absence, promulgation authority, letter order number and signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty.

2. Inactive duty training dates (weekend drills) shall be provided to the employees supervisors as soon as available if the dates conflict with scheduled employment with the City.
3. A deployed employee may make contact with the Human Resources Department to obtain information, request assistance, or to have questions answered about benefits.
4. For detailed rules and regulations governing military leave, employees shall refer to Policy 5.11 "Military Leave and Re-Employment of Veterans" in the City of Springdale Personnel and Procedures Manual.

**B. Officer Reintegration Program:**

1. Each returning veteran will participate in the department's reintegration program for a time period to be determined by the Chief of Police or his designee. While time periods may differ depending upon the veteran's deployment time and military activities, a 30-day minimum reintegration period is recommended.
2. Irrespective of job assignment or sworn or non-sworn status, the Training Sergeant of the returning veteran will assign the veteran to work with a partner for a minimum of 30 days where feasible. Although not mandatory, it is recommended that the partner be a veteran, preferably with comparable military experience. It will be stressed to the partner that his/her job is not to act as a Field Training Officer, but rather as an experienced officer working with a peer, mentoring and preparing them to resume their role following an extended absence from the department. Reintegration will include:
  - a. All administrative and auxiliary tasks to assimilate the veteran into department systems and processes, and obtaining the necessary access to records, databases, and communication networks;
  - b. Retraining and recertification with department issued weapons prior to performing any law enforcement function;
  - c. The Training Sergeant will advise the returning veteran of departmental resources available to them during and after the reintegration;
  - d. A particularized audit of required training needs and certification requirements as well as a training plan will be created and or conducted to ensure necessary competencies and certifications are met or updated in a reasonable and timely fashion, to include compliance with all certifications required by the State of Arkansas to accomplish the returning veteran's job function;
  - e. A review of use of force policy, options and concepts where applicable; [ALEAP 3.06]
  - f. The assigned partner will assist the returning veteran in relearning matters that pertain to their job function which may include: radio procedures, re-familiarization or familiarization with technologies, introductions to new

personnel and or local officials where necessary, as well as legal and policy review with emphasis on new policies and procedures that may have been enacted during the veteran's separation from the department;

- g. The returning veteran will merely assist their assigned partner with law enforcement actions for a minimum of 20 days allowing the assigned partner to take the lead role unless this is otherwise not feasible;
- h. At the end of a minimum 20 day period or whenever the returning veteran feels comfortable returning to the primary law enforcement role, whichever is greater, the returning veteran will assume the lead law enforcement role for the remaining time period of the reintegration. During this time period, the assigned partner will conduct weekly observations and complete performance evaluations;
- i. At the end of the reintegration period the first line supervisor will make recommendations concerning the veteran's return to full duty status. The veteran's assigned first line supervisor will continue to monitor job performance for any signs of distress and need for further reintegration intervention; and
- j. Additional training/re-familiarization may be required for returning Veterans assigned to specialized units such as CID, SRO, Narcotics, etc.
- k. In certain situations, the Chief of Police may require the veteran to submit to a fitness for duty exam(s) before returning to full duty.


#### **IV. Supervisory Responsibilities:**

- A. During the reintegration period, the Training Sergeant will meet with the veteran and assigned partner on a weekly basis and document the veteran's progress via memorandums to the Chief of Police or their designee. At the end of the reintegration period the Training Sergeant will submit a request to restore the returning veteran to a full duty status or retain the veteran for a 2 week extended period of time in the reintegration program. All such requests will be made to the Chief of Police or their designee via memorandum. In cases where an extended period of time is requested and approved, the Training Sergeant will continue weekly meetings and observations and forward a request to return the veteran to full duty status when appropriate. The Chief of Police or their designee may grant additional extensions.



# Springdale Police Department



Policy 7.12	Stress Management (CISM)
ACA:	ALEAP:
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

I. **Purpose:** The purpose of this policy is to provide protocols for the Springdale Police Department (SPD) on Critical Incident Stress Management (CISM). These protocols are designed to ensure that members who are involved in Traumatic or Critical/High Stress Incidents receive proper stress management support, guidance, and education.

## II. Definitions:

- A. **Critical Incident Stress Management:** A comprehensive, integrated, systematic, and multi-tactic crisis intervention approach to managing critical incident stress after traumatic events. CISM is a coordinated program of tactics that provide individual and group support, stress education and coping techniques.
- B. **Critical Incident:** For the purposes of this document, a critical incident is defined as an unusually challenging event that has the potential to create significant human distress and interfere with one's usual coping mechanisms. These events can be defined by an individual's unique, internal reaction to an event, not necessarily the external appearance or apparent magnitude of the event.
- C. **Critical Incident Stress Diffusion:** An Individual/small group intervention process provided shortly after a traumatic event and/or before the affected employee(s) leaves the workplace designed to help individuals to understand their emotional response to Traumatic or Critical Incident, and strengthen their coping mechanisms moving forward. (Usually Immediate-24 hours post event)
- D. **Critical Incident Stress Debriefings:** A seven step group crisis intervention tool designed to assist a homogenous group after an exposure to a significant traumatic event that involves all directly involved members and is designed to help members to understand their emotional response to the Traumatic or Critical Incident, and strengthen their coping mechanisms moving forward. (Usually 24-72 hrs. post event.)
- E. **Directly Involved:** Any employee, whether participatory or accessory, who is on the scene or directly involved in communications of a Traumatic or Critical Incident at the time the incident occurs.

- F. Involved Employee:** Any employee who is directly affected by a Traumatic or Critical Incident may include, but not be limited to: employees who are on the scene at the time of the incident, those who respond to the scene immediately following the incident, or support personnel participating in the response to the incident including dispatchers.
- G. Peer Support Team Member:** The Peer Support Team Member provides non-professional peer support services to department personnel after meeting the requirements of Arkansas Code Annotated §16-40-106. Also referred to as Peer Support Personnel (PSP).
- H. Peer Support Team:** A group consisting of sworn and civilian employees who have been trained in Critical Incident Stress Management to provide mental health intervention services to agency personnel with required and approved training in critical incident stress management. The Peer Support Team consists of the SPD Wellness Coordinator, Peer Support Personnel, and other Licensed Mental Health Professionals. Peer Support Team members shall participate in the department's comprehensive response to critical incidents. (See Peer to Peer Support Policy 7.11)
- I. Referral:** The process of directing or redirecting an employee to an appropriate specialist or agency for consultation, review, or further action, including but not limited to treatment. Compliance with referrals made in accordance with this policy is voluntary.
- J. Wellness Check:** The intervention process whereby a member checks on the well-being of another member, be it via electronic communication, phone or in person.

### **III. Procedures:**

- A. Incidents that may require CISM:** Common incidents that may require CISM intervention include, but are not limited to:
  - 1. Officer Involved Shootings,
  - 2. An actual or perceived threat to one's life or of serious physical injury,
  - 3. Suicide or suicide attempt by a colleague,
  - 4. Serious injury inflicted on, or death of, a colleague,
  - 5. Serious injury or unexpected death of someone known to an employee.
  - 6. Egregious cruelty or abuse to a child,
  - 7. Line of duty contact with friend/relative during a tragic/traumatic event,
  - 8. Death or serious physical injury of a person resulting from duty operations,
  - 9. Perceived performance 'failure' during a tragic/traumatic event,
  - 10. Large scale or prolonged disaster or mass casualty event,

11. Events with high media exposure,
12. Any tragic/traumatic event that may have emotional significance to an employee, particularly when the event is characterized by: relative surprise; intense negative emotion; and perceived helplessness,
13. Diagnosed or recovering from a terminal illness, or Caring for a loved-one who has been diagnosed or recovering from a terminal illness, and/or
14. Experiencing a familial death or loss (including children, spouse, etc.)

**B. General:**

1. The SPD recognizes that law enforcement work often exposes members to emotionally painful and highly stressful situations. Such encounters can adversely affect an employee's quality of life and job performance.
2. Through CISM protocols, the SPD will help employees and their families maintain professional and personal wellness during and following Critical and Traumatic Incidents. CISD responses are designed to provide employees with prevention and early intervention strategies to help mitigate the painful effects of a Traumatic or Critical Incident. The Peer to Peer Support Program is meant to provide on-going support to employees in a safe and confidential environment through our Employee Assistance Program (EAP), other outside referrals and Peer Support Services.

**IV. Directives:**

**A. Immediate Referral:** Supervisors should notify the Wellness Unit as soon as operationally possible via the Wellness Unit Helpline or other direct means of communication.

1. The employee is involved in an officer-involved shooting. (See Policy 13.02 on Officer Involved Shootings)
2. The actions of the employee, whether accidental or deliberate, result in the death or serious physical injury of a person.
3. The employee is present at the death or serious physical injury of an employee.
4. The event caused the perception of serious or life threatening injury to the employee.
5. The employee was directly involved in an event that included the death of child (0-12yrs)

**B. Non-Immediate Referral:**

1. Supervisors should notify the Wellness Unit within 24 hours via the Wellness Unit Helpline or other direct means of communication.



2. Any incident that is unusual, exceptionally violent, and/or involves a perceived threat to or actual loss of, human life that may overwhelm an individual's normal coping mechanisms and cause psychological distress. Also, any events that require or are perceived by self or another to require follow up as to the impact of the event on the individual or group.
3. NOTE: Supervisors may request a Critical Incident Stress Debriefing in response to any incident.

## **V. Response and Notification Process Following a Critical Incident:**

### **A. Shift Supervisors:**

1. In all Critical Incidents requiring referral, shift supervisors will gather the following:
  - a. Nature of the incident;
  - b. Number of employee(s) affected;
  - c. Location of affected employee(s);
  - d. Nature of the general concern for the employee;

### **B. Notification:** Immediate Referral incidents require communication as soon as operationally possible; Non-Immediate Referral incidents require communication within 24 hours.

### **C. Supervisors of Involved Members:** As soon as operationally practical, Supervisors shall ensure that involved employees are provided with appropriate support. Examples of appropriate pre-referral support are:

1. Ask supportive questions concerning the Critical Incident. (e.g., "Are you o.k.?", "Do you need anything?", "Would you like to talk to someone?" "Do you need to take a break?"),
2. Inform and encourage the use of the SPD's confidential Wellness Unit and its resources,
3. Closely monitor members after high stress incidents and convey concerns to the SPD Wellness Coordinator or Peer Support Personnel,
4. Ensure members are provided with adequate support - whether through the Wellness Unit, EAP, Chaplain, or Peer to Peer Support Program - to maintain mental/emotional health and effective coping mechanisms.

### **D. Post-Incident Stress Debriefing Procedures:**


1. The SPD Wellness Coordinator or designated Peer Support Personnel shall coordinate with supervisors to schedule Critical Incident Stress Management follow up including but not limited to immediate intervention, Critical Incident Diffusion, and/or Critical Incident Debrief.

2. Any Directly Involved employee should be referred to the SPD's Wellness Unit or Peer to Peer Support Program so determination can be made regarding appropriate peer support services.
3. The Peer Support Team, in conjunction with the Wellness Coordinator, once activated, will respond and assist in the diffusion/debriefing process for involved employees immediately following a Critical Incident.
  - a. Attendance at any Critical Incident Stress Diffusion or Debriefing is mandatory but is strictly confidential; no information related to the intervention shall be conveyed to other employees and will in no way jeopardize the employee's job security, promotional opportunities, and/or reputation within SPD. The diffusion/debriefing process is not a critique of any actions taken by the employee, but rather an attempt to mitigate elevated levels of anxiety, fear, and/or emotional distress an employee may be experiencing. The diffusion/debriefing shall not serve as the basis for disciplinary action.
4. Critical Incident Stress Diffusions usually take place within 24 hours following the incident.
5. Critical Incident Stress Debriefings usually take place within 24-72 hours up to 10 days following the incident.
6. Only involved or directly involved members shall attend diffusions and/or debriefings.
7. Supervisors should ensure that personnel participating in Critical Incident Debriefings or Diffusions are not required to monitor the radio or respond to normal duties until the Debriefing or Diffusion has ended.
8. If diffusion is necessary but cannot be facilitated immediately, the supervisor shall ensure, in coordination with the Peer Support Team, that the employee receives a follow up plan with the Peer Support Team before their shift has ended.
9. In some instances, a member might consider an event traumatic and may not wish to participate actively in diffusion or debrief. In such cases, members may contact The Employee Assistance Program or other resource directly, without consulting their supervisor, to request external confidential support services.
10. In the event that it is determined that outside resources are necessary for intervention or debriefing the Wellness Unit may choose to initiate services from other Crisis Management resources.



# Springdale Police Department



Policy 7.13	Death Notification Policy
ACA:	ALEAP:
Effective Date: August 1, 2023	Version: 1
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this document is to outline the protocol and procedures to be followed while performing a death notification, whether civilian or a Line of Duty Death.
- II. **Policy:** It shall be the responsibility of the Springdale Police Department to notify a family member that a loved one has unexpectedly died. It is one of the most difficult duties an officer may be tasked with. It is of the utmost importance that the Death Notification be handled with extreme care and sensitivity. The following sections outline the best practices, observed by this department when it comes to Death Notifications.
- III. **Procedures:**
  - A. Consider these principles for death notifications;
    1. In person
    2. in time,
    3. in pairs,
    4. in plain language,
    5. and with compassion.
  - B. **Civilian Death Notification:**
    1. Gather all available information before making the notice, assume nothing.
      - a. Who, where, when, what?
      - b. Identify those involved. Be absolutely sure you have positive ID of victim(s).
      - c. Location
      - d. Relationship
      - e. Special Circumstances (physical, mental, etc.)

- f. Gather Next of Kin information, and confirm relationship of deceased to Next of Kin
2. Proceed as quickly as practical
3. Make notice in person if at all possible.
4. Identify self and those with you.
5. Try to have everyone seated.
6. Be specific and use clear language.
7. Call the deceased by name – not “the body”.
8. Use words like “dead” or “killed”. Do not use words like “passed on” or “they’re gone”.
9. Be compassionate – Be patient
10. Allow people to act out their emotions. Don’t judge the persons emotions or lack thereof
11. Answer questions truthfully
12. Never speculate – stick to the facts
13. Do NOT share information regarding on-going investigations
14. Provide pertinent/appropriate information
15. Explain Coroner/ME process if appropriate.
16. Determine funeral home preference (without offering suggestions) if possible
17. Advise Next of Kin how to get further information.
18. Make appropriate time – don’t just notify and leave.

**C. Workplace Notification:**

- a. Ask to speak to manager/supervisor
  - i. Ask to meet with the survivor in a private setting
  - ii. Don’t have to give specific details regarding the purpose of your visit to supervisor
- b. Follow same basic procedures for other notices
- c. Offer to transport survivor to location of their choice
- d. Let survivor determine what he/she wants to tell to their boss

#### **D. Line of Duty Death Notification:**

1. The following procedures should be adhered to in the event of a line of duty death or in cases of critically injured officers with a poor prognosis of survival. These procedures should be followed whenever possible with the understanding that the wishes of the family take precedence over the desires of the Springdale Police Department. Officers providing services and assistance to family members and survivors shall make every possible effort to accommodate their needs, wishes, and desires, but should not make any promises to family members that they are not sure can be met.
  - a. The Chief (or his designated representative), Family Liaison, and (when applicable) the Chaplain will coordinate to immediately notify the surviving family.
    - i. All responding parties should drive in separate vehicles, in the event that they are needed to stay behind or transport the surviving family members to the hospital or another location.
    - ii. All responding parties should coordinate arriving at the same time.
    - iii. If immediate survivors do not reside locally, the department shall coordinate with the appropriate law enforcement agency to deliver a personal and timely notification.
  - b. Notification of the immediate family will be made in person, in as forthright and empathetic a manner as possible.
  - c. If the opportunity to get the surviving family members to the hospital exists, prior to the officer's death, the Family Liaison will coordinate immediate transportation. The hospital will be informed that the family is on its way and should prepare proper accommodations for them.
  - d. The Chief (or his designated representative), Family Liaison, and (when applicable) the Chaplain will coordinate to immediately notify the surviving family.
  - e. All responding parties should drive in separate vehicles, in the event that they are needed to stay behind or transport the surviving family members to the hospital or another location.
  - f. All responding parties should coordinate arriving at the same time.
  - g. If immediate survivors do not reside locally, the department shall coordinate with the appropriate law enforcement agency to deliver a personal and timely notification.
  - h. Notification of the immediate family will be made in person, in as forthright and empathetic a manner as possible.

- i. If the opportunity to get the surviving family members to the hospital exists, prior to the officer's death, the Family Liaison will coordinate immediate transportation. The hospital will be informed that the family is on its way and should prepare proper accommodations for them.
- j. For more information on assisting the surviving family members at the hospital and funeral, please reference the Line of Death Policy.

**E. Chaplains:**


- 1. SPD Chaplains are trained and available for assistance with death notifications, contact SPD chaplains for assistance if needed.
- 2. Use Chaplains to assist in assembling support network for family.
- 3. Use Chaplains as they can offer more one on one care in time of need





# Springdale Police Department



Policy 7.14	Line of Duty Death
ACA:	ALEAP:
Effective Date: August 1, 2023	Version: 1
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The death of a fellow officer will impact this Department professionally and personally. The purpose of this policy is to guide this agency through the process of providing proper support and care for the deceased officer's family and impacted SPD employees.
- II. **Policy:** It shall be the responsibility of the Springdale Police Department to provide liaison assistance to the primary family of an officer who dies in the line-of-duty or who is hospitalized for an indefinite period or requires repeated and/or intermittent hospitalization because of a line-of-duty injury or systemic illness. This assistance shall include, but not limited to, the clarification and comprehensive study of survivor benefits, funeral planning, and emotional support during this traumatic period for the surviving family.
- III. **Definitions:**
  - A. **Line of Duty Death (LODD):** The death of an active-duty officer by felonious or accidental means during the course of performing police functions while on or off duty or by self-inflicted means due to work related stress.
  - B. **Survivors:** Immediate family members of the deceased officer to include spouse, children, parents, siblings, and fiancée or significant others.
  - C. **Benefits:** Financial payments and support made to the family to assist with financial stability following the loss of a loved one.
  - D. **Family Liaison:** Officer chosen by the deceased officer as the departmental representative, who will make or assist in the death notification and walk with the family through the loss of their loved one, funeral, and the ensuing transition.
  - E. **Peer to Peer/Benefits Liaison:** A member of the Peer-to-Peer team, assigned to assist the Family Liaison in their role. Peer to Peer Liaison will ensure emotional support resources, and that the family receives all the benefits that are afforded to them while coordinating with the Family Liaison in this transitional period.
  - F. **Personal Information Form:** A form that, in part, SPD requires all employees to complete annually that will assist the agency in providing comfort to an employee's family upon a line of duty death or serious injury, assist in the notification process

and list employee personal instructions to carry out ones wishes upon a line of duty death.

- G. Support Roles:** Officers assigned by command staff or any of the Liaison roles to perform a variety of tasks from driving, to vetting calls, texts, emails, running errands, etc.

#### **IV. Procedures:**

##### **A. General:**

1. Supervisors: It is the responsibility of the subject officer's supervisor to notify the Chief of Police of the incident as soon as possible. Immediately upon notification of the incident, the Chief of Police shall appoint an officer in charge, typically the involved officer's division commander, to coordinate all departmental functions regarding the incident. The family liaison shall be chosen by the involved officer as the department representative as indicated on the previously completed "Personal Information Form" and assisted by a peer support/benefits liaison.
2. Officer Preparation: Each officer of the Springdale Police Department will complete the required section of the "Personal Information Form" and have the option to provide additional information through the form that specifies, among other things, who they would like to notify in their family in the event of their death. Additionally, officers may include specific desires for departmental response, which this agency will make every effort to honor.
3. Immediate Response: Coordination of the events following the line of duty death of a police officer is extremely important and complex. The following response has been outlined in order to provide the best possible services to the surviving family members.
4. Employees will limit communication about the deceased or seriously injured officer to only what is immediately necessary. The name of the deceased or critically injured officer shall not be used over the radio or released to the media or other third parties until all immediate surviving family members are notified. Employees will not post on any social media platforms about the event, until the family is notified.
5. The Chief of Police will be immediately notified and may respond to the appropriate location.
6. The Chief of Police or designee, Family Liaison, and the Chaplain will coordinate the immediate notification of the surviving family using the SPD Policy "Death Notification Policy 7.13".
7. The family should be notified as soon as possible with every effort made to adhere to the wishes of the deceased officer, laid out in their "Personal Information Form."
8. The PIO should respond immediately and initiate internal communication, as well as prepare a statement for the press.

9. Liaison officers will be activated/assigned to their respective roles and respond accordingly.
10. Additional officers may be assigned to "support roles" as manpower allows, or off duty officers may be called in to fill these roles.

**B. Liaison Roles:**

1. **Family Liaison:** This officer will serve as a facilitator between the deceased officer's family and the department. This is not a decision-making role, but rather a support and organization role, dedicated to helping the family through the loss of their loved one. The Family Liaison is the assigned point of contact for the family and is responsible for the coordination and delivery of services and benefits to the surviving family.
2. **Peer to Peer/ Benefits Liaison:** This is a member of the Peer-to-Peer team who possesses knowledge of this policy and its implementation. The Peer-to-Peer Liaison will assist the Family Liaison in their role and service of the surviving family. Assure that all services, support resources, duties, and benefits from the LODD Master Checklist are delivered to the family. Coordinate with HR and any other department (internal or external) as needed, making sure all appropriate benefit paperwork is filed. Benefits owed to the family may include public safety officer benefits (department of justice), city of Springdale voluntary life insurance, LOPFI benefits, state death benefits (claims commission), and others as outlined in the LODD Master Checklist.
3. **Support Roles:** Any officer officially assigned to assist the Family and Peer to Peer Liaison in their duties. Officers in the support role will direct all communication and coordination of services through the Family Liaison as to not overwhelm the surviving family.

**C. Assisting Family at the Hospital:** The family liaison in coordination with the peer-to-peer liaison is responsible for coordinating/delegating the activities **at** the hospital. These responsibilities include:

1. Arranging with hospital personnel to provide an appropriate waiting facility for the family, and others requested by the immediate survivors.
2. Arranging a separate area for fellow police officers to assemble.
3. Establishing a press staging area.
4. Ensuring that medical personnel relay pertinent information regarding a member's condition to the family on a timely basis and before such information is released to others.
5. Prepare the family for what they might see in the emergency room and should accompany the family into the room for the visit if the family requests it.
6. Ensuring that the family is updated regarding the incident and the member's condition upon their arrival at the hospital.

7. In the event of death, explain why an autopsy is necessary.
8. Remain at the hospital while the family is present.
9. Allow the family time with the deceased member.
10. Notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased member are directed to the SPD. The family should not receive any of these bills at their residence.
11. Arranging transportation for the family back to their residence.
12. In the event the family should decide to grant an interview, the SPD PIO should offer to attend and offer to screen all questions presented to the family to guard against jeopardizing upcoming legal proceedings.

**D. Assisting Family with the Funeral:** The Chaplain can be included with the Peer to Peer and Family Liaisons to coordinate and oversee the planning and implementation of the funeral of the deceased officer in coordination with any chosen funeral home and its director. The Liaisons and support personnel will make every effort to cater to and respect the wishes of the surviving officer's personal information form and the wishes of the family. This department is committed to honor the wishes of the surviving family, even if it does not follow tradition. The Chaplain and Liaisons are responsible for the following:

1. Ensure the needs of the family come before the wishes of the department.
2. Meet with the family and explain the funeral process.
3. If specific wishes were laid out by the officer prior to their death, explain these to the family.
4. Discuss funeral arrangements and specific desires of the family.
5. Coordinate with the funeral home and make arrangements for the funeral and burial.
6. Provide the family with a list of churches or other venues with sufficient room to accommodate the number of people who will attend the funeral.
7. Coordinate department vehicles, drivers and other transportation for the family to and from the funeral home, church, cemetery, etc. The family should be assigned one driver. None of the Liaisons should be assigned the role of driver.
8. Explain funeral benefits that are available to the family and fill out the appropriate paperwork, ensuring they are provided to the family.
9. Ensure the family is briefed on the funeral procedure including the 21-gun salute, presenting the flag, playing of taps, etc. The family has the option of excluding any portion of the funeral procedure. Make arrangements to provide both the spouse and the surviving parents with a flag.

10. Ensure the home is prepared for the influx of visitors following the funeral. Food and babysitting can be provided through support personnel.

**E. Assisting Family with Benefits:** The Peer to Peer/ Benefits Liaison will gather information regarding all department, association, and Federal benefits available to the surviving family and ensure the department's full support pursuing these benefits.

1. Be responsible for filing appropriate paperwork and following through with the surviving family to ensure benefits are being received.
2. Should visit with the surviving family to discuss the benefits within a few days following the funeral.
3. Prepare a printout of the benefit payments due the family, listing named beneficiaries, contacts at various benefit offices, and when they can expect to receive the benefit should be given to the family. This same explanation procedure should be repeated within a month following the funeral since the initial contact is clouded by the emotional numbness of the family during the first benefits meeting. A follow up will be made every six months until the surviving family receives every possible benefit.
4. Should ensure that surviving children from a former marriage, and the guardian of those children also receive a printout of benefits to which the child or children are entitled.
5. Should pay special attention to the problems with possible revocation of health benefits to the surviving family.
6. Liaisons will be responsible for providing the family access to other public safety survivors or other support groups to include but not limited to Concerns of Police Survivors, Survivors of Homicide Victims, Compassionate Friends, Parents of Murdered Children, etc.
7. For a complete list of all benefits afforded to the surviving family, please reference the Benefits Master Checklist on PowerDMS.

**F. Employee Support:**

1. The on-shift supervisor shall follow the procedures laid out in the Stress Management Policy (7.2) for officers directly involved in the incident.
2. The Wellness Coordinator will attend briefing and offer Peer to Peer services to each shift.
3. Chaplain services will be made available to assist department members in spiritual care and represent the department appropriately as needed in funeral arrangements and services.
4. Peer to Peer members will activate to reach out to any employees on their shift who need Peer Support Services. Regional Peer Support Team members from local agencies may also be beneficial for the support of SPD employees.

5. SPD should utilize the support of local peer support teams organized in regional agencies as needed and as coordinated by the Wellness Unit Coordinator.
6. Critical Incident debriefs should be held 1-3 days post critical incident for the “on scene” employees and those directly involved in the incident. Follow up debriefs could occur in variable intervals as needed.
7. Additional support debriefs could occur in small groups throughout the department to mitigate the overall impact of symptoms of trauma and grief that will be inevitably felt by the department as a whole.
8. Continued organized support resources should be offered long term for SPD employees through the SPD Wellness Unit and SPD and Regional Peer Support Teams.

**G. Family Follow Up:** Public safety surviving families often feel isolated by the department within a short time following the funeral. After care should be provided by SPD and could include:


1. Invite the surviving family to agency activities. They need that continued contact. Remember to give duplicate memorabilia to those children from a former marriage. Even though they did not live with the officer-parent, they are still that officer’s children.
2. Keep in touch with the family through monthly phone calls the first year, dwindling off to quarterly contact.
3. Close co-workers of the deceased officer should drop by the home on a regular basis. When visiting, don’t be afraid to use the deceased officer’s name or ask, “How are you doing since Jim’s death?” if something needs to be done around their home, get it done.
4. Always observe the officer’s death date with a short note to the family and/or flowers on the grave.
5. All holidays are traumatic events for the family the first year. Show your support during these times.
6. Remembrance books may be presented to the family. They can include anecdotes, pictures and newspaper articles of incidents the fallen officer worked. These remembrance books become treasures, especially if the children were too young to remember their parent when he or she was killed.
7. Maintain contact for as long as the family wants support. The family will let you know when they are ready to move on with their lives without assistance from the department.
8. Peer to Peer or Family Liaisons will perform routine residence checks by the officer’s or survivors’ home for as long as is reasonable following the incident. Officers conducting the residence checks will also inquire if they have received any type of harassment.





# Springdale Police Department



Policy 8.03	Fingerprinting & Photographing
ACA: 12-12-1006, 9-27-320	ALEAP: 13.03, 13.22
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** To establish policy and procedure for fingerprinting individuals in both criminal and non-criminal encounters.
- II. **Policy:** It shall be the policy of the Springdale Police Department to obtain fingerprints from those persons required by Arkansas State Law or furtherance of a criminal investigation. Non-Criminal fingerprinting may be performed for citizens when completing applications that require fingerprints.

### III. Definitions:

- A. Adult: any person eighteen (18) years of age or older;
- B. Juvenile: means any person less than eighteen (18) years of age.
- C. Electronic Fingerprint Scanning Device: A device that captures fingerprints electronically, without the need for ink and paper.
- D. Touch Print: a thumbprint taken of a subject by touching their right thumb to an ink or inkless pad.

### IV. Procedures

- A. Adult Criminal Fingerprint & Photographing Procedure [ALEAP 13.22]
1. In accordance with A.C.A. 12-12-1006, immediately following an arrest for an offense, law enforcement officials 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.
    - a. Misdemeanor Offenses will be fingerprinted at Springdale Police Department and appropriate paperwork forwarded to Springdale District Court.
    - b. Felony Offenses will be fingerprinted by the County Jail and forwarded to the appropriate Circuit Court.
- B. Juvenile Criminal Fingerprint Procedure

1. 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 Class Y, Class A or Class B felony, the juvenile shall be photographed and fingerprinted by the law enforcement agency.

**C. Touch Prints**

1. The goal of acquiring a touch print is to reduce cases of Criminal Impersonation and False Reporting, by properly identifying violators who present inadequate forms of identification. Officers may affix a print of a subject's right thumb to booking form or citation. In the event that the subject is arrested and transported to the Springdale Book-In Facility, Building Security may affix a print of the arrestee's right thumb on the Adult Arrest Report. In the event a right thumbprint is not obtainable due to injury or amputation, a left thumbprint should be obtained and so indicated on the form.

**D. Criminal Inquiry Procedure**

1. In the event an individual is arrested, transported to the Springdale Police Department and unable to provide a valid government identification or provide credible proof of identity a full set of fingerprints should be taken using an electronic fingerprint scanning device and transmitted to the Arkansas State Police AFIS Division using the designation "Criminal Inquiry." Once transmitted, AFIS can be contacted to determine if there is a record of the person's identity.

**E. Non-Criminal Fingerprint Procedure**

1. The Springdale Police department will provide fingerprint services for the public for non-criminal matters. Citizens who reside or work in Springdale will receive this service at no cost. Requests from individuals who do not reside or work in Springdale will be charged a set fee.
  - a. A fee will be paid to the records clerk and a copy of the receipt will be presented to the employee performing the service. Payment can be made in cash, money order, traveler's check, and credit or debit card.
  - b. Citizens who request to be fingerprinted will need to show identification which indicates their address and/or location of employment. In the event employment cannot be verified the citizen will be asked to provide employment information which will be recorded by the employee performing the service.
2. Schedule and Fees
  - a. Non-Criminal fingerprint service will be available to the public on set days and times.
3. Only individuals who have completed fingerprint training will be allowed to operate electronic fingerprint scanning devices.

**F. Department Employees [ALEAP 13.03]**

1. In accordance with CLEST, every officer employed by a law enforcement agency shall be fingerprinted and a search initiated of state and national fingerprint files to disclose any criminal record.
2. In accordance with ACIC System Regulations, all department employees who access ACIC devices or have access to criminal history information shall be fingerprinted and a search initiated of state and national fingerprint files to disclose any criminal record.


**G. Supervisor's Responsibility**

1. Supervisors will ensure that officers or building security fingerprint individuals prior to their release, in accordance with Arkansas State law.
2. Training and Maintenance of electronic fingerprint scanning devices will be the responsibility of the Book-In Facility Supervisor or their designee.



# Springdale Police Department



Policy 9.01	Response to Resistance
ACA: 5-2-610, 5-1-102	ALEAP: 3.02, 6.01, 6.02, 6.07, 6.09
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to direct officers in the appropriate response to resistance.
- II. **Policy:** In an effort to protect and serve all citizens and visitors within this jurisdiction, respect the rights of suspects, and maximize officer safety in response to resistance events, it is the policy of this department that officers will use that force that is objectively reasonable and comply with department training to bring an incident or event under control.
- III. **Definitions:**
  - A. **Officer:** For the purpose of this policy, Officer is defined as Sworn Law Enforcement, Building Security Officer or a Jailer for the Springdale Police Department.
  - B. **Chokehold:** means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
  - C. **Neck Restraint:** A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.
  - D. **Objectively Reasonable:** The amount of force that would be used by reasonable and well-trained officers when faced with the circumstances with which the officer using the force is presented.
  - E. **Reasonable Belief:** The facts or circumstances the officers know, or should know, are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances
  - F. **Imminent:** Impending or about to occur or circumstances are such that it is reasonable to believe it is impending or about to occur.

- G. Passive Resistance:** A subject who takes no physical action to defeat the officer's ability to control and/or take them into custody, but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
- H. Active Resistance:** A subject actively resists when they take action to defeat an officer's ability to control and/or take them into custody.
- I. Non-Deadly Force:** All uses of force other than those which are substantially likely to cause serious bodily harm or death.
- J. Physical Force:** Any bodily impact, restraint, or confinement, or the threat thereof, (5-2-601 Arkansas Code Annotated.)
- K. Deadly Physical Force:** Physical force that under the circumstances in which it is used, is readily capable of causing death or serious physical injury. (5-2-601 Arkansas Code Annotated).
- L. Serious Physical Injury:** Physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted impairment of the function of any bodily member or organ. (5-1-102 Arkansas Code Annotated).

#### **IV. Procedures**

- A. Use of Deadly Force [ALEAP 3.02]**
  - 1. Under Arkansas Law an officer is justified in using deadly physical force upon another person if the law enforcement officer reasonably believes that the use of deadly physical force is necessary to [ALEAP 6.02]:
    - a. Effect an arrest or to prevent the escape from custody of an arrested person whom the law enforcement officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; or
    - b. Defend himself or herself or a third person from what the law enforcement Officer reasonably believes to be the use or imminent use of deadly physical force.
- B. The use of deadly force is objectively reasonable when [ALEAP 3.02]:**
  - 1. The officer is faced with an imminent threat of serious bodily harm or death to him/herself, or some other person who is present, or;
  - 2. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death, AND by the subject's escape they pose an imminent threat of serious bodily harm or death to another.
  - 3. Officers should warn the subject prior to using deadly force where feasible.

4. Whenever possible, officers should avoid placing themselves in a position where use of deadly force is the only alternative.
5. Pointing a firearm at or in the direction of a person is a use of force and may be exercised only in response to a reasonable belief that a threat to life or serious physical injury is imminent.
6. All incidents involving the threat of deadly force will be documented.

**C. Officer Prohibitions**

1. Discharging a firearm at or from an occupied vehicle is prohibited unless there is an imminent threat of deadly force.
2. An officer threatened by an oncoming vehicle should move out of its path instead of discharging a firearm at it or any of its occupants, unless exigent circumstances exist which prevent an officer from escaping the path of the vehicle.
3. Firing warning shots are prohibited [ALEAP 6.09].
4. A law enforcement officer shall not un-holster or exhibit a firearm except under any of the following circumstances:
  - a. For maintenance of the firearm;
  - b. To secure the firearm;
  - c. During training exercises, practice or qualification with the firearm;
  - d. When circumstances create a reasonable belief that a threat to life or serious physical injury is immediately present.
  - e. When circumstances create a reasonable belief that display of a firearm as an element of Officer Presence and Verbal Command helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety.

**D. Chokeholds & Neck Restraints:** An officer shall not use a chokehold or neck restraint in the performance of his or her duties, unless deadly force is justified.

1. In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers shall not use a chokehold, neck restraint or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion.
2. Officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted for the purpose of seizing evidence.
3. Render Medical Aid: Officers restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.



4. As soon as the subject stops resisting and is handcuffed and/or under control, monitor the person's vital signs closely. Take the following steps:
  - a. Roll the person onto his or her side, or into a sitting position.
  - b. Monitor breathing.
  - c. Check the pulse at the wrist.
  - d. Check the person's facial skin color (a gray or blue tint is a sign of severe medical distress).
  - e. Determine if the person is functionally conscious (e.g., the person can exhibit voluntary movement, has the ability to converse, is aware of place/date/time).
  - f. If the person has difficulty breathing, is not at a functional level of consciousness, exhibits symptoms of medical distress, or if you have any doubt regarding the person's medical condition, request an emergency medic response and administer appropriate first aid.
  - g. If the person is being lodged at a correctional facility or taken to a medical facility, advise them if the person was rendered unconscious or subjected to a chokehold or neck restraint during restraint.

**E.** The Use of Non-Deadly Physical Force: A law enforcement officer is justified in using non-deadly physical force or threatening to use deadly physical force upon another person if the law enforcement officer reasonably believes the use of non-deadly physical force or the threat of use of deadly physical force is necessary to [ALEAP 6.01]:

1. Effect an arrest or to prevent the escape from custody of an arrested person unless the law enforcement officer knows that the arrest is unlawful; or
2. Defend himself or herself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

**F.** Variables that Affect Response to Resistance:

1. The following factors should assist the officer(s) in determining the appropriate response.
  - a. What was the physical threat to the officer or others?
  - b. How serious was the offense the officer suspected at the time the particular force was used.
  - c. Was the subject actively resisting or attempting to evade arrest by flight.
  - d. Officer and/or subject size and physical abilities;

- e. Environmental conditions, such as close or confined areas:
- f. Exigent conditions, such as the number of subjects involved; the number of officers involved; the availability of back-up, drug impairment of subject, and access to weapons;
- g. Reaction time must be considered. Since action is faster than reaction, the officer must pay attention to the above factors when preparing for a course of action.
- h. Escalation is justified when the officer is convinced that the level of force being used is insufficient to stop or control the resistance.
- i. De-escalation is when the subject begins to lessen the resistance offered; the officer must respond in a similar manner.

## **G. Response Options**

1. Officers have several force options that will be dictated by the actions of the subject. Officers may be limited in their options due to the circumstances and actions of the subject. In any given circumstance there will be a range of options that may be reasonable. At no time should these options be considered a ladder which must be attempted one progressive step at a time. For example, other options have been utilized and failed, or where based on the officer's perception at the time, other options would not be successful in bringing the event to an appropriate conclusion.
  - a. Command Presence: Visual appearance of the officer where it is obvious to the subject, due to the officer's uniform or identification, that the officer has the authority of law.
  - b. Verbal Command: Words spoken by the officers directing the subject as to the officer's expectations.
  - c. Soft hand control techniques are low level compliance procedures and have minimal chance of injury. Examples are:
    - i. Escort position,
    - ii. Pressure points,
    - iii. Empty hand joint locks,
    - iv. Handcuffing and/or supplemental restraints.
  - d. Oleoresin Capsicum (O.C.) Based Weapons: Where subject exhibits some level of active resistance officers may use O.C. Based Weapons to temporarily incapacitate the subject as per policy 9.04.
  - e. Conducted Electrical Weapon: Where subject exhibits some level of active resistance an officer may use an electronic control device as per policy 9.03.

- f. Hard hand control: Where a subject exhibits active resistance an officer may use physical strikes and control techniques to control a subject's resistance.
- g. Intermediate weapon(s) Batons, ASP/Expandable Batons, and other impact weapons as allowed by departmental policy. Only those weapons identified as authorized by this policy may be carried by Officers on duty. This section is not intended to limit Officer Response options relating to the implements ready at hand, used as defensive weapons, as a result of rapidly evolving situations.
  - i. Flashlights are to be carried primarily as a source of light, not used as a weapon except as an immediate last resort.
- h. Canine: Use of a canine to bite and hold subject to prevent escape or to gain control of a subject who is an immediate physical threat to the officer(s) or third party. Canine will be deployed per Department policy.
- i. Deadly Force: Force that creates a substantial likelihood of causing serious bodily harm or death.

**H. Subject Resistive Actions:**

- 1. Psychological Intimidation - Nonverbal cues indicating subject's attitude, appearance, and physical readiness.
- 2. Verbal noncompliance -Verbal responses indicating unwillingness or threats.
- 3. Passive Resistance: A subject who takes no action to defeat the officer's ability to control and/or take them into custody but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
- 4. Active Resistance: A subject actively resists when they take action to defeat an officer's ability to control and/or take them into custody.
- 5. Deadly force assaults -Lethal force encounters.

**I. Medical aid [ALEAP 6.07]**


- 1. In all incidents of response to resistance, appropriate medical treatment, consistent with any injury sustained by any individual, shall be immediately provided in the form of first aid, request for emergency medical service (E.M.S.) or transport to a medical care facility.
- 2. Appropriate medical aid may include:
  - a. Increased observation to detect obvious changes in condition;
  - b. Flushing chemical agents from the eyes;
  - c. Rendering first aid;

- d. Evaluation by Emergency Medical Services (EMS) personnel; or for more serious or life-threatening incidents, providing for treatment by medical professionals.
- 3. Documentation of all injuries and the medical aid obtained or offered for the person injured shall be made on the appropriate reports associated with the incident case.
- 4. Secured transportation of arrestees to a medical facility shall be ensured by requiring that at least one Officer accompany the prisoner in the ambulance, or that an Officer follow immediately behind the ambulance while en route.
- J. Injured or threatening Animal:**
  - 1. The discharge of firearms to destroy animals is permitted to prevent substantial harm to the officer or another person, or when an animal is so badly injured that humanity requires its relief from further suffering and Animal Control cannot make a timely response. All applicable Department procedures must be followed.
  - 2. Supervisors must authorize the destruction of an injured animal(s).
- K. Duty to Intervene**
  - 1. Upon observing excessive force by any other law enforcement personnel, officers will take reasonable actions necessary to stop the other law enforcement personnel from using excessive force and report the incident to their supervisor.
- L. Reporting Response to Resistance**
  - 1. Officers will report response to resistance in accordance with policy 9.02.
- M. Supervisor's Responsibility**
  - 1. The supervisor should ensure officers under his charge are familiar with this policy.
  - 2. An on duty supervisor should respond to all incidents involving a reportable response to resistance.
  - 3. When an incident involves death, serious bodily injury, or the discharge of a firearm the on duty supervisor shall notify the division commander.
- N. Training [ALEAP 3.02]**
  - 1. In-service training in regard to Responses to Resistance will be conducted annually.



# Springdale Police Department



Policy 9.02	Response to Resistance Reporting
ACA:	ALEAP: 6.03, 6.06, 6.10
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish guidelines regarding the documentation and review of the response to resistance by officers of this department.
- II. **Policy:** It is the policy of the Springdale Police Department to review and evaluate the reasonableness of response to resistance incidents. This policy is intended to establish and regulate procedures for documenting and reviewing any response to resistance situations.

### III. Definitions:

- A. Officer: For the purpose of this policy, Officer is defined as Sworn Law Enforcement, Building Security Officer or Jailer for the Springdale Police Department.
- B. Response to Resistance is defined as the reasonable force necessary to control and/or take the subject(s) into custody.
- C. Response to Resistance Report is the departmental report which will be completed in addition to the incident report or any other reports required when the response to resistance results in injury or the complaint of injury to any person, or the response to resistance is greater than Soft Hand Control.

### IV. Procedure:

- A. Officer(s) will complete a response to resistance report, when any of the following force options are utilized.
1. Oleoresin Capsicum (O.C.) / 2-chlorobenzylidene malononitrile (C.S.) Based Weapons
  2. Conducted Electrical Weapon
  3. Hard Hand Control
  4. Impact Weapons

5. Firearms discharges: Any intentional or unintentional discharge of a firearm, not inclusive of training scenarios [ALEAP 6.06].
  6. Use of force involving a department canine will be reported on a Response to Resistance Report when a canine causes injury.
  7. Deadly Force
  8. In the officer's or supervisor's opinion, an incident, arrest, or circumstance, involving a physical confrontation, should be documented.
  9. When the response to resistance results in injury or the complaint of injury to any person, or the response to resistance is greater than Soft Hand Control.
- B.** Officers involved in an incident where there is a response to resistance outlined in section IV., the officers should:
1. Notify their supervisor as soon as practical.
  2. Identify any potential witnesses to the incident.
  3. Document the response to resistance in the appropriate report(s).
  4. Complete the approved departmental response to resistance report and forward to their immediate supervisor. The report will be completed and turned in by the end of shift unless approved by a supervisor, and shall include the following:
    - a. Actions of the subject that necessitated a response.
    - b. Response utilized in controlling the resistant subject.
    - c. Injuries or complaints thereof sustained by the subject and/or officer.
    - d. Medical treatment received.
- C.** Supervisory Responsibilities:
1. An on duty supervisor should respond to all incidents involving a reportable response to resistance.
  2. When an incident involves death, serious bodily injury, or the discharge of a firearm the on duty supervisor shall notify the Division Commander.
  3. The supervisor should ensure an adequate investigation is conducted, witness statements are obtained, forensic evidence is preserved, pictorial and/or video evidence is obtained, and that a response to resistance report are completed. Photographs showing a lack of injury may be as important as one showing an injury.
  4. The pictorial cover sheet should note the following:
    - a. Name of person being photographed;

- b. Description of area photographed (example: bruise to right cheek, cut on left arm, etc.);
- c. Place where photograph was taken;
- d. Report number;
- e. Date and time photograph was taken;
- f. Who took photograph.

**D. Report Format**

1. The report regarding the control incident will be prepared as follows:
  - a. The digital file will include the response to resistance report completed by officers that are related to the same incident.
  - b. Any BWC/MVR will be coded properly and placed into a case on the digital media storage location.
  - c. The investigating supervisor will be responsible for ensuring that the necessary documentation is obtained and properly placed in the report before routing it through the chain of command.
  - d. The report should include:
    - i. Response to Resistance Report(s)
    - ii. Arrest Report and Offense Report (if applicable)
    - iii. Supplement Reports from police personnel
    - iv. Statements from witnesses

**E. Supervisory Review [ALEAP 6.03]**

1. The officer's immediate supervisor will review the incident file for completeness and compliance with departmental policy, sign the Response to Resistance Report(s) and then forward it through the chain of command. The file will be reviewed at each level of the officer's chain of command. A minimum of two supervisors and one Defensive Tactics Instructor will review the incident for compliance with departmental policy. The completed Response to Resistance form(s) should be forwarded to the Division Commander in a timely manner, and if there is a delay of more than seven (7) days the division commander will be notified in writing of the reason for the delay.
2. All response to resistance events involving death or serious bodily injury will be reviewed for legal and policy compliance by the Chief of Police or their designee.




3. If at any level of the review it is determined that the incident is not within policy, the Division Commander will forward the completed file to the office of the Chief of Police for review.
  - a. The Division Commander will review the recommendations for concurrence and if needed make any additions or changes to them. The results of the review and recommendations will be forwarded to the Chief of Police.
  - b. If the incident is within policy, the file will be forwarded to the Internal Affairs Unit for administrative purpose.
4. The Internal Affairs Unit will conduct an annual review and analysis of all Response to Resistance Reports and submit a report to the Chief of Police [ALEAP 6.10].



# Springdale Police Department



Policy 9.03	Conducted Electrical Weapon (CEW)
ACA:	ALEAP: 3.04, 6.03, 6.07
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish procedures for the use of the Conducted Electrical Weapons (CEW) by Springdale Police Employees.
- II. **Policy:** It is the policy of the Springdale Police Department to provide Conducted Electrical Weapons to trained employees to use in situations requiring the use of less than lethal force. These situations include, but are not limited to, quelling a disturbance, preventing escape, and protecting the welfare of citizens.
- III. **Definitions:**
  - A. **CEW:** A Conducted Electrical Weapon (CEW) utilizes an electrical discharge that disrupts the body's ability to communicate messages from the brain to the muscles, causing motor skill dysfunction. Upon deployment, an air cartridge uses compressed nitrogen to project two probes into the targeted offender. The probes are attached to the power source by insulated wire leads.
  - B. **Anti-Felon Identification (AFID):** AFID are confetti like identification tags. Each cartridge contains 20-30 identification tags that are ejected when the CEW is discharged. The tags contain the serial number of the cartridge used.
  - C. **Air Cartridge:** A replaceable cartridge capable of firing probes.
  - D. **Data Port:** The CEW is designed with a data port, for the transfer of certain types of device data.
  - E. **Deployment:** This includes a contact deployment, as well as the firing of an air cartridge.
  - F. **Drive Stun:** The process of utilizing the CEW as a pain compliance technique. This is done by activating the CEW and placing it against an individual's body.
  - G. **Officer:** For the purpose of this policy, Officer is defined as Sworn Law Enforcement, Building Security Officer or Jailer for the Springdale Police Department.

- H. Warning Arc:** The act of cycling the CEW with the intent of gaining compliance without physical intervention.

#### **IV. Procedures**

##### **A. Use and Operations**

1. CEWs and CEW holsters shall be issued to and deployed only by officers who have completed the Department's CEW Training Program, or a CEW Training Program from a CEW Vendor. The CEW shall be handled in the same manner and treated with the same degree of care and discretion as a firearm.
2. CEWs shall only be used as instructed in the training course, and only in accordance with Department Policy, General Order, and State Law. The deployment of a CEW is considered a use of force.
3. Any CEW or component thereof found to be defective or damaged shall be returned to the quartermaster for replacement. The employee shall provide a detailed explanation of the malfunction or cause of damage. CEW Instructors will ensure the device is working properly.
4. Officers assigned a CEW will be responsible for checking the expiration date on their CEW cartridges and CEW battery life. Officers assigned a CEW are responsible for obtaining replacements for batteries showing less than 20% battery life or cartridges past their expiration date.
5. All CEW and associated equipment shall be properly secured when not in use. When carried in the field, the CEW shall be carried in the Department-approved holster. The holster shall be carried opposite of the officer's department issued sidearm or in a manner to enable a weak hand draw.
6. Each deployment of a CEW shall be investigated and documented utilizing the Response to Resistance Report. This includes a contact deployment, as well as the firing of an air cartridge, or other deployment whether or not a subject or animal receives an electrical charge from the CEW. Any accidental discharge of a CEW air cartridge shall be documented in a memorandum and forwarded through the Chain of Command.
7. In the event a warning arc is utilized and as a result no other use of force option was used then a Response to Resistance Report is not required. The event shall be logged through either notification to Dispatch or in your reports if one was required for the incident.

##### **B. Deployment**

1. Whenever a CEW is to be deployed it is the responsibilities of the deploying officer to make officers on scene understand that the CEW is being deployed. This is to inform other officers that the deployment of the CEW is not lethal force. The CEW alert is to be given prior to deployment, when possible. This shall be accomplished through the warning announcement.

2. The decision to use the CEW shall be made based upon the actions of the subject or threats facing the officer or public, and the totality of the circumstances of the incident. The use of this device must be reasonable and necessary. The CEW may be used if verbal direction had failed to obtain the subject's compliance, and the subject has signaled his intention to actively resist the officer's efforts to affect an arrest or custody.
3. It will never be used as punishment.
4. When an officer approaches a subject with the intent to deploy the CEW, additional officers should also approach whenever possible to provide other appropriate force options should it become necessary for the protection of life. Whenever practical, Verbal commands should be used before, during, and after the deployment of the CEW to warn the subject to cease his/her active resistance or action.
  - a. Note: Under exigent circumstances, nothing in this order prohibits a single officer from deploying and firing a CEW without requesting the presence of additional officers or other personnel.

**C. Medical Treatment [ALEAP 6.07]**

1. Subjects who have received an electrical charge from the CEW unit or probes shall be treated as follows:
  - a. Only medical personnel may remove or direct to be removed any CEW probes that are embedded in sensitive areas such as the neck, female breast area, face, and groin. Once the subject is safely secured and in custody, the probe removal will be at the supervisor's discretion. Removal from other areas will be at the discretion of the on-scene supervisor.
  - b. If the subject is transported to the emergency room / hospital, the transporting officer will obtain a medical release from medical personnel before the subject is transported to the Detention Center.
2. Officers must be aware that one aspect of possible injury to a subject receiving an electrical charge from a CEW is that of falling from a standing position.

**D. Documentation [ALEAP 6.03]**

1. The deploying officer is responsible for documenting the deployment of the CEW by completing the Response to Resistance Report, indicating the CEW use, as well as submitting a detailed account of the probable cause for deploying the CEW each time it is deployed. If the deploying officer is not the primary reporting officer, the deploying officer shall index a detailed supplement to the case documenting his/her role in the deployment of the CEW.
2. The deploying officer shall notify his/her supervisor as soon as practicable after the use of the CEW to ensure a detailed review of the deployment.

3. The supervisor shall ensure photographs are taken of the subject receiving an electrical charge from the CEW (contact or probes), with special attention to any area injured and where the charge was received. The officer shall also include detailed documentation in the incident report of how any injuries occurred.


**E. CEW Instructor Responsibilities**

1. CEW Instructors shall:
  - a. Receive and ensure the maintenance and replacement of Department CEW devices and related equipment.
  - b. Establish and maintain systems to record assignment of equipment and yearly inspection of CEW devices.
  - c. Facilitate return of defective or damaged CEWs and air cartridges to the suppliers.
  - d. Obtain service and/or replacement for defective or damaged CEW components from the supplier.
2. The basic certification and annual re-certification training is the responsibility of the training unit. This Department requires all personnel, who are authorized to use less lethal weapons be trained at least annually and demonstrate proficiency for those weapons. The required training should be conducted by instructors having appropriate certification for the weapon or by instructors utilizing instructional materials for that weapon. [ALEAP 3.04].
3. Only officers demonstrating proficiency in the use of department authorized weapons will be approved to carry such weapons.



# Springdale Police Department



Policy 9.04	OC/CS Based Weapons
ACA:	ALEAP: 6.03, 6.07
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish and maintain uniformed guidelines for the use and decontamination of Oleoresin Capsicum (O.C.) / 2-chlorobenzylidene malononitrile (C.S.) Based Weapons.
- II. **Policy:** The Department is committed to protecting and preserving the lives of all citizens and police officers. The use of **OC/CS** Based Weapons provides officers with a tool to subdue and apprehend a violent/dangerous person without subjecting the officer or the citizen to unnecessary risk of serious injury or death.

### III. Definitions:

- A. **Oleoresin Capsicum (O.C.) / 2-chlorobenzylidene malononitrile (C.S.) Based Weapons** are an all-natural, non-enduring, less lethal substance derived from the cayenne pepper plant. The intended effect is causing a burning sensation and involuntary closing of the eyes, along with inflammation of the mucous membranes, resulting in choking, gagging, and gasping for breath.
- B. **Officer:** For the purpose of this policy, Officer is defined as Sworn Law Enforcement, Building Security Officer or a Jailer for the Springdale Police Department.

### IV. Procedure:

#### A. Use of OC/CS Based Weapons

1. The purpose of this section is to provide general guidelines and information on the use of OC/CS based weapons. The Department has issued OC/CS based delivery devices to provide officers with additional use-of-force options for gaining compliance of individuals in arrest and other enforcement situations. The Department will provide an OC/CS based delivering device to officers who have successfully completed the required training.
2. The deployment of an OC/CS based weapons is not a replacement or substitute for otherwise less-lethal devices or tactics and therefore should only be used when it is determined to be the best available enforcement tool or tactic under the given circumstances. Similarly, the deployment of an OC/CS based weapon

is not an alternative to the use of deadly force when such force is clearly authorized and necessary as described in this policy.

3. The decision to use OC/CS based weapons shall be made based upon the actions of the subject or threats facing the officer and the totality of circumstance of the incident. The use of this device must be reasonable and necessary.
4. It is recommended that officers deploy an OC/CS based weapon prior to any physical hand-to-hand combat. Law Enforcement experience on the use of OC/CS based weapons shows they decrease injuries to both the officer and prisoners when used according to police department guidelines.
5. Uniformed officers may carry Department issued OC/CS while on duty. Non-Uniformed officer may carry OC/CS and alternative devices as authorized by the Agency. Canisters shall be inspected periodically during roll call inspections.
6. OC/CS based weapons may be used if verbal direction has failed to obtain the subject's compliance and the subject has signaled his intention to actively resist the officer's efforts to affect an arrest or custody. The effects of OC/CS based weapon vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed.
7. OC/CS based weapons may also be used to affect the removal of a person from an automobile or from an enclosed area when it becomes apparent that physical force will be necessary to otherwise accomplish the person's removal.
8. OC/CS based weapons will only be used as a control and compliance measure against individuals and shall never be used for retaliation or for any illicit or unlawful purposes.
9. OC/CS based weapon should be sprayed directly into the face of the subject, assuring coverage of the eye area and secondarily, the nose and mouth area. The JPX 450 or other similar device has a primary target area of the nose, eyes, and mouth with the laser aim point at the nose to upper lip and secondarily the upper chest and neck area. Unless exigent circumstances develop, deploying the JPX 450 or other similar device must be done from a minimum safe distance of five (5) feet from muzzle to the subject's face.
10. OC/CS based weapon should not be used in the vicinity of infants or the elderly, since their respiratory systems are especially sensitive to irritating vapors. Use of OC/CS should be avoided, if possible, under conditions where it may affect innocent bystanders.
11. Officers will use only the amount of OC/CS based weapon reasonably necessary to achieve the desired enforcement results. Officers will discontinue the use of OC/CS based weapon when it becomes apparent that a suspect may otherwise be taken into custody or whenever the OC/CS based weapon appears to disable the suspect.
12. After control has been established and/or resistance has ceased, officers will make reasonable efforts to provide the person affected by the OC/CS material



relief from discomfort associated with the application of the OC/CS. Water and sufficient ventilation will reduce the effects of the OC/CS.

13. Only officers who have completed the prescribed course of instruction on the use of OC/CS based weapon are authorized to carry these canisters, and all officers will at all times conform to training provided by the Department in the use of OC/CS based weapon. Officers will only carry and deploy the authorized OC/CS based weapon which has been issued by the Department.
14. Officers shall not purposely deface or alter an OC/CS based weapon, other than by normal use. The Services Division or designee will replace expended OC/CS canisters, or expended cartridges. All depleted canisters must be turned in prior to receiving a new canister.
15. Individuals who have been exposed to any OC/CS based weapon will be monitored for indications of medical problems. If medical problems arise, the officer shall immediately summon emergency medical aid and notify the on-duty supervisor. If Individuals who have been exposed to the JPX OC solution continue to show symptoms beyond forty five (45) minutes emergency medical attention must be obtained.
16. Officers deploying an OC/CS based weapon shall indicate within the narrative of their arrest report the fact that an OC/CS based weapon was utilized during the arrest and include language within the narrative that documents efforts used to decontaminate the suspect.
17. Use of an OC/CS Based Weapon will be documented in the officer's arrest report.
18. Officers using an OC/CS Based Weapon will complete a Department Response to Resistance report.
19. Assistance shall be offered to any individual who is accidentally exposed to OC/CS or OC/CS based weapon and succumbs to the effects of the agent. All such incidents shall be reported as soon as possible to the officer's immediate supervisor and shall be detailed in a Response to Resistance report and Incident report.

**B. Decontamination**

1. Once a suspect is incapacitated and/or restrained, the use of an OC/CS Based Weapon is no longer justified and the decontamination process shall commence as soon as possible or practical. Subjects sprayed with an OC/CS Based Weapon will be exposed to fresh air as soon as possible.

**C. Care and Replacement of Containers**

1. All OC/CS based weapons shall be maintained in an operational condition.
2. Officers are responsible for the replacement of OC/CS based weapon containers as needed every four (4) years. Those Officers assigned a JPX are responsible

for replacing their cartridges when the cartridges reach the expiration date shown on the sticker on top of the cartridges.

3. Any unexplained depletion of OC/CS canisters or cartridges shall require an investigation and written report by the officer's supervisor to the commanding officer.


**D. Supervisor Responsibilities**

1. Supervisors should respond to the scene of the incident.
2. Shall ensure that all procedures on the use and deployment of an OC/CS Based Weapons are followed.
3. Shall ensure that all proper medical attention is afforded to the subject of the deployment and police officers or citizens, if necessary [ALEAP 6.07].
4. Ensure that a Department Response to Resistance is completed [ALEAP 6.03].
5. Ensure that all reports associated with the incident are completed properly and submitted.



# Springdale Police Department



Policy 10.03	Vehicle Pursuit and Emergency Vehicle Operations
ACA: 27-51-901; 27-49-109; 27-51-202, 27-51-204	ALEAP: 7.15, 7.16, 7.17, 7.20, 7.21
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

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

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

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

#### IV. Emergency Vehicle Operation: [ALEAP 7.17]

- A. Emergency runs will normally only be authorized in response to a life threatening or emergency situation. However, a supervisor may authorize an emergency response whenever they feel an expedited response is necessary. Response to a crime against property normally will not justify an emergency response. During an emergency response, emergency lights and siren and other emergency signal devices shall be activated as required by law.
- B. The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past the red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.
- C. No driver of any authorized emergency vehicle shall assume any special privilege under the law except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.
- D. The driver of an emergency vehicle is not held to the prima facie speed limit or the maximum/minimum speed limits on the highway while on an emergency call. For purposes of this section, "emergency calls" means legitimate emergency situations which call for the operation of an emergency vehicle, including a police vehicle.
- E. This law does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any emergency vehicle from the consequence of a reckless disregard of the safety of others.
- F. Officers will not engage in emergency vehicle operation when transporting prisoners, witnesses, suspects, complainants, or any person who is not a member of this department or has not signed a Waiver of Liability Form. (See SPD 10.11 "Ride-Along Policy" for more details on civilian observers.)

#### V. Procedure: [ALEAP 7.15]

**A. Pursuit Restrictions:**

1. Only emergency vehicles or marked police vehicles with emergency warning devices shall initiate or engage in a pursuit.
2. Authorized police vehicles in the pursuit shall have emergency equipment (blue lights and siren) in continuous operation.
3. Only two emergency vehicles, -- a primary unit and a secondary unit, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the managing supervisor.
4. Mobile Video Recordings: In emergency vehicles equipped with mobile video recorders, officers shall ensure that the equipment is activated during the pursuit and remains running in accordance with the MVR policy.
5. Roadblocks are prohibited. [ALEAP 7.20]
6. PIT maneuvers are prohibited.
7. Ramming, Boxing-In, or driving alongside a fleeing vehicle is prohibited.
8. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers shall discontinue the pursuit.
9. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
  - a. Parallel the vehicle in the correct lane of traffic;
  - b. Notify dispatch of a wrong way driver;
  - c. Request assistance to shut down vehicular traffic on the highway coming in the fleeing subject's direction; and
10. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.

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

1. Time of day and day of the week;
2. Lighting conditions;
3. Vehicular and pedestrian traffic;

4. Type of roadway;
5. Condition of the roadway (e.g. dry, wet, paved, gravel, icy);
6. Weather conditions (e.g. clear, overcast, rain, fog);
7. Condition of the emergency vehicle and the condition and type of the fleeing vehicle;
8. Driving ability of the officer; and
9. Speeds of the emergency vehicle and the fleeing vehicle.

**C. Pursuits will not initiate under the following conditions:**

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

**D. Responsibilities of the Primary Vehicle Driver:**

1. At the earliest possible moment, activate the vehicle's emergency warning devices from the point of initiation to that of completion.
2. Immediately notify communications of:
  - a. His or her unit number,
  - b. The location,
  - c. Direction of travel,
  - d. Speed,
  - e. Reasons for the pursuit,
  - f. The description of the vehicle being pursued,
  - g. The number of occupants,
  - h. The presence of other law enforcement agencies,
  - i. Location at the time the pursuit is discontinued.



3. Provide updated information regarding direction of travel, speed, and other pertinent details;
4. Allow the secondary vehicle driver to assume all communications;
5. Abandon the pursuit if any mechanical problems develop in the primary vehicle;
6. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

**E. Responsibilities of the Secondary Vehicle Driver:**

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

**F. Responsibilities of the Supervisor:** The role of the supervisor during the active pursuit includes but is not limited to assessing all incoming information, asserting control of all aspects of the pursuit and making objective decisions in compliance with this policy for the continuation or termination of the pursuit. In the event the supervisor initiates a pursuit he will, where feasible, turn over the role of Primary Vehicle Driver to the first back up officer who engages the pursuit. When the supervisor actively participates in the pursuit in the role of Secondary Vehicle Driver he is also responsible for fulfilling the role of supervisor in accordance with this policy.

1. Assert control over the pursuit.
2. Continuously review the incoming data to determine whether the pursuit should be continued or terminated.
3. Order units to clear intersections in the likely path of the pursuit where appropriate.
4. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked police vehicles are required based on the following circumstances:
  - a. The severity of the offense;
  - b. The number of occupants in the suspect vehicle;
  - c. The likelihood of the suspects being armed; or
  - d. Other relevant circumstances.

5. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved tactics;
6. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
7. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety; and
8. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene where practical.

**G. Responsibilities of the Communications Center:**

1. Assure that a supervisor is notified of the pursuit;
2. Assure that all critical information is received from the officers involved and relayed to other units;
3. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit;
4. Record all information received from the pursuing officer;
5. Clear the radio channel;
6. Conduct an inquiry of the license plate through ACIC/NCIC;
7. If appropriate, notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction; and
8. Continue monitoring the pursuit.

**H. Termination of Pursuit:**

1. Use of Stop Sticks: [ALEAP 7.21]
  - a. Remember that Stop-Sticks or spike strips as well as the firearm, constitute seizures (i.e. a stopping of movement by a means intentionally applied). Tire deflation devices constitute a use of force. In using these tactics officers should consider:
    - i. How serious is the offense that the officer suspects at the time they use the tactic?
    - ii. Is there a physical threat to the officer or any other person and how significant is that threat?
    - iii. Is the suspect actively resisting or attempting to evade arrest by flight?

- b. Deploying stop sticks can be very dangerous, and must have supervisor approval. Supervisors shall only authorize stop sticks when the need for apprehension outweighs the risk to the deploying officer.
- c. Only officers trained in the use of Stop Sticks/spike strips shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if at all possible.
- d. Officers deploying spike strips should be mindful of their own safety during deployment and not take unnecessary risks in their attempt to lay out the spike strip.
- e. Stop sticks may also be used to prevent future movement of stationary vehicles during certain situations, when approved by a supervisor.

2. Use of Firearms:

- a. The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
- b. Officers shall not shoot at or from a moving vehicle unless:
  - 1) The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious bodily injury to the officer or another person, or
  - 2) The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.

I. Officers should employ felony/high risk traffic stop techniques at the end of pursuits when circumstances warrant.

J. **Reasons for Discontinuation of Pursuit:** Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:

- 1. When ordered by a supervisor, or any other higher-ranking member of the department;
- 2. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension;
- 3. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension;

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

**K. Inter-jurisdictional Pursuits:**

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

**L. Report and Review Process: [ALEAP 7.16]**

1. The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit. The departmental Pursuit Report shall be completed after any pursuit. The Police Report will be attached to the Pursuit Report. The Pursuit Report will be forwarded via the chain of command to the Chief of Police or their designee.
2. The Chief of Police or their designee will determine compliance with all statutes and policies.

**M. Training:**


1. Officers shall not participate in a pursuit unless they have received specialized pursuit driving training.

2. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.
  3. Officers and dispatchers shall receive annual training on this policy.
- N.** The Department may prepare an annual report evaluating the pursuit history and frequency during that year. This report should assess the adequacy of the written policy, training and field implementation of the Department's pursuit policy.



# Springdale Police Department



Policy 10.08	Impoundment of Vehicles
ACA: 27-50-1207	ALEAP:
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** To establish procedures for the Springdale Police Department when impounding and towing vehicles.
- II. **Policy:** Vehicles should be towed only when necessary to remove unattended vehicles which may create hazards from the public way, to remove abandoned vehicles from public property, to remove vehicles required for evidence, or when vehicles are to be seized in accordance with applicable law.
- III. **Definitions:**
  - A. **Unattended Vehicle** - Unattended vehicle means any vehicle left on public property without the consent of an authority in charge of such property or on or near a public way without some person in possession of such vehicle.
  - B. **Abandoned Vehicle** - Abandoned vehicle means any vehicle deemed to be unattended as defined in this section:
    1. When it is apparent the owner does not intend to retake possession.
    2. When it remains unattended for a period of thirty (30) days, during which the owner has given no evidence of intention to retake possession.
  - C. **Public Way** - Public way means any road, highway or street over which the public may travel, including the traveled surface and any berm or shoulder thereof. (Does not include private property).
  - D. **Removal** - Removal means that an officer of this department may request a towing service respond to remove a vehicle.
  - E. **Investigative Hold** – A temporary hold on an impounded vehicle for investigative purposes.
  - F. **Other Hold** – A temporary hold placed on an impounded vehicle for reasons other than an investigative purpose.

- G. Vehicle Impoundment** – To remove or cause to be removed a vehicle from a street, highway, shoulder, or other public way by an officer and stored in a designated impound yard.

#### **IV. Procedures:**

- A.** When the owner/operator is available they shall be given preference of a towing service for all vehicle tows. The only exception to this is when an emergency exists, or when the immediate clearing of a public thoroughfare calls for an expedited towing service, and the owners preferred towing service is not located in close proximity, or is not able to promptly respond to the request for service.
- B.** When an officer orders a vehicle towed or impounded, the officer is to inventory the vehicle, including the interior, trunk/cargo area, glove box, all compartments and under the seats. All closed/locked containers found during the inventory should be opened when reasonably possible. Caution should be given to ensure no damage is done to personal property. A "Vehicle Tow Report" form shall be completed by the officer towing the vehicle. A copy of the report will be provided to the tow company and to the owner/operator of the vehicle. If the owner/operator is not available, a copy of the report will be left inside the vehicle. A third copy will be kept for department files.
1. This includes vehicles impounded incidental to an arrest, hit and run accidents, stolen, abandoned or unattended vehicles, as well as involvement in criminal activity.
  2. Officers should use caution during the inventory process to not contaminate or destroy the evidentiary value of the property in question.
  3. This procedure does not include vehicles that are towed at the request of the owner or operator because of malfunction or accident.
  4. Damage to the vehicle other than normal wear should be described in the section for damage. Note whether the damage appears to be new or old.
- C.** Officer(s) shall take appropriate enforcement action if during an inventory evidence, contraband or proceeds/instruments of a crime are discovered.
- D. Seized vehicles** – Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or to hold the vehicle hostage until the owner produces certain information or persons, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained). A Criminal Investigation Division supervisor shall be consulted to authorize the seizure of a vehicle. Investigation personnel will ensure proper documentation is complete concerning the seizure of a vehicle i.e. property receipt form, tow report, and any other required documents.
- E. Mandatory Tow Situations** - When an officer has reasonable cause to believe that a driver or owner of a vehicle is in violation of any one or more of the following statutes, subject to the discretionary exceptions listed elsewhere in this policy, the motor vehicle involved will be impounded.



1. Driver's License or privilege to drive is suspended for any purpose. (A.C.A. 27-16-303 or 5-65-105)
2. Theft by Receiving involving license tags or tabs. (A.C.A 5-36-106)
3. Improper use of tags or registration. (A.C.A 27-14-306)
4. Making Unofficial License Plates. (A.C.A. 27-14-305)
5. Giving false evidence of title or registration. (A.C.A. 27-14-307)
6. When the driver has been arrested and the vehicle is left unattended in a location which would constitute a traffic hazard or is highly susceptible to damage or vandalism. This includes private property which is open to the public.
7. When the vehicle is needed as evidence and/or was used in the commission of a felony.
8. When a vehicle is confiscated pursuant to law.
9. When the owner or operator specifically requests and authorizes the impoundment.
10. When the vehicle in question has been reported stolen and the owner cannot be notified or is unable to come to the scene and take possession of the recovered vehicle within a reasonable amount of time.

**F. Discretionary Tow Exceptions** – When an officer has reasonable cause to believe that a driver or owner of a vehicle is in violation of any one or more of the following statutes, the totality of the circumstances should be considered before a final decision to tow or not tow the vehicle is made.

1. When a vehicle has been abandoned.
2. When a vehicle has been marked for tow and is parked or left standing in the same location on a city street in excess of 24 hours.
3. Failure to have current Arkansas drivers' license in good standing. (A.C.A. 27-16-602)
4. Failure to obtain registration. (A.C.A. 27-14-701)
5. Operating without license plates, when the driver has previously been cited, except for this offense. (A.C. A. 27-14-304)
6. No insurance or no proof of insurance, must meet elements of AR Statute. (27-22-109)
7. As otherwise authorized by law.

**G. Alternative to Vehicle Impoundment** – Officers should offer the owner/operator one of the following options for the disposition of the vehicle if it can be done within a reasonable time:

1. Allow a responsible person who possesses a valid operator's license to assume responsibility of the vehicle and its contents.
2. Summons a person of the owner/operator's choice to come to the scene, in a timely manner, to take custody of the vehicle.
3. Properly park and secure the vehicle.

**H. Owner Notification:**

1. Officers towing unattended vehicles must attempt to notify the registered owner of the vehicle's location prior to the end of his/her working shift. If such notification is not possible, the officer shall document on the tow report and in the department computer system what attempts were made to contact the owner.
2. Officers towing unattended vehicles that were used in the commission of a crime, or that are stolen should notify the Criminal Investigations Division supervisor. Owner notification of such vehicles shall be completed at the direction of CID personnel.
3. If the owner of a towed vehicle is not able to be notified the front office will mail a letter to the last known address within 3 business days. The officer must ensure that the tow report with proper documentation is received by the front office in a timely manner.


**I. Private Property:**

1. Vehicles on private property may be subject to towing by the owner of the property. The owner of the property will be required to contact the wrecker service of their choice.
2. A towing company performing a non-consensual tow off private property will either call the information (location, vehicle description, etc.) into the Communication Center or submit it by fax. The Communications Center, in turn, will provide the tow company the name of the registered owner and/or lien holder of the vehicle. This information is then entered in the department's records management system.



# Springdale Police Department



Policy 10.10	Missing Persons
ACA: 12-12-205, 12-12-801	ALEAP: 7.35, 13.21
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

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

II. **Policy:**

- A. It is the policy of this department to thoroughly investigate all reports of missing persons. Additionally, this department holds that every person reported as missing will be considered **at risk** until significant information to the contrary is confirmed.
- B. This Department shall accept without delay any report of a missing person. [ALEAP 7.35 A.]
- C. Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, this department will immediately initiate the required reporting process. If a missing person legally resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement department covering that jurisdiction chooses not to take a missing-person report, this department will assume reporting and investigative responsibility.
- D. Questions concerning parental custody occasionally arise in relation to missing-child reports. It is the policy of this department to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this department will open a case when it can be shown that the child is missing, without explanation, from his or her usual place of residence.

III. **Definitions:**

A. **Missing adult means any person:**

- 1. Who is eighteen (18) years of age or older, and
- 2. Who has been reported to this department or any law enforcement agency as missing under circumstances indicating that:

- a. The individual has a physical or mental disability;
- b. The individual is missing under circumstances indicating that the disappearance was not voluntary;
- c. The individual is missing as a result of a natural or intentionally caused catastrophe; or
- d. The individual is missing and there is a reasonable concern for his/her safety.

**B. “Missing Child” means any person:**

- 1. Who is under eighteen (18) years of age;
- 2. Whose location is unknown or who has been taken, enticed, or kept from any person entitled by law or a court decree or order to the right of custody; and
- 3. Who has been reported as missing to a law enforcement agency.

**C. Unusual Circumstances: [ALEAP 7.35 C]**

- 1. A missing child 13 years of age or younger.
- 2. A child or an adult who is missing and believed to be one or more of the items noted below:
  - a. Out of the zone of safety for his or her age and physical and mental condition. The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child, the zone of safety might be the immediate neighborhood or route taken between home and school. In the case of an elderly person of diminished physical and/or mental health, the zone of safety might include the close proximity and availability of a caregiver familiar with that individual's condition and needs.
  - b. Mentally diminished. If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.
  - c. Drug dependent. In the case of a child, the term “drug dependent” shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term “drug dependent” shall refer to a dependence on legally prescribed medicines vital to the adult's continued physical well-being.
  - d. A potential victim of foul play or sexual exploitation.
  - e. In a life-threatening situation.

- f. Absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.
  - g. Believed to be with persons who could endanger his or her welfare.
  - h. Is absent under circumstances inconsistent with established patterns of behavior.
- D. **“At-Risk” Missing Person (Adult or Child):** A missing adult or child will be considered **“at-risk”** when one or more of the **unusual circumstances** as defined above are present.
- E. **Amber Alert:** An Amber Alert activation involves the participation of every law enforcement agency in Arkansas as well as over 250 local radio stations, television stations, and other media. Information is broadcast quickly to all participants so that details of a possible abduction can be disseminated. [ALEAP 7.35 D]

#### IV. Procedures:

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

1. If it is determined that “unusual circumstances” are involved in the report of a missing adult or child, the person will be considered “at risk” and an expanded investigation, including the use of all appropriate resources, will immediately commence. [ALEAP 7.35 C]
2. If appropriate, existing interdepartmental response protocols - including the AMBER Alert system and/or other available immediate community notification methods - should be activated. [ALEAP 7.35 D]
3. There is no required waiting period for reporting a missing person. A person may be declared “missing” when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines. [ALEAP 7.35 A]

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

1. Dispatch, in a prompt manner, an officer to the scene of the report;
2. Notify a supervisor and an investigator when appropriate;
3. Transmit the appropriate radio alerts and other notifications;
4. Search records for related information; and
5. Safeguard all pertinent records.
6. Enter the missing person into ACIC/NCIC as required. [SPD Policy 14.02]

7. At the direction of a supervisor or investigator, assist in the activation of one or more alert systems.

**C. The initial officer or first responder assigned to the report of a missing person shall: [ALEAP 7.35 B]**

1. Respond promptly to the scene of the report.
2. Interview the person(s) who made the initial report.
3. Obtain a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other officers who may be assisting in the investigation. Recent photographs and/or videos shall be secured if available.
4. Verify that the person is in fact missing. NOTE: In the case of children, first responders should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check of the house and grounds should be made that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior, including trunks of parked vehicles where limited breathing air may place the child at even greater risk. A search of the home should be conducted even if the missing person was last seen elsewhere.
5. Confirm custody status.
6. Identify the circumstances of the disappearance. First responders need to ascertain whether the circumstances surrounding a person's disappearance are such that a heightened level of response is warranted. If "unusual circumstances" exist, as defined in Paragraph D of Section III, then the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, officers should keep the missing person's safety in mind and act accordingly.
7. Determine when, where, and by whom the missing person was last seen.
8. Interview the individual(s) who last had contact with the missing person. Be alert to contradictions or evasiveness by the witness, especially if these statements cannot be readily substantiated.
9. Identify the missing person's zone of safety for his or her age and physical and mental state.
10. Make an initial determination of the type of incident. Note: Officers must be cautious in "labeling" or classifying a missing-person case since the classification process shall affect the way in which initial information or evidence is gathered. Even if first indications suggest a "less urgent" incident, officers should consider all possibilities until the case category is clearly determined.

11. Obtain a description of the suspected abductor(s) and other pertinent information such as suspected abductor(s) vehicles.
12. Evaluate whether circumstances of the child's disappearance meet existing AMBER Alert and/or other immediate community notification protocols. Discuss plan activation with the appropriate supervisory personnel on the decision to implement an AMBER Alert.
13. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted.
14. Provide detailed descriptive information to the communications unit for broadcast updates.
15. Identify and interview everyone at the scene.
16. Conduct a thorough search of the scene. With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted. If appropriate, officers should obtain written permission to search houses, apartments, outbuildings, vehicles, and other property that might hold information about the person's disappearance. Officers are again reminded to conduct a thorough, immediate search of the person's home and property, even if the disappearance supposedly took place elsewhere.
17. Secure and safeguard the area as a potential crime scene. If unusual circumstances exist, first responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence.
18. Prepare necessary reports and complete appropriate forms; and
19. If a report of a missing person involves an un-emancipated minor, a law enforcement department shall immediately transmit the proper information for inclusion in NCIC and the Missing Persons Information Clearing house. [ACA 12-12-205, 12-12-801]

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

1. Obtain a briefing from the first responder(s) and other department personnel at the scene;
2. Determine if additional personnel and resources are needed to assist in the investigation;
3. Consider activation of the **AMBER Alert** system and/or other immediate community notification methods. If circumstances indicate the chances for the child's safe recovery would be increased by immediate public awareness, a supervisor should promptly implement such efforts;
4. Establish a command post if needed;



5. Organize and coordinate search efforts;
6. Ensure that all required notifications have been made;
7. Establish a liaison with the victim's family;
8. Confirm that all department policies and procedures are observed; and
9. Manage media relations. Many missing-person investigations, especially those involving large-scale search efforts, are likely to draw media attention. Supervisors should contact the PIO to help manage media presence.

**E. The investigator assigned to the report of a missing person shall [ALEAP 7.35 E]:**

1. Obtain a briefing from department personnel at the scene;
2. Verify the accuracy of all descriptive information;
3. Initiate a neighborhood investigation if appropriate. A thorough canvass of the neighborhood should be conducted without delay. The objective is to identify and interview all persons within the abduction zone who may be able to provide information related to the incident. A record should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area;
4. Obtain a brief history of recent family dynamics;
5. Explore the basis for conflicting information;
6. Implement effective case management;
7. Evaluate the need for additional resources and specialized services;
8. Update descriptive information. **Note:** The National Child Search Assistance Act – enacted in 1990 and amended by the PROTECT Act in 2003 – mandates the entry of descriptive information for all persons, birth through 20 years of age. These entries are required to be made no more than 60 days after the report is taken;
9. When a law enforcement officer is notified by the parents, guardian, or other person having custody of a child that a child is missing, the law enforcement agency shall: [ALEAP 13.21]
  - a. Ensure that the missing child information, including a photograph, is entered into the Missing Persons Information Clearinghouse within the Arkansas Crime Information Center under § 12-12-205 and the National Crime Information Center, and;

- b. Within five (5) business days after being notified by the parents, guardian, or other person having custody of the child, inform by certified mail, return receipt requested, the Division of Vital Records of the Arkansas Department of Health and the superintendent or school administrator of the school where the child was attending that the child has been reported as missing;
- c. The division shall enter on or attach to the child's birth certificate a notice that the child has been reported missing. The school the child was attending shall make or attach the same notation on the child's school records.

10. Monitor media relations.

**F. An officer assigned to the report of an unidentified person, whether living or deceased, shall:**

- 1. Obtain a complete description;
- 2. Enter the unidentified person's description into the NCIC Unidentified Person File;
- 3. Utilize all available resources to aid in identification of the person, and;
- 4. Cancel all notifications after identification is confirmed.

**G. An officer assigned to the recovery or return of a missing person shall:**

- 1. Verify that the located person is, in fact, the reported missing person;
- 2. In the case of a missing adult who has been located, inform the person that he or she is the subject of a missing person investigation. If the located person is a competent adult, the officer shall determine the person's willingness for law enforcement to reveal his or her whereabouts. To the extent possible, a person's desire to remain hidden shall be honored.
- 3. Notify the initial reporting person(s) of the well-being and, if permissible, the whereabouts and contact information of the person who has been located.
- 4. In the case of a missing or abducted person who has been located, secure intervention services where appropriate.
- 5. In the case of a runaway or missing child from within the department's jurisdiction who has been located and who is not wanted on a warrant or other law violation, arrange the return of the child to his or her legal guardian or to an appropriate person.
- 6. In the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing person "hit" is verified, place the child in custody and transport him or her to the appropriate facility for admission; and
- 7. Complete the appropriate supplemental reports and cancel all outstanding notifications. Along with cancellation of the NCIC Missing Person File entry and other notifications regarding the case, a supplemental report should be


completed that describes the person's activities while missing and circumstances of the recovery/return.

- H.** If the person identified in the missing person report remains missing for 30 days, the assigned detective should contact his direct supervisor for a case review. The supervisor should determine whether any additional action needs to be taken, including but not limited to:
1. DNA samples from at least two family members including a maternal relative and, if possible, from the missing person along with any needed documentation, including any consent forms, to be submitted to the Arkansas State Crime Laboratory for the use of the state and federal DNA (CODIS SDIS/NDIS) databases.
  2. Dental and medical charting/information and x-rays, as well as an authorization to release dental or skeletal x-rays of the missing person. When dental records are obtained from health care providers, the resulting profile will be coded and entered into NamUs.
  3. Photographs of the missing person should be obtained for entry into NamUs and the ACIC Missing Persons file.
  4. Fingerprints will be coded and entered into NCIC via the Arkansas State Police and NamUs.



# Springdale Police Department



Policy 10.13	StarChase Vehicle Pursuit Management
ACA:	ALEAP:
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish a standard operating procedure for the StarChase Vehicle Pursuit Management technology.
- II. **Policy:** The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions. It is a policy of the Springdale Police Department that all officers assigned the StarChase Vehicle Pursuit Management technology be properly trained and follow the rules within this policy while in compliance with the SPD Vehicle Pursuit and Emergency Vehicle Operations Policy (10.03) for any deployment.
- III. **Definitions:**
  - A. **GPS Launcher:** A launching system that is mounted on an authorized law enforcement vehicle and deploys a GPS projectile/tag that adheres to the suspect vehicle.
  - B. **GPS Tag:** A device containing a miniature GPS module that is attached to a suspect vehicle via deployment from a GPS Launcher.
- IV. **Procedure:**
  - A. **This Department authorizes the use of StarChase Vehicle Pursuit Management technology to remotely affix a global positioning system (GPS) tag deployed from a GPS launcher to vehicles that meet the following criteria:**
    1. **The use of StarChase is authorized only when an officer has identified one of the following conditions:**
      - a. Confirmed stolen vehicle
      - b. Vehicle used in a felony

- c. Vehicle occupied by an individual reasonably suspected of committing a felony or violent crime
  - d. When a pursuit is authorized
  - e. Otherwise authorized by a supervisor in exigent, articulable circumstances.
2. **The following circumstances must also apply to deploy this device:**
- a. Vehicle is occupied, or the officer is otherwise unable to safely confirm that the vehicle is unoccupied, and;
  - b. Officers have reasonable suspicion that the vehicle is currently fleeing or will attempt to flee, and;
  - c. The officer does not have time to obtain a warrant.
3. **Prior to deployment, officers will consider the following:**
- a. Whether the officer can safely maneuver close enough to the target vehicle for a successful tag, considering the totality of the circumstances (i.e., weather, road conditions, etc.).
  - b. The presence of pedestrians who could be struck if the launched tracker misses its target.
  - c. The device **will not** be deployed in the following circumstances due to risk of occupant injury:
    - i. At a vehicle with fewer than four tires/wheels (e.g., motorcycle, moped, etc.).
    - ii. At a vehicle with an open cab (e.g., convertible with the top down or off).
    - iii. In any manner inconsistent with deployment strategies approved by StarChase.

## **B. Deployment**

- 1. StarChase will only be deployed by officers who have been trained in its use.
- 2. Officers will not violate the pursuit policy for the purpose of attempting to deploy StarChase.
- 3. Once deployed, officers will immediately notify communications. When a vehicle pursuit is not authorized, officers will slow down and disengage from any conduct that could be perceived as pursuing the tagged vehicle.
- 4. If a StarChase equipped vehicle is not directly involved in a pursuit, the officer operating the StarChase equipped vehicle may use reasonable efforts to catch up to the pursuit to deploy the GPS tag. Officers joining a pursuit in this manner

shall notify the on duty supervisor and officers involved in the pursuit of their initial responding location and of any necessary actions to move into a position to deploy the GPS tag when they catch up to the pursuit.


### **C. Tracking**

1. Once deployed, communications, a supervisor, or officer not actively involved in the pursuit, will continually update officers with the speed, direction, and location of the tagged vehicle until recovered or tracking has been discontinued by a supervisor.
2. Once deployed, a supervisor is responsible for defining the parameters of the response. StarChase deployment does not require discontinuance of a pursuit; however involved Officers and supervisors shall consider the effectiveness of StarChase with their decision to continue or discontinue the pursuit. If a pursuit is discontinued after StarChase deployment, with supervisor approval, officers will be allowed to track the vehicle via StarChase mapping until a reasonable apprehension effort can be made.
3. If a tagged vehicle enters another jurisdiction, communications will notify the appropriate agency of the incident, including why the vehicle was tagged and if SPD officers are in pursuit, or if SPD is only tracking the vehicle's location for recovery purposes.
4. The device will not be used to track a vehicle for any other purpose than to locate and recover the tagged vehicle, and suspect apprehension. It will not be used for other forms of intelligence gathering.
5. Officers will remove the device once the tagged vehicle has been recovered and the scene is safe. When possible, the device should not be removed in the presence of the public or other non-law enforcement individuals.
6. Officers deploying StarChase will document the deployment in their narrative in an incident report. The following items will be documented in the narrative:
  - a. Reason for deployment
  - b. Number of deployments
  - c. Whether the deployment was successful or not
  - d. Whether the deployment led to the apprehension of the suspect(s)
  - e. Any other required information related to a pursuit, apprehension or inability to recover StarChase GPS Projectile.



# Springdale Police Department



Policy 11.14	Incident Command
ACA:	ALEAP:
Effective Date: August 1, 2023	Version: 1
Frank Gamble, Chief of Police: 	

I. **Purpose:** The purpose of this policy is to establish guidelines for the organizational structure for an incident where the Incident Command System is utilized. This policy is not designed to determine how the operation will be handled.

II. **Policy:** It shall be the policy of the Springdale Police Department to follow the standard Incident Command System (ICS) protocols within the structure of the National Incident Management System (NIMS) for unusual circumstances. Not every incident will require the activation of the entire ICS protocol.

### III. Definitions:

- A. Command Post: Where all incident operations are directed.
- B. Incident Commander (IC): The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site. The IC will have absolute command over all aspects of the incident.
- C. Incident Command System: ICS may be utilized for any size or type of critical incident or event as a means to coordinate the efforts of individual members and other responding agencies as they work toward the stabilization of the incident. The ICS may expand or contract depending on the complexity of the incident and the on-scene requirements, as determined by the incident commander.
- D. Specialized Units: Canine Operators, Crisis Negotiations, SWAT, Drone, etc.
- E. Unusual Circumstances: Incidents where operations go beyond the scope of uniformed patrol such as crowd management, mass arrests, hazardous materials, and natural or manmade disasters.

### IV. Criteria for ICS:

- A. Determining which incidents warrant ICS implementation is a matter of good judgment, although the use of ICS is encouraged on small or everyday recurring



events to gain experience. Factors to consider for implementation include the following:

1. Size. How large a geographical area is or will be affected?
  2. Scope. How many resources are likely to be involved? What will be necessary to achieve stabilization and/or containment?
  3. Duration. How long can one reasonably expect the event or incident to last with or without ICS intervention?
  4. Multi-Agency Involvement. Will other police agencies and emergency responding departments, such as the fire department, be involved?
  5. Will specialized teams be deployed, such as SWAT or search and rescue?
- B.** When a critical incident goes beyond the normal scope of uniformed patrol operation the on-duty supervisor shall contact the Patrol Captain or designee and notify them of the incident. The Patrol Captain shall approve the use of Specialized Units. Once approved the on-duty supervisor shall notify the Communications Center to call out the necessary Specialized Units.

## **V. Incident Command Structure:**

### **A.** Initial Response:

1. Upon receipt and evaluation of the initial call, dispatch shall send patrol officers and, if appropriate, notify the tactical and negotiations teams.
2. The first responding officer shall assume the role of incident commander (IC) and be responsible for:
  - a. conducting an initial situation and response analysis,
  - b. determining what resources will likely be required based on the available information,
  - c. and providing this information to communications.
3. The first responding officer shall continue functioning as the IC until relieved by a ranking supervisor or an officer with specialized training or expertise in fulfilling this role.
4. **The IC** will remain in command until the incident is resolved, or one or more of the following measures are taken:
  - a. The Chief of Police or superior ranking officer officially assumes and announces command;
  - b. The Chief of Police may at any time assume command of the incident;


- c. The Incident Commander may request another supervisor to assume command;
- d. Command shall not be passed to personnel not on the scene;
- e. The Incident Commander being relieved shall provide the following information to the person assuming command:
  - i. Incident Conditions (location and extent, hazardous materials, number of offenders/victims), etc.;
  - ii. The Incident Action Plan;
  - iii. Progress towards completion of tactical objectives;
  - iv. Safety considerations;
  - v. Deployment, assignment and position of all units and personnel on scene;
  - vi. Appraisal of the need for additional resources.
- 5. Communications shall be continuously updated on officer positions and status; as well as informed if the incident command responsibilities are transferred to another officer.
- 6. The IC will establish unified command with members of other disciplines such as Fire Department, Negotiators, SWAT members, other agencies, etc.
- B.** In all incidents where special teams are called, the Patrol Captain or designee shall be notified along with the rest of the command staff and PIO. The Patrol Captain or designee shall respond and take over role as the Incident Commander.
  - 1. The chief of police or their designee shall exercise command and control over all law enforcement resources committed to an incident or event that is citywide or multijurisdictional in nature.
- C. Specialized Unit Response:** After the arrival of the SWAT and/or Negotiations elements, the IC will remain in Operational Control of the Incident.
  - 1. The SWAT Team Commander will have command over all tactical deployment and resolution. Absent exigent circumstances, the SWAT Commander shall coordinate with the IC on all tactical decisions.
  - 2. The Negotiations Team Leader will have command of negotiation operations.
  - 3. The SWAT Commander and Negotiations Team Leader will establish and operate from the incident command post in order to monitor tactical and negotiation progress and operate under the direction of the incident commander.

- D. Investigations/Crime Scenes:** Once the incident is under control and the need for CID is necessary, CID shall be in charge of the scene for evidence collection or other necessary investigative needs.



# Springdale Police Department



Policy 12.01	Collision Investigations
ACA: 27-19-501	ALEAP: 7.18
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to provide guidelines in the response and investigation of motor vehicle collisions. This policy shall apply to all members of the Springdale Police Department.
- II. **Policy:** It shall be the policy of the Springdale Police Department to investigate traffic collisions occurring within the jurisdiction of the Springdale Police Department and use proper techniques to complete the investigation and report.
- III. **Procedure:** [ALEAP 7.18]
  - A. Officers will respond as soon as practical to the scene of a collision. In less serious situations, officer response time will be influenced by the availability of officers. One or more officers will respond to collisions of a serious or complex nature to investigate, record evidence and restore the normal flow of traffic.
  - B. Officer responsibilities at the collision scene:
    1. The primary officer assigned to the call is in charge of the scene of a collision and subsequent investigation. This determination can be made by assignment from Dispatch, appointment by a supervisor or by collaboration of officers at the scene.
    2. Protect the collision scene and any physical evidence;
    3. Identify injured persons and provide emergency medical care, to the extent possible, until emergency medical personnel can respond;
    4. Identify and deal with fire hazards and/or hazardous material until fire department personnel can respond;
    5. Establish traffic control;
    6. Identify drivers involved in the collision, as well as witnesses, and obtain statements to be included in the report;
    7. Record collision information to include the possibility of taking measurements and photographs;

8. Exchange information among drivers;
  9. Collect and preserve evidence;
  10. Expedite the removal of vehicles, persons and debris from the collision scene; and
  11. Ensure for the control of property belonging to victims.
- C. Fatality Collisions:** In traffic collisions where there is death or injury likely to result in death, an Accident Reconstructionist shall be notified. In fatality collisions where criminal charges are likely, the Criminal Investigation Division shall also be notified. The primary officer assigned to the original call will protect the collision scene and provide assistance as needed to the reconstructionist. The reconstructionist is responsible for the completion of all aspects of the collision investigation.
- D.** In the event a collision is reported after the vehicles have been moved from the scene:
1. A delayed collision report may be made available to the parties involved if there is property damage to the extent less than \$1000 and no death, physical injury or impairment due to alcohol or drugs is involved. A supervisor will review delayed collision reports for completeness or to assign follow up investigation as deemed necessary.
  2. If any of the conditions listed above do exist, an officer must complete a collision report on the state prescribed report form utilizing the preferred departmental reporting system. The officer should note the fact the collision was reported on a delayed basis especially when the delay affects the determination of cause.
- E. Follow-Up Investigation:** The nature of some traffic collisions may necessitate a follow-up investigation to obtain information that cannot be obtained at the collision scene. Follow-up investigation might include, but is not limited to:
1. Collecting off scene data such as additional information about the driver, pedestrians, vehicles etc.;
  2. Obtaining/recording formal statements;
  3. Reconstruction of the collision scene;
  4. Processing reports to obtain criminal charges, if necessary; and
  5. Court preparation.
- F. Reporting Requirements:** All traffic collisions occurring on public roadways will be documented on the prescribed state approved collision form and completed utilizing the preferred departmental reporting system. Officers should conduct thorough, on-scene investigations whenever possible, of traffic collisions involving;
1. Death or Physical Injury;

2. Property Damage to the extent of more than \$1000 damage or when either party requests a report;
3. Hit and Run;
4. Traffic collisions involving impairment due to alcohol or drugs;
5. Hazardous Materials;
6. Disturbances between the parties involved;
7. Damage to public vehicles or property;
8. Major traffic congestion as a result of the collision;
9. Damage to vehicles to the extent towing is required.

**G. Private Property Collisions:** This department may respond to traffic collisions occurring on private property when requested and document what occurred. Private property traffic collisions involving personal injury or damage in excess of \$1000 (per A.C.A. 27-19-501) shall be completed on the state form. The following are incidents in which a department private property collision form shall be completed:

1. Private property traffic collisions involving impairment due to alcohol or drugs.
2. Private property hit and run traffic collisions in which viable suspect information is available.
3. Private property collisions involving less than \$1000 damage.
4. Private property traffic collisions involving city owned vehicles.
5. At the discretion of a supervisor.

**H. Departmental Collisions:** Whenever a Springdale Police Department vehicle is involved in an collision, the following shall occur:

1. Dispatch and a supervisor shall be notified immediately;
2. A supervisor or designee will investigate the collision;
3. The supervisor may assign an Accident Reconstructionist to assist on collisions involving fatality, serious injury or are complex in nature.
4. The collision will be investigated by the appropriate agency if occurring outside the jurisdiction of the department, however, a supervisor, when possible, will respond to the scene;
5. The supervisor will submit a memorandum to the Patrol Captain detailing the collision.


- I. **Traffic Safety Officers:** Traffic Safety officers may conduct collision investigations, provide traffic control, file collision reports and issue citations for violations of traffic law and city ordinances.





# Springdale Police Department



Policy 13.02	Lethal Force Incidents
ACA:	ALEAP: 6.08
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to provide guidelines for the response and investigation of officer-involved lethal force incidents.
- II. **Policy:** It shall be the policy of the Springdale Police Department to provide a thorough investigation and review of all officer-involved lethal force incidents.
- III. **Definitions:**
  - A. **Incident Commander (IC):** The ranking on-duty supervisor at the scene. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site.
  - B. **Involved Officer(s):** Unless otherwise indicated, those sworn officers in on-duty or off-duty status who are involved in a lethal force incident or are direct witnesses to such an event.
  - C. **Qualified Mental Health Professional (QMHP):** An individual who is licensed as a mental health professional and has an in-depth understanding of trauma-related disorders and the law enforcement culture.
  - D. **Employee Assistance Program:** The City of Springdale Employee Assistance Program is a benefit provided to City of Springdale employees that allows employees and/or their family members to receive counseling sessions.
  - E. **Lethal Force Incident:** For the purposes of this document, a lethal force incident includes, but is not limited to, the following:
    1. Any use of deadly force, regardless of whether the employee's actions resulted in injury or death.
    2. Any death or serious injury resulting from, or that occurs during, the course of an agency operation.
    3. Matters of an unusually serious nature involving agency employees, to include large-scale event response.

- F. Serious Injury:** Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

**IV. Procedure:** The following procedures are tailored to address an officer-involved lethal force incident.

**A. Initial Response:**

1. Ensure that scene has reached a level of control such that there is no longer a threat of harm to citizens, officers or suspects.
2. Immediately after the scene has been determined to be safe, officers shall provide first aid to the extent possible to any person who has been injured.
3. The officer(s) on the scene of a lethal force incident shall secure the crime scene to the extent possible so as not to destroy any evidence that may be of importance to the investigation.
4. An on-duty supervisor shall respond to the scene.

**B. Incident Command:** The IC will be the ranking on-duty supervisor at the scene. The IC will be responsible for successful command of the scene. The following protocol should be considered by the IC, where appropriate, to ensure a safe and thorough handling of the lethal force incident scene.

1. Ensure all medical needs have been addressed.
2. Ensure the crime scene has been adequately secured. Maintain a crime scene log documenting any and all individuals entering the scene.
3. Make requests for any additional personnel or resources.
4. Mobile Video Recorders and/or body worn cameras shall not be turned off by any officer until he/she has been instructed to do so by a supervisor, or until the officer leaves the scene of the incident. Supervisors should make exceptions for officers having private conversations with their legal representatives and/or family members.
5. Make all necessary notifications, to include Command Staff, Criminal Investigation Division and the Public Information Officer.
6. Maintain control of the lethal force incident scene until relieved of that duty by appropriate personnel.
7. Ensure that personnel involved in the lethal force incident, file reports in a timely manner.
8. All officers involved in the incident, should return to the police department as soon as released by a supervisor. When necessary, officers will be driven from the scene to the police department.

- C. Public Safety Statement:** An officer involved lethal force incident presents an immediate, overriding need to take action to secure the scene and ensure safety.
1. Officers involved in a lethal force incident shall be asked certain questions. The information sought after a lethal force incident is intended to aid in locating injured persons, securing weapons and evidence to prevent tampering or destruction, and apprehending suspects who pose a continuing danger to the community.
  2. Any questions posed to involved officers should be tailored to:
    - a. Presence of any weapons or evidence,
    - b. shots fired that may have harmed anyone, and
    - c. dangerous persons who may still be at large.
  3. The following are some questions that are appropriate and necessary for the initial incident commander to ask. They are designed to elicit the critical information necessary for scene management and public safety. This list is not exhaustive, and does not have to be asked verbatim, but it is expected that the incident commander will attempt to obtain the underlying basic information.
    - a. What happened?
    - b. Are you injured? If so, what are your injuries?
    - c. Is anyone else injured? If so, what are their injuries and where are they located?
    - d. Were you involved in a lethal force incident?
    - e. Approximately how many rounds did you fire, and in what direction did you fire them?
    - f. Approximately where were you when you fired the rounds?
    - g. Did you move during the encounter? From where to where?
    - h. Is it possible the suspect fired rounds at you? If so, from what direction were the rounds fired?
    - i. Are there any subjects at-large? If so:
      - i. What is their description?
      - ii. Do you have a suspect vehicle description?
      - iii. What is their direction of travel?
      - iv. How long have they been gone?
      - v. For what crime(s) are they wanted?

- vi. Are they still armed? If so, with what weapon(s)?
- j. If there is any evidence that needs to be protected, where is it?
- k. Did you observe any witnesses? If so, where are they?
- l. Are there any involved vehicles, including damage to the vehicles or vehicle-related safety concerns?

**D. Handling of Involved Officer(s):**

1. Officers who were involved in the lethal force incident shall be given time to contact family members, legal representatives, pastors, peers, and/or other support personnel the officer deems necessary.
2. The involved officer(s) who fired his/her weapon shall not be isolated. A neutral peer or supervisor shall be assigned to accompany and support the officer until the officer has been released to leave the department. The support officer shall not question the involved officer about the lethal force incident.
3. In a private setting, a supervisor shall retrieve the involved officer's fired weapon for investigation and immediately exchange it with a replacement handgun. If a long gun was fired, it shall be at the discretion of the Chief of Police, or his designee, if the long gun is to be replaced, dependent on the availability of weapons.
4. The immediate supervisor shall collect discharged firearms and maintain strict custody of the firearms until released to the criminal investigation team or submitted to Evidence. Appropriate paperwork will be completed to document the exchange.
5. The firearms and other weapons of involved officer(s) are physically checked for evidence of a discharge. Weapons that were fired shall be secured as evidence.
6. As soon as possible following a lethal force incident, the involved officer(s) shall be informed of the internal and investigative process that will follow. The officer shall be given a point of contact at the police department so that any questions or concerns the officer has can be addressed.
7. When the involved officer is released by the department to go home, he/she will be provided transportation as needed.
8. The officer(s) shall be kept informed of the status of the internal and criminal investigations as is practicable.
9. The officer(s) may be given an extended recovery time before any formal interviews are conducted.
10. The officer(s) shall be given the opportunity to walkthrough the incident scene and review their videos prior to any final statement.

**E. Criminal Investigation:**

1. In all cases, the Chief of Police or their designee shall consider whether it is in the department's best interest to utilize the services of an outside department to conduct the major crimes investigation that accompanies any law enforcement lethal force incident.
2. The Chief of Police or his designee shall notify the appropriate Prosecuting Attorney about the lethal force incident as soon as possible to allow the prosecutor the opportunity to visit and examine the crime scene.
3. The criminal investigators shall have priority to the crime scene, and they will allow internal affairs investigators access once critical evidence has been identified and preserved.
4. During criminal investigation interviews of police department personnel, all constitutional guarantees shall be afforded to personnel as would be afforded to any citizen.
5. When circumstances dictate the criminal investigation is to be conducted by the Springdale Police Department Criminal Investigation Division, the supervisor in charge of the investigation shall keep the Chief of Police or his designee informed of the progress of the investigation.
  - a. When the investigation has concluded, the Chief of Police shall review the findings.
  - b. After a review of the findings, the Chief of Police shall direct the supervisor in charge of the investigation to forward the case file to the appropriate Prosecuting Attorney's Office for review.
  - c. The criminal investigation shall not be considered complete and/or closed until the investigation and findings have been reviewed by the prosecutor.
  - d. It is recognized the prosecutor may request additional interviews or investigation, and therefore the criminal investigation shall not be released to anyone other than the prosecutor and/or Springdale City Attorney, until the investigation has been reviewed and is officially completed and closed.

**F. Internal Investigation:**

1. The Chief of Police or his designee will select an internal investigator immediately following an officer-involved lethal force incident. The investigator shall answer directly to the Chief of Police.
2. The internal investigation shall focus on Springdale Police Department policies, procedures and rules. This investigation will be separate from, and independent of the criminal investigation.
3. All internal investigations shall be conducted in a thorough and efficient manner. Internal investigations shall take priority over other assignments and shall be completed as timely as possible.

4. All employees shall cooperate with the internal investigations, and no employee shall interfere in any way with the investigation.
5. The officer involved in the lethal force incident will be given a chance to recover, approximately three sleep cycles, from the traumatic event before he / she will be required to give a formal interview.
  - a. The involved officer(s) shall be afforded the opportunity to have legal representation present during internal interviews.
  - b. Prior to an internal investigation interview, the officer/s shall be afforded the review of his/her Garrity Warning.
  - c. All interviews shall be audio recorded.
  - d. The involved officer(s) will be compensated for time spent participating in the internal and criminal investigation.
  - e. If an officer refuses to answer questions during an internal investigation, he/she will be given a direct order to answer the questions. If the officer refuses, he/she will face discipline up to and including termination.
6. An employee's compelled statements made during an internal investigation shall not be used against that employee in any criminal investigation.
7. Once the internal investigation is complete, it shall be submitted to the Chief of Police. The Chief of Police shall determine what actions are to be taken.

**G. Administrative Leave: [ALEAP 6.08]**

1. It shall be the policy of the Springdale Police Department that any officer who has used deadly force, or has been involved in a traffic accident that has resulted in serious injury or death of a person, shall be removed from line-duty assignment and placed on paid administrative leave until a preliminary administrative review can be conducted. The Chief of Police is the ultimate authority and may deem it necessary to place other employees on paid administrative leave.
2. Paid administrative leave is a matter of policy, and should not be interpreted to imply or indicate the officer(s) has acted properly or improperly. Administrative leave is not a disciplinary action.
3. At all times while on administrative leave, the officer(s) shall remain available to investigators.
4. The Chief of Police is the ultimate authority who shall decide when an officer is to return to work and in what capacity.
5. An officer who has been on leave pursuant to this policy shall qualify with his/her duty weapon(s) prior to returning to his/her regular duty assignment.

**H. Employee Assistance:**


1. When an officer is involved in a lethal force incident, it shall be the policy of this agency to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel. Services to the officer, may include but are not limited to,
  - a. Officers should attend a critical incident debriefing involving a professionally recognized counselor, chaplain, medical doctor, and/or peer group. Critical incident debriefing should normally be held within the first seventy-two hours following the incident.
  - b. Officers should utilize the Employee Assistance Program and follow the treatment plan given. An alternate qualified mental healthcare professional may be used in place of the Employee Assistance Program.
2. Prior to full-duty return, the Chief of Police has the authority to require an employee to participate in an independent fitness for duty evaluation. The evaluation shall be conducted by a qualified mental healthcare professional.





# Springdale Police Department



Policy 13.09	"T" "U" Visa Certifications
ACA:	ALEAP:
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

## I. Purpose:

- A. T and U-visas can greatly benefit law enforcement, as they encourage immigrant victims to work with law enforcement, prosecutors and courts to investigate and prosecute human trafficking and other serious crimes.
- B. A victim applying for a T-visa or a U-visa can help law enforcement by providing information about a crime and assisting in an investigation or prosecution of serious criminals, making the entire community safer.
- C. The purpose of this policy is to establish guidelines and procedures for officers who receive requests for a U-visa certification (Form I-918, Supplement B). This policy also specifies the certifying officer who will sign Form I-918, Supplement B.

## II. Policy:

- A. It is the policy of this agency to review all T-visa and U-visa certifications to determine if a qualifying crime has occurred and that the victim was helpful, is being helpful, or is likely to be helpful in the detection, investigation or prosecution of criminal activity.
- B. An applicant for a T-visa or a U-visa must demonstrate assistance to law enforcement. The applicant will submit a law enforcement declaration or certification along with the T- or U-visa application. This document serves to inform USCIS about assistance the applicant provided toward an investigation or prosecution of the crime. A certifying official must sign the law enforcement declaration or certification.

## III. Definitions:

- A. **"T" Visa:** The T nonimmigrant status visa (also known as the T-visa) provides immigration protection to victims of severe forms of human trafficking who assist law enforcement in the investigation or prosecution of human trafficking cases.
- B. **"U" Visa:** The U nonimmigrant status visa (also known as the U-visa) provides immigration protection for victims of qualifying crimes who are helpful to law enforcement in the detection, investigation or prosecution of the criminal activity.

- C. I-918B Form:** the form that must be filled out by the law enforcement officer for certification of the victim's/witness' assistance to law enforcement.
- D. Helpfulness:** means the victim was, is, or is likely to be assisting law enforcement in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. This includes being helpful and providing assistance when reasonably requested. This also includes an ongoing responsibility on the part of the victim to be helpful. Those who unreasonably refuse to assist after reporting a crime will not be eligible for a U-visa. The duty to remain helpful to law enforcement remains even after a U-visa is granted, and those victims who unreasonably refuse to provide assistance after the U-visa has been granted may have the visa revoked by USCIS. Law enforcement agencies should contact and inform USCIS of the victim's unreasonable refusal to provide assistance in the investigation or prosecution should this occur.
- E. "Qualifying criminal activity":** under federal law is defined by statute to be "activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law." The statute also includes the attempt, conspiracy, or solicitation to commit any of the crimes listed below:
1. Abduction;
  2. Incest;
  3. Rape;
  4. Abusive sexual contact;
  5. Involuntary servitude;
  6. Sexual assault;
  7. Blackmail;
  8. Kidnapping;
  9. Sexual exploitation;
  10. Domestic violence;
  11. Manslaughter;
  12. Slave trade;
  13. Extortion;
  14. Murder;
  15. Torture;
  16. False imprisonment;

17. Obstruction of justice;
18. Trafficking;
19. Felonious assault;
20. Peonage (Forced Labor-exploitation);
21. Perjury;
22. Unlawful criminal restraint;
23. Female genital mutilation;
24. Witness tampering;
25. Being held hostage;
26. Prostitution.
27. Other related crimes: "Any Similar Activity" refers to other criminal activity when the similarities are substantial and the nature and elements of the criminal activity are comparable.

#### **IV. Procedure:**

- A.** A law enforcement certification is required evidence of a victim's cooperation; it must be submitted in support of a U-visa application. Without a law enforcement certification, the U-visa application will be denied.
- B.** For a T-visa the law enforcement declaration is evidence of a victim's cooperation; it may be submitted in support of a T-visa application. The declaration is not required for a T-visa, but it is an important piece of evidence submitted by the applicant.
- C.** A supervisor is designated to issue U-Visa Certification on behalf of the chief of police by completing Form I-918, Supplement B.
- D.** By signing a law enforcement certification, the law enforcement agency is stating that a qualifying criminal activity occurred, that the victim had information concerning the criminal activity, and that the victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the qualifying crime. In addition, law enforcement may report information about any harm sustained by the victim that law enforcement has knowledge of or observed.
- E.** The certification process must be completed within (30) days after the receipt of the request for certification.
- F.** Eligibility:
  1. He/she is the victim of qualifying criminal activity.

2. He/she has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity.
  3. He/she has information about the criminal activity. If under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next of kin may possess the information about the crime on the individual's behalf.
  4. He/she was helpful, is being helpful, or is likely to be helpful to law enforcement in the investigation or prosecution of the crime. If under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next of kin may assist law enforcement on behalf of the individual.
  5. The crime occurred in the United States or violated U.S. laws
  6. He/she is admissible to the United States. If not admissible, an individual may apply for a waiver on a Form I-192, Application for Advance Permission to Enter as a Non-Immigrant.
- G.** Before completing a Form I-918, Supplement B (a request for a U-visa certification), the certifying official shall have verified the following:
1. The noncitizen was or is the victim of a qualifying criminal activity that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or
  2. The spouse or under-21-year-old child of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or
  3. The parents and unmarried under-18-year-old siblings of an under-21-year-old victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated.
  4. The noncitizen has been, is being, or is likely to be helpful to the investigation.
  5. Note: The certification of a T or U-visa does not require the initiation of a law enforcement investigation or a successful prosecution.
  6. A current investigation, the filing of charges, a prosecution or conviction is not required to sign the law enforcement certification. Many instances may occur where the victim has reported a crime, but an arrest or prosecution cannot take place due to evidentiary or other circumstances. Examples of this include, but are not limited to, when the perpetrator has fled or is otherwise no longer in the jurisdiction, the perpetrator cannot be identified, or federal law enforcement officials have deported the perpetrator. There is no statute of limitations on signing the law enforcement certification. A law enforcement certification can even be submitted for a victim in a closed case.
- H.** The certifying official may contact the VAWA Unit of the U.S. Citizenship and Immigration Services to report the U-visa applicant's failure to continue cooperating with the department only when the failure to cooperate is considered unreasonable. To determine whether failure to cooperate is unreasonable, officials should review

and consider the victim's history of abuse and victimization, and any threats the victim has experienced or is experiencing.


**I. Written notification regarding withdrawal or disavowal should include:**

1. The agency's name and contact information (if not included in the letterhead);
2. The name and date of birth of the individual certified;
3. The name of the individual who signed the certification and the date it was signed;
4. The reason the agency is withdrawing/disavowing the certification including information describing how the victim's refusal to cooperate in the case is unreasonable;
5. The signature and title of the official who is withdrawing/ disavowing the certification; and
6. A copy of the certification the agency signed (if a copy was retained by the agency).
7. The letter should be mailed or emailed to the:
  - a. Vermont Service Center at Law Enforcement, UTVAWA.vsc@uscis.dhs.gov, or mailed to
  - b. USCIS, Vermont Service Center ATTN: Division 6 75 Lower Welden Street St. Albans, VT 05479.



# Springdale Police Department



Policy 15.02	Holding Facilities
ACA:	ALEAP: 10.03
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish guidelines for the management and administration of this agency's detainee holding facility to include the security, control and care of detainees housed therein.
- II. **Policy:** It is the policy of this law enforcement agency to provide a secure book-in facility for detainees held for interrogation, arrest processing, transfer to another facility, or pursuant to another legal proceeding, and to maintain these facilities in a sanitary and safe manner. This book-in facility shall be approved by the State of Arkansas Criminal Detention Facility Standards (CDFS). [ALEAP 10.03]
- III. **Definitions:**
  - A. **Detainee:** Any person in the custody of this department, regardless of adjudication status.
  - B. **Holding Facility:** A book-in facility for persons under arrest or awaiting a decision to release or transfer to another secure facility.
- IV. **Procedures**
  - A. **Administration**
    1. **Supervision:** A supervisor shall be responsible for the holding facility to ensure that security, sanitation, maintenance, and safety of staff, detainees and property are maintained at all times.
    2. **Inspections:**
      - a. The holding facility shall be maintained at all times in a clean and sanitary condition. The holding facility supervisor or his or her designee shall conduct periodic and unscheduled inspections of the holding facility sufficient to ensure continued adherence to agency operating policy and procedures.

- b. Periodic inspection reports shall identify any conditions that are unsafe or unsanitary and provide time frames for correction or recommendations for equipment or facility improvements necessary to rectify the problem.

**B. Safety and Emergency Standards**

1. Fire:

- a. The holding facility shall be equipped with smoke detection devices approved by local or state fire officials.
- b. The type and location of fire suppression equipment shall be approved by local or state fire officials.
- c. All fire detection and suppression equipment and fire alarm devices shall be tested and/or certified on at least a monthly basis, unless otherwise specified

2. Evacuation Plan: An evacuation plan, in accordance with local or state standards, shall be approved by the Chief of Police or designee, to facilitate appropriate response to fire emergencies and other natural disasters, and shall be posted in the Book-In Facility cell area.

3. Suicide Prevention: The holding facility supervisor shall develop and the chief executive or other designated official shall approve suicide prevention protocols, to include physical facility design and agency response mandates to suicides or attempts.

4. Sudden Deaths: All sudden, unattended deaths shall be investigated according to protocols and procedures as previously established by this department and state or local authorities.

5. Detainees with Illness, Injury, or Disability: The holding facility is not equipped to treat detainees requiring medical attention. Therefore:

- a. No detainee should be booked into the holding facility or otherwise held by this agency that has injuries or illnesses that require immediate medical attention. This includes obvious injuries or illness, as well as situations in which arrestees
  - i. suffer from extreme alcohol intoxication or possible drug overdose,
  - ii. exhibit symptoms consistent with severe mental disorder,
  - iii. have indicated intentions of committing suicide or shown signs of being a suicide risk, or
  - iv. exhibit symptoms or report conditions of possible contagious disease.
- b. Minor injuries that do not require transport to a medical care facility may be treated by trained EMS personnel at the holding facility.



- c. If the severity of medical conditions is unclear or if a detainee requests medical attention, he or she shall be transported as soon as possible to this agency's designated emergency care provider.
- d. Continued detention of a detainee at a medical care facility is permitted only with the approval of a physician or qualified medical care professional. Once the detainee has been discharged, he or she will be transported back to the holding facility.
- e. Officers shall communicate any and all information relating to detainee injuries or illnesses not requiring immediate medical attention to the booking officer or other appropriate holding facility personnel and shall note this information in a report.

6. Riot and Assault:

- a. The agency shall establish plans and procedures for quelling disturbances by detainees and/or assaults upon officers, other agency personnel, or fellow detainees.
- b. The plan shall include authorization for use of various types of force (e.g., restraints, JPX, electronic control weapon) in response to the threat encountered.
- c. Officers are authorized to restrain uncontrollable detainees in accordance with this agency's Response to Resistance policies.

7. Detainee Escape:

- a. Detainee escapes shall be reported immediately to the on-duty supervisor in charge and the agency's communications center. This includes instances in which a detainee is mistakenly released.
- b. The identity, description, and suspected offenses of any escapee shall be relayed to all duty personnel and to adjoining jurisdictions, as quickly as possible.
- c. The officer in charge shall coordinate intelligence gathering, public notification and search procedures among agency personnel, other law enforcement authorities, and the media, as deemed appropriate, based on the escapee's prior criminal record, access to weapons, etc.
- d. The holding facility shall be locked down as soon as the escape has been reported, all detainees accounted for, and all security doors and devices inspected to ensure proper functioning.
- e. A complete investigation of the circumstances surrounding the escape shall be conducted and a full report with recommendations shall be provided to the chief executive officer and other entities as necessary according to established protocols.

8. Sexual Abuse and Sexual Harassment:

- a. This department has a zero tolerance policy concerning any sexual abuse or sexual harassment.
- b. The agency shall develop plans and procedures for the prevention, detection, and response to sexual abuse and sexual harassment of detainees, either by other detainees or by staff, volunteers, or contractors in accordance with the Prison Rape Elimination Act (PREA) standards for lockups.
- c. Detainees shall be informed, either verbally or through written materials, of this policy and of the available reporting procedures.

**C.** Processing:

1. The officer or booking officer shall assume control of all detainees brought into the facility for detention.
2. The officer or booking officer shall complete a detention record for all persons detained in the holding facility in accordance with agency policy. The record shall include biographical information on the detainee, offense charged or reason for detention, a complete physical description of the detainee, and any reported and/or observed injuries or illnesses.
3. A property inventory report shall be completed reflecting all items brought by the detainee into the holding facility and should be signed by the detainee. All containers found on the detainee's person shall be opened for inventory, items tagged, and securely stored.
4. A thorough search of all detainees shall be performed. A strip search may be performed, if criteria for the search meet this agency's policy and the search is conducted in accordance with established agency procedures.
  - a. Unless exigent circumstances exist, searches shall be performed by personnel of the same sex as the detainee.
  - b. Transgender or intersex detainees shall not be examined for the sole purpose of determining genital status.
5. All detainees booked into the facility shall be photographed and fingerprinted. Fingerprints shall be processed and forwarded to both state and federal authorities for identification purposes. A thumbprint shall be retained for identification purposes upon release. Juvenile detainees shall be handled per policy 10.07, Juvenile Operations.
6. Information regarding next of kin and emergency contacts shall be obtained.
7. All detainees shall be checked for outstanding warrants.
8. Only authorized and properly trained personnel shall be allowed in the booking area.

9. Handcuffs or other restraint devices, consistent with departmental policy, may be removed at the discretion of the booking officer based upon the conduct of the detainee, the offense for which the arrest was made, and related circumstances.
10. Prior to placing a detainee in a cell, a search of the cell shall be conducted for weapons or contraband. Prior to release, a similar search shall be conducted to include inspection for property damage. Any discrepancy uncovered in these searches shall be brought to the attention of the officer in charge prior to cell assignment or release of a detainee.
11. When making cell assignments:
  - a. Males and females shall be separated by sight and sound.
  - b. Juveniles shall be separated from adult detainees by sight and sound barriers.
12. Detainees shall be informed that they may utilize the telephone and shall be allowed to do so following the booking process or within a reasonable amount of time after being brought to the holding facility.
13. Detainees shall be brought before the appropriate court officer during the next scheduled session of the court or as soon as practical and in accordance with law and legal rules.

**D. Visitation:**

1. Attorneys, mental health personnel, and clergy shall be permitted access to detainees during pre-established hours.
2. All persons seeking access to the holding facility shall be required to show proper identification and their visit shall be properly recorded in the visitation log.
3. All persons seeking access to the holding facility are subject to search. Containers, including personal items such as handbags and briefcases, may not be carried into the holding facility, unless they have been inspected.

**E. Security and Control:** The holding facility supervisor shall be responsible for the security of the facility.

1. At the start of every shift, holding facility personnel shall ensure that all locking mechanisms and audio and video monitoring devices are operational.
2. Audio and video monitoring devices are employed for security and safety purposes. They shall not be used for monitoring detainee conversations with clergy, mental health or medical personnel, or attorneys.
3. All keys or other means of access to cells and related security control points shall be strictly controlled and used only in accordance with procedures established by the facility supervisor.
4. Doors to vacant or unoccupied cells shall be locked at all times.

5. Officers entering the holding facility shall secure their firearms, in accordance with agency policy.
6. Whenever possible, holding facility personnel should avoid unlocking or entering an occupied cell alone, particularly in situations when the detainee has been determined to be a threat risk to himself/herself or others. When necessary, the agency employee shall be monitored from a central point to ensure safety.
7. Smoking is not permitted within the holding facility.
8. Any periods of overcapacity shall be documented by the holding facility supervisor, to include the reasons for overcapacity, time period that the overcapacity lasted, as well as the actions taken to return to compliance.
9. Mass arrest, booking and detention of detainees shall be handled in conformance with this agency's crowd management policy.

**F. Feeding Detainees:**

1. The holding facility supervisor, consistent with agency policy, shall ensure that all detainees are provided with sufficient food at appropriate intervals during their detention.
2. Reasonable accommodations shall be made whenever possible to meet special diet requirements when prescribed by a physician, when verified as essential to the detainee's health, or to meet religious restrictions.
3. No food or beverage shall be brought into the holding facility by visitors.

**G. Medication for Detainees:**

1. All medication shall be secured in a safe located in the detention area.
2. On-duty building security shall ensure all detainee medications are dispensed according to original medicine container recommendations, and log the dispensing in the medication log.
  - a. Only medication in the original container with prescription instructions will be accepted and administered by Book-In Facility staff.
    - i. All prescription medications shall be notated in the detainee's medication log.
  - b. Over-the-counter medication such as Ibuprofen, etc. can be issued by Book-In Facility staff as requested by the detainee.
    - i. All over-the-counter medicine dispersals shall be logged in the detainees' medicine log.

**H. Detainee Release:**


1. A detainee charged with a crime shall be released from custody only when;
    - a. directed by proper legal authority;
    - b. he or she has been positively identified by photograph or fingerprints; and
    - c. at least two officers/booking officers, preferably including a supervisor, have reviewed and authorized the release.
  2. The building security shall positively identify the detainee as the individual to be released prior to processing the detainee for release. To confirm the detainee's identity, the building security shall use the following methods to include, but not limited to:
    - a. Current and/or Past Booking Photograph,
    - b. ACIC/NCIC Photograph,
    - c. State Issued Identification Card,
      - i. If none available, a series of verbal personal information verification questions can be asked.
  3. Detainees shall be asked to sign the receipt for their personal property, after items have been compared against the original inventory log and found to be complete.
    - a. Any discrepancies shall be reported immediately to the holding facility supervisor or the officer in charge.
    - b. Refusal of the detainee to sign shall be noted by the releasing officer/booking officer.
    - c. Items held as contraband or evidence shall be noted separately on a Form 7 and held by the agency upon the detainee's release.
- I. Transferred Detainees:**
1. Authorities taking custody of transferred detainees should be provided with all relevant information on the detainee, to include information on pending charges, illness or injury, suicide attempts or potential risks, use of illegal or prescription drugs, records of medical treatment or diagnosis, and potential for violence or escape.
  2. Detainee property shall be released to the accepting authority.
- J. Training:** All personnel assigned to the holding facility shall receive training in the following:
1. safety and security procedures,
  2. holding facility operations,

3. emergency evacuation procedures, equipment, and first aid;
4. supervision of detainees;
5. the effective and appropriate application of physical restraints and any use of force options authorized by the agency;
6. searching and booking detainees;
7. suicide prevention;
8. responding to sexual abuse and sexual harassment consistent with the PREA standards for lockups; and
9. such other matters consistent with assigned responsibilities, or deemed necessary by the holding facility supervisor.



# Springdale Police Department



Policy 15.03	Strip and Body Cavity Searches
ACA:	ALEAP: 10.04, 10.05
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to provide officers with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.
- II. **Policy:** This department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of this agency's prisoner detention and holding facilities. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.
- III. **Definitions:**
- A. **Strip Search:** Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, breasts and buttocks.
- B. **Body Cavity Search:** Any search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.
- IV. **Procedure:**
- A. **Strip Searches:** [ALEAP 10.04]
1. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to the following:
    - a. The nature of the offense charged.



- b. The arrestee's appearance and demeanor.
  - c. The circumstances surrounding the arrest.
  - d. The arrestee's criminal record, particularly past crimes of violence and narcotics offenses.
  - e. The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.
  - f. Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.
2. Field strip searches of prisoners shall be conducted only in the rarest of circumstances under exigent circumstances where the life of officers or others may be placed at risk, and only in privacy with the explicit approval of a supervisory officer.
3. Where articulable, reasonable suspicion exists to conduct a strip search, the arresting officer shall make a documented request for such action to the detention supervisor or other designated authority that clearly defines the basis for suspicion.
4. When authorized by the supervising authority, strip searches may be conducted only in the following:
- a. in conformance with approved hygienic procedures and professional practices.
  - b. in a room specifically authorized for this purpose.
  - c. by the fewest number of personnel necessary and only by those of the same sex.
  - d. under conditions that provide privacy from all but those authorized to conduct the search.
5. Following a strip search, the officer or building security requesting the search shall submit a written report to the supervisory authority that details, at a minimum, the following:
- a. Date and place of the search.
  - b. Identity of the officer conducting the search.
  - c. Identity of the individual searched.
  - d. Those present during the search.
  - e. A detailed description of the nature and extent of the search.
  - f. Any weapons, evidence or contraband found during the search.

- g. The on-duty building security will document in the Book-In Facility log and on a Book-In Facility incident report all strip searches conducted in the Book-In Facility.


**B. Body Cavity Searches:** Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed: [ALEAP 10.05]

1. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.
2. The officer shall consult with his immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others and/or the security of the department's detention operations.
3. If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause.
4. On the basis of a search warrant, a body cavity search shall be performed only by trained medical personnel at a designated hospital or medical facility.
5. An officer of the same sex shall stay present during the search to ensure chain of custody of any weapons, evidence, or contraband found.
6. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.



# Springdale Police Department



Policy 16.02	Court and Subpoenas
ACA:	ALEAP: 2.13, 2.16
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish uniform guidelines for the notification and appearance of Springdale Police Officers in court proceedings.
- II. **Policy:** Every employee of the Springdale Police Department will honor all lawfully served subpoenas or court orders. If an officer is unavailable on the day in question, it is his/her responsibility to contact the prosecutor and attempt to get the case continued. Failure to appear in court after being subpoenaed subjects the employee to disciplinary action. [ALEAP 2.16]

### III. Procedure:

#### A. Notification by Springdale District Court

1. The Springdale City Prosecutor's Office will directly notify any officer needed for trial, via phone and/or email in advance of the trial date.
2. In addition, notifications will be made to officers in the following ways;
  - a. The Docket will be listed on the City Prosecutor's website at, <https://www.springdalear.gov/o/springdale/page/docket>.
  - b. A phone recording at 479-750-8502
3. Posted on the window outside briefing.

#### B. Notification by Juvenile Detention and Circuit Court

1. All subpoenas faxed or delivered may be received by the Front Office of the Springdale Police Department.
2. The supervisor of the Front Office or his/her designee will scan the subpoena and email it to the officer and the officer's chain of command.
3. The paper subpoena will then be placed in the officer's mailbox.

#### C. Civil Court Proceedings

1. In some situations, officers may be called to testify in civil matters, related to their official capacity as a Springdale Police Officer. In those cases, officers will honor all lawfully served subpoenas and court orders.
2. If the employee receives a witness fee for appearing, then the employee has the choice of keeping the witness fee and using department leave, or turning the witness fee in to the City Clerk's office and claiming overtime or compensatory time as authorized pursuant to City Policy.

**D. Jury/ Court Duty Leave**

1. Please refer to City of Springdale Personnel and Procedures Manual, 5.14.


**E. RULES:**

1. An officer shall not willfully evade the service of a subpoena or court order.
2. Upon being served with a subpoena or court order, the officer shall contact the Prosecutor's Office as soon as possible to discuss any necessary particulars of the case and shall also notify his shift supervisor.
3. If an officer is subpoenaed as a defense witness, the officer shall notify the Prosecutor of this fact as soon as possible.
4. No officer shall fail to honor a subpoena or court order lawfully served without the permission of the issuing attorney or a judge.
5. Whenever appearing in court, an officer shall appear as neat and professional as possible. The wearing of the uniform or business formal attire is mandatory. [ALEAP 2.13]
6. An officer will appear in court with all necessary documents and/or evidence.
7. For Springdale District Court cases, each officer is responsible for appearing in Court, without a subpoena, in any cases in which he/she is involved or has been notified, or in which his/her name appears on the docket, unless the officer has been released by the Springdale City Attorney's office as set out above.



# Springdale Police Department



Policy 17.01	Property and Evidence Management
ACA:	ALEAP: 12.01, 12.03, 12.04, 12.06
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to outline the procedure of this department with respect to property, contraband or evidence that is seized. All property, with the exception of vehicles, will be dealt with under this policy.
- II. **Policy:** It is the policy of this department to provide for the reasonable safekeeping of all property that comes into the possession of this department. With respect to evidentiary items, this department shall maintain a proper chain of custody and secure such items in a manner that will ensure that the evidence is available to be admitted at trial. [ALEAP 12.01]
- III. **General Provisions Applicable To All Seized Items:**
  - A. All property/evidence seized by members of this department shall be submitted to the property/evidence technician or placed in the property/evidence area by the end of their tour of duty. Employees shall not personally retain property or evidence, except as part of an authorized chain of custody. [ALEAP 12.03]
  - B. Members of this department shall only seize items under the following conditions:
    1. Officer has probable cause to believe that an item is contraband (contraband is an item that by its very nature is illegal to possess (e.g. illegal narcotics).
    2. Officer has probable cause, at the moment of seizure, to believe that the item to be seized is stolen.
    3. Officer has probable cause, at the moment of seizure, to believe that the item is evidence of a crime.
    4. Officer has lawful reason to store items that have come into his possession until returned to rightful owner or otherwise disposed in accordance with Arkansas law.
  - C. The evidence custodian or case officer will return seized items (other than contraband or items required to be maintained for evidentiary purposes) to their

rightful owner upon satisfactory proof of ownership and after meeting all needs of any potential criminal prosecution. [ALEAP 12.06]

- D.** When seizing items of value (money/jewelry/precious metals), two officers shall inventory the items at the scene of the seizure, when feasible. The inventory will be documented via a police report, as well as the evidence management system.
- E.** In cases where professional expertise is required to make a proper accounting of the property, the Chief of Police or their designee shall be notified so that the services of an expert may be obtained.
- F.** Once an item is seized and inventoried, it shall be transported to the police department for processing.
- G.** The officer who has seized the property shall complete all appropriate forms/reports.
- H.** Items seized shall be properly marked and/or tagged.
- I.** The item(s) shall be entered in the evidence management system and stored in temporary evidence/property storage designated by the Chief of Police or their designee. All temporary evidence/property storage will be locked, secured, and function in such a way as to ensure that once seized items have been deposited, only approved evidence custodians will have subsequent access to the items. In cases where the seizing officer is not the reporting officer, the seizing officer may turn over seized items to the reporting officer for temporary evidence/property storage and documentation in the evidence management and report management system. Otherwise, the seizing officer will ensure that all evidence processing is completed and the initial report is supplemented regarding the seizure. [ALEAP 12.04]
- J.** Items secured in temporary evidence/property storage shall remain in this location until the items can be transferred to the permanent evidence/property storage area by assigned evidence custodians.
- K.** The Chief of Police or their designee shall designate evidence custodians who shall ensure that all seized items are properly packaged, documented, entered in the evidence management system, and delivered to the permanent evidence/property storage area.
- L.** If any discrepancies are discovered between items listed on the property form and the items being delivered to the permanent evidence/property storage area, the evidence custodian shall ensure that all issues are resolved. In the event an issue cannot be resolved, the evidence custodian shall report this discrepancy, in writing, to the Chief of Police or their designee.
- M.** In cases where a discrepancy has been reported, the Chief of Police or their designee shall cause an immediate investigation to resolve the discrepancy at issue.
- N.** Evidence custodians will ensure that appropriate entries are made to the evidence management system for all movements of seized items (i.e. court, crime labs,

prosecutors review, etc.) until such items are destroyed, returned to owner, or are otherwise lawfully disposed.

- O.** Any seized item released to the custody of its owner or other approved individual will be documented via a signed property release form and appropriate entries made to the evidence management system and/or report management system. Items returned should be particularly described including the status of their condition. The receiver will sign affirming the receipt and condition of items. [ALEAP 12.06]
- P.** All firearms seized by this department that are no longer necessary for evidentiary purposes and are not returned to a rightful owner following a criminal history check, shall be disposed of in accordance with Arkansas Law.
- Q.** No items in the custody of this department will be disposed of in any manner contrary to law.
- R.** Evidence custodians should consider photographing seized items returned to owners or other approved individuals when there is a potential for disagreement regarding the state of the items returned.
- S.** The permanent evidence/property storage area will be locked and secured. An alarm and video surveillance system is recommended to be installed. In addition, narcotics, firearms, monetary items and other items deemed valuable by the Chief of Police or their designee will be secondarily locked within the permanent evidence/property storage area.
- T.** When evidence custodians are removed from their evidence function and replaced with new personnel, locking mechanisms, used for evidence storage for which only evidence custodians possess access, shall be reprogrammed, rekeyed and or replaced.

#### **IV. Special Provisions Regarding Money:**

- A.** Monetary items may come into the possession of members of this department via confiscation for asset forfeiture, stolen property, found property, safe keeping, etc.
- B.** It is the goal of this department not to store monetary items in evidence/property storage areas unless no alternative to storage exists.
- C.** Monetary items related to asset forfeiture will comply with Arkansas Law concerning funds related to asset forfeiture and will typically provide a procedure for the maintaining of these monetary items that may differ from this policy.
- D.** Stolen monetary items, if at all possible, will be immediately released to the rightful owner or their designee following photographing and inventorying for police reports. A property release form will be executed particularly describing and accounting for denominations returned. [ALEAP 12.06]
- E.** In the event monetary items come into the possession of this department and no lawful alternative exists to storage, these items will be handled in accordance with the general procedures for the custody of evidence/property.



## **V. Special Provisions Regarding Narcotics:**

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

## **VI. Special Provisions regarding Security: [ALEAP 12.04]**

- A.** Evidence custodians and evidence supervisors shall be limited in number.

- B.** Once approved, the evidence custodians will have sole access to the permanent evidence/property storage area as well as keys, pass cards, combinations, or any other mechanism required for entry.
- C.** In addition, supervisors of the evidence custodians shall have limited access to the evidence/property storage area. These supervisors shall either possess a key/key card or alarm code, but never both. This requires an evidence supervisor to always be accompanied by another evidence supervisor or evidence custodian to gain access.
- D.** At no time will an evidence custodian or evidence supervisor permit any person (including the Chief of Police) to have access to any mechanism required to enter the permanent evidence/property storage area.
- E.** At no time will any member of the department, other than approved evidence custodians or evidence supervisors be permitted access to the evidence/property storage area unless accompanied by an evidence custodian.
- F.** Evidence custodians and evidence supervisors will immediately report any sign of unauthorized or attempted unauthorized entry, missing items, inventory discrepancies, violations of this policy, or any other matter of concern regarding the storage of seized items to the Chief of Police or their designee.

## **VII. Evidence Demanded in Court:**

- A.** When evidence is needed for court, the officer assigned to the case shall notify the evidence custodian. The evidence custodian shall retrieve the evidence requested by the court and provide it to the case officer. All appropriate entries will be made in the evidence management system documenting the transfer of evidence.
- B.** When evidence is returned from court, it shall be returned to the evidence custodian who shall complete all appropriate entries in the evidence management system and return the evidence to proper storage. If the evidence custodian is unavailable, the officer returning from court shall utilize the temporary storage procedures.
- C.** In cases where items of evidence are needed for court on several occasions but are not held by the court, officers must follow the above outlined procedure. In no case will evidence be stored in any other manner than outlined in this policy when held in the custody of this department and its members.
- D.** When a case is completed through a trial or plea, the officer handling the case shall notify the evidence custodian of the disposition of the case. The evidence custodian shall verify this disposition with the court so that a determination can be made regarding the continued custody or disposal of the evidence.

## **VIII. Firearms:**

- A.** All firearms seized for evidentiary purpose pursuant to a criminal offense should be submitted to the appropriate crime laboratory for forensic testing of the weapon and entry in the National Integrated Ballistic Information Network (NIBIN). Once the testing has been completed the firearm will be returned to the submitting officer or


gun owner. The chain of custody shall be properly documented and the weapon logged in and out of the evidence storage area.

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



# Springdale Police Department



Policy 17.03	Retention and Destruction
ACA:	ALEAP: 2.01, 4.04, 5.02, 12.05, 13.15
Effective Date: August 1, 2023	Version: 1
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish guidelines for the retention and disposition of all records maintained and stored at the Springdale Police Department in accordance with A.C.A. § 14-2-201 through § 14-2-204 and A.C.A. §12-12-104.
- II. **Policy:** It is the policy of this department to properly maintain records, electronic recording, and evidence in accordance with Arkansas State law. This policy provides for specific guidelines on the retention of records, electronic recording, and evidence as well as the storage of records and the destruction of all hard copy where electronic copies exist of the document.
- III. **Records Retention and Destruction:**
  - A. Authority to Reproduce Records per A.C.A. § 14-2-201. The head of any Municipal Department may cause any or all records kept by department to be photographed, microfilmed, photostated, or reproduced on or by film, microcard, miniature photographic recording, optical disc, digital compact disc, electronic imaging, or other process that accurately reproduces or forms a durable medium for reproducing the original when provided with equipment necessary for such method of recording.
    1. At the time of reproduction, the agency head shall attach his or her certificate to the record certifying that it is the original record, and the certificate shall be reproduced with the original.
  - B. Admissibility of Copied Records per A.C.A. § 14-2-202. The reproduction made in accordance with 14-2-201, when satisfactorily identified, shall be admissible into evidence as provided in § 16-46-101 or any other provision of law or court rules governing the admission of evidence. For all purposes recited in this section, a facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.
  - C. Disposal of Copied Records per A.C.A. § 14-2-203. The head of a City Department may certify, to the Mayor, that reproductions of public records have been made in accordance with § 14-2-201 and the Mayor shall have the power to authorize disposal, archival storage, or destruction of the records.

- D.** Municipal Police Department Records per A.C.A. § 14-2-204. All municipalities shall maintain records for the city police department as follows:
1. Crimes of violence as defined by A.C.A. § 5-42-203 will be retained permanently. If maintained for more than 10 years after the record was created, these records may be copied and electronically maintained in accordance with 14-2-203.
  2. Maintain for seven (7) years after closure of the case file or permanently, if desired, provided that A.C.A. § 12-12-104 and 14-2-203(b)(1) are complied with:
    - a. Closed municipal police case files for felony and Class A misdemeanor offenses,
    - b. Expungement order of municipal police cases.
  3. Maintain for three (3) years, records may be copied in accordance with § 14-2-203 or subject to disposal after the specified time period has passed:
    - a. Accident Reports
    - b. Incident Reports
    - c. Offense Reports
    - d. Fine and Bond Records
    - e. Radio Logs and complaint cards
    - f. Employment records, payroll sheets, time cards, and leave requests.
- E.** Documentation of recruitment, selection, hire, and promotion of employees to include position descriptions, job announcements and advertisements, selection criteria, evaluations, rankings, and employment applications of successful and unsuccessful applicants shall be kept for three years from date position is filed or until final disposition of the charge or action, whichever is greater. [ALEAP 4.04]
- F.** This agency shall maintain records in compliance with any and all state law to include but not limited to juvenile records, fingerprints, photographs, and all intelligence databases. [ALEAP 5.02]

#### **IV. Evidence/Property Disposal: [ALEAP 12.05]**

- A.** Evidence/property disposal will adhere to procedures promulgated by the State of Arkansas and or this policy. Unless other disposition is specifically provided by law, when property seized or held is no longer required to be maintained, it shall be disposed of by the law enforcement department via a court order if applicable as follows:
1. Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner;

2. Money shall be restored to the owner unless it was seized under laws pertaining to asset forfeiture. In such cases, money will be forfeited or returned to owner in the event of a negative finding.
  3. Contraband shall be destroyed unless they may reasonably be returned to a condition or state in which such goods may be lawfully used, possessed, or distributed by the public. In such a case the item(s) must be disposed of by court order.
  4. Firearms, explosives, ammunition, bombs, and like devices shall be destroyed. Firearms which may have a lawful use may be held without destruction and disposed of by way of a court order.
  5. Animals seized as evidence and are no longer required to be maintained, will be disposed of pursuant to a court order.
  6. Any other property shall be disposed of in accordance with a court order.
- B.** Evidentiary items not required to be maintained following criminal and or appellate process under Arkansas Law, will be returned to owner, destroyed pursuant to a destruction order, or otherwise lawfully disposed under Arkansas Law following the disposition of the criminal case and the statutory time for appeal.
- C.** In all subsequent court proceedings following the disposition of the case, all evidence presented at the original proceedings is admissible through introduction of the certified record of the case.
- D.** It shall be the responsibility of the evidence custodian to perform periodic reconciliations between evidence/property in the custody of this department and the disposition of cases. The purpose of this reconciliation is to determine those cases where there is no longer a requirement to maintain evidence/property. Reconciliation is recommended to occur on a monthly basis, but is required semiannually. Items that are no longer have a requirement to be maintained will be disposed of in accordance with Arkansas Law and this policy.
- E.** Destruction orders, when required, shall be prepared by the evidence custodian. This destruction order shall include the following information: PD case number, court case number; name of defendant; disposition of the case; description of evidence/property; and affiant information.
- F.** Destruction orders will be reviewed by the Chief of Police or their designee who will verify the dispositions of the case and compliance with evidence procedures. Orders will be forwarded to the appropriate prosecuting officer for review and concurrence with destruction.
- G.** If it is determined that the destruction order does not meet the criteria set forth in this policy, the designated officer shall direct the individuals responsible for compliance on what is necessary to correct the deficiencies. No evidence/property will be destroyed before there is complete compliance with destruction order procedures when such an order is required.

- H. Following approval of the destruction order by this department and the Prosecuting Attorney, the order will be presented to a judicial officer for authorization to destroy.
- I. Following judicial approval, evidence/property will be destroyed in accordance with the procedure set forth by the State of Arkansas and the procedures outlined in this policy. Evidence custodians in charge of the physical destruction will ensure that the date, time, and location of destruction as well as a minimum of two (2) witnesses to the destruction are entered in the evidence management system and or attached to the destruction order.

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

- A. Per ACA 12-12-104, in a prosecution for a sex offense or a violent offense, the law enforcement agency shall preserve, subject to a continuous chain of custody, any physical evidence secured in relation to a trial and sufficient official documentation to locate that evidence. After a trial resulting in conviction, the evidence shall be impounded and securely retained by a law enforcement agency. Retention shall be the greater of:
  - 1. Permanent following any conviction for a violent offense;
  - 2. For twenty-five (25) years following any conviction for a sex offense; and
  - 3. For seven (7) years following any conviction for any other felony for which the defendant's genetic profile may be taken by a law enforcement agency and submitted for comparison to the State DNA Data Base for unsolved offenses.
- B. After a conviction is entered, the prosecuting attorney or law enforcement agency having custody of the evidence may petition the court with notice to the defendant for entry of an order allowing disposition of the evidence if, after a hearing and a reasonable period of time in which to respond, the court determines by a preponderance of the evidence that:
  - 1. The evidence has no significant value for forensic analysis and must be returned to its rightful owner; or
  - 2. The evidence has no significant value for forensic analysis and is of a size, bulk, or physical character not usually retained by the law enforcement agency and cannot practicably be retained by the agency.
- C. The court may order the disposition of the evidence if the defendant is allowed the opportunity to take reasonable measures to remove or preserve portions of the evidence in question for future testing.
- D. It is unlawful for any person to purposely fail to comply with the provisions of this section. A person who violates this section is guilty of a Class A misdemeanor. As used in this section:



1. "Law enforcement agency" means any police force or organization whose primary responsibility as established by statute or ordinance is the enforcement of the criminal laws, traffic laws, or highway laws of this state;
2. For a full list of "Sex offense" and "Violent offense" see A.C.A. § 12-12-104.

#### **VI. Arkansas Statute Regarding Unclaimed Seized Property:**


- A. Except as provided in subdivision (d)(2) of A.C.A. § 5-5-101 (contraband), unclaimed seized property shall be sold at public auction to be held by the chief law enforcement officer of the county, city, or town law enforcement department that seized the unclaimed seized property or the chief law enforcement officer's designee.
- B. Disposition of unclaimed property shall be in accordance with A.C.A. § 5-5-101 (2011). The proceeds of the sale, less the cost of the sale and any storage charge incurred in preserving the unclaimed seized property, shall be paid into the general fund of the county, city, or town whose law enforcement department performed the seizure.
- C. Unclaimed seized property that is a recreational item may be donated at no cost to a local or state department, a nonprofit organization, or an educational program designed to provide education, assistance, or recreation to children.
- D. A "recreational item" means an item generally used for children's activities and play. "Recreational item" includes without limitation a bicycle but does not include a motor vehicle or motorcycle.
- E. The time and place of sale of seized property shall be advertised:
- F. For at least fourteen (14) days before the day of sale by posting written notice at the courthouse door; and
- G. By publication in the form of at least two (2) insertions, at least three (3) days apart, before the day of sale in a weekly or daily newspaper published or customarily distributed in the county.
- H. Any seized property to be sold at public sale shall be offered for sale on the day(s) for which it was advertised, publicly, by auction, and for ready money.
- I. The highest bidder shall be the purchaser.
- J. The proceeds from any sale of seized property shall be delivered to the county, city, or town treasurer, as the case may be, to be held by him or her in a separate account for a period of three (3) months.

#### **VII. MVR and BWC Retention and Destruction:**

- A. Original digital files from a BWC or MVR will be downloaded and stored on a designated network server or other electronic network storage.
- B. Officers will make reasonable attempts to download video/audio files before the end of each shift.

- C.** Non-evidentiary video/audio recordings will be maintained in electronic storage or the network server for a period of time as directed by the Chief of Police or their designee but in no case will be held less than any required amount of time pursuant to the Arkansas Freedom of Information Act or court decision related thereto. The following are the recommended categories and associated retention rates for BWC or MVR recordings: [ALEAP 2.01 H] [ALEAP 13.15 H]
1. Test or No Action – For testing of the MVR/BWC system and calls where no citizen contact was made. (90 days)
  2. Traffic Stop or Citizen Contact – For any contact with the general public, incidents resulting in no police action or known criminal offense, or traffic stops or traffic crashes resulting in a warning. (1 year)
  3. Misdemeanor or Traffic Charge – All incidents and/or citizen contacts resulting in a citation, or misdemeanor criminal investigation and/or arrest. (2 years)
  4. Felony or Response to Resistance (RTR) – All felony criminal investigations and/or arrests and all incidents of police response to resistance. (5 years)
  5. Homicide or Officer Involved Shooting (OIS) – All incidents involving the discharge of a firearm or incidents involving the attempted killing or resulting death of a person. (Indefinite)
  6. Administrative Reviews – All incidents designated for administrative review. – (Indefinite)
- D.** Request for deletion of a recording or a portion of a recording (e.g., in the event of an accidental recording) must be submitted in writing and approved by the Chief of Police or his or her designee. All requests and final decisions shall be kept on file for the duration of the retention period.
- E.** Video/audio recordings determined to be evidentiary in any criminal or civil proceeding shall be copied to DVD or other media and handled in accordance with departmental regulations regarding electronic evidence or work product. Recordings will be maintained in accordance with Arkansas law related to police municipal records as outlined in ACA 14-2-204.
- F.** This agency will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.
- G.** All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the agency for reasons other than criminal prosecution is strictly prohibited without specific authorization of the Chief of Police or designee
- H.** Malicious destruction or deletion of video and audio files is prohibited.
- I.** All video and audio files are subject to open records request as allowed by Arkansas law.

- J.** Electronic Media will be stored in a manner designated by the agency.
- K.** If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.
- L.** Electronic Media is subject to review by the Chief of Police or their designees.
- M.** Video shall not be reproduced without the express authority of the Chief of Police or their designee.
- N.** First line supervisors or a designee should review a random sample of BWC and MVR recordings quarterly for each officer supervised for policy, training and legal compliance. After review, the supervisor will document the review and any supervisory actions taken. Supervisors should meet with individual Officers to provide guidance, training and correction when required. Supervisors will initiate formal counseling or internal affairs procedures; as the need arises. When corrective action is taken, a special review may be implemented for that particular officer for a set duration of time in order to ensure compliance with the corrective action.
- O.** All electronic storage devices and evidence contained within are subject to recovery and/or review by the Chief of Police or designee for any incident or complaint of police misconduct and/or citizen complain.
- P.** If an officer is involved in a serious incident or subject of a serious allegation, the supervisor shall confiscate the body-worn camera immediately. The supervisor shall maintain the chain of custody of the body-worn camera if related to a criminal investigation or turn it over to the proper authority pending administrative review.

Policy 18.01	Canine Operations
ACA:	ALEAP: 3.19, 6.01, 6.02, 6.03, 6.07
Effective Date: August 1, 2023	Version: 2
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this directive is to establish procedures to provide guidelines for the management and use of police canines in field operations.
- II. **Policy:** Because of a superior sense of smell, hearing, and the ability for a canine to be used to protect officers and our citizens, the trained law enforcement canine is a valuable asset to a police agency. Utilization of canines requires adherence to procedures, which properly control their use of force potential and channel their specialized capabilities into legally acceptable crime prevention and control activities.

### III. Procedures

#### A. Canine Unit Utilization

1. A Canine Team is defined as an officer handler and an assigned police canine. Canine teams are available on a twenty-four (24) hour basis for incidents such as, but not limited to:
  - a. Conduct building searches.
  - b. Assist in the arrest or to prevent the escape of offenders.
  - c. Protect officers or others from death or serious bodily injury.
  - d. Area searches to locate suspects or lost/missing persons.
  - e. Detection of hidden instruments or evidence of a crime.
  - f. Establish probable cause for use in obtaining search warrants.
  - g. Assist with the execution of a search warrant to locate evidence or provide perimeter containment of a building during the service of a warrant.
  - h. Community relations and/or policing demonstrations.
2. Recommended Canine Team calls-for-service:

- a. All burglary in progress calls
  - b. Felony crimes or misdemeanor crimes of violence where the suspect has fled on foot
  - c. Alarm calls
  - d. Prowler calls
  - e. Calls where the presence of a canine may deter an attack on police officers
  - f. Narcotic calls, if necessary
3. Canine teams should not respond to minor complaints unless approved by a supervisor.
  4. Police canines will only be used for criminal apprehensions where there is reason to believe the officer may encounter resistance from the suspect, or to locate a suspect attempting to elude capture.
  5. Canine Units engaged in vehicle pursuits should drive with due regard for the health and safety of the canine while involved in vehicle pursuits. Once another unit joins the pursuit the Canine Unit should drop back to become the secondary unit.
  6. Canine handlers are responsible for determining whether a situation justifies canine use and the appropriate tactical measures that should be taken.
  7. A supervisor responsible for the overall event may direct that a canine not be deployed; however, the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.
  8. The canine is the responsibility of the handler and will not be permitted to roam at will.
  9. A request for use of a canine when there is not a canine on duty must be authorized by a supervisor.

**B. Canine Use of Force [ALEAP 6.01, 6.02]**

1. The use of a canine for purposes of apprehension is non-deadly force.
2. Use of specially trained police canines for the apprehension of suspects constitutes a real or implied use of force. In this, as in other cases, officers may only use that degree of force that is reasonably necessary to apprehend or secure a suspect as governed by the department's use of force policy.
3. Handlers should recognize that due to the distinct ability to recall the canine and terminate the apprehension command, there is the ability to de-escalate this type of force option.

4. If a suspect surrenders or discontinues resistance, the canine apprehension will be terminated.
  5. A fleeing or hiding suspect creates a potentially dangerous circumstance for pursuing or searching officers since the suspect's intent is unknown. It may also be unknown as to whether or not the subject has access to weapons. Thus use of a canine under these circumstances would normally be reasonable for:
    - a. The protection of the handler;
    - b. Protection of the officers and others; and
    - c. Apprehension of a suspect who continues hiding after a warning or who continues to flee after a lawful show of authority to stop.
  6. In all instances where a canine is deployed, the canine incident shall be documented. [ALEAP 3.19 D & F]
  7. Whenever a canine bites an individual, whether or not in the line-of-duty, the handler shall:
    - a. Notify an on-duty supervisor who will, if possible, respond to the scene.
    - b. Obtain medical treatment for the person at an authorized medical facility; medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury. Such medical treatment can be denied by the bite victim but only after having been taken to an authorized medical facility. [ALEAP 6.07]
    - c. Take photographs of the affected.
    - d. Complete a canine activity report and a use of force report whenever there has been an allegation that a canine has bitten or otherwise injured an individual. The report must detail the circumstances surrounding the incident, the identity of the individual involved and any witnesses, and the extent of injuries, if any. The original report shall be filed in accordance with departmental response to resistance. [ALEAP 6.03]
    - e. A diagram of the suspect should be used to show the location of injuries to the suspect.
    - f. It shall be the responsibility of the canine handler to notify the supervisor that is in charge of the canine division that his canine has bitten someone.
    - g. The response to resistance report should be reviewed by the canine supervisor to ensure that the canine handler used the best course of action to recommend and implement any training or retraining.
- C. Authorization, Deployment, and Uses of Law Enforcement Canines [ALEAP 3.19 A]:**
1. Basic Handler/Canine Training or a National Certification are required prior to the Canine being deployed. [ALEAP 3.19 C]

2. Criminal Apprehension: Handlers must recognize that all uses of force, including the use of a canine must be objectively reasonable under the circumstances. Under the law, as well as this department's response to resistance policy, handlers should consider:
  - a. The seriousness of the offense for which the subject is suspected at the time the canine is used;
  - b. Whether the subject poses a physical threat to the officer or others and what degree of threat does the subject pose; and
  - c. Is the subject actively resisting or attempting to evade arrest by flight.
3. If a suspect surrenders or discontinues resistance the canine apprehension will be terminated.
4. Criminal apprehension will generally be accomplished off-lead, but it may also be accomplished on-lead.
5. A warning shall be given if possible and tactically feasible in accordance with the provisions of this policy.
6. No one, other than the handler should interfere with the canine once the dog is committed to make the apprehension, unless specifically directed by the handler.
7. The handler should continue to instruct the suspect to stop resisting during the canine apprehension.
8. As soon as practical following submission by the suspect, the handler shall command the canine to release the suspect or physically remove the canine from the suspect as tactics dictate.
9. The canine handler will instruct the suspect that the failure to follow commands and remain submissive will result in the dog being released to accomplish the apprehension.
10. Where other officers are available, they may be summoned by the handler to handcuff and search the subject while the handler maintains a watch position with the canine. Where no officers are available, the canine officer may await arrival of backup or leave the canine off-lead in the watch position while the officer handcuffs and searches the subject. Such tactical determinations shall be made by the canine handler.
11. Once the suspect is controlled and the scene secure, the handler will ensure that the subject is provided with medical care.

**D. Building searches**

1. A use of departmental canines is for locating suspects in buildings or related structures where officers would face unnecessary risk. The following procedures shall be used, if possible, to conduct searches:



- a. Patrol personnel will secure the building perimeter.
  - b. When a canine building search is anticipated, a preliminary search by officers should not be conducted, as this may interfere with the canine's ability to discriminate scents.
  - c. An additional officer shall be assigned to provide assistance and cover for the safety of the canine team during the building search. The assisting officer should take caution to not interfere with the search and keep other officers informed as to the status of the search.
2. The on-scene supervisor or officers shall also take the following steps in preparation for the canine search:
- a. Evacuate all tenants, workers or others from the facility.
  - b. If possible, request that all air conditioning, heating or other air-blowing systems be shut off so there will be no interference with the canine's scenting ability.
  - c. Upon entrance to the building, all exits should be secured and communications limited.
  - d. The canine may be unleashed during a building search unless there is an imminent risk of injury to innocent persons within the facility.
  - e. The canine should not be used to search facilities that contain substances potentially harmful to the animal without due caution.
  - f. Before commencing the search, the handler or other appropriate personnel shall loudly announce the statement that there are Police Officers on the premises and a trained Police Canine will be released if the individual does not surrender. A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be repeated frequently.
  - g. When apprehending suspects in these or related circumstances, canines shall be commanded to disengage as soon as the suspect is subdued or readily complies with officer directions.
  - h. Arrestee shall not be transported in the same vehicle with law enforcement canine.

**E. Crowd Control**

1. Canine teams may be used for crowd control upon approval of the Shift Supervisor to protect life or property during a riot or other event that cannot be controlled by other means. In these situations canines shall:
  - a. Be short leashed at all times unless no other means are available to protect an individual from serious injury; and

- b. Not initiate any offensive action, unless to guard against substantial property damage, imminent loss of life or serious bodily injury.
- F. Drug Detection: Use of Police Canines in drug detection capacity is authorized in the following situations and conditions as allowed by law:
  - 1. The Canine Supervisor or his designee shall maintain records that document the use and the proficiency of individual canines in drug detection. This documentation shall be readily available to canine officers and others who may need it when seeking warrants.
  - 2. Random exploratory sniffing of luggage, packages or other inanimate objects may be conducted in public facilities such as airports, train stations, and bus stations, as authorized by a supervisor:
    - a. Exploratory sniffing in these facilities shall be confined solely to those areas open to the general public and, whenever possible, with advance knowledge and consent of the appropriate facility manager.
    - b. Exploratory sniffing shall be conducted without interference or annoyance to the public or interruption of facility operations.
  - 3. Canine sniffs conducted in areas restricted to the public, such as baggage staging areas may be conducted with proper notification and approval from the appropriate facility representative.
  - 4. Officers may detain specific checked luggage or related items for the purposes of requesting a canine sniff if reasonable suspicion exists.
  - 5. The use of canines in public schools is permitted when:
    - a. The school's principal or designated authority requests or approves the use of the canines.
    - b. The search is limited to objects in public areas and the exterior of student lockers unless reasonable suspicion exists to gain admission to lockers and approved areas.
  - 6. Sniffs of the exterior of residences, either individual dwellings or the common areas of multiple unit dwellings, must comply with state and federal law.
  - 7. Canines may be used to sniff motor vehicles when:
    - a. Reasonable suspicion exists to believe the operator or passengers are in possession of illegal narcotics; or
    - b. During a vehicle stop, the canine is used to sniff the vehicle's exterior in an exploratory manner. Unless the canine alerts to the vehicle, the operator may not be detained longer than necessary.
    - c. All attempts should be made to discourage the canine from entering the vehicle unless an indication is made to the presence of narcotics.

8. An exception to these search procedures exists when the canine is utilized during execution of search warrants .
- G.** Tracking: Police canines are available to track missing persons or suspects, or to locate evidence that the officer had reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:
1. When officers are pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a canine shall:
    - a. Stop and pinpoint the location where the suspect was last seen,
    - b. Avoid vehicle or foot movement in the area where the suspect or subject was last seen.
    - c. A perimeter should be established to contain the suspect in an area so that the suspect may be located by a canine. Officers should stay in their vehicle while on perimeter so that they do not contaminate the track.
    - d. Officers on perimeter should also attempt to keep other persons out of the search area.
  2. An additional officer shall be assigned to provide assistance and cover for safety of the canine team during the track. The assisting officer should take caution to not interfere with the track and keep other officers informed as to the status of the track.
  3. Canines used for tracking persons should remain on a leash when possible to provide a reasonable measure of safety to the subject of the search without compromising the canine's ability to track.
  4. Canine teams can be used to locate small children. The Canine handler must use caution during the search for small children to reduce the likelihood of injury.
- H.** Request from other agency
1. Requests for the assistance of a canine unit from other police agencies shall be directed to the supervisor on duty. If the supervisor dispatches an SPD canine team outside the city limits for anything other than a narcotics search, a secondary unit shall be assigned to the canine team as back-up if at all possible.
  2. The requesting police agency shall provide as much of the following information as possible:
    - a. Type of incident and circumstances
    - b. Time and location of the incident
    - c. Weather and ground conditions
    - d. Type of area and terrain

- e. Any prior search by personnel or other canine unit
  - f. Knowledge of available witnesses
  - g. Pending charges
  - h. Information of any violence or weapons
3. The police agency requesting canine assistance shall be responsible for securing and protecting the area or item to be searched until the arrival of the canine unit.
  4. The canine handler will decide the type of search to be conducted and shall be the only person to direct the actions of the canine when on an assignment.
  5. The canine handler will complete an incident report after providing requested assistance and forward a Canine Activity Report, or any other required reports, to the supervisor to be reviewed and compiled for statistical purposes.

**I. Financial Responsibility**

1. The Springdale Police Department will assume certain financial responsibilities involving the care and use of canines such as, but not limited to:
  - a. Necessary medical expenses
  - b. Grooming items and other supplies including food
  - c. Licensing and/or national, regional or local costs associated with certifications
  - d. Necessary handling and training as well as equipment
  - e. Other material needed to facilitate the operation of the canine unit
  - f. Training of the handler and canine as needed
  - g. Necessary insurance coverage for the canines and handlers
  - h. Boarding expenses if needed
  - i. Provide compensation for the maintenance and care of the canine.

**J. Canine Kennel / Equipment [ALEAP 3.19 E]**

1. The kennel will be constructed at city expense. It will be built to department specifications.
2. The canine handler must have, at minimum, the following facilities at their residence to house the canine:
  - a. A fenced yard in good condition that will deter unauthorized entry into the yard.

- b. A space to accommodate a canine run or kennel with a minimum of 100 square feet of living space, having a minimum of a six (6) foot high fence, and locking gate.
  - c. Any deviation from the above requirements must be approved by the Chief of Police.
- 3. Only department owned or department approved equipment shall be used in handling and care for the police canine. Equipment will be requisitioned and purchased through approved department procedures. The handler shall maintain, in operational readiness, all necessary equipment required to properly control and/or handle the canine at all times. These items shall be in the handler's possession or stored inside the police vehicle whenever the canine is in service.

**K. Ownership**

- 1. The Springdale Police Department will furnish the canine and will retain ownership of it.
- 2. A canine handler may apply to take possession of a canine where:
  - a. The canine is retired from duty or relieved due to injury.
  - b. The handler is transferred, promoted or retires, and a decision is made not to retrain the canine with another handler as determined by the Chief of Police.
  - c. These exceptions release the Springdale Police Department from further financial responsibility for the canine.

**L. Canine Unit Certification, Qualification, and Training**

- 1. The canine team must successfully complete a national canine certification course.
  - a. The canine will be trained with a success rate consistent with certification requirements of the certifying association in all types of drug and patrol search techniques and under various weather conditions and times of day. Emphasis should be placed on the search of vehicles and buildings for the detection of marijuana, cocaine, methamphetamine and heroin. Proof will be maintained that the canine handler and canine are certified by a national certifying agency. [ALEAP 3.19 F]
  - b. The canine will be required to re-certify annually and must meet the required standards set by a national certifying agency or as determined by the Chief of Police.
  - c. Training aids issued to the canine handlers will be in accordance to the guidelines outlined in the Property Management section of the SPD Property Management Policy. Training Aids are the responsibility of the canine handler while checked out to that handler.

- i. Each canine handler will be assigned a lockable container, containing a documented amount of training aids.
- ii. Each canine handler will be responsible for their assigned lockable container, and training aids.
- iii. The canine handlers' assigned lockable container and training aids shall not be loaned or issued to another officer or handler without proper approval from the Division Commander and/or canine supervisor.
- iv. Approved lockable container and training aid transfers will be conducted in evidence with the assistance of a Springdale Evidence Technician. All training aids will be weighed and/or counted for accuracy. The assuming officer and transferring officer shall sign in agreement to the container's contents prior to the transfer.
- v. Training aids will be stored in a safe provided by the police department. The safe location shall be designated by the Chief of Police and kept under 24 hour video surveillance.
- vi. Every three (3) months, at minimum, each canine handler shall be responsible for taking their assigned training aids to a Springdale Evidence Technician to be checked for package integrity, weight, and/or quantity. The training aids can be audited more frequently at the discretion of the canine handler.
- vii. The Division Commander and/or canine supervisor shall audit training aids at least annually to ensure accountability.
- viii. During each training scenario, each training aid will be the responsibility of the assigned canine handler. At the conclusion of the training scenario, an inventory of all training aids will be made to ensure all aids are properly recovered and accounted for.
- ix. The handler may carry the training aids only while on-duty, or to approved training.
- x. The handler will immediately report any damage or loss of the training aid to the on-duty supervisor. The on-duty supervisor will immediately notify the canine supervisor and the Patrol Captain. If the Patrol Captain finds cause to believe the loss or damage is suspicious in nature, the Patrol

Captain will submit a request to the Chief of Police for an investigation by the Internal Affairs Division.

2. Applications for the police canine unit are open to all sworn personnel of the Police Department who meet the following qualifications [ALEAP 3.19 B]:
  - a. Have at least one year of uniform patrol experience with satisfactory work performance.
  - b. Possess a willingness to commit themselves to the unit for a minimum of three years.
  - c. Possess willingness (together with family members) to care for and house the canine at the officer's residence with a secure outdoor area for the canine that conforms to department requirements.
  - d. Possess a strong desire to work with canines and willingness to care for and train the animal.
  - e. Must have the physical ability to withstand long canine tracks, withstand extreme weather and environmental conditions, and lift up to 100 pounds over a standard four (4) foot chain link fence.
3. All departmental canines must meet established departmental certification requirements.
4. New canine handlers must complete the prescribed Canine training course and successfully meet all course requirements. [ALEAP 3.19 B]
5. Canine handlers are required to demonstrate acquired abilities to the canine program supervisor on a periodic basis as requested.

**M. Canine Use and Care [ALEAP 3.19 E]**

1. Police canines shall not be used for breeding, participation in shows or field trials.
2. Police canines may be used in demonstrations and exhibitions as required by the department in the official capacity of a canine team.
3. Canine handlers are personally responsible for the daily care and feeding of the canine to include:
  - a. Maintenance and cleaning of the kennel and yard area where the canine is housed.
  - b. Provision of food, water and general diet maintenance as prescribed by an authorized veterinarian.
  - c. Grooming as required by weather, working conditions or other factors.
  - d. Daily exercise.




- e. General medical attention and maintenance of health care records.
4. Where the handler is unable to perform these and related duties due to illness, injury or leave:
    - a. Another canine handler may be assigned to temporarily care for the canine.
    - b. A member of the handler's family may care for the canine if approved by the canine supervisor or division commander.
  5. Handlers may, at their discretion, allow members of the public to pet the canine. Handlers must be aware of the need to control the canine and the public and must protect both the public and the canine from incidents that could arise. The handler has the discretion to allow or prohibit public contact with the canine as individual circumstances dictate, but must be aware that they are responsible for the canine's actions.



# Springdale Police Department



Policy 18.03	Crisis Negotiation Team
ACA:	ALEAP: 3.10, 8.03
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish a written directive that specifies the duties, responsibilities, and selection criteria for the Crisis Negotiation Team.
- II. **Policy:** It shall be the policy of the Springdale Police Department to maintain a unit of professionally trained crisis negotiators that when called upon, will attempt resolution through negotiation during critical incidents.
- III. **Procedure:**
  - A. **Mission:** The primary responsibility of the Crisis Negotiation Team will be the attempted resolution of difficult police situations, outside the realm of ordinary patrol response, through the use of effective communication and incident management techniques.
  - B. **Command Responsibilities:**
    1. The Springdale Police Department supports the Incident Command System (ICS). Refer to policy 11.14 Incident Command for further guidance.
  - C. **Team Structure, Duties and Responsibilities:** All CNT members have primary responsibility to his/her full-time duty assignment. CNT duties are secondary to those responsibilities except in times of critical incidents and CNT training.
    1. Crisis Negotiation Team Leader
      - a. The CNT Leader is responsible and accountable for the overall operation of negotiations. The CNT Leader is the operational supervisor for the CNT Assistant Team Leader and all CNT Members assigned to the Crisis Negotiations Team.
    2. Crisis Negotiation Team Assistant Team Leader (ATL)
      - a. The CNT ATL is a team member who acts as the CNT Leader in the Leader's absence and assists in the completion of any other duties assigned by the CNT Leader.

### 3. Crisis Negotiation Team Member

- a. The CNT Leader and/or Team ATL shall assign duty assignments to each member to include, but not be limited to the following:
  - i. Primary Negotiator: The Primary Negotiator is to establish contact and initiate conversation with the subject. The Primary Negotiator will operate in line with best practice negotiation methods.
  - ii. Secondary Negotiator: The Secondary Negotiator is to confer with and provide support for the Primary Negotiator. The Secondary Negotiator assists the Primary Negotiator in preserving an atmosphere conducive to negotiation in a critical incident.
  - iii. Scribe Negotiator: The Scribe is accountable for documenting the details of the negotiation, sometimes utilizing both written and voice recording.
  - iv. Intelligence Negotiator: The Intelligence Negotiator is responsible for collecting and developing intelligence during negotiations and disseminating the intelligence to appropriate personnel during negotiations.

#### **D. Crisis Negotiator Selection Process: [ALEAP 8.03]**

##### 1. Minimum Requirements for Applicants:

- a. Non-probationary officer of the Springdale Police Department with a minimum of three (3) years of law enforcement experience or other relevant experience as determined by the CNT Leader.
- b. No serious disciplinary issues within the preceding 12 months.
- c. Satisfactory work history for the preceding 12 months based on evaluations by the candidate's supervisor.

##### 2. Selection Process:

- a. When a vacancy exists, the Chief of Police or designee may send out a memo stating the requirements and the deadline for submission of a general request. The selection process may consist of the following:
  - i. Practical Assessment – The applicant will be tested on his or her problem solving ability, emotional intelligence and communication skills.

- ii. Oral Interview Board: Recommendations for the interview board will be made by the CNT Leader, with final approval by the Chief of Police.
  - iii. Background Investigation: The background investigation shall consist of a review of the applicant's work history with the department, which shall include past job performance.
- 3. Final Selection: The CNT Leader will make a recommendation for final selection to the Chief of Police for approval.
- 4. Removal Process: Any current member of the Crisis Negotiation Team can be removed from their position by the Chief of Police.

**E. Procedures for Activating CNT:**

- 1. CNT activation to a critical incident will take precedent over all other non-emergency assignments within the Springdale Police Department. The CNT can be requested by any supervisor within the Springdale Police Department. Requests for CNT activation shall be directed to the Incident Commander or the CNT Team Leader or in the absence of the Team Leader, the Assistant Team Leader.
- 2. Requests for the CNT by outside agencies shall be directed through the CNT Chain of Command, with the authorization for such use being decided by the Chief of Police or his designee.
- 3. CNT activation requests for non-emergency situations shall be made through the Team Leader.
- 4. The Chief of Police or his designee shall be notified of any CNT activation.

**F. Operations Log:** A log documenting operations shall be maintained for all formal training sessions and all callouts. A callout includes any time the CNT is requested even if negotiations are not initiated or utilized.


**G. Training:** [ALEAP 3.10]

- a. All members of the CNT shall successfully complete a 40 hour basic crisis negotiations course that aligns with national crisis negotiations standards.
- b. All members shall successfully complete the 40 hour basic Crisis Intervention Team (CIT) training.
- c. Each member shall participate in monthly CNT Operations training designated by the Team Commander and Team Leader.
- d. The Chief of Police may allow additional advanced training opportunities when resources allow. Advanced outside training should focus on relevant topics such as crisis negotiations, crisis intervention, effective communication or other topics related to the mission of the CNT.



# Springdale Police Department



Policy 18.05	Special Weapons & Tactics (SWAT)
ACA:	ALEAP: 3.09, 8.04
Effective Date: August 1, 2023	Version: 3
Frank Gamble, Chief of Police: 	

- I. **Purpose:** The purpose of this policy is to establish guidelines for the organization, administration, and operation of the Springdale Police Department Special Weapons and Tactics (SWAT) team. The primary responsibilities of the SWAT team will be to resolve difficult police situations through the use of special skills and tactics.
- II. **Policy:** It is the policy of the Springdale Police Department to employ and utilize a specialized SWAT team as a tactical resource for critical incidents. The presence of a highly trained, highly skilled tactical team has been shown to substantially reduce the risk of injury and loss of life to citizens, police officers, and suspects, when called upon to assist in the resolution of critical incidents. The Springdale Police Department SWAT team utilizes a special unit of specially selected police officers who are trained, equipped, and deployed in high-risk law enforcement situations.
- III. **Procedure:**
  - A. **Mission:** The primary responsibility of the SWAT Team will be the resolution of difficult police situations outside the realm of ordinary patrol response, through the use of developed skills, tactics, and specialized equipment/capabilities. [ALEAP 8.04 B]
    1. Hostage/Barricaded Subjects
    2. Active Shooter
    3. Terrorist Incidents
    4. High Risk Apprehension
    5. High Risk Warrant Service
    6. High Risk Surveillance
    7. Special Protection Detail
    8. Crowd Control

9. Public venue security and over-watch
10. Any other assignment approved by the Chief of Police or his designee.

**B. Command Responsibilities:**

1. The Springdale Police Department supports the Incident Command System (ICS). Refer to policy 11.14 Incident Command for further guidance.

**C. Unit Structure, Duties and Responsibilities:** All SWAT Team members have primary responsibility to his/her full-time duty assignment. SWAT duties are secondary to those responsibilities, except in times of SWAT operations and SWAT training days. Exceptions to this rule will be made by the IC.

1. Team Commander: Responsible and accountable for the overall operation of the SWAT Team. The Team Commander is the operational supervisor for the Team Leader and all Team Members assigned to the SWAT Team.
2. Team Leader: A team member who acts as the Team Commander in the Commander's absence and assists in the completion of any other duties assigned by the Team Commander.
3. Assistant Team Leader: Any team member who acts as the Team Commander or Team Leader in the absence of either and / or assists in the completion of any other duties assigned by the Team Leader.
4. Squad Leaders: Any team member placed in charge of a specific specialty within the team, as determined by the SWAT Team Commander. Squad Leaders function as leaders of small elements of team members during SWAT operations.
5. Team Members: Officers of the Springdale Police Department who meet the qualifications of team membership outlined in this policy. Team Members are assigned to the SWAT Team in a part-time capacity. Team Members' unit or division supervisor of their full-time assignment is their direct supervisor. The SWAT Team Commander and/or Team Leader shall assign duty assignments (specialties) to each Team Member to include, but not limited to the following:
  - a. Entry Team
  - b. Reconnaissance/Precision Marksmen
  - c. Less Lethal
  - d. Breaching Team
  - e. Logistics
  - f. Technology
6. Tactical Emergency Medical Support Team (Medics): The SPD SWAT team has properly equipped and trained tactical medics available on each operation. These medics are certified paramedics employed with the Springdale Fire Department.

If no tactical medic is available a squad will be placed on stand-by for the operation.

- a. Tactical Medics shall, as soon as possible upon selection, become a certified Part Time 2 Police Officer. They will be issued necessary equipment by the police department to include a duty pistol and two less lethal options consistent with current department issued equipment. Medics that are unable to become Certified Part Time 2 Police Officers are not eligible to remain on the SWAT Team.

**D. SWAT Selection Process: [ALEAP 8.04 A]**

1. The nature of SWAT operations requires disciplined, physically fit, competent, and well-trained police professionals. New Team members will be selected through a fair and objective process intended to measure those qualities deemed to be most important in meeting the team's operational objectives.
2. Minimum Requirements for Applicants:
  - a. Non-probationary officer of the Springdale Police Department
  - b. No serious disciplinary issues within the preceding 12 months.
  - c. Officers or supervisors working narcotics are not eligible to be SWAT Team members.
  - d. Must demonstrate sound judgement and ability to function in stressful situations.
  - e. Must have satisfactory job performance.
  - f. Must demonstrate proficiency with departmental weapons.
  - g. Must have the ability to work harmoniously within structured team environment and be compatible with the existing team personnel.
3. Selection Process:
  - a. When a vacancy exists, the Chief of Police or designee may send out a memo stating the requirements and the deadline for submission of a general request. The selection process may consist of the following:
    - i. Firearms Proficiency
    - ii. Physical Fitness Test
    - iii. Other Evaluations related to the performance of SWAT functions as determined by the SWAT Team Commander and the Chief of Police.
    - iv. Oral Interview Board: The interview board will be determined by the Chief of Police.



4. Final selection(s) will be made by the Team Commander and Team Leader with the approval for the selected applicants from the Chief of Police.
5. Removal Process: Any current member of the SWAT Team can be removed from their position by the Chief of Police.

**E. Procedures for Activating SWAT:**

1. SWAT Team activation to a critical incident will take precedent over all other non-emergency assignments within the Springdale Police Department. The SWAT Team can be requested by any supervisor within the Springdale Police Department. Requests for SWAT Team activation shall be directed to the Incident Commander or the SWAT Team Commander or in the absence of the Team Commander, the Team Leader.
2. Requests for the SWAT Team by outside agencies shall be directed through the SWAT Chain of Command, with the authorization for such use being decided by the Chief of Police or his designee.
3. SWAT Team activation requests for non-emergency situations shall be made through the Team Commander. The requests shall include the use of a risk assessment matrix and preapproved operations plan. [ALEAP 8.04 D]
4. The Chief of Police or his designee shall be notified of any SWAT activation.

**F. Patrol Division Responsibilities:**

1. During High-Risk Emergencies and High-Risk Non-Emergency SWAT Operations, Patrol Officers must understand their duties and responsibilities. Patrol Officers must consider the potential danger of the critical incidents SWAT Officers are involved in and assist only when requested by the Team Commander and Team Leader.
  - a. When responding to critical incidents, officers must secure the scene and protect innocent persons from death or serious physical injury.
  - b. Officers are authorized to take police action to protect life in the event of an active shooter and/or any other active threat to others.
  - c. Upon the arrival of the SWAT Team, Officers are to assume support operations, and assist the SWAT Team under the direction of the SWAT Team Command and Team Leader.

**G. SWAT Training: [ALEAP 3.09, 8.04 C]**

1. Each member of the Springdale SWAT Team shall complete an approved Basic-Level SWAT Program, as soon as possible, after being assigned to the SWAT Team.
2. No department member shall use the following high-risk police tactics without completion of their respective training program and/or certification:

- a. Noise Flash Diversionary Device (NFDD)
  - b. Explosive Techniques (Explosive Breaching)
  - c. Chemical Munitions
  - d. PepperBall System
3. Each member shall participate in monthly SWAT Operations training designated by the Team Commander and Team Leader. This training is not subject to such things as: "if possible, if time permits, or when staffing allows." [ALEAP 8.04 C]

**H. Equipment:** [ALEAP 8.04 E]

1. All essential clothing and equipment needed for use by SWAT members will be issued by this department. Equipment may be assigned to individual team members while general equipment may be stored in the SWAT office or SWAT vehicles.
  - a. This shall include self-aid/buddy aid emergency medical equipment to include a compress bandage, piece of plastic for sealing a pneumothorax, a tactical tourniquet, and a pouch to carry on their person. All team members are required to carry this self-aid/buddy aid equipment on all operations. [ALEAP 8.04 G]
2. Any equipment not issued by the Springdale Police Department SWAT Team shall be subject to approval by the Chief of Police or their designee prior to use.
3. SWAT equipment not issued to an individual team member will not be used by any team members or non-team members for operations that are not SWAT Team missions unless authorized by the Team Commander.
4. SWAT equipment shall be inspected at least twice annually. [ALEAP 8.04 F]

**I. Performance Standards:** To achieve the standards set forth in this policy, each SWAT Team member must meet higher performance standards set by the Springdale Police Department regarding physical fitness and marksmanship.

1. All SWAT Team members will be required to pass a physical fitness test when given. The physical fitness test will be given at least once a year.
2. All SWAT Team members will be required to score a 90% (450 points) or better on the department duty handgun qualification once a year.

**J. After Action Report:** The SWAT Team Commander will ensure that an after-action report is completed on all SWAT related events. An after-action report template will be readily accessible to all sworn personnel. Completed after-action reports will be filed on the agency's computer network with the event title as a reference. [ALEAP 8.04 H]

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION REQUESTING THE SPRINGDALE PUBLIC LIBRARY ENSURE THAT MATERIALS CONTAINED WITHIN THE CHILDREN’S SECTION OF THE LIBRARY ARE SUBJECT MATTER AND AGE APPROPRIATE.**

**WHEREAS**, the Springdale Public Library (“the Library”) has been an integral part of the of the community of the City of Springdale for decades;

**WHEREAS**, the Library is visited and utilized by individuals of all ages, background, and beliefs;

**WHEREAS**, children who visit and utilize the Library may be exposed to materials that are not subject matter or age appropriate for children, such as sexual content or imagery, that their parents and/or the public do not deem to be appropriate for children;

**WHEREAS**, the Library Board of Directors and Library employees have a responsibility to ensure that materials made available and contained at the Library, particularly within the children’s section, regardless of the legal definition of obscenity, are age appropriate for children; and,

**WHEREAS**, Act 372 of 2023 will go into effect on August 1, 2023, and will have an impact on the review of materials available at the Library, and the Library should proactively take steps to ensure that materials that are not subject matter or age appropriate, such as those that contain sexual content or imagery, are not located in areas where children’s materials are located.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Springdale Public Library is hereby requested to enact policies sufficient to relocate materials that are not subject matter or age appropriate for children, due to their sexual content or imagery, to an area in the Library that is not accessible to children.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney