

City of Fayetteville Staff Review Form

2019-0322

Legistar File ID

6/18/2019

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor, Chief of Police

5/17/2019

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Council approves a resolution adopting Fayetteville Police Policies 1.3.1, Use of Force; 12.1.1, Organizational Structure, Functions, and Direction; 26.1.1, Disciplinary Matters and Awards Procedures; and 41.1.1, Patrol.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$

Funds Obligated

\$

Current Balance

\$

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



**MEETING OF JUNE 18, 2019**

**TO:** Mayor and City Council  
**FROM:** Greg Tabor, Chief of Police  
**DATE:** May 17, 2019  
**SUBJECT:** Police Department Policy

A handwritten signature in black ink, appearing to be 'GT', written over the name 'Greg Tabor'.

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**RECOMMENDATION:**

Council approves a resolution adopting Fayetteville Police Policies 1.3.1, Use of Force; 12.1.1, Organizational Structure, Functions and Direction; 26.1.1, Disciplinary Matters and Awards Procedures; and 41.1.1, Patrol.

**BACKGROUND:**

The Fayetteville Police Department is currently in the process of reviewing policies and updating as necessary to make changes as recommended and to meet best practices.

**DISCUSSION:**

Fayetteville Police Policy 1.3.1, Use of Force, is an existing policy that contains changes that expands on existing policy language, addresses new equipment, and meets current department practices. Fayetteville Police Policy 12.1.1, Organizational Structure, Functions and Direction, is an existing policy that contains changes that reflects our current organizational structure. Fayetteville Police Policy 26.1.1, Disciplinary Matters and Award Procedures, is an existing policy that contains changes to clarify policy language and match existing city policy. Fayetteville Police Policy 41.1.1, Patrol, is an existing policy that contains changes that were recommended by department supervisors.

**BUDGET/STAFF IMPACT:**

These policies will not have any impact on budget or staff at this time.

**Attachments:**

Fayetteville Police Policy 1.3.1, Use of Force  
Fayetteville Police Policy 12.1.1, Organizational Structure, Functions, and Direction  
Fayetteville Police Policy 26.1.1, Disciplinary Matters and Award Procedures  
Fayetteville Police Policy 41.1.1, Patrol

# ***POLICIES, PROCEDURES, AND RULES***

<b>Subject:</b> 1.3.1 Use of Force	<b>Effective Date:</b> <b>Review Version.A</b>
<b>Reference:</b> 1.3.4, 41.3.5, General Orders 13, 14, 23, 29, 32	<b>Version:</b> 6
<b>CALEA:</b> 1.3	<b>No. Pages:</b> 10

## **I. PURPOSE**

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

## **II. DISCUSSION**

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

## **III. DEFINITIONS**

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

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

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

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

## **IV. POLICY**

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

Officers will receive in-service training on the department's use of force policy on an annual basis [CALEA 1.3.11]. Officers of the Fayetteville Police Department shall only carry firearms, less-lethal weapons, and ammunition issued to them, or approved, by the Fayetteville Police Department while on duty. While working off duty assignments that have potential for police action, officers shall only carry firearms, less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department [CALEA 1.3.9].

#### A. Use of Deadly Force

1. An officer may use deadly force to protect him/her or others if he/she has reasonable belief of immediate threat of death or serious physical injury [CALEA 1.3.2].
2. The use of deadly force ~~should~~ shall be prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor offense.
3. Deadly force shall never be used on mere suspicion ~~that~~ a crime, no matter how serious, was committed or ~~that~~ the person being pursued committed the crime. An officer shall either have witnessed the crime or have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is permissible.
4. Officers shall not be permitted to fire at felony suspects when the officer believes ~~that~~ the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.
5. Officers shall not discharge a firearm at or from a moving vehicle, except as the ultimate measure of self-defense or defense of another person.
6. Officers shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass."
7. An officer may use deadly force to effect the capture or prevent the escape if the officer reasonably believes ~~that~~ the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe ~~that~~ the suspect poses a significant threat of death or serious physical injury to the officer or others.
8. In order to protect the community's interest when employees may have exceeded the scope of their authority in their actions or in their use of deadly force and to shield employees who have not exceeded the scope of their authority from possible confrontations with the community, employees whose actions or use of force in an official capacity results in death or serious physical injury shall be ~~relieved from line-duty assignment pending administrative review~~ placed on mandatory leave with pay pending an Administrative Review of the circumstances by the Office of Professional Standards. This shall include all employees, is not limited to shootings, and will include incidents such as fatal or serious physical injury motor vehicle collisions involving employees [CALEA 1.3.8].
9. The killing of an animal is justified by the following conditions:
  - a. For self-defense, to prevent injury to an officer or another, or when the animal is so badly injured that humanity requires its relief from further suffering.

- b. The destruction of vicious animals should be guided by the same rules set forth for self-defense and safety of others.
- c. A Use of Force Report and memorandum to the officer's direct supervisor shall be completed when an animal is killed for the self-defense of officers or safety of others.
- d. A seriously wounded or injured animal may be destroyed upon approval from a supervisor, and only a Use of Force Report is required.

## B. Use of Physical Force and Less-Lethal Weapons

All police officers of the Fayetteville Police Department are directed to obtain defensive tactics training and certification to carry and use the departmental authorized less-lethal weapons. Officers will be issued copies of FPD policy 1.3.1 and will be instructed in this policy [CALEA 1.3.12]. Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. ~~that occur in the line of duty.~~

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in accordance with guidelines set forth in ~~the Less Lethal Weapons and Defensive Tactics~~ FPD policy 1.3.4, and in accordance with guidelines established in this policy and the applicable general orders.

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

## C. De-escalation of Force

De-escalation tactics and techniques are those actions undertaken by an officer(s) to avoid physical confrontations, unless immediately necessary to protect someone or to stop dangerous behavior, while minimizing the need to use force during an incident when the totality of the circumstances and time permit. De-escalation tactics and techniques are employed to increase the likelihood of voluntary compliance and cooperation.

1. When time and circumstances reasonably permit, an officer(s) shall consider whether a subject's lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including, but not limited to:
  - a. Medical conditions,
  - b. Mental impairment,
  - c. Developmental disability,
  - d. Language barrier,
  - e. Drug Interaction, or
  - f. Behavioral crisis.
2. An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident and which tactical options are the most appropriate to bring the situation to a safe resolution. An officer is not expected to engage in force de-escalation measures that could jeopardize the safety of the community or of any employee.



3. Officers need only select a level of force that is within the range of “objectively reasonable” options. Officers must rely on training, experience and an assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgement will dictate the force option to be employed.
4. Officers may either escalate or de-escalate the use of force as the situation progresses or as circumstances change. When a subject is under control, either through the application of physical restraint or the suspect’s compliance, the degree of force shall be de-escalated accordingly.

#### D. Firearms

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

- next working day for additional remedial training. The officer's authority to carry the **primary** handgun shall remain revoked until such time as the officer qualifies or the determination is made the officer is not responding to further training [CALEA 1.3.11 c].
- b) If an unqualified officer does not satisfactorily respond to remedial training and remains unqualified, the Chief of Police shall be notified in writing.
  - c) Any officer, who fails to qualify with their issued **primary** handgun, and receives remedial training more than once during a calendar year, shall be subject to disciplinary action.
  - d) **Upon notification an officer has failed to qualify with a secondary handgun, shotgun or rifle, the officer's authority to carry the firearm shall remain revoked until such time the officer qualifies. The Training Division shall schedule all additional remedial training and qualifications with department shotguns and rifles. It shall be the responsibility of the officer to schedule additional remedial training and qualifications with secondary handguns.**
  - ~~e. Any officer who fails to qualify with their issued handgun, and receives remedial training more than once during a calendar year, shall be subject to disciplinary action. If an unqualified officer does not satisfactorily respond to remedial training and remains unqualified, the Chief of Police shall be notified in writing.~~
  - f. Officers shall attain and demonstrate knowledge of the laws concerning the use of firearms and be familiar with and recognize safe-handling procedures for the use of these weapons.
  - g. Any officer returning to duty after an absence exceeding three months shall report to the Training Division for refresher training and a CLEST approved qualification prior to being permitted to return to full duty.
3. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearms unless circumstances **create strong reasonable** cause **the officer** to believe ~~that~~ it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
4. ~~Warning Shots: Officers are not justified in using a firearm to fire a warning shot for any purpose. Warning shots endanger the lives of innocent bystanders and may also prompt a suspect to return fire~~ **Warning shots are strictly prohibited.** [CALEA 1.3.3].
5. ~~Off Duty Possession of Weapons:~~ It shall be the policy of the Fayetteville Police Department to permit full-time sworn members of the department to possess and carry a concealed ~~weapon~~ **firearm** while off-duty ~~within the corporate limits of Fayetteville.~~ Officers should also be aware that Federal Law, known as the Law Enforcement Officers Safety Act of 2004, provides certified law enforcement officers with the right to carry a concealed firearm in any jurisdiction of the United States.
- a. Officers are not required to carry a ~~weapon~~ **firearm** while off-duty, but may do so at their option.
  - b. Officers exercising the option to carry a ~~weapon~~ **firearm** while off-duty are authorized to carry their issued primary and/or secondary handgun(s).
  - c. Authorization for officers to carry ~~weapons~~ **firearm** while off-duty shall be subject to the following conditions:
    - (1) Officers will be required to have in their possession the department-issued badge and official identification card.



- (2) Officers in plain clothes wearing their firearms exposed to the public view shall display their department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.
  - (3) Officers who choose to carry a **weapon firearm** other than one issued by the police department shall qualify to demonstrate proficiency in the use of that **weapon firearm with the Training Division** on an annual basis at their own expense.
6. Department-Issued Weapons and Ammunition: Reference may be made to FPD policy **section 41.3.5** for specifications of department-issued weapons and ammunition.
- a. All department-issued firearms will be inspected on an annual basis by a certified armorer and must be approved by the armorer before being issued and/or carried [CALEA 1.3.9 c,d,e].
    - (1) The **Firearms Training** Division will maintain weapons inspections reports.
    - (2) Firearms determined to be unsafe or irreparable by certified weapons instructors or armorers shall immediately be removed from service with a report indicating such status [CALEA 1.3.9 d.].
    - (3) For weapons in need of repair, a certified armorer will make the decision to repair the weapon or to send the weapon to the factory's certified repair center [CALEA 1.3.9 d.].
    - (4) The **Firearms Training** Division will maintain a record on all weapons in service to include inspection date(s) and maintenance [CALEA 1.3.9 e.].
  - b. Officer Responsibility for Department-Issued Firearm:
    - (1) Officers must take reasonable and adequate care of any firearm issued to them.
    - (2) Officers shall be responsible for reporting damaged or unsafe firearms to the on-duty supervisor who will ensure unsafe firearms are removed from service and the certified armorer is notified. Officers shall complete a memorandum documenting the damaged or unsafe firearm to his immediate supervisor to be forwarded through the chain of command, as well as to the certified armorer [CALEA 1.3.9 d.].
    - (3) In the event a firearm is lost, damaged, destroyed or stolen, the officer may be subject to financial liability and/or dismissed if a preponderance of evidence establishes negligence or willful destruction or damage of the firearm by the officer.
    - ~~(4) Officers shall be responsible for reporting damaged or unsafe firearms to the on-duty supervisor who will ensure unsafe firearms are removed from service and the certified armorer is notified. Officers shall complete a memorandum documenting the damaged or unsafe firearm to his immediate supervisor to be forwarded through the chain of command, as well as to the certified armorer [CALEA 1.3.9 d.].~~
    - (5) In the event a ~~of the loss of~~ department-issued firearm **is lost or stolen**, the officer will immediately notify the shift supervisor who will in turn notify the Chief of Police. The supervisor will also notify local law enforcement authorities of the lost or stolen firearm ~~loss and ensure that the loss~~ **it is entered to reported through the department's into ACIC/NCIC terminal.**
    - ~~(6) Officers may choose to leave their issued handgun(s) in their locked lockers at the department. If officers choose to remove their issued handgun(s) from the department while off duty, it is recommended they be stored in a locked box, separate from the ammunition [CALEA 1.3.9 f].~~



(7) While on duty, all department issued handguns must be carried in department approved holsters. All department approved holsters will be recorded on the Authorized Uniform and Equipment List.

(a) The Chief of Police can grant exceptions to this requirement.

7. Discharge of Weapon: If an officer, on or off duty, fires a department-issued weapon while acting in his official capacity (except for training purposes such as range qualifications) or in the event of an accidental discharge, the officer shall comply with the following:

- a. The officer who fired the weapon shall notify the shift supervisor as soon as practicable ~~practicable~~ after the firing has taken place.
- b. The supervisor shall make a preliminary investigation each time an officer under his command fires a weapon.
- c. The supervisor shall cause a report to be filed immediately with the Chief of Police regarding the firing of any weapon by police personnel [CALEA 1.3.6 a.].
- d. If during the performance of duty or on any occasion an officer fires a weapon and in doing so wounds or kills a suspect or perpetrator of a crime, the following procedures in FPD policy 1.3.6 shall be is to be followed immediately:

(1) Medical aid, to the extent possible, should be given to anyone injured [CALEA 1.3.5].

(2) The shift supervisor is to be notified immediately.

(3) The shift supervisor will notify the Chief of Police through the chain of command immediately.

(4) A shooting team, the members of which will be designated by the Chief of Police, will be called to the scene.

(5) The shooting team will be responsible for conducting a thorough investigation into the circumstances surrounding the shooting. The shooting team will, at the conclusion of the investigation, submit a report to the Chief of Police including relevant facts and circumstances surrounding the incident and a conclusion as to whether the discharge violates departmental policy.

(6) The shooting team will be functioning with the full authority of the Chief of Police. The team will be in complete control of the internal investigation. All officers, including shift supervisors, shall give the team their full cooperation. No one shall interfere with such an investigation.

- e. If the facts of the incident support a conclusion that the shot was the result of negligence, the officer shall be required to undergo firearms certification training and may be subject to disciplinary action up to and including termination again.

8. ~~Firearms~~ The Fayetteville Police Department authorizes the following weapons and will govern proficiency requirements as follows for each weapon. Only agency personnel demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons [CALEA 1.3.10]:

- a. Each officer will be assigned and issued a primary handgun that will be either the Glock model 35 .40 caliber semi-automatic pistol handgun or the Glock model 23-C .40 caliber semi-automatic pistol handgun [CALEA 1.3.9 a.]:

(1) Officers must meet the qualification standards for their issued handgun as previously stated in this policy [CALEA 1.3.11 b.].



- b. Officers assigned to the 4th Judicial District Drug Task Force (DTF) will be authorized to carry the Glock model 27 .40 caliber semi-automatic ~~pistol~~ handgun [CALEA 1.3.9 a.].
  - (1) DTF officers issued this ~~weapon~~ handgun will qualify annually on an approved qualification course [CALEA 1.3.11 b.].
- c. Officers are authorized to carry an issued Glock model 27 .40 caliber semi-automatic handgun as a secondary weapon [CALEA 1.3.9 a.].
  - (1) Officers who have an assigned secondary weapon are required to carry it while on-duty.
    - (a) Officers are not required to carry secondary weapons while attending training classes.
    - (b) ERT members will be exempted from this requirement during training and deployments.
  - (2) Officers issued this weapon will qualify annually on an approved qualification course [CALEA 1.3.11 b.].
- d. Officers are authorized to carry ~~The rifle will be~~ an AR 15 type ~~short barrel rifle (SBR 11.5 inch barrel)~~ or carbine (16-inch barrel) rifle capable of semi-automatic fire in caliber 5.56 mm (.223 caliber) magazine fed. This rifle will be either of the A2 type with fixed carry handle with iron sights only, or the A3 flat top equipped with a reflex sight approved by the Chief of Police and co-witness flip-up iron sights [CALEA 1.3.9 a.]:
  - (1) ~~The AR15 rifle will be authorized for Emergency Response Team (ERT) members and for other selected sworn members of the department.~~
  - (2) Officers selected to carry the AR 15 rifle ~~AR15 operators~~ must successfully complete a patrol rifle certification course approved by CLEST [CALEA 1.3.11 b.].
  - (3) Officers certified on the AR 15 rifle ~~AR15 operators~~ must pass a CLEST approved patrol rifle qualification course using both types of sights annually [CALEA 1.3.11 b.].
- e. Officers are authorized to carry the ~~Shotguns will be~~ Remington 11-87 gas operated semi-automatic 12 gauge shotguns. They will be either 14 inch barreled or 20 inch barreled. The Remington 870 12 gauge pump action shotgun ~~used by ERT may be deployed~~ using approved specialized ammunition ~~may be deployed~~ as determined by the ERT Team Commander [CALEA 1.3.9 a.]:
  - (1) Shotguns will be authorized for ERT members and for sworn officers.
  - (2) Officers selected to carry a shotgun ~~Shotgun operators~~ must successfully ~~will have completed~~ a shotgun certification course approved by CLEST [CALEA 1.3.11 b.].
  - (3) Officers certified on the shotgun ~~Shotgun operators~~ must pass a CLEST approved shotgun qualification course annually [CALEA 1.3.11 b.].
- f. The Emergency Response Team (ERT) members are authorized to carry the FN SCAR 16 CQC rifle equipped with a reflex sight approved by the Chief of Police and co-witness flip iron sights [CALEA 1.3.9 a.]:
  - (1) The FN SCAR 16 CQC rifle will be authorized for use by the ERT members, and the rifle shall also be carried by the ERT members while on duty.
  - (2) ERT members must have successfully completed an approved patrol rifle certification course approved by CLEST.



- (3) ERT members must have successfully completed a select-fire rifle operator's certification course approved by CLEST [CALEA 1.3.11 b.].
    - (4) ERT members must pass a CLEST approved select-fire rifle qualification course using both sights annually [CALEA 1.3.11 b.]
  - g. Precision rifles will be either the Remington model 700 LTR bolt action .308 caliber or the Larue PredatOBR semi-automatic, gas operated, magazine fed .308 caliber rifle [CALEA 1.3.9 a.]:
    - (1) Precision rifles will be authorized for selected ERT members.
    - (2) Precision rifle operators must successfully complete a Sniper certification course approved by CLEST [CALEA 1.3.11 b.].
    - (3) Precision rifle operators must pass a CLEST approved precision rifle qualification course annually [CALEA 1.3.11 b.].
  - ~~h. The aforementioned weapons department firearms when not in operation, other than department issued handguns, must be locked and stored in approved department arsenals, or safes or locked containers. While on duty, rifles and shotguns in marked patrol vehicles shall be carried in approved locking mechanisms. Officers will follow storage guidelines in this policy that apply to issued handguns [CALEA 1.3.9 f.].~~
9. Requirements to Carry Firearms While On Duty
- a. All department issued handguns must be carried in department approved holsters.
    - (2) All department approved holsters will be recorded on the Authorized Uniform and Equipment List.
    - (3) The Chief of Police can grant exceptions to this requirement.
  - b. Officers who are qualified and authorized to carry a department rifle and/or shotgun shall carry one of these firearms while working on a patrol shift in a marked vehicle. ERT members that are assigned a FN SCAR 16 CQC rifle must carry the rifle while on patrol duty.
  - c. A rifle and/or a shotgun in a marked vehicle shall be carried in an approved locking mechanism.
  - d. Officers shall document which rifle or shotgun was carried by completing the logbook that is located in the arsenal and noting it on their vehicle inspection form.
  - e. Officers working special assignments, secondary employment, or officers working in non-uniform assignments are exempt from the requirement to carry a rifle or shotgun while on-duty.
10. Storage of Department Firearms
- a. Officers may choose to leave their issued handgun(s) in their locked lockers at the department. If officers choose to remove their issued handgun(s) from the department while off duty, it is recommended they be stored in a locked box, separate from the ammunition [CALEA 1.3.9 f.].
  - b. Department rifles and shotguns shall be locked and stored in approved department arsenals, safes, or locked containers when not in use [CALEA 1.3.9 f.].
  - c. The ERT rifles shall not be stored in a vehicle while the officer is off-duty except when traveling to and from work [CALEA 1.3.9 f.].
  - d. Other specialized firearms used by the ERT shall be stored in the ERT arsenal [CALEA 1.3.9 f.].

E. Use of Force Reports: The purpose of this section is to establish specific guidelines that define the situation when a Use of Force Report must be completed. Not every touching by



an officer requires a report; circumstances that require a report are outlined in this section [CALEA 1.3.6].

1. All officers are directed to complete a Use of Force Report when the following criteria are met and turn it in to his **or her** supervisor before the end of his shift. **These** situations ~~that~~ require supervisor notification **as soon as practical** and **the** completion of **the a** Use of Force Report [CALEA 1.3.6 b, c, d]:
  - a. An officer exercising police authority uses force which causes death or any visible or apparent physical injury, or which results in the subject saying that he or she was injured;
  - b. An officer exercising police authority uses any object including but not limited to a hand, fist, foot or intermediate weapon to strike a blow to a subject;
  - c. An officer exercising police authority **bodily physically** removes or drags a struggling subject from one place to another, or forcibly places or keeps a person in a prone position;
  - d. An officer exercising police authority uses force during or after which a subject loses consciousness;
  - e. An officer uses any intermediate weapon or less lethal weapon;
  - f. An officer discharges a firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. (Exception: range activity and other lawful and safe target practice) [CALEA 1.3.6 a.];
  - g. An officer points a firearm **or a conducted electrical weapon (CEW)** at anyone;
  - h. **An officer performs an "Arc Display" to gain control of a suspect or crowd; or**
  - i. **Whenever there is an allegation that a police canine has bitten or otherwise injured an individual. Canine training scenarios are exempted from this reporting requirement.**
2. Officers ~~should~~ **shall** photograph and document any injury, or reported injury, on the Use of Force Report.
3. Use of Force Reports will be reviewed ~~and submitted by the shift supervisor~~ **by the employee's supervisor to determine if the use of force was compliant with department policies and general orders. The supervisor will then submit the report to the** department's administration [CALEA 1.3.7, 41.3.8]:
  - a. A supervisor will conduct a documented review of camera captured data in the following circumstances:
    - (1) Uses of Force that involve the use of less lethal weapons; or
    - (2) Weaponless uses of force which result in a subject receiving medical treatment.
  - b. Each Use of Force Report will be reviewed by the division's respective captain and by the Chief's designated head of Office of Professional Standards (OPS) [CALEA 1.3.7].
  - c. The designated head of OPS will conduct an annual analysis of all Use of Force Reports, activities, policies, and practices and submit a report to the Chief of Police [CALEA 1.3.13].

# ***POLICIES, PROCEDURES, AND RULES***

<b>Subject:</b> 12.1.1 Organizational Structure, Functions, and Direction	<b>Effective Date:</b> October 6, 2015
<b>Reference:</b>	<b>Version:</b> 3
<b>CALEA:</b> 11.1.1, 11.2.1(NT), 11.2.2(NT), 11.3.1, 11.3.2(NT), 12.1.2, 12.1.3, 12.1.4(NT)	<b>No. Pages:</b> 8

## **I. PURPOSE**

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

## **II. POLICY**

Employees shall observe and adhere to the organizational structure, functions, and direction of the police department.

## **III. ORGANIZATIONAL STRUCTURE AND FUNCTIONS**

### **A. Chief of Police**

1. The Chief of Police shall be appointed by the City of Fayetteville Mayor and shall report directly to him or her. The Chief of Police is the chief executive officer (CEO) of the Fayetteville Police Department, and he or she has the ultimate control over the appointment and supervision of all subordinate employees, and he or she is also responsible for the direction, planning, training and regulation of discipline within the police department [CALEA 12.1.1]. Additionally, the Chief of Police shall be responsible for all fiscal matters of the department [CALEA 12.1.1].
  - a. The Chief of Police shall directly supervise the following personnel:
    - (1) Deputy Chief of Police
  - b. In the event of an anticipated absence for an extended period of time, the Chief of Police shall designate in writing an "acting authority" [CALEA 12.1.2 a.].

## B. Deputy Chief of Police

1. The Deputy Chief of Police is appointed by, and shall report directly to, the Chief of Police. When mandated by the Chief of Police, the Deputy Chief of Police shall assume all responsibilities as the department's chief executive officer (CEO) [CALEA 12.1.2 a., 12.2.1 c.].
2. The Deputy Chief of Police shall coordinate the activities of the following divisions [CALEA 11.1.1]:
  - a. Patrol Division
  - b. Criminal Investigations Division
  - c. Administration Division
  - d. Records Division
  - e. Central Dispatch Center

## C. Patrol Division Captain

1. The Patrol Division Captain is appointed by the Chief of Police and shall directly report to the Deputy Chief of Police. When mandated by the Chief of Police, the Patrol Captain shall assume all responsibilities as the department's chief executive officer (CEO) [CALEA 12.1.2 a.].
2. The Patrol Division is responsible for responding to calls for service, crime prevention, preliminary criminal investigations, criminal apprehension, traffic enforcement, motor vehicle collision investigation, and community interaction.
3. The Patrol Division Captain shall coordinate the activities of the Patrol Division, and is responsible for the following units [CALEA 11.1.1]:
  - a. Day Shift Patrol- Responsible for covering day hours as assigned by the Chief of Police and supervised as follows:
    - (1) The Day Shift Lieutenant is responsible for the supervision of the shift and sergeants assigned to the shift;
    - (2) Sergeants assigned to the shift are responsible for the direct supervision of patrol officers.
  - b. Night Shift Patrol- Responsible for covering night hours as assigned by the Chief of Police and supervised as follows:
    - (1) The Night Shift Lieutenant is responsible for the supervision of the shift and sergeants assigned to the shift;
    - (2) Sergeants assigned to the shift are responsible for the direct supervision of patrol officers.
  - c. ~~Special Units- Responsible for the monitoring and scheduling of special events and other functions as assigned such as School Resource Officers and Motor Officers, supervised as follows:~~
    - ~~(1) Special Units Lieutenant is responsible for the supervision of this function.~~
    - ~~(2) Sergeants assigned to this function are responsible for the direct supervision of officers assigned.~~

## D. Criminal Investigation Division (CID) Captain

1. The Criminal Investigation Division Captain is appointed by the Chief of Police and shall directly report to the Deputy Chief of Police. When mandated by the



Chief of Police, the Criminal Investigation **Division** Captain shall assume all responsibilities as the department's chief executive officer (CEO). [CALEA 12.1.2 a.]

2. The Criminal Investigation Division Captain shall coordinate the activities of the Criminal Investigation Division, and is responsible for the following units [CALEA 11.1.1]:
  - a. Criminal Investigations **Unit Division**- Primarily responsible for major crimes investigations such as homicide, rape, aggravated assault, burglary, forgery, etc. involving adult victims and suspects, and this unit is supervised as follows:
    - (1) The CID Lieutenant is responsible for the supervision of criminal investigations, and a sergeant assigned to this unit;
    - (2) A sergeant assigned to this unit is responsible for the direct supervision of detectives and support personnel.
  - b. Special Investigations Unit- Primarily responsible for investigations of crimes committed by or against persons under the age of 18, along with crimes involving computers, internet crimes-against-children, domestic violence, and issues involving the mentally ill. This unit is supervised as follows:
    - (1) The CID Lieutenant is responsible for the supervision of the Special Investigations **Unit** and a sergeant assigned to this unit;
    - (2) A sergeant assigned to this unit is responsible for the direct supervision of detectives and support personnel.
  - c. Narcotics Unit- Primarily responsible for investigations of drug trafficking and narcotics related crimes, and this unit is supervised as follows:
    - (1) The CID Lieutenant is responsible for the supervision of the **Criminal Investigation Division Narcotics Unit** and a sergeant assigned to this unit;
    - (2) A sergeant assigned to this unit is responsible for the direct supervision of detectives and support personnel.
  - d. Property and Evidence- Responsible for the storing, safeguarding, classification, retrieval and disposal of seized, found or recovered property and evidence. Their other duties include maintaining and issuing certain police equipment, and this unit is supervised as follows:
    - (1) A civilian Property and Evidence Manager is responsible for the supervision of this function and directly supervises civilian evidence technicians.

#### E. Administration Division Captain

1. The Administration Division Captain is appointed by the Chief of Police and shall directly report to the Deputy Chief of Police. When mandated by the Chief of Police, the Administration Captain shall assume all responsibilities as the department's chief executive officer (CEO) [CALEA 12.1.2 a.].
2. The Administration Division Captain is responsible **for coordinating with the Information Technology (IT) Division at the City of Fayetteville for IT solutions at the police department. The Administration Division Captain is also responsible for planning and coordinating the activities of the division and is responsible for the following units** [CALEA 11.1.1]:

- a. Special Operations Division-Responsible for the monitoring and scheduling of special events and other functions as assigned such as school resource officers and motorcycle officers, supervised as follows:
  - (1) Special Operations Division Lieutenant is responsible for the supervision of this function.
  - (2) Sergeants assigned to this function are responsible for the direct supervision of officers assigned.
- b. Warrants Division- Responsible for serving criminal summons, subpoenas, and warrants issued by the Fayetteville District Court, and this unit is supervised as follows:
  - (1) The Administrative Lieutenant is responsible for the supervision of the Warrants Division and the direct supervision of the sergeant assigned to this unit;
  - (2) A sergeant is assigned to this unit and is responsible for the direct supervision of warrants officer(s) ~~and civilian clerk(s)~~.
- c. Office of Professional Standards- Responsible for investigations of officer involved shootings, alleged complaints of employee misconduct or wrongdoing, and monitoring the department's personnel early warning system. This unit is supervised as follows:
  - (1) The Administrative Lieutenant is responsible for coordinating and delegating investigative activities of this unit to specially selected and trained investigators.
- d. Training Division-Responsible for recruiting and training police recruits, and instructing and scheduling employees for department and state mandated training. This unit is supervised as follows:
  - (1) The Administrative Lieutenant is responsible for the supervision of the Training Division and the direct supervision of the sergeant assigned to this unit;
  - (2) A sergeant is assigned to this unit and is responsible for the direct supervision of firearms instructors and Field Training Officers.
- e. Public Information Officer/Community-Oriented Policing Division- Responsible for the dissemination of information for the police department to the public and working closely with the community in creative ways to solve problems associated with crime and help improve the overall quality of life in our community. This unit is supervised as follows:
  - (1) The Administrative Lieutenant is responsible for the supervision of the PIO/Community-Oriented Policing Division and the direct supervision of the sergeant assigned to this unit;
  - (2) A sergeant is assigned to this unit and is responsible for the direct supervision of officers.
- f. Accreditation-Responsible for the direction of the department's accreditation programs. This unit is supervised as follows:
  - (1) The Administrative Lieutenant is responsible for the supervision of the accreditation unit and the direct supervision of the sergeant assigned to this unit;
  - (2) A sergeant is assigned to this unit and is responsible for the direct supervision of the accreditation program.

g. Information Technology Responsible for the direction of the department's Information Technology Unit. The unit is supervised as follows:

- (1) An Information Technology Manager is responsible for the supervision of the Information Technology Unit and the direct supervision of the systems analyst;
- (2) A systems analyst is assigned to this unit and is responsible for assistance to the Information Technology Manager.

#### F. Records Division

1. The Records Division provides data entry and general maintenance of records and data entry for the police department. and is responsible for the collection of monies for traffic citations and fines adjudicated by Fayetteville District Court. The management team is responsible for assisting the Chief of Police with the preparation of the annual budget and capital improvement program. The Records Division is supervised as follows:
  - a. A civilian Support Services Manager is responsible for the management of the Records Division and the direct supervision of the Assistant Support Service Manager.
  - b. An Assistant Support Services Manager is responsible for the management of the Records Division, and the direct supervision of the Records Coordinator.
  - c. A Records Coordinator is responsible for the direct supervision of the senior support specialists, support specialists, and customer service representatives records clerks.

#### G. Central Dispatch Center (CDC)

1. The CDC is the primary Public Safety Answering Point (PSAP) for Fayetteville 9-1-1 and non-emergency calls. CDC is responsible for dispatching police, fire, and city services as needed and ensuring all calls for service are promptly and efficiently handled. CDC is supervised as follows:
  - a. A civilian Dispatch Manager is responsible for the management of the Central Dispatch Center, which is a 24-hour operation, and direct supervision of the Assistant Dispatch Manager.
  - b. A civilian Assistant Dispatch Manager is responsible for the direct supervision of Lead Dispatchers Dispatch Shift Supervisors and assist with the management of the Central Dispatch Center.
  - c. Lead Dispatchers Dispatch Shift Supervisors are assigned to each one of the three shifts, and they are responsible for the direct supervision of civilian dispatchers.

### IV. DIRECTION

#### A. CHAIN OF COMMAND

1. The chain of command is the clear line of authority from the Chief of Police to every employee that facilitates effective decision-making and organizational



communication. Employees shall utilize, recognize and respect the chain of command in all official actions, as designated in the order of rank.

#### B. Order of Rank

1. The order of rank of sworn ~~members~~ **employees** of the department shall be as follows and shall specify chain of command [CALEA 11.1.1, 12.1.2 d.]:
  - a. Chief of Police
  - b. Deputy Chief of Police
  - c. Captain
  - d. Lieutenant
  - e. Sergeant
  - f. Corporal
  - g. Officer

#### C. Unity of Command

1. ~~Each member is accountable to only one (1) supervisor at any given time. Each member~~ **employee** shall be responsible, or accountable to, his or her regular immediate supervisor(s), except when working on a special assignment, incident or temporarily assigned to another unit. In such cases, the ~~member~~ **employee** shall be accountable to the first-line supervisor in charge of the assignment or incident. ~~Similarly, each organizational component shall be under the direct command of only one (1) supervisor as shown on the departmental organizational chart.~~ The Administration Division Captain shall maintain the department's organizational chart, and it is located on the department's network drive.
2. At times, a commanding officer may be required to give a lawful order to an ~~an~~ **member employee**, or component, that is outside of his/her normal chain of command. In such cases the rank will be respected, and the order shall be obeyed [CALEA 12.1.3].

#### D. Supervisory Responsibility

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

#### E. Lawful Order of a Supervisor

1. All employees shall promptly and to the best of their ability carry out any lawful orders directed by a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank. A “lawful order” is an order which employees should reasonably believe to be in keeping with the performance of their duties [CALEA 12.1.3]:
  - a. Employees shall not obey any order which they know or should know would require them to commit any illegal act;
  - b. Insubordination shall include conduct directed at a superior officer which is disrespectful, mutinous, insolent, or abusive in nature;
  - c. Supervisory personnel shall retain a proper reserve and respect in all official relations with subordinates, being careful to abstain from violent or abusive language in giving orders or direction to subordinates.

#### F. Conflicting Orders

1. In the event an employee receives an order which is in conflict with a previous order, rule, regulation, or directive, the employee shall immediately and respectfully inform the supervisor issuing the order of the conflict [CALEA 12.1.3].
  - a. If the supervisor does not alter or retract the conflicting order, the most recent order shall stand and the responsibility for the conflict shall be placed on the supervisor. The employee shall not be held responsible for disobedience of the order.
  - b. The employee shall advise his immediate supervisor through departmental correspondence of the situation surrounding the conflicting order and the supervisor shall resolve the situation.
  - c. The Chief of Police shall be provided a copy of all correspondences concerning the conflicting order and resolution.

#### G. Authority and Responsibility [CALEA 11.3.1]

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

#### H. Succession of Command

1. The assignment as “acting authority” may be used where the Chief of Police anticipates his absence due to training, vacation, temporary physical or mental inability, or other short-term unforeseeable absences [CALEA 12.1.2 a.].
  - a. In the absence of the Chief of Police, the Deputy Chief of Police will assume the duties as the Chief of Police’s acting authority.
  - b. In normal day-to-day operations, command protocol shall be by order or rank within the division or function of the particular operation [CALEA 12.1.2 d.].

- c. For exceptional situations that arise (special events, University of Arkansas sporting events, etc.), command protocol shall be by order of rank, and seniority within the rank, if two or more are present of the same rank [CALEA 12.1.2 b.].
- d. For situations that involve personnel of different functions engaged in a single operation, command protocol shall also be by order of rank, and seniority within the rank [CALEA 12.1.2 c.].
- e. Incident Command System (ICS) protocol will be followed in the transfer of command (see policy 46.1.2 Critical Incidents).

#### I. Functional Communication

- 1. Staff Meetings: The Chief of Police or his designee will conduct a staff meeting as needed:
  - a. Time will be set-aside at the end of the staff meeting for discussing areas of special interest to staff members.
  - b. The staff meeting will include those individuals whose presence is deemed necessary.
- 2. Cooperation
  - a. The department shall strive to maintain good internal communication and encourage full cooperation among organizational components. To that end, regular meetings are suggested among personnel of separate organizational components to provide an effective network of personnel communication.
  - b. Other means of personnel communications are available for use including patrol shift briefings, staff meetings, Labor-Management Team meetings, e-mail, voicemail, and the exchange of daily bulletins/memorandums.



# ***POLICIES, PROCEDURES, AND RULES***

<b>Subject:</b> 26.1.1 Disciplinary Matters & Award Procedures	<b>Effective Date:</b> October 20, 2015
<b>Reference:</b> 52.1.1, 1.3.1, 41.1.1, 26.1.2	<b>Version:</b> 3
<b>CALEA:</b> 26	<b>No. Pages:</b> 9

## **I. PURPOSE**

Effective discipline is a positive process when its perceived purpose is to train or develop by instruction. Among the programs having an impact on discipline in a law enforcement agency are selection, training, direction, supervision, and accountability. These elements are inter-dependent, and a weakness in any one is damaging to effective discipline. Many standards bearing on a disciplinary system are included in other chapters relating to selection, training, and direction. Therefore, the purpose of this directive is to focus on the accountability component of a disciplinary system.

## **II. DISCUSSION**

It shall be the policy of the Fayetteville Police Department to follow and abide by the disciplinary policies and procedures in effect and addressed in the rules and regulations of the Civil Service Commission of the City of Fayetteville. An employee whose work becomes unsatisfactory should immediately be notified by his/her supervisor in what way the work is deficient and what must be done if work performance is to be judged satisfactory [CALEA 26.1.5 (NT)]. An employee who is suspended or dismissed for unsatisfactory performance of duties should normally have received three warnings:

Supervisor Counseling - an oral warning from the employee's supervisor. The supervisor must record the dates of the discussions with the employee, the performance deficiencies discussed and the corrective actions required. [CALEA 26.1.5 (NT)] The supervisor ~~should~~ **shall** maintain this record for the duration of the employee's performance evaluation period [CALEA 26.1.8].

Written Record of an Oral Warning- an oral warning with a follow-up letter to the employee that sets forth the points covered in their discussion. The Chief of Police shall have authorized a written record of an oral warning. The supervisor shall keep a record of a written record of an oral warning. The supervisor should maintain this record for the duration of the employee's performance evaluation period [CALEA 26.1.8 (NT)].

Written Reprimand - a written warning from the ~~Department~~ **Chief of Police (or in the Chief of Police's absence, by the Deputy Chief of Police)** serving notice upon the employee that noted deficiencies must be corrected immediately in order to avoid **further** disciplinary action up to and including dismissal. A written reprimand shall be placed in the employee's personnel file [CALEA 26.1.8 (NT)].

An employee who is suspended without pay or dismissed for unsatisfactory performance of duties or violations of policy shall receive a letter from the ~~Department~~ Chief of Police (or in the Chief of Police's absence, by the Deputy Chief of Police) outlining the noted performance deficiencies or policy violations and effective date of suspension or dismissal. A copy of this letter shall be placed in the employee's personnel record [CALEA 26.1.8 (NT)].

A sworn employee so discharged, reduced in rank, or suspended for twenty-four hours or more shall have the right, within ten calendar days from the date of such written notice, to request a trial through the Civil Service Commission. Sworn employees Reference should reference be made to the Civil Service Rules and Regulations for procedures to request a trial [CALEA 26.1.6].

Any sworn employee can request a grievance hearing to review a suspension of less than twenty-four hours by submitting a written explanation to the Civil Service Commission within ten calendar days of receiving such disciplinary action stating why such discipline was unwarranted or otherwise improper. Sworn employees Reference should reference be made to the Civil Service Rules and Regulations for procedures to request a grievance hearing [CALEA 25.1.1].

The Administrative Captain should maintain the departmental employees' administrative files. It should contain any letters of commendation or appreciation, administrative letters and replies, results of any sustained punitive disciplinary action (written reprimand, suspension, demotion, and termination), as well as other pertinent information. Information in this file will be maintained indefinitely. All official personnel files are maintained by the City of Fayetteville's Human Resources Division [CALEA 26.1.8 (NT)].

It is suggested immediate supervisors maintain an employee performance/counseling file for each person under their supervision. This file might contain oral warnings during the current evaluation period, letters of job related counseling sessions, copies of correspondence between the employee and supervisor, complementary correspondence, and other similar information regarding the performance of the employee. It is suggested this material be kept in a secured location by the immediate supervisor. This information should be purged after one year and after being noted on the employee's performance evaluation [CALEA 26.1.8 (NT)].

Nothing in this policy shall prohibit the Chief of Police from exercising all authority granted under Civil Service Commission Rules and the Arkansas Code.

#### **A. Compliance With Department Directives**

Supervisors are expected to set a proper example to their subordinates in the matter of due respect and regard for the policies, procedures, and rules in all matters pertaining to proper discipline.

1. The primary function of a supervisor is to maintain the day-to-day activities of police operations. Compliance with department directives is an integral part of those operations. Supervisors are authorized to take action when department directives are not being followed [CALEA 26.1.5 (NT)]:
  - a. A supervisor may elect to coach an employee whose performance has been found to be deficient.
  - b. A supervisor, after approval from his or her division captain, may refer an employee to the Training Division or designated supervisor to correct deficient performance.

- c. A supervisor may document deficient performance and refer it to the Chief of Police in the form of an official complaint.
  - d. In cases of a major infraction of policy or department directive, a supervisor may relieve an employee of duties, with pay, and refer the matter to the Chief of Police.
2. In case(s) of alleged unjust treatment in violation of these policies, procedures, and rules, any employee may make a complaint against a supervisor ~~superior to the proper authorities~~. When any employee suspects a violation of these policies, procedures, and rules has occurred, they are to notify the Chief of Police for investigation, and may request results of the findings. Reporting a suspected violation confidentially is not a violation of the policies, procedures, and rules.
3. The following acts, infractions, or violations of the policies, procedures, and rules shall be deemed sufficient cause for separation from the department:
- a. Willful disobedience of lawful orders.
  - b. Disrespect or insolence toward a superior officer or supervisor.
  - c. Being under the influence at any level of intoxicants, or illegal drugs, including abuse of prescription drugs while on duty.
  - d. Absence without leave - Absence without leave is defined as any time a department member is scheduled for work and fails to report for duty without first notifying a supervisor prior to the start of the scheduled shift.
  - e. Incompetence.
  - f. Driving any machine or apparatus of the department carelessly or maliciously, in such a manner as to collide with, cause personal injury, damage a vehicle or other property, or any other wanton or malicious conduct, which causes injury or damage to a citizen or property.
  - g. Neglect or refusal to pay just debts.
  - h. Agitating or creating dissension in the department or attempting in any manner to cause ill feeling against any member of the department.
  - i. Making any false or unwarranted report, either publicly or otherwise, about a member of this department.
  - j. Dishonesty at any time when representing this department.
  - k. Lack of Candor when questioned by a department supervisor or during any Office of Professional Standards investigation.
4. It shall be the policy of the Fayetteville Police Department that all personnel maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by, **but not limited to**:
- a. A lack of knowledge of the application of laws and ordinances required to be enforced.
  - b. An unwillingness or inability to perform assigned tasks.
  - c. The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.



- d. Absence without leave.
- e. Written record of repeated infractions of policies, procedures, rules, directives, or general orders of the department.

## **B. Unbecoming Conduct**

Employees shall be held responsible at all times for conduct unbecoming an officer and/or a police department employee, which tends to lower the law enforcement service in the estimation of the public. Employees should be governed by ordinary rules of good behavior observed by law abiding and self-respecting citizens.

1. Any idle, indiscreet, disrespectful or discriminatory remark(s) or rudeness to citizens or any greeting(s), conversation(s), or remark(s) tending to show undue familiarity with members of the opposite sex while on duty shall subject a member to disciplinary action (See ~~Harassment and Discrimination~~ FPD Policy 26.1.2 ~~Harassment and Discrimination in the Workplace~~).
2. Employees are cautioned that the use of obscene, immoral, profane or disrespectful language, agitating and tending to create dissension in the department or attempts to cause undue or unfavorable reflection(s) upon any member of the department, will not be tolerated. Employees shall not engage in altercations between themselves under any circumstances.
3. All employees when reporting for duty shall be completely attired in the regulation uniform or dress attire as prescribed by the Chief of Police (~~Refer to~~ FPD Policy 41.3.5 ~~for Grooming and Uniform~~ Requirements). Failure to do so may subject the member to disciplinary action.
4. Relationships in the workplace
  - a. All supervisors are strictly prohibited from dating any employee they supervise and/or who is within their chain of command.
  - b. Co-workers who do not manage and/or supervise each other may continue in the dating relationship, but must inform their direct supervisor and the Chief of Police of the relationship. The Chief of Police may consult with the Director of Human Resources if there is any concern regarding the existence of the relationship.
  - c. Employees who fail to inform their supervisor and the Chief of Police of their dating and/or physical relationship will be subject to disciplinary action up to and including termination.

## **C. Use of Alcohol & Drugs**

1. No employee shall possess or consume alcoholic beverages while on duty or at the police department. Possession is authorized when directly related to a case or as an evidence item.
2. Employees are prohibited from reporting to work with a blood alcohol content (BAC) level higher than .000.

3. Employees are prohibited from using or possessing illegal drugs. Possession is authorized when directly related to a case or as an evidence item.
4. No employee shall be absent or sick from scheduled duty due to the use of alcoholic beverages, illegal drugs, or abuse of prescription drugs.
5. Failure to submit to a supervisor ordered blood or alcohol test shall result in a disciplinary action up to and including termination.
6. When deemed operationally necessary, officers in undercover assignments may consume alcoholic beverages and/or simulate the use of drugs. In doing so, officers shall submit a memo to their supervisor documenting the consumption of alcohol or simulation of the use of drugs.

#### **D. Abuse of Authority**

1. No officer (~~except when assigned desk duties inside the police facility~~) shall receive or collect any fine or fines for parking tickets, other traffic violations, or any other offenses whatsoever. Members shall courteously advise citizens that all fines are payable at the ~~Fayetteville Police Department~~ **Fayetteville District Court or on-line**.
2. No employee shall directly or indirectly, except by permission of the Chief of Police, sell tickets, solicit any money, circulate any petitions, subscriptions, or allow the use of the department's name for any fair, exhibition, benefit, or similar project. In deciding whether to grant such permission, the Chief of Police shall not discriminate against any officer of the department. Such permission may be granted if the activity will not adversely affect the administration or management of the department, or decrease the trust or confidence of the public.
3. ~~Employees shall not create a conflict of interest by~~ **No employee shall take, solicit, retain, receive, or extort taking, soliciting, retaining, receiving or extorting** any fees, property, rewards, gifts, compensation, or thing of value or free service in any form from any person, firm, or corporation for any services rendered in the conduct or performance of the duties as a police officer. **However, the police department does recognize there are occasions when members of the public want to make a kind gesture toward a member of the department and expects nothing in return. Employees may not accept gifts, money, discounts, or favors, other than those of nominal value. "Nominal Value" means items with a value less than \$50.00. The acceptance of any currency or prepaid stored value money card of any value must be approved by the Chief of Police or his or her designee.**
4. It shall be the policy of the Fayetteville Police Department that its employee shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing firm, bail bondsman, mortician, etc.).

#### **E. Use of Force**

1. Refer to ~~Chapter~~ **FPD Policy 1.3.1 (Use of Force)**.

## **F. Proper Care & Maintenance of Equipment**

1. Employees shall not loan any department equipment or tools, except on permission of the Chief of Police or other supervisor.
2. The reporting procedures for damaged, lost or stolen department issued equipment:
  - a. Each employee is responsible for maintaining and keeping track of his or her department issued equipment.
  - b. Damaged, lost or stolen equipment shall be reported to the employee's immediate supervisor in a memorandum. The document shall be forwarded through the employee's chain of command to the Chief of Police.
  - c. The Administrative Lieutenant will track damaged, lost, or stolen department issued equipment.
  - d. A case report may be required if the lost or stolen item is law enforcement sensitive or could create a security risk.

## **G. Employee Awards/Commendations [CALEA 26.1.2 (NT)]**

1. It shall be the policy of this department to recognize heroic actions, meritorious service and significant achievements under the provisions of this policy. Facilitation of awards will be made through ~~an~~ **the** Awards Committee. The Awards Committee will be comprised of departmental Captains, as permanent members, and departmental employees as appointed by the Chief of Police. Nominations to the Awards Committee will be received by way of the departmental award application form. The Awards Committee will review all applications and make recommendations to the Chief of Police who has final authority on awards. Awards will be presented at a time designated by the Chief of Police.
2. Classification of Awards
  - a. Chief's Award of Valor: Nominated by the Chief of Police, awarded for an act of extraordinary bravery or heroism by an employee who has demonstrated in great degree the characteristics of selflessness, personal courage and devotion to duty.
  - b. Exceptional Duty Award: Nominated by departmental supervisors, awarded for exceptional performance, which, in the opinion of the supervisor, is deserving of recognition.
  - c. Life Saving Award: Nominated by any employee of the department, awarded for a successful effort in saving a human life which involved exceptional courage or performance.
  - d. Unit Meritorious Performance Award: Nominated by any employee, awarded to any individual or unit (sworn or civilian) who has exhibited exceptional professional skill and conduct during a coordinated action.
  - e. Fayetteville Police Department Commendation: Nominated by any employee, awarded to any employee for an outstanding act or achievement, which brings great



credit to the department and involves performance above and beyond that required by the individual's basic assignment.

- f. Community Service Award: Nominated by any employee, awarded to any employee for involvement both on and off duty in youth activities, work with non-profit organizations, working with the police department on special projects or other activities for the public good.
- g. Outstanding Citizen Award: Nominated by any employee, awarded to a citizen/member of the community who helps the department in apprehension of criminals or any other significant manner.
- h. Police Blue Star Award: Nominated by the Awards Committee, awarded to any sworn employee who has been seriously, critically or fatally injured while in the performance of police duty. This award should be limited to those incidents resulting from attack by an assailant, personal combat or the performance of an act of valor.
- i. Police Blue Shield Award: Nominated by the Awards Committee, awarded to any sworn employee who, as a result of accidental cause, has been seriously, critically or fatally injured while in the performance of police duty. This award should be limited to those cases resulting from an accident.
- j. Letters of Commendation: A letter of commendation may be written by the Chief of Police to any employee for job performance that might not meet the criteria for the above listed awards, but merits recognition nonetheless. Any person may recommend an employee of this department receive a letter of commendation by submitting a memorandum to the Chief of Police. A letter of commendation may be given:
  - (1) To commend an employee for completing a job task in an exemplary manner.
  - (2) To commend an employee for submitting a recommendation which directly contributes to increased department productivity or efficiency.
  - (3) For any other reason deemed appropriate by the Chief of Police.
- k. Certificate of Recognition: Nominated by departmental supervisors, this award is presented to one officer on each patrol shift, recognizing the highest level of over-all performance on his/her given shift. These officers have excelled above the normal course of daily duties.
- l. Dispatcher Distinguished Service Award: Nominated by departmental supervisors, this award is presented to any dispatcher for exceptional performance, which, in the opinion of the supervisor, is deserving of recognition.
- m. Special Commendation: Nominated by any employee, an award presented to any sworn or civilian member who through his or her efforts has made a significant impact on public safety or crime prevention.
- n. Police Officer of the Year (Patrol Officer): Nominated by any employee, this officer must have shown him or herself to have exceeded the duty requirements of his/her position, exemplified the values of professionalism and dedication, demonstrated a distinct pattern of community service, and proven his/her personal dedication to serve and protect the community. This award is presented to any police officer who

has performed outstanding service as a police officer, over and above what is required as part of that officer's normal duties and functions:

(1) **Criteria Considerations** for this award:

- (a) To what extent has the officer positively influenced the public's perception or confidence in the police department?
- (b) To what extent has the officer been involved in acts of compassion, humanity or support for individuals?
- (c) To what extent has the officer demonstrated exceptional devotion to a particular police activity or duty?
- (d) To what extent has the officer demonstrated excellence in a particular policing role or task?

o. Police Officer of the Year (Specialized Division): Nominated by any employee, this officer must have shown him or herself to have exceeded the duty requirements of his/her position, exemplified the values of professionalism and dedication, demonstrated a distinct pattern of community service, and proven his/her personal dedication to serve and protect the community. This award is presented to any police officer who has performed outstanding service as a police officer, over and above what is required as part of that officer's normal duties and functions:

(1) **Criteria Considerations** for this award:

- (a) To what extent has the officer positively influenced the public's perception or confidence in the police department?
- (b) To what extent has the officer been involved in acts of compassion, humanity or support for individuals?
- (c) To what extent has the officer demonstrated exceptional devotion to a particular police activity or duty?
- (d) To what extent has the officer demonstrated excellence in a particular policing role or task?

p. Civilian Employee of the Year: Nominated by any employee, this award is presented to any civilian employee for recognizing performance for extra duties beyond those normally assigned:

(1) **Criteria Considerations** for this award:

- (a) Performing other roles when the department is short-staffed; developing new work methods that reduce waste or stretch resources;
- (b) Making creative suggestions that save the department time/money; provides services to others that are beyond the assigned responsibilities;
- (c) Documented consistently outstanding job performance and completing duties in an outstanding manner, setting an example of achievement for others to follow;
- (d) Demonstrated leadership in performing duties that resulted in improved productivity of the unit, including customer focus, promoting teamwork, and commitment to achieving excellence;

- (e) Demonstrates significant contributions to the community or charitable volunteer organizations; exemplifies the Fayetteville Police Department values of, "Honor, Respect, Professionalism, and Integrity."
- q. Dispatcher of the Year: Nominated by any employee, this dispatcher has shown to have exceeded requirements of the position, exemplified the values of professionalism and dedication, and demonstrated excellent customer service to the community. This award is presented to any dispatcher who has performed outstanding service, over and above what is required as part of the dispatcher's normal duties and functions:
  - (1) Criteria Considerations for this award:
    - (a) To what extent has the dispatcher positively influenced the public's perception or confidence in the police department?
    - (b) This dispatcher has demonstrated the knowledge to get the job done, and the drive to produce the best work possible. This recipient is recognized for consistently going the extra mile in serving the public, officers and other co-workers.
    - (c) This dispatcher demonstrates resourcefulness and enthusiasm in accomplishing the work necessary to perform this job. The recipient has shown excellence in their quality of service, and work ethic.
    - (d) This dispatcher shows a remarkable ability to deal with challenging situations and critical incidents.
    - (e) This dispatcher has demonstrated leadership in performance of duties and promotes teamwork and commitment to excellence.



# ***POLICIES, PROCEDURES, AND RULES***

<b>Subject:</b> 41.1.1 Patrol	<b>Effective Date:</b> July 7, 2015
<b>Reference:</b> 41.2.17, 41.3.5, 1.2.2, G.O. #24	<b>Version:</b> 5
<b>CALEA:</b> 41, 81	<b>No. Pages:</b> 5

## **I. PURPOSE**

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

## **II. POLICY**

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

### **A. ORGANIZATION AND ADMINISTRATION**

1. Patrol Performance
  - a. The Chief of Police shall be responsible for reviewing annual patrol performance measures.
  - b. These performance measures must be attainable, quantifiable, and measurable.
2. The Chief of Police will be responsible for establishing procedures to ensure positive communication between patrol and other divisions and programs within the department.
3. Officer Assignment
  - a. The Chief of Police will be responsible for assigning officers to a shift [CALEA 41.1.1 b].
  - b. The assignment will be based on a uniform procedure to ensure impartiality in the decision making process. Supervisors assigned to patrol will make decisions pertaining to any shift scheduling amongst personnel and shall consider this based on department needs and personnel requests [CALEA 41.1.1 c].
  - c. Patrol shift supervisors scheduling responsibilities include:
    - 1) Beat assignment and beat rotation schedules [CALEA 41.1.1 d, e].

- 2) Ensuring sufficient personnel are available for daily assignment to meet prescribed minimum staffing levels.
- 3) Anticipating pre-planned major events and ensuring availability of personnel required.
- 4) Monitoring and minimizing overtime expenditures.
- 5) Coordinating officers' attendance at training, meetings, court, etc.
- d. The shift supervisor(s) will be responsible for field operations.
- e. When determining scheduling for patrol officers and first line supervisors, daily workload requirements, maximum coverage and departmental needs take priority over personal preference [CALEA 41.1.1 f].
- 4. Roll Call and Briefing
  - a. Officers shall attend roll call and briefing at the beginning of each shift until released by the shift supervisor. Shift roll call/briefing shall include [CALEA 41.1.2]:
    - 1) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations;
    - 2) Notifying officers of potential and actual police hazards in the area;
    - 3) Notifying officers of changes in schedules and assignments;
    - 4) Notifying officers of new or revised policies, procedures, rules and general orders; and
    - 5) Evaluating officer readiness to assume patrol (uniform, equipment, vehicle, etc).
- 5. The number of units assigned to a call is determined by the specific elements that, by their presence or absence may affect the severity of the incident and the type of response to properly conclude the incident. The number of units normally assigned to a call has been predetermined and programmed into the CAD system as a guideline to follow. Response to some calls may require additional officers in order to deal effectively with the incident. Officers and supervisors may request more or fewer units at their discretion. The Chief of Police and/or his designee will determine these call types. Examples include, but are not limited to [CALEA 81.2.4 e.]:
  - a. An assault/battery on an officer;
  - b. On-scene arrest for a felony or violent misdemeanor;
  - c. Resistance to arrest;
  - d. Use of force;
  - e. A serious crime in progress; or
  - f. A fleeing suspect.

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

- 6. The following responses require the presence of a patrol supervisor at the scene for the purpose of assuming command. These include, but are not limited to [CALEA 81.2.4 f.]:
  - a. Critical incident requiring scene organization;
  - b. Confirmed **armed** robbery with ensuing investigation;

- c. Major events or multi-faceted special event;
- d. Officer involved death or serious injury investigation.
- 7. The Chief of Police shall determine what calls do not require the dispatch of an officer and can be effectively handled by receiving information through an alternative method (telephone, on-line, etc).
- 8. The Chief of Police shall be notified through the chain of command immediately of the following types of incidents:
  - a. Serious injury to police officer.
  - b. Accident involving police vehicle where an officer or citizen is injured or major property damage is involved.
  - c. Major crimes to include murder, bank/store robbery, prisoner escape, or any heinous crime.
  - d. Barricaded/hostage situation.
  - e. Disasters or catastrophes.
  - f. Serious complaint or incident involving an officer.
  - g. Fatality accidents.
  - h. Any incident where there may be a question of the department's liability or which may result in a heightened community interest [CALEA 11.4.5].
- 9. Incidents of a less serious nature shall be reported through the chain of command as directed.

## B. OPERATIONS

### 1. Preliminary and Follow-up Investigations.

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

- 2. An emergency mode of operation with emergency lights and siren activated may be used when responding to the following listed emergencies. Officers may exceed the speed limit, proceed with caution through stop signs and red lights, and may disregard other traffic laws when done safely in response to the following listed emergencies [CALEA 41.2.1]:
  - a. Authorized pursuits
  - b. Aggravated assault in progress
  - c. Rape in progress
  - d. Armed robbery in progress
  - e. Kidnapping in progress
  - f. Injury accident
  - g. Routine or emergency calls when traffic congestion prevents response.
  - h. Officer in need of assistance
  - i. Any other serious incident or with supervisor authorization

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



from the consequence of a reckless disregard for the safety of others. If an officer is driving in emergency mode, lights and siren must be used in accordance with state law.

3. In the course of routine patrol and in response to non-emergency calls, officers will operate their vehicles without the use of emergency lights or siren.
4. Officers assigned to patrol must understand, as first responders, they may find themselves on many occasions at scenes where they need to make additional notifications to personnel or agencies with specific expertise and/or authority [CALEA 41.2.4]:
  - a. Officers of the Fayetteville Police Department are expected to make logical decisions in this area and fully consider various types of notifications that may need to be made for safety as well as case or investigation preservation and purposes.
  - b. In cases of death response/investigation, officers with the assistance of dispatch should notify the shift supervisor, detective supervisory personnel, and the coroner's office.
  - c. In incidents where medical treatment is warranted, officers should ensure Emergency Medical Services personnel are notified. Officers should follow the Secondary Emergency Notification of Dispatch SEND protocol:
    - (1) Provide the chief medical complaint and incident type and number of persons injured.
    - (2) Provide the approximate age of patient(s).
    - (3) Provide whether patient is conscious and alert.
    - (4) Provide if the patient is breathing and if so is breathing with difficulty.
    - (5) Provide if the patient is experiencing chest pain.
    - (6) Provide if the patient is experiencing severe bleeding.
  - d. When encountering uncontrolled fires, officers should immediately ensure Fayetteville Fire Department is notified for response.
  - e. In cases where public utilities have been disturbed, officers should request dispatch assist them in making the proper notifications to public utilities personnel.
  - f. Officers must communicate with their supervisors during incidents in which information should be provided to the news media, to include incidents requiring major road closings, large area evacuations, and for providing suspect information that is advantageous or required for an investigation. Such media disclosures should be channeled through the Public Information Officer (PIO) as directed in Policy 54.1.1. Policy 54.1.1 also governs routine news media inquiries that may be handled by shift supervisors.
  - g. In cases involving crimes in other jurisdictions, officers shall be responsible for making prompt notification to the appropriate law enforcement agency. Officers shall also be responsible for applicable reports or documentation.
5. Field Interviews/Intelligence Reports - Patrol personnel will document all field interviews/intelligence reports to provide other officers and detectives with information concerning suspicious persons (See FPD 1.2.2).
6. Officer Access to Radio Communications
  - a. When possible, all patrol officers shall be equipped with a portable radio and/or a mobile radio unit.

- b. Patrol officers shall give their badge number as their unit number in radio communications.
  - c. Patrol officers shall utilize the appropriate 10-code, signals and dispositions in keeping each other, supervisors, and dispatchers informed of locations, the nature or status of a call, and developments in an investigation.
  - d. When working with other departments on an incident, officers should refrain from using 10-codes and should use plain language.
7. Uniforms – Refer to 41.3.5 Grooming and Uniform Requirements.
8. Specialized Assignments - Fayetteville Police Department recognizes the need to staff specialized units which provide a supportive function to the patrol division [CALEA 16.2.2].
- a. An announcement shall be made and posted to all personnel when an opening occurs to a specialized unit.
  - b. The announcement will contain requirements and criteria for personnel to be appointed to the specialized unit.
  - c. The announcement will describe the selection process to be used for appointment to the specialized unit.
  - d. The following are specialized units within the department:
    - 1) Detective
    - 2) Emergency Response Team
    - 3) Crisis Negotiation Team
    - 4) Canine Officer
    - 5) Bicycle Patrol
    - 6) Motorcycle Patrol
    - 7) School Resource Officer
    - 8) Field Training Officer
    - 9) Community Oriented Policing
    - 10) Training Division
    - 11) Warrants Division
  - e. In the limited circumstances where a specialized assignment needs to be filled immediately, the chief of police or his designee can appoint personnel to any of these assignments.
9. Canine, motorcycle and bicycle units - The canine, motorcycle and bicycle units provide a specialized, supportive function to patrol units.