

City of Fayetteville Staff Review Form

2020-0983

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11/17/2020

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Mike Reynolds, Chief of Police

10/30/2020

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Council approves a resolution adopting Fayetteville Police Policies 1.2.3, Bias Based Profiling Prohibited; 22.2.8, Military Activations; 49.1.1, Peer to Peer Support Program.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>NA</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF NOVEMBER 17, 2020

TO: Mayor and City Council

A handwritten signature in black ink that reads "Mike Reynolds".

FROM: Mike Reynolds, Chief of Police

DATE: October 30, 2020

SUBJECT: Police Department Policy

RECOMMENDATION:

Council approves a resolution adopting Fayetteville Police Policies 1.2.3, Bias Based Profiling Prohibited; 22.2.8, Military Activations; 49.1.1, Peer to Peer Support Program.

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 1.2.3, Bias Based Profiling Prohibited, is an existing policy that contains changes to meet new accreditation standards. Fayetteville Police Policy 22.2.8, Military Activations, is an existing policy that contains changes to reflect new accreditation standards and current city protocols. Fayetteville Police Policy 49.1.1, Peer to Peer Support Program, is a new policy that outlines a program to promote employee health and resiliency.

BUDGET/STAFF IMPACT:

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

Attachments:

Fayetteville Police Policy 1.2.3, Bias Based Profiling Prohibited
Fayetteville Police Policy 22.2.8, Military Activations
Fayetteville Police Policy 49.1.1, Peer to Peer Support Program

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.3 Bias Based Profiling Prohibited	Effective Date:
Reference: Arkansas Act 1207 of 2003, 52.1.1, 26.1.1	Version: 5
CALEA: 1.2.9	No. Pages: 3

I. PURPOSE

The purpose of this policy is to prohibit the act of bias based profiling and to reaffirm the department policy to perform all duties impartially, without favor or affection or ill will and to treat all citizens equally with courtesy, consideration and dignity. Bias based profiling, the selection of an individual(s) for enforcement action based in whole or in part on a trait common to a group including but not limited to, race, ethnic background, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group, **immigration status, disability, housing status, occupation, language fluency**, or any other identifiable characteristics or identifiable groups, is prohibited in all traffic contacts, field contacts, and in asset seizure and forfeiture efforts [CALEA 1.2.9 a.].

II. DISCUSSION

This policy recognizes Arkansas Act 1207 of 2003 to prohibit racial profiling and further establishes a directive to prohibit the use of race, ethnicity, national origin, or religion in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches and seizures, and other law enforcement activities.

III. POLICY

All officers of the Fayetteville Police Department are directed to adhere to the guidelines contained within this policy pertaining to bias based profiling and “racial profiling” as defined by Arkansas Act 1207 of 2003.

A. Definitions

Bias Policing- The selection of an individual(s) for enforcement action based in whole or in part on a trait common to a group, without actionable intelligence to support consideration of that trait. This includes, but is not limited to, race, ethnic background, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group, **immigration status, disability, housing status, occupation, language fluency**, or any other identifiable characteristics or identifiable groups.

Racial Profiling – A law enforcement action based on race, ethnicity, national origin or religion in selecting which individuals to subject to routine investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity.

Reasonable Suspicion – A standard based on facts or circumstances which alone do not give rise to probable cause to arrest, but which do give rise to a suspicion that has some relevant basis and is not pure conjecture.

B. Prohibitions

Officers are prohibited from relying on race, ethnic background, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group, immigration status, disability, housing status, occupation, language fluency, or any other identifiable characteristics or identifiable groups, to any degree, in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of police practices following the initial routine investigatory activity. Officers shall have reasonable suspicion or probable cause in compliance with the United States Constitution and Arkansas Rules of Criminal Procedures prior to stopping a pedestrian or motor vehicle, or engaging in detentions, searches, arrests, or other investigatory activities.

IV. PROCEDURES

- A. Officers shall professionally and courteously identify themselves by full name and department, state the reason for the stop, and when possible, provide written identification.
- B. Officers shall receive a basic training course on racial and cultural sensitivity and annual training in operating procedures that prohibit bias policing. Annual training shall emphasize the prohibition against bias based profiling and racial profiling and will include profiling related training to include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support [CALEA 1.2.9 b.]. The course of instruction shall stress understanding and respect for racial, ethnic, national, religious, and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties. Officers will also complete foreign language training with an emphasis in Spanish, when possible, in accordance with state law.
- C. Officers shall adhere to departmental policy regarding the use of mobile video/audio systems (General Order #22).
- D. Supervisors are responsible for ensuring that all personnel read and understand the policies and procedures prohibiting bias based profiling and racial profiling.
 1. Supervisors will routinely monitor officers' daily activity reports and encourage officers to report violations of this policy to determine whether any officer is engaged in a pattern of racial profiling or bias policing.

2. Supervisors will not retaliate against an officer or officers who report acts of bias based profiling or racial profiling.
 3. Supervisors receiving a complaint of this nature will conduct a cursory investigation and forward any findings to the Chief of Police. If merited, the complaint will be forwarded to the Office of Professional Standards for further investigation.
- E. Internal or external complaints or allegations of racial profiling or bias-policing shall be assigned to the department's Office of Professional Standards for an investigation. Appropriate corrective action will be taken if a complaint is sustained. Corrective action may involve supervisor counseling, written record of oral reprimand, written reprimand, suspension, or dismissal as specifically covered by Policy 26.1.1 [CALEA 1.2.9 c.].
- F. The supervisor of the Office of Professional Standards shall complete an annual administrative review of agency practices including citizen concerns. The review should take into account traffic contacts, field contacts, asset seizure and forfeiture efforts, the department's training, internal or external complaints and the corrective measures taken if any complaints are sustained [CALEA 1.2.9 d c.].

POLICIES, PROCEDURES, AND RULES

Subject: 22.2.8 Military Activations	Effective Date:
Reference: 1.3.1, City of Fayetteville Military Leave Policy HR-24	Version: 3
CALEA: 22.2.8-22.1.9	No. Pages: 3

I. PURPOSE

The purpose of this policy is to establish a plan for personnel with military activations exceeding 180 days for pre-deployment, deployment, and post-deployment.

II. POLICY

Situations involving military deployment orders can arise suddenly. The best practice is effective communication from the Fayetteville Police Department to the employee and his or her family prior to a deployment, during the deployment, and following a deployment. Having a strong point of contact throughout the deployment period will help ensure a seamless transition. To the extent possible, the deployed employee should be notified of agency news, significant events, and promotions or promotion opportunities. Rights, responsibilities, and minimum requirements are outlined in statutory law, most notably but not limited to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

III. DEFINITIONS

- A. 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.

IV. PROCEDURES

- A. Department's Point of Contact [CALEA 22.1.9 a.]
 - 1. The department's point of contact will be the Administrative Captain:
 - a. The Administrative Captain will strive for effective communication between the police department and the deployed employee and will be allowed to utilize any resource available to accomplish this mission [CALEA 22.1.9 g.].
 - b. The Administrative Captain will ensure the deployed employee is periodically notified of agency news, significant events, and promotions [CALEA 22.1.9 g.].

- c. The Administrative Captain will track the department's promotional opportunities and notify the deployed employee of those promotional opportunities that are relevant to him / her. The Administrative Captain will keep the Fayetteville Police Department Administration and the city's Human Resources Division advised of such promotional opportunities affecting deployed members of the department to ensure promotional processes are compliant with federal and state laws. [CALEA 22.1.9 g.].

B. City of Fayetteville Human Resources Point of Contact [CALEA 22.1.9 b.]

1. Employees eligible for paid military leave must request 120 hours for their military leave bank each year by completing the Military Leave Bank Annual Request Form located on the City of Fayetteville Intranet Site. The form must be returned to the Human Resources Benefits Administrator.
2. The City of Fayetteville Human Resources Division point of contact will be the Human Resources Benefits Administrator. A deployed employee may make contact with the Human Resources Benefits Administrator while on leave to obtain information, request assistance, or to have questions answered [CALEA 22.1.9 g.].

C. Processing Prior to Military Deployment [CALEA 22.1.9 c.]

1. A regular department member, who is a member of the National Guard or reserves of the United States Armed Forces, who is deployed for the purpose of entering any branch of the United States Armed Forces for a period exceeding 180 days shall be placed in military active duty status and granted a leave of absence.
 - a. Reasonable advance notice of impending military leave should be provided by the employee and a copy of the orders should be submitted to the Administrative Captain through the employee's chain of command. The Administrative Captain will ensure a copy of the orders will be given to the Human Resources Division.
 - b. Employees must comply with the City of Fayetteville's Military Leave Policy.
 - c. If available, the employee should provide the Administrative Captain with the name and contact information for the employee's military commanding officer for situations where communication may become difficult. The employee should also provide email addresses, additional phone numbers, addresses, and reaffirm contacts remaining stateside [CALEA 22.1.9 g.].
 - d. The employee will have an exit interview prior to deployment with the Chief of Police or his/her designee, if the timing of the deployment permits [CALEA 22.1.9 c.].

D. Storage of Agency Owned Equipment During Deployment [CALEA 22.1.9 d.]

1. If an opportunity is provided, the employee shall meet with his / her supervisor to determine storage of agency owned equipment during the deployment. The supervisor will forward the information upward through the chain of command.
 - a. If the employee has other items or assigned resources that for the benefit of the department need to be temporarily reassigned, the supervisor will identify such items with the employee and reassign such items after consulting with his/her chain of command.

- b. The employee may also provide additional items to the department through his/her supervisor that the employee wants to be safely secured at the department during the deployment.

E. Processing Upon Return from Deployment [CALEA 22.1.9 e.]

1. It shall be recognized that members returning from military deployment, particularly those having been involved in combat operations, may have specialized needs.
 - a. Traditional Employee Assistance Programs (EAP) may not sufficiently meet the needs of returning military members/police officers.
 - b. The department shall consider all locally available and feasible resources to meet the returning employee's needs.
 - c. The returning employee will be provided access to the Human Resources Benefit Administrator.
 - d. The returning employee will have a return interview with the Chief of Police or his / her designee.

F. Initial and/or Refresher Training, Weapons Requalification, and Steps for Reintegration as Appropriate [CALEA 22.1.9 f.]

1. As stated in Policy 1.3.1, any officer returning to duty after an absence exceeding three months shall report to the Training Division for refresher weapons training and successfully complete a CLEST approved qualification course prior to being permitted to return to full duty.
2. On a case by case basis and depending on the employee's time away from department during the deployment, the Training Coordinator shall determine the training needs of the returning employee and establish a plan to provide the training to him/her. Documentation of the training will be kept in the employee's training file.
3. The Chief of Police or designee may decide to assign a field training officer to the returning employee after prolonged deployments. The Training Coordinator will provide a written reintegration training plan on each returning employee after a review of relative information including assignment and time away from the department. The assigned field training officer will evaluate the returning employee's performance to correspond with the Training Coordinator's reintegration plan. The Training Coordinator will communicate progress to the Chief of Police through the chain of command. After the returning employee has successfully completed the reintegration plan, the employee will return to regular duty. Documentation of the training will be kept in the employee's training file.

POLICIES, PROCEDURES, AND RULES

Subject: 49.1.1 Peer to Peer Support Program	Effective Date:
Reference: FPD 1.3.6, 52.1.1, GO 21	Version: 1
CALEA:	No. Pages: 4

I. PURPOSE

The purpose of the Peer to Peer Support Program (PPSP) is to provide all Fayetteville Police Department (FPD) employees the opportunity to receive emotional and tangible support through times of personal or professional crisis and to help anticipate and address potential difficulties. The FPD will continue to pursue the newest and most innovative knowledge, research, and understanding to ensure the best possible outcome for employees serving the community of Fayetteville.

II. DEFINITIONS

- A. **Critical Incident:** Any situation faced by FPD personnel that causes them to experience unusually strong emotional or physical reactions which have the potential to interfere with their ability to function during or after the incident. A critical incident may be different from one individual to another.
- B. **Critical Incident Stress:** The severe or accumulative psychological stress or trauma an employee may experience during and/or following a critical incident. The stress or trauma is an abnormally strong emotional, cognitive, or physical reaction that has the potential to interfere with normal function(s) to include:
 - 1. Physical and emotional illness;
 - 2. Failure of usual coping mechanisms; and
 - 3. Loss of the ability to function.
- C. **Peer Support Event:** Any debriefing, defusing, or counseling session conducted by a certified peer support member that involves the emotional or moral support of an FPD employee who needs emotional or moral support as a result of job-related stress or an incident in which the employee was involved while acting in his or her official capacity.
- D. **Critical Stress Debriefing:** Is a supportive, crisis-focused discussion of a traumatic event. It is used exclusively for small groups who have encountered a powerful traumatic event. It aims at reduction of distress and a restoration of group cohesion and unit performance. A debriefing will be led by the PPSP team member/s, the Chaplain or an equally trained organization selected by the Chief of Police.

- E. Critical Stress Defusing: A peer-driven group process integrating crisis intervention strategies. Defusing is a shortened version of a debriefing and takes place immediately or relatively soon after a critical incident.
- F. Peer Support Team Member: A volunteer member of the FPD Peer Support Team authorized by the Chief of Police or his/her designee. This member provides mental health intervention services to agency personnel with required and approved training in critical incident stress management.

III. POLICY

A. Confidentiality

1. Statement of Confidentiality: All information and correspondence pertaining to issues defined under Arkansas Code Annotated §16-40-106, shall remain confidential within the peer to peer support program. PPSP team members who violate the confidentiality rule are subject to dismissal from the group and/or disciplinary action.
 - a. Strict confidentiality shall be maintained between peer to peer support personnel and the employee. Nothing discussed between the participants shall be divulged to any third party without express consent of the employee. However, peer to peer personnel are required to report the following circumstances to the PPSP supervisor. The PPSP supervisor shall ensure the following information is reported through the chain of command:
 - (1) When there is an indication that an employee presents a clear and present danger to himself or others;
 - (2) Employees who have been involved in a violation of law that would result in disciplinary action; and
 - (3) Disclosures of domestic violence, child or elder abuse.
 - b. The PPSP supervisor will provide reports to the chain of command by reporting on number of contacts, hours worked and number of referrals. This will ensure to maintain strict confidentiality.

B. Peer to Peer Support Operation

1. The FPD PPSP is designed to assist employees with stress management, crisis management, depression, burn-out, suicide prevention, along with any other unforeseen complications that may arise in the law enforcement profession. The PPSP will aid employees in areas of developing healthy habits, wellness outreach initiatives, and education-based training.
2. The PPSP is unable to aid employees with grievance resolutions, complaints, reassignment requests, or respite from a history of poor decision-making or pattern of a deliberate performance issue.
3. The PPSP is not intended to be used as a disciplinary tool, nor is it a means to avoid discipline where such action is appropriate. This policy does not supersede any department directive governing discipline. The idea behind this program is to assist employees in developing strategies to instill better coping mechanisms and healthier and more productive lifestyles, and to enhance the performance of their careers.
4. This policy does not alleviate the responsibilities of all employees to report acts of misconduct as outlined in FPD Policies, Procedures, and Rules.

C. Requests for Peer to Peer Services

1. The PPSP is an available resource for all employees who need assistance to overcome obstacles in their professional or personal life. The ultimate goal for each employee participating in a PPSP is to maintain a productive lifestyle, instill better coping mechanisms, and enhance performance during their careers.
2. Department employees may voluntarily seek the assistance of qualified peer support personnel.
3. Department employees can contact the peer support hotline 24 hours a day.
 - a. A PPSP team member will be assigned on-call status and will be responsible for answering the hotline when on-call.
 - b. The peer support hotline number will be placed on bulletin boards, common areas, maintained in dispatch and with supervisors so the number is easily accessible for all employees.
 - c. It is the responsibility of the PPSP team member to reconcile their work time through the City's timekeeping software.
4. The PPSP team supervisor will ensure proper follow-up contacts are made with employees seeking peer support.
5. Department supervisors can request peer support for an employee through the PPSP team supervisor. The employee must be displaying at least one of the following:
 - d. Uncharacteristic or repeated citizen complaints;
 - e. Abrupt changes in an employee's responses or behavior such as excessive tardiness, absenteeism, abnormal impatience, irritability or aggressiveness;
 - f. Irrational or bizarre thoughts or actions;
 - g. Erratic mood swings;
 - h. Indications of alcohol or drug abuse;
 - i. Other indications of self-destructive behavior; or
 - j. Any other incident that causes abnormally strong emotional reactions or feelings for the employee.
6. Referral to the PPSP does not constitute mandatory participation on the part of the employee. This program is voluntary and solely at the discretion of the employee in question.

D. Selection of Team Members

1. The selection process of team members will follow the same protocol for other specialized assignment as outlined in FPD Policy 41.1.1 (Patrol).
2. Other selection criteria include, but are not limited to:
 - a. Be a full-time member of the department;
 - b. Be recommended for the PPSP by a supervisor;
 - c. Be recommended for the PPSP by a co-worker;
 - d. Have at least three years of experience at the FPD;
 - e. Past disciplinary actions will be taken into consideration; and
 - f. Agree to maintain confidentiality within the guidelines provided.

IV. TRAINING

A. Training PPSP Team Members

1. Personnel must successfully complete prescribed peer support training prior to actual involvement in the peer to peer support program.

2. PPSP team members will attend training approved by the Chief of Police or his/her designee. Training will meet the basic requirements from Arkansas Code Annotated §16-40-106.
- B. The PPSP will work in conjunction with the Training Division and/or City of Fayetteville Human Resources Division to develop health, wellness, and resiliency programs for all FPD employees.
- C. New employees will receive an orientation on FPD's health, wellness, and resiliency programs within one year of employment.