**RESOLUTION 05-2016**

**A RESOLUTION TO AMEND RESOLUTION 05-2015 (POLICY AND PROCEDURES MANUAL OF THE HASKELL POLICE DEPARTMENT) FOR THE ADDITION OF THE FOLLOWING NEW CHAPTERS**

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| **CHAPTER 34** | **GPS TRACKING DEVICES ON HASKELL POLICE DEPARTMENT VEHICLES** |
| **CHAPTER 35** | **EXCITED DELIRIUM** |
| **CHAPTER 36** | **AUDITS AND INSPECTIONS** |
| **CHAPTER 37** | **CANINE POLICY** |
| **CHAPTER 38** | **DOMESTIC MISCONDUCT** |
| **CHAPTER 39** | **DUTY TO DISCLOSE EXCULPATORY MATERIAL** |
| **CHAPATER 40** | **EARLY INTERVENTION SYSTEM** |

**PASSED THIS** 13th **DAY OF JUNE, 2016**

**ATTEST**

**DORI LYMAN, RECORDER**

**APPROVED**

**JANIE LYMAN, MAYOR**

# CHAPTER 34, GPS TRACKING DEVICES ON HASKELL PD VEHICLES

## 34.01 PURPOSE:

The purpose of the GPS tracking devices on Haskell Police Department Vehicles is to establish a printable record of vehicle use. Vehicles will have recorded maintenance on this system to alert us to required oil changes, tire rotations, and etc... This system **will** also give us a record of fuel usage so that we can optimize our effort to save costs. Property checks can be established with this system and give us a printable record of those checks by recording the vehicle at that property and how long the vehicle was at that property. The GPS device is also a safety device in that the vehicle can be located even if the officer is unable to radio in his location.

## 34.02 POLICY:

All Haskell Police Department vehicle **will be** equipped with the GPS tracking devices. No officer is authorized at any time to unplug the device without the Chief of Police's authorization. There is a tamper warning on the device and if it is learned that an officer attempted to circumvent the system disciplinary action **will** occur with the recommendation being termination of employment.

## 34.03 THE PROGRAM AND AUTHORIZED USERS:

The GPS tracking program **will be** installed on the Haskell Police Department's computer. The Lieutenant **will** have access to the program and **will be** responsible for the daily monitoring the vehicle usage, directing extra patrol requests by Geofencing the addresses, printing off the reports as requested by the Chief of Police, maintaining the maintenance records on the vehicles and scheduling their service, correcting any discrepancies in officer performance during their tour of duty by presenting physical evidence of their patrol logs and making them aware of proper vehicle usage and patrol responsibilities, and **will** document each corrective action taken and forward a copy to the Chief of Police. The Chief of Police **will** authorize the assigned users and amount of access to the program.

## 34.04 WHAT IS RECORDED:

Time vehicle is put in service, and end of service,
Route vehicle is driven during entire shift,
**Will** record idle time when vehicle is not in motion, but running,
(30 minutes of idle equals 1 gal of fuel use)
**Will** show when, where, and how long vehicle is stopped, not running,
**Will** show vehicle time on scene of calls, and Geofencing locations,
**Will** show location of vehicle at all times,
**Will** show occurrences of speed violations, and unsafe usage,
**Will** show alert if tampered with, **DO NOT TOUCH,** and
**Will** show if vehicle is used when not authorized.

# HASKELL POLICE DEPARTMENT

| Chapter 35 | Excited Delirium |
|---|---|
| *This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: **41.2.7** | |
| ALEAP Standard: | |

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|---|---|---|
| Date Implemented: | **May 9, 2016** | Authority |
| Date Revised: | **February 1, 2016** | James Bauldree, Chief of Police |
| Date Reviewed: | **March 4, 2016** | |

I. **Purpose:** The purpose of this policy is to provide all personnel with knowledge and awareness of excited delirium; its causes; its symptoms; and the proper procedure to be followed when excited delirium is recognized.

II. **Policy:** It is the policy of this department to take active steps to recognize, accomplish the safe restraint, and to seek immediate medical attention for persons who are in the midst of an excited delirium episode.

III. **Definitions:**

A. **Excited Delirium:** State of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, exceptional strength, and endurance without fatigue.

B. **Hypoxia:** An inadequacy in the oxygen reaching the body's tissues.

C. **Hyperthermia:** Unusually high body temperature.

D. **Hypoglycemia:** Lower than normal level of blood glucose

**IV. Causes of Excited Delirium:** Common characteristics displayed by persons suffering from Excited Delirium may include but are not limited to:

**A.** Drug Use;

**B.** Hypoxia;

**C.** Hypoglycemia;

**D.** Stroke; and/or

**E.** Intracranial Bleeding

**V. Identifying Persons Suffering from Excited Delirium:**

**A.** Irrational Speech;

**B.** Shouting, Yelling, or screaming;

**C.** Confusion;

**D.** Sudden changes in behavior (i.e. rage followed by sudden calmness);

**E.** Paranoia;

**F.** Frightened/Panicky;

**G.** Hallucinating/Hearing Voices;

**H.** Violent/Destroying Property;

**I.** Unexplained Strength/Endurance;

**J.** High Level of Pain Tolerance;

**K.** Sweating Profusely/High Body Temperature;

**L.** Foaming at mouth;

**M.** Drooling;

**N.** Dilated Pupils;

**O.** Evidence of Self-inflicted Injuries; and/or

**P.** Removing Clothing/Naked

**VI. Procedures:**

**A.** Initial Response (CALMS)

1. **C**ontainment: Ensure the subject is contained and controlled in a manner which protects all persons including the officer(s).

2. **A**nnouncement: Broadcast that the officer believes he/she is dealing with an excited delirium subject.

3. **L**ots of Backup: Seek extra officers to enable the officers to more effectively deal with the subject.

4. **M**edical Attention: Notify Emergency Medical Services (EMS) as soon as practical.

5. **S**low down: Take your time if possible.

6. **T**actical Response Considerations:

**B.** Pre-plan assignments.

1. When utilizing an Electronic Control Device (ECD) in the probe mode to accomplish restraint, if possible use a single deployment coupled with immediate restraint to decrease the likelihood of a drawn out confrontation which may further diminish the subject's respiration levels.

2. Remember "trigger-touch": Persons suffering from excited delirium may become more agitated by some triggering event (i.e. confined space or touching).

3. Utilize a five-officer approach if possible, with one officer assigned for each limb and an officer assigned to protect the head during the restraint process. The officer assigned to the head should speak calmly to the subject in an effort to reduce agitation.

4. Obtain medical help immediately upon restraint.

# Haskell Police Department

| Chapter 36 | Audits and Inspections |
|---|---|
| *This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: **53.01, 53.2.1** | |
| ALEAP Standard: | |

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|---|---|---|
| Date Implemented: | **May 9, 2016** | Authority |
| Date Revised: | **February 1, 2016** | James Bauldree, Chief of Police |
| Date Reviewed: | **March 4, 2016** | |

I. **Purpose:** Some police operations and tasks have a high risk, high liability potential. These police operations must be undertaken in a consistent, methodical manner in an attempt to undertake the necessary police operation/task, yet reduce the liability potential. This liability potential can be reduced when the department can document that the procedures in place were consistently followed. A police department must conduct formalized, regular audits and inspections of these high risk, high liability operations and tasks.

II. **Policy:** It is the policy of this department to conduct audits and inspections of designated police operations and tasks on both a scheduled and unannounced frequency.

III. **Procedure:** The following operations and tasks shall be audited and inspected by a person/unit designated by the Chief of Police. This person/unit shall be directly responsible to the Chief of Police. The person(s) conducting the audit/inspection shall use the formal checklist to ensure that all relevant areas of concentration are addressed in the audit/inspection. The ultimate purpose for these inspections is to ensure that the operation/task is being conducted consistent with department policy/procedure and the law. Scheduled inspections shall enlist and involve the personnel of the unit/function being inspected, unless there is an indication that this would inhibit the process of the audit/inspection. Unannounced audits/inspection shall be conducted at the direction of the Chief of Police.

**A. Schedule:** The following operations/tasks shall be audited/inspected on the following schedule:

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|---|---|
| 1. Access to criminal information systems | Annual Report |
| 2. Citizen complaint investigations | Annual Report |
| 3. Use of Force/Control of Resistive Persons Reports | Annual Report |
| 4. Pursuit Reports | Annual Report |
| 5. Property/Evidence (Narcotics, Money, Guns) | Annual Report |
| 6. SWAT equipment and training | Annual Report |
| 7. Crowd control contingency plans and equipment | Annual Report |
| 8. Less than lethal weaponry | Annual Report |
| 9. Video camera supervisory reviews | Quarterly Report |
| 10. Mandated training | Annual Report |
| 11. Racial Profiling Policy Review/Update | Annually Report |

**B. Inspection Process:** The process of the inspection/audit shall respect the dignity of all departmental personnel and conducted in a professional manner.

1. Written Report: Each audit/inspection shall be reduced in writing.
    a. Specific examples of positive and negative issues, if observed, shall be identified.
    b. This report shall be forwarded directly to the Chief of Police and/or their designee.

**C. Follow-Up Requirements:**

1. Each audit/inspection report that identified a deficiency or area of concern shall result in a follow-up audit/inspection within one month of the discovery of the deficiency.

**D. Maintenance Of Audit/Inspection Reports:**

1. All reports of audit/inspections shall be maintained in a secure location for a minimum of five (5) years or longer where required by state law.

# Haskell Police Department

| Chapter 37 | Canine Policy |
|---|---|
| *This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: **41.1.4** | |
| ALEAP Standard: | |

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|---|---|---|
| Date Implemented: | **June 1, 2016** | Authority |
| Date Revised: | **February 1, 2016** | James Bauldree, Chief of Police |
| Date Reviewed: | **May 6, 2016** | |

**I. Purpose:** The purpose of this policy is to outline mandates relating to the use of police service dogs in the law enforcement operations.

**II. Policy:** It is the policy of this department to recognize the value of law enforcement service dogs as a part of the overall law enforcement operation as well as ensure that canine use is balanced with the rights of all persons. In cases where a canine may bite a suspect, the use constitutes a use of force and must meet the mandates of this department's policies on use of force.

**III. Procedure:**

**A. General Operational Procedures:**

1. When feasible and other means of transport are available, prisoners shall not be transported in a vehicle occupied by a canine. When other transportation is not available, prisoners may be restrained and belted in the front passenger seat of the canine vehicle or placed in a specialized rear seat compartment manufactured for such a purpose and transported to the Police Station and or jail. In such circumstances, the partition between the canine compartment and the prisoner shall be configured in such a manner as to prohibit contact between the passenger and canine.

2. Members who are selected for a position as a canine handler have the responsibility of caring for their assigned canine. Handling and care include:

   a. All handlers are to ensure that the general health, hygiene, and care of their assigned canine are properly maintained and that periodic veterinary exams are provided in accordance with appropriate schedules;

   b. All handlers will groom their canines as needed;

   c. Handlers shall conduct daily physical examinations of their canine when practical to determine any injuries, health issues, ticks, or flea infestations;

   d. A department supervisor, designated by the Chief of Police or their designee, shall make periodic visits to the canine's kennel area to inspect health, sanitation, and security conditions for the canine;

   e. In cases of extended absence of the canine handler where the handler is unable to provide the basic care for the canine, the Chief of Police or their designee may assign another person and/or a kennel facility to care for the canine; and

   f. Any changes in the living status of the handler which may affect the health, welfare, safety or security of the canine, or others coming into contact with the canine, shall be reported to the supervisor responsible for oversight of the canine.

**B. Response to Requests for Canines:**

1. Upon arrival at a request for service, the canine handler shall be responsible for determining if the circumstances of the event justify the use of a canine.

2. The handler will make the final determination on the deployment of the canine. A supervisor responsible for the overall event may direct that a canine not be deployed; however, the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.

3. A canine handler shall not knowingly deploy their canine beyond the capabilities of the canine team's (handler and dog) training and certification.

**C. Canine Deployment/General Provisions:**

1. In any case where the canine is used to locate an individual or object based upon scent, first responders shall set up a perimeter and ensure that no one enters the area such that there will be a scent contamination.

2. First responders should be specifically instructed not to enter the area.

3. First responders shall exhaust all reasonable efforts to determine if innocent persons, including officers, are within the area to be searched.

4. Canine handlers shall give a warning anytime the canine is going to be used and the possibility exists that the canine will bite anyone.

5. Example of an acceptable announcement (search-suspect): "Police: You are under arrest. I have a trained police dog. Make yourself known and surrender. If you do not immediately make yourself known and surrender, I will release the dog. He will find you and bite you."

6. Canine warning announcements shall be made in a loud and clear voice, by methods deemed appropriate for the circumstances by the handler. Such warning may be made by loud voice or by PA system depending on the circumstances with which the canine team is confronted.

7. After giving the announcement in search cases, the handler shall wait a reasonable amount of time to allow the subject to peacefully surrender. The amount of time will vary depending on the search area as well as any articulable exigent circumstances that may exist at the time.

**D. Deployment as Response to Resistance:**

1. The use of a canine for purposes of apprehension is non-deadly force.

2. Handlers should recognize that due to the distinct ability to recall the canine and terminate the apprehension command, there is the ability to de-escalate this type of force option.

3. If a suspect surrenders or discontinues resistance, the canine apprehension will be terminated.

4. A fleeing or hiding suspect creates a potentially dangerous circumstance for pursuing or searching officers since the suspect's intent is unknown. It may also be unknown as to whether or not the subject has access to weapons. Thus use of a canine under these circumstances would normally be reasonable for:

   a. The protection of the handler;

   b. Protection of the officers and others; and

   c. Apprehension of a suspect who continues hiding after a warning or who continues to flee after a lawful show of authority to stop.

**E. Authorization, Deployment, and Uses of Law Enforcement Canines:**

1. Criminal Apprehension: Handlers must recognize that all uses of force, including the use of a canine must be objectively reasonable under the circumstances. Under the law, as well as this department's response to resistance policy, handlers should consider:

   1) The seriousness of the offense for which the subject is suspected at the time the canine is used;

   2) Whether the subject poses a physical threat to the officer or others and what degree of threat does the subject pose; and

3) Is the subject actively resisting or attempting to evade arrest by flight.

a. If a suspect surrenders or discontinues resistance the canine apprehension will be terminated.

b. Criminal apprehension will generally be accomplished off-lead, but it may also be accomplished on-lead.

c. Warning (physical threat): A warning shall be given in accordance with the provisions of this policy.

d. No one, other than the handler should interfere with the canine once the dog is committed to make the apprehension, unless specifically directed by the handler.

e. The handler should continue to instruct the suspect to stop resisting during the canine apprehension.

f. As soon as practical following submission by the suspect, the handler shall command the canine to release the suspect or physically remove the canine from the suspect as tactics dictate. The canine will then be called to a watch position.

g. The canine handler will instruct the suspect that the failure to follow commands and remain submissive will result in the dog being released to accomplish the apprehension.

h. Where other officers are available, they may be summoned by the handler to handcuff and search the subject while the handler maintains a watch position with the canine. Where no officers are available, the canine officer may await arrival of backup or leave the canine off-lead in the watch position while the officer handcuffs and searches the subject. Such tactical determinations shall be made by the canine handler.

i. Once the suspect is controlled and the scene secure, the handler will ensure that the subject is provided with medical care if any injury was sustained in the apprehension.

2. Evidence Searches:

a. Canines may be utilized in an attempt to recover items related to crime which may be needed as evidence for criminal prosecution;

b. All searches will be systematically conducted as determined by the handler; and

c. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.

3. Building Searches:

a. Building searches may be conducted when it is believed that a suspect has gained unauthorized entry into a building or has fled into a structure for the purpose of concealment when the following two criteria are met:

1) The officer(s) have probable cause to arrest the subject for a criminal offense.

2) The use of a canine as force must be objectively reasonable.

b. In cases where a canine is to be utilized, first responding officers shall be instructed to immediately set up a perimeter which minimizes the ability of the subject to escape, but also keeps officers on the outside of the structure so as to avoid cross-contamination of the suspect's scent, thereby diminishing the effectiveness of the canine.

c. Prior to use of the canine, the handler shall make an announcement in keeping with this policy.

d. The handler shall wait a reasonable amount of time, determined by the size of the building, to allow innocent persons to exit and the opportunity for the suspect to peacefully surrender.

e. The handler shall give additional announcements prior to commencing the search on each separate floor or unit when searching large structures such as office buildings or warehouses.

f. All searches will be systematically conducted as determined by the handler.

g. Searches will be conducted off-lead unless the safety of the canine would be jeopardized, and/or tactics would dictate otherwise as determined by the handler.

4. Open Field Searches:

a. Open field searches may be conducted when it is believed that a suspect has fled into a field or wooded area when the following two criteria are met:

1. The handler shall give additional warnings as deemed appropriate by the handler considering the size of the area to be searched and the likelihood that a suspect would hear the prior warning; and

2. Handlers shall also consider ambient noise in the area which may limit the subject's ability to hear the warning.

b. All searches will be systematically conducted as determined by the handler;

c. Searches will be conducted off-lead unless the safety of the canine would be jeopardized, and/or tactics would dictate otherwise as determined by the handler.

5. Tracking:

a. Tracking is utilized in a multitude of law enforcement events including missing persons, suspects who have fled, lost children, etc.

b. The initial responding officers shall be directed to immediately establish a perimeter.

c. Tracking shall be conducted on lead at a sufficient length to be determined by the canine's handler. The handler will also determine whether or not a back-up officer will be utilized on the track based upon the particular circumstances of the event.

d. Alternative announcements may be used when dealing with a lost or missing person that include calling out the person's name and advising that the canine is looking for them.

6. Tactical Deployment:

   a. Canine teams may be used for purpose of tactical deployments in conjunction with a SWAT team or high risk operation. Canine use in these circumstances may include:

      1) Perimeter Control;

      2) Target Disruption; and

      3) Other purposes designated by the incident commander with the agreement of the canine handler. The handler will make the final determination on the deployment of the canine. A supervisor responsible for the overall event may direct that a canine not be deployed; however, the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.

7. Scent Searches:

   a. To the extent that such specialized trained canines are available, canines may be used for conducting scent searches for such items as:

      1) Explosives;

      2) Cadavers;

      3) Narcotics; and

      4) Accelerants (Fire Cases)

   b. All searches will be systematically conducted as determined by the handler.

   c. The handler will decide if the search will be conducted on-lead or off-lead, based on the particular circumstances of the search.

d. Motor Vehicle Narcotics sniffs will be conducted in accordance with the provisions of this department's motor vehicle search policy and the following:

e. The handler shall determine that the area where the vehicle is located is safe for canine deployment taking into account the safety of the officers, the canine, the occupants of the vehicle and the motoring public.

f. The handler shall ensure that the canine is controlled during the sniff so as to ensure that the dog has no ability to obtain physical access to the interior of the vehicle.

8. Public Disturbances:

a. An officer or an incident commander may call for the canine team to respond to the scene of a civil disturbance, imminent civil disturbance, or other unruly public disturbances.

b. Where no emergency circumstance exists, the canine team may be staged until a determination is made as to if the team will be deployed, and how the team will be deployed.

c. The responding team will determine how to deploy and utilize the team. A supervisor responsible for the overall event may direct that a canine not be deployed; however, the supervisor shall not order deployment where the handler determines that such deployment is inappropriate.

1) Canines shall not be used for crowd control or as a deterrent effect at the scene of a peaceful protest

F. **Community Relations/Demonstrations:** All requests for canine demonstrations shall be directed to the officer in charge of the Canine Unit who shall then seek approval of the Chief of Police or their designee to conduct the demonstration.

a. Handlers conducting demonstrations shall ensure that their appearance, as well as that of the canine and the equipment utilized, reflects professionally upon the department.

b. Handlers shall maintain control of the canine at all times.

c. Audience participation shall be restricted, and any contact with the canine shall be at the discretion of the handler who is in the best position to know the canine's reaction to others. The audience shall be instructed that law enforcement canines are working dogs and due to their specialized training, they should be approached cautiously.

d. Handlers shall not demonstrate force or criminal apprehension without express authorization from the Chief of Police or their designee.

e. Handlers shall not roughhouse, tease, or agitate the canine unless such conduct has been expressly authorized by the Chief of Police or their designee for purposes of the demonstration.

## G. Emergency Circumstances:

1. In a circumstance where the canine handler suffers a personal injury while on duty, the handler shall, if physically capable, request emergency medical assistance as needed, as well as the presence of necessary support officers and a supervisor. If physically able to do so, the handler shall ensure that his or her canine is properly attended and secured. If available, another handler shall be called to the scene to assist in securing the injured handler's canine. If another handler is not available, an officer or supervisor who is most familiar with the particular canine shall be called to the scene to assist in securing the canine.

2. In the event that a handler sustains an incapacitating injury, the supervisor, or other available officer, shall ensure by all means necessary that the handler safely receives emergency medical treatment and transport to an appropriate medical facility. The supervisor, or where no supervisor is available, an officer will then take necessary steps to secure the handler's canine.

## H. Veterinary Care:

1. All non-emergency veterinary care shall be coordinated by the supervisor responsible for the canine unit through a pre-approved veterinary facility. In an emergency, an effort shall be made to bring the canine to the pre-approved facility; however, where such an effort will jeopardize the life of the canine, the handler shall take steps necessary to get the canine to the most urgent facility.

2. All records of medical treatment shall be maintained by the canine handler and filed within a department file, stored at the department for such records.

3. In the event that a canine is deemed unsafe, the team will be immediately taken out of service. As soon as operationally feasible, the canine shall be evaluated by the pre-approved veterinary facility. If the canine is deemed no longer suitable for service, the canine shall be retired.

4. The Chief of Police or their designee shall be notified when a canine is taken out of service for medical reasons, as well as when the canine is returned to duty following documentation of the reasons by the treating veterinarian.

## I. Certification and Training:

1. All canines and handlers assigned by this department shall, at a minimum, meet all certification requirements as required by the State of Arkansas.

2. Training: All canines and handlers assigned by this department shall, at a minimum, be trained in accordance with the training provided by the State of Arkansas.

## J. Documentation of Canine Usage and Training:

1. All canine deployments shall be documented in department reports of events. This shall include events where a suspect submits upon warning of the canine's presence.

2. All canine usage related to response to resistance shall be the subject of a response to resistance report which includes all required documentation.

3. All training must be documented in a training log and forwarded to the canine's administrative file.

# Haskell Police Department

| Chapter 38 | Domestic Misconduct |
|---|---|
| *This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* | |
| Applicable Arkansas Statutes: | |
| Federal Statue: 18 U.S.C.§922 | |
| CALEA Standard: **52.1.3** | |
| ALEAP Standard: | |

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|---|---|---|
| Date Implemented: | **June 1, 2016** | Authority |
| Date Revised: | **February 1, 2016** | James Bauldree, Chief of Police |
| Date Reviewed: | **May 6, 2016** | |

I. **Purpose:** Police agency employees come from the community. They may become involved in domestic matters. Because they are police employees and their status is usually known to other persons in the community and they are representatives of the police agency, the agency must take positive steps to ensure that these domestic matters do not adversely affect the employee's ability to perform, or compromise the conduct of agency missions, or create moral, operational or efficiency problems for the agency. The agency is dedicated to providing assistance for the employee during these critical times so that the employee may resolve the situation and return to being a productive member of the agency without these types of personal and family concerns.

II. **Policy:** It is the policy of this agency to deal directly and positively with any employee involved in acts of domestic misconduct. The ultimate mission of the agency is to assist the employee to resolve these family/relationship problems, to ensure that these acts do not adversely affect the employee or the agency during the period of resolution, and to provide the agency with a safe work environment.

III. **Definitions:**

A. **Domestic misconduct:** The agency defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the agency by the involved employee

and other members of the agency. A domestic relationship involves any employee who is or has been married to the other party, involves any member of the employee's household, who is living or has lived with the other party, has had a child with the other party, or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.

B. **Collateral misconduct:** Any conduct by another member of the police agency to assist another agency employee in the continuation of the act of domestic misconduct. This would also include any actions designed to shield the employee or impair the ability of the agency to be informed of the domestic misconduct.

C. **Service of court papers:** Any documents from a judicial proceeding which are designed to assist in ameliorating the domestic misconduct or curtailing specific actions by the parties involved in the domestic misconduct.

D. **Self-reporting:** It is the responsibility of the employee to provide the agency with specific notice whenever he/she is involved in any acts of domestic misconduct. This is specifically true whenever the employee is the subject of any judicial proceeding concerning these types of acts, whether the employee is the person complained of or the victim.

E. **Administrative no-contact orders:** These are written orders by a supervisory employee, preferably Internal Affairs or Professional Standards, and served upon an agency employee designed to curtail any further domestic misconduct.

F. Internal Affairs/Professional Standards would include those persons designated with internal affairs responsibility in agencies that do not have full-time IA/Professional Standards positions.

**IV. Procedure:** The agency shall take immediate action when notified of any act of domestic misconduct involving an employee of this agency.

A. When the incident occurs within the jurisdiction of this agency:

1. Assign the call for response by two uniformed officers and a supervisor. In cases where no supervisor is on duty, a supervisor will be notified and respond.

2. The supervisor will assure that any violence is curtailed, all parties are protected, and any required medical assistance is provided.

3. The supervisor shall ensure that all evidence is properly recorded and collected.

4. Once the incident is contained, the supervisor shall call for a response by an agency's domestic violence investigator, if the agency has such an assignment.

5. The criminal investigator, or the supervisor if no investigator responds, is responsible for the criminal investigation, if warranted. The supervisor of the investigating officer shall respond to oversee the conduct of the investigation.

6. The supervisor shall notify Internal Affairs at the earliest moment.

7. The decision to arrest an agency employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor. When probable cause exists, the employee shall be arrested and processed the same as any civilian.

**B.** The supervisor, domestic violence investigator, or, if not done by these persons, the Internal Affairs person shall take immediate steps to ensure that there is no continuation of the domestic misconduct.

1. Ensure that victim advocate assistance is offered and provided when necessary.

2. Ensure that an immediate safety plan is discussed with the victim of the domestic misconduct and assist in any manner to ensure this continued safety.

**C.** Internal Affairs or a supervisor designated by the chief of police shall be responsible for:

1. Issuing an administrative no-contact order to the agency employee if warranted.

2. Ensuring that the appropriate assignment decision is made regarding the agency employee.

3. Ensuring that the criminal investigation has been conducted in a reasonable manner.

4. Developing and/or implementing any necessary safety plan to ensure employee safety.

5. Conducting the administrative investigation of the incident and any collateral employee misconduct. The agency shall be listed as the complainant.

**D.** When the incident involving domestic misconduct occurs in a jurisdiction other than that of this agency:

1. The agency person notified of this incident shall immediately notify the person responsible for the Internal Affairs function.

2. Internal Affairs or a supervisor designated by the chief of police shall make immediate contact with the involved agency to ensure that our agency is kept on notice of the progress of the investigation.

3. Internal Affairs or a supervisor designated by the chief of police shall ensure that the employee and the persons involved are aware that the agency will assist them during this process.

4. Internal Affairs or the supervisor designated by the chief of police is responsible for determining whether an administrative no-contact order is warranted and will be responsible for serving this upon the agency employee, when necessary.

**E.** Service of court orders:

1. Internal Affairs or the supervisor designated by the chief of police shall facilitate, when requested, the service of any court orders upon agency employees.

2. Internal Affairs or the supervisor designated by the chief of police shall be responsible for the determination regarding any assignment limitations involving the employee who is subject to the court order.

F. **Protective Order:** Employees are prohibited from possessing firearm while the subject of a protective order meeting the following criteria: An employee may not possess a firearm when that employee becomes the subject of a final protective order that:

1. was issued after a hearing of which the employee received actual notice, and at which such employee had an opportunity to participate;

2. restrains such employee from harassing, stalking, or threatening an intimate partner of the employee or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

3. includes a finding that the employee represents a credible threat to the physical safety of such intimate partner or child; or

4. by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

G. **Conviction of a crime of domestic violence:** When a sworn employee is convicted or pleas to any crime related to domestic violence that brings in the provisions of 18 U.S.C. 922(g)(9) law, the employee shall be terminated as not being able to function completely within the job classification for which s/he was hired.

# Haskell Police Department

| Chapter 39 | Duty to Disclose Exculpatory Material |
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*This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.*

Applicable Arkansas Statutes:

Best Practices: "Brady Disclosure Requirements," policy and paper, IACP National Law Enforcement Policy Center, 2009

CALEA Standard: **42.2.2**

ALEAP Standard:

| | | |
|---|---|---|
| Date Implemented: | **June 1, 2016** | Authority |
| Date Revised: | **February 1, 2016** | James Bauldree, Chief of Police |
| Date Reviewed: | **May 6, 2016** | |

I. **Purpose:** An agency and its personnel could be subject to liability in federal court for failing to disclose to a prosecutor any evidence that may be favorable to a defendant. The purpose of this policy is to ensure that agency personnel are in compliance with the landmark United States Supreme Court decisions of Brady v Maryland (1963) and Giglio v. United States (1972) and their progeny.

II. **Policy:** It is the policy of this department to require that law enforcement personnel provide all potentially exculpatory evidence to prosecutors. Furthermore, it will be the responsibility of the Chief of Police or their designee to review all officers' files to determine if any officer has a disciplinary history that would impact the officer's credibility as a witness. This information should be made available to the prosecutor for a determination of whether said information is "Brady" material prior to the officer's appearance.

III. **Definitions:**

A. **Duty to Disclose:** The landmark decision of Brady v Maryland (1963) places an affirmative constitutional duty on a prosecutor to disclose exculpatory evidence to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potential exculpatory information.

B. **Exculpatory Evidence/Brady Material:** Evidence in the government's possession that is favorable to the accused and that is material to either guilt or punishment, including evidence that may impact the credibility of a witness.

## IV. Procedure:

A. Officers are required to document all investigative activity involved in an investigation, including exculpatory information.

B. All official reports involving an investigation will be submitted to the prosecuting authority prior to actual prosecution of the case. The prosecutor will determine what information contained in the case file will be provided to defense counsel.

C. The department will meet with the prosecutor's office to establish a procedure whereby the intent of this policy is carried out.

D. To the extent the agency is aware of exculpatory information to include sustained disciplinary history, which may be "Brady" material, the Chief of Police or their designee shall ensure that such information is brought to the attention of the prosecutor before the officer provides testimony in any criminal case.

E. Each employee who is notified to appear as a witness in a criminal case has an individual obligation under this policy to notify the prosecutor on the specific case of any sustained disciplinary history that may impact credibility and qualify as "Brady" material.

F. The Chief of Police or their designee will ensure that all sworn personnel are familiar with the requirements of this policy and will stress the importance of credibility as an essential requirement of being able to function as a police officer.

# Haskell Police Department

| Chapter 40 | Early Intervention System |
|---|---|
| *This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* | |
| Applicable Arkansas Statutes: | |
| CALEA Standard: **35.1.9** | |
| ALEAP Standard: | |

| | | |
|---|---|---|
| Date Implemented: | **June 1, 2016** | Authority |
| Date Revised: | **February 1, 2016** | James Bauldree, Chief of Police |
| Date Reviewed: | **May 6, 2016** | |

I. **Purpose:** A comprehensive Personnel Early Intervention System is an essential component of good discipline in a well-managed law enforcement department. The Early Intervention System is a supervisory tool and not a disciplinary process. The early identification of employees exhibiting symptoms of stress or other behavior that could pose a liability to the community, the Department, or the officer, must be detected as soon as possible. When appropriate, an intervention consisting of a menu of remedial actions can increase department accountability and offer employees a better opportunity to meet the department's values and mission statement. This is a non-disciplinary system which aids in identifying employees who may be experiencing personal or professional difficulties so that the employee may be assisted with corrective action steps to resolve these difficulties before a crisis occurs.

II. **Policy:** It is the policy of this department to establish an Early Intervention System to help identify department employees who may require intervention efforts. The system should identify patterns of behavior that might be symptomatic that an individual employee requires an intervention.

III. **Definitions:**

A. **Early Intervention System (EIS):** A management tool designed to identify employees whose performance exhibits potential problems, and then to provide interventions, usually counseling or training, to correct those performance problems.

Early Intervention Systems have emerged as an effective mechanism for enhancing accountability within law enforcement agencies.

## IV. Procedure:

**A.** The EIS will be maintained by the Chief of Police or their designee.

**B.** The system should review at a minimum:

1. Complaints;
2. Incidents involving use of force;
3. Shooting incidents;
4. Use of sick leave;
5. Preventable accidents;
6. Domestic misconduct incidents;
7. Civil litigation;
8. Performance evaluations; and
9. Commendations.

**C.** Programs of this type rely heavily on first and second level supervisors who will continually monitor the above data for each employee's indicating the review on each evaluation and be prepared to initiate the system whenever a trend or pattern emerges indicating an employee may be in need of assistance.

**D.** It will be the responsibility of the identified employee's chain of command to recommend, in writing, the appropriate action initiated to correct any deficiency that might be identified. The recommended actions could include the following:

1. No further action required. The employee's actions that triggered the EIS have been thoroughly reviewed and do not indicate any concern for corrective action;
2. Supervisory Counseling;
3. Periods of observation in the field by the first line supervisor;
4. Peer Counseling;
5. Referral to the Employee Assistance Program (if applicable);
6. Referral to psychological services;
7. Referral for remedial training;
8. Re-assignment;

9. Referral for anger management training;

10. Referral for stress reduction training; and

11. Other action as deemed appropriate.

E. **Process:** Once the recommended action plan is discussed with the employee and approved by the chain of command, the intervention will be engaged and reported back in writing to the entity charged with the responsibility of maintaining the system. A follow-up component will be established in the action plan to ensure the behavior that triggered the intervention is no longer a concern.