



FOREWORD

I am pleased to present to you the revised policy and procedures manual for the Department of Arkansas State Police. The manual includes 5 sections:

- General Manual-all ASP employees;
- Law Enforcement Manual-commissioned personnel;
- Civilian Manual-civilian personnel;
- Procedures
- Directives and Miscellaneous

Many of you have worked very hard to get the manual updated and revised. In doing so, we have learned that this project will be ongoing. This manual will be revised as needed and it will be your responsibility to update your manual.

The Arkansas State Police is an agency solidified by the efforts of all of our personnel acting as a team. If you have an idea, suggestion, comment or concern about a policy, please contact Robin Gifford at (501) 618-8623.

Colonel William J. "Bill" Bryant
Director, Arkansas State Police

Arkansas State Police
Policy Manual
Checklist
(Revised 03/02/2020)

General Policies:

Section	Content	Effective Date	Revised Date
1	Mission Statement, Vision and Core Values	July 14, 2008	September 21, 2017
2	Duties of the ASP	July 14, 2008	
3	Rules of Conduct	July 14, 2008	August 31, 2017
4	Drug & Alcohol Free Workplace	July 14, 2008	October 1, 2008
5	Smoking/Tobacco Use	July 14, 2008	
6	Workplace Harassment	July 14, 2008	December 11, 2015
7	Equal Employment Rights	July 14, 2008	September 14, 2015
8	Hiring of Relatives	July 14, 2008	October 1, 2008
9	Performance, Goals, and Compensation System	July 14, 2008	March 1, 2019
10	Dispute Resolution	July 1, 2014	
11	Employee Files	July 14, 2008	July 1, 2014
12	Records Retention	July 14, 2008	
13	Equipment, Accounting & Inventory	July 14, 2008	July 15, 2010
14	Purchasing	July 14, 2008	
15	Relocation Expense Reimbursement	July 14, 2008	
16	Travel & Reimbursement	July 14, 2008	
17	Leave & Compensation	July 14, 2008	October 1, 2018
18	Fair Labor Standards Act (FLSA)	July 14, 2008	Feb. 24, 2012
19	Time Recording	July 14, 2008	
20	Misc. Personnel Matters	July 14, 2008	July 1, 2014
21	Family & Medical Leave Act (FMLA)	July 14, 2008	July 1, 2014
22	Witness Fees	July 14, 2008	
23	Vehicle Use	July 14, 2008	November 1, 2018
24	Residency Requirements	July 14, 2008	November 1, 2018
25	Aircraft Use	July 14, 2008	
26	Computer Use	July 14, 2008	March 1, 2019
27	Video Support Unit & Photo Lab	July 14, 2008	
28	Inmate Program	July 14, 2008	December 11, 2015
29	Bomb Threat	July 14, 2008	January 6, 2012
30	Honors Board & Awards Policy	July 14, 2008	
31	Reports	July 14, 2008	
32	External Public Communications	July 14, 2008	August 3, 2012
33	Radio Communications	July 14, 2008	December 11, 2015
34	Juveniles	July 14, 2008	
35	Victim Assistance & Notification	July 14, 2008	
36	Department Employees Political Activities	July 1, 2010	July 2, 2018
37	~~Catastrophic Leave Policy~~ Repealed	~~October 15, 2014~~	October 2, 2017
38	Identification/Security Cards	October 15, 2014	
39	Anti-Fraud and Code of Ethics	June 5, 2018	
40	Employment Criminal Background Checks	September 4, 2018	

Law Enforcement Policies:

Section	Content	Effective Date	Revised Date
1	Essential Job Functions	July 14, 2008	
2	Chain of Command	July 14, 2008	
3	Transfers & Promotions	July 14, 2008	November 15, 2016
4	Disciplinary Matters	July 14, 2008	November 1, 2018
5	Secondary Employment	July 14, 2008	October 15, 2014
6	Uniforms & Personal Appearance	July 14, 2008	December 11, 2015
7	Search & Seizure	July 14, 2008	
8	Arrest	July 14, 2008	
9	Bias-Free Policing	July 14, 2008	July 26, 2017
10	Use of Force	July 14, 2008	February 3, 2020
11	Reporting & Investigating Use of Force	July 14, 2008	October 15, 2014
12	Use of Conducted Electrical Weapons	July 14, 2008	April 2, 2018
13	Pursuits	July 14, 2008	July 2, 2018
14	Prisoners	July 14, 2008	
15	Consular Notification	July 14, 2008	January 6, 2012
16	Property & Evidence Control	July 14, 2008	
17	Admin. Inventory – Persons/Vehicles	July 14, 2008	
18	Traffic Enforcement / Highway Patrol	July 14, 2008	January 6, 2012
19	In-Car Cameras	July 14, 2008	November 1, 2018
20	Vehicle Equipment & Lighting	July 14, 2008	April 25, 2016
21	Swat / CNT	July 14, 2008	September 1, 2017
22	Cyber Crimes	July 14, 2008	
23	Canine Deployment	July 14, 2008	
24	Flag Courtesy	July 14, 2008	February 24, 2012
25	Firearms	July 14, 2008	July 2, 2018
26	Firearms Inventory	July 14, 2008	July 15, 2010
27	Small Unmanned Aircraft Systems (sUAS)	December 3, 2018	April 1, 2019
28	Automated License Plate Readers	October 12, 2011	
29	Physical Fitness & Wellness Program	January 1, 2012	August 14, 2017
30	Athletic Events –Security	August 3, 2012	
31	Emergency Response Team	December 11, 2015	April 1, 2019
32	PepperBall System	March 2, 2020	
33	Long Range Acoustical Device (LRAD)	March 2, 2020	
34	Blank		
35	Blank		

Civilian Policies:

Section	Content	Effective Date	Revised Date
1	Chain of Command	July 1, 2008	
2	Position Vacancies	July 14, 2008	
3	Blank		
4	Appropriate Dress	July 14, 2008	December 11, 2015
5	Uniform Standards	July 14, 2008	
6	Disciplinary Matters	July 14, 2008	November 1, 2018
7	Secondary Employment	July 14, 2008	October 15, 2014
8	Blank		
9	Blank		
10	Blank		
11	Blank		
12	Blank		
13	Blank		
14	Blank		
15	Blank		

Department Procedures Section:

Section	Content	Effective Date	Revised Date
1	CID Operations Manual	July 14, 2008	September 4, 2018
2	Crimes Against Children Division	June 1, 2014	
3	Highway Patrol Procedures	July 1, 2008	January 14, 2020
4	Canine Procedure Manual	November 1, 2007	July 2, 2018
5	Property & Evidence Control Procedures	July 14, 2008	October 15, 2014
6	Radio Procedure	July 14, 2008	March 1, 2019
7	Air Support Unit Operations Manual	September 18, 2017	
8	Towing Procedures	July 14, 2008	
9	SWAT Procedures – Explosive Entries	January 6, 2012	
10	Fire Investigations & ASP Bomb Squad Operations Manual – Fire Marshal & Arson Procedures	January 6, 2012	
11	Honor Guard & Funeral Procedures	February 24, 2012	
12	Arkansas AMBER Alert Plan	February 1, 2018	
13	Blank		
14	Blank		
15	Blank		

Department Directives:

Directive #	Content	Effective Date
09-01	Standard of Biofuel Usage	January 1, 2009
2017-001	Naloxone Administration	June 28, 2017

MISSION STATEMENT, VISION AND CORE VALUES

MISSION STATEMENT

THE MISSION OF THE ARKANSAS STATE POLICE IS TO PROTECT HUMAN LIFE AND PROPERTY IN THE STATE OF ARKANSAS BY PROVIDING THE HIGHEST QUALITY OF LAW ENFORCEMENT SERVICES TO THE PUBLIC.

VISION

THE ARKANSAS STATE POLICE WILL BE THE PREMIER LAW ENFORCEMENT AGENCY OF THE STATE, BY DEVELOPING THE SKILLS OF OUR MEMBERS THROUGH EFFICIENT AND EFFECTIVE MANAGEMENT OF AGENCY RESOURCES TO DELIVER THE HIGHEST LEVEL OF SERVICE TO THE PUBLIC.

CORE VALUES

HONOR – ADHERE TO THE HIGHEST PRINCIPLES

RESPECT – TREAT ALL PEOPLE WITH DIGNITY AND COMPASSION

TRUST – HOLD OURSELVES TO A HIGHER STANDARD OF ACCOUNTABILITY

INTEGRITY – CHARACTER IN ACTION

DUTY – VALUE THE STANDARDS OF ETHICAL CONDUCT

EXCELLENCE – PROFESSIONALISM AND CONTINUOUS IMPROVEMENT IN ALL WE DO

SERVING WITH PRIDE AND DISTINCTION SINCE 1935



General Operations Policy Manual

DUTIES OF THE ARKANSAS STATE POLICE

Creation of the Arkansas State Police: The department was created by the Arkansas Legislature in 1935. When created, the department was known as the Arkansas State Rangers, and had its primary purpose in the enforcement of liquor laws. In 1937, the Legislature changed the name of the agency to Arkansas State Police Department and assigned it the specific responsibility of enforcing traffic laws. In 1945, the agency name was changed to the Department of Arkansas State Police. Act 231 of 1945, codified as Ark. Code Ann. § 12-8-101, provides specifically as follows:

There is created the Department of Arkansas State Police for the purposes of enforcing the motor vehicle laws, traffic laws, and other state laws relating to protecting and properly maintaining the state highway system of the State of Arkansas and to render more effective the apprehension of criminals and the enforcement of criminal law. The police officers provided for in this chapter should be known as Arkansas State Police.

Arkansas State Police Statutory Powers and Duties: The Arkansas State Police is charged by statute with numerous duties and authorities. Some of those duties include but are not limited to the following:

- Patrol public highways, make arrests, and enforce the laws of this State relating to motor vehicles and the use of the state highways. Ark. Code Ann. § 12-8-106(a)(1)(A).
- Provide for the safety and security of the Governor of the State of Arkansas and the Governor's family, the Lieutenant Governor and the Lieutenant Governor's family, the Governor's Mansion and Mansion Grounds, and the Arkansas State Capitol Building and Grounds. Ark. Code Ann. § 12-8-108.
- Provide police protection at certain statewide functions and events. Ark. Code Ann. § 12-8-109.
- Maintain an Identification Bureau. Ark. Code Ann. § 12-8-112(a).
- Establish and operate a Drug Abuse Enforcement Unit. Ark. Code Ann. § 12-8-113.
- Establish a Crimes Against Children Division to conduct child abuse investigations and administer the child abuse hotline. Ark. Code Ann. § 12-8-106(c).



DUTIES OF THE ARKANSAS STATE POLICE

- Administer and enforce the Fire Prevention Act. Ark. Code Ann. § 12-13-101, *et seq.*
- Regulate used motor vehicle dealers. Ark. Code Ann. § 23-112-601, *et seq.*
- Enforce laws prohibiting the unlawful manufacture or sale of intoxicating liquors. Ark. Code Ann. § 3-2-303.
- Regulate and license the carrying of concealed handguns. Ark. Code Ann. § 5-73-301, *et seq.*
- Administer the Arkansas Board of Private Investigators and Private Security Agencies. Ark. Code Ann. § 17-40-101, *et seq.*

The Arkansas State Police is directed by statute to assist other law enforcement agencies in the enforcement of the law and the apprehension of criminals. Ark. Code Ann. § 12-8-106(e). The Arkansas Legislature has assigned the following duty to the Arkansas State Police and its officer:

It should be the duty of the Department of Arkansas State Police and its officers to cooperate with the heads of the several penal institutions of this state in the investigation and apprehension of criminals and the prevention of crime within the state and to use every means at their disposal in disseminating information that will more effectively expedite the detection of crime, the apprehension and conviction of criminals, and promote the highest possible degree of efficiency in the enforcement of the penal laws of the state.

See Ark. Code Ann. § 12-8-111(a).

Officer Oath of Office: All Arkansas State Police officers shall, before entering upon their duties, take and subsequently abide by the following oath of office:

I, _____, do solemnly swear or affirm that I will support the Constitution of the United States, and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of State Trooper in the Department of Arkansas State Police, on which I am about to enter.

Any violation of oath shall constitute perjury. See Ark. Code Ann. §12-8-10



RULES OF CONDUCT

Purpose: The reputation of the Arkansas State Police is influenced by the degree of public belief in the integrity of its employees. Traits such as loyalty, determination, intelligence, unselfishness, honesty, and high moral standards are instantly appealing and respected. The good conduct and reputation of employees of the Arkansas State Police help assure the cooperation and support of the public, the cooperation of other agencies, and the mutual cooperation of all employees, thus increasing the effectiveness of the department.

Professional Standards of Behavior Apply: All employees, including contract employees, interns, and part-time or extra-help employees, volunteers, or guest officers assisting the Arkansas State Police, should perform their duties with courtesy and competence, and demonstrate the highest standards of honesty and integrity. Every possible prohibited act that constitutes unacceptable behavior cannot be covered in this written policy. Conduct that shocks the conscience or that violates recognized standards of professional behavior is prohibited.

Effectiveness and Reputation of the Arkansas State Police: Every employee should make a dedicated effort to conduct his/her official life so that he/she inspires the confidence and trust of the Arkansas public.

Violation of Policies: Employees should not commit or omit acts that they know, or should know, would constitute a violation of any written policy, procedure, directive, or order of the Arkansas State Police.

Conformance to Laws: Employees should obey all laws of the United States and of the state and local jurisdiction in which the employees are present. A conviction of a law, or an accepted plea of no contest, is a violation of this Section. Lack of a criminal complaint or an acquittal of a violation of law does not preclude an internal investigation and/or disciplinary action.

Reporting Violations to Supervisor: In accordance with Disciplinary Matters Policies ([LE SEC 4](#) – Commissioned, [CIV SEC 6](#) – Non-Commissioned) employees should immediately report policy violations to his/her immediate supervisor. In addition to the requirements outlined in the Disciplinary Matters Policies, employees should immediately report to his/her immediate supervisor if the employee is arrested, involved in an incident with police that could reflect negatively on ASP, learns that an arrest warrant has been issued for the employee, or when the employee is named as a suspect in a crime. Failure to report such information to a supervisor immediately is a violation of this section.



RULES OF CONDUCT

Employees to be Professional: Employees should be professional when dealing with the public and each other. Employees should be tactful in the performance of their duties, should control their tempers, exercise professionalism and discretion, and not engage in argumentative discussions even in the face of provocation. Employees should be attentive to persons seeking assistance, information, or those who desire to register complaints or give evidence.

Civil Proceedings Notifications: Any employee who is served a summons or other communication outlining civil charges against the employee as a result of actions related to his/her employment with the ASP shall immediately notify his/her immediate supervisor. The appropriate Division, Troop, Company or Section Commander shall immediately notify the Legal Section in the Director's Office of the pending litigation, the dates of service, and a description of the allegation or complaint. The employee shall assist in providing information or documentation as required by the agency regarding the pending litigation.

Employees shall refrain from discussing pending civil cases with anyone except authorized agency personnel, the Attorney General's office, or persons that the Director may authorize.

Subpoenas: Employees are required to honor a properly served valid subpoena.

Language and Gestures: Employees should not use coarse, violent, profane, or insolent language or gestures in the performance of their duties.

Statements by Employees Should Not Belittle Others: Employees should not intentionally make statements belittling the beliefs or teachings of another; nor should they make statements which, by their very utterance, would bring discredit upon the Arkansas State Police through the demonstration of a lack of sensitivity, compassion, tolerance, understanding, or thoughtfulness on the part of the employee.

Workplace Decorations: Workplace decorations should be in good taste. The following are not appropriate and may not be displayed: cartoons, pictures, posters, or other items that display obscene gestures or offensive language, that promote political beliefs, that ridicule or belittle any person or group because of race, color, religion, national origin, age, sex, disability or genetic information.



RULES OF CONDUCT

Employees to be Punctual: Employees should be punctual. Employees should regard punctuality in all their engagements and in the diligent performance of their duties as a prime responsibility to the public and employer.

Employment Conducted in Fair & Impartial Manner: Employees should administer and perform their duties in a professional, fair, impartial, and reasonable manner.

Employees should be aware of their primary obligation to render impartial, efficient, and effective services to the public in the discharge of their duties, and to always regard their office as a public trust.

Policy of Equality: The Arkansas State Police subscribes to a policy of equality in the provision of services and the application of enforcement actions to all persons. Decisions to deliver any service to a member of the public should not be influenced by that person's race, color, religion, national origin, age, sex, disability or genetic information.

Employment Not to be Used to Secure Advantage: All employees should recognize the limitations of their authority and at no time use the power or influence of their office or position for their own personal advantage or the advantage of relatives, friends, or others held in regard by the employee. See Ark. Code Ann. § 21-8-304, listing prohibited activities of Arkansas public officials or state employees.

Abuse of Position: Employees should not use their official position or official identification cards/badges for personal or financial gain or privilege.

Employees should not lend another person their identification card or badge, or permit the identification card or badge to be photographed or reproduced, without the approval of the Director.

Gifts, Gratuities and Rewards: Employees should not become involved in relationships or mutual agreements in which an individual may reasonably assume special consideration or services are being provided by a State Police employee(s) in exchange for special gifts, gratuities, or rewards.



RULES OF CONDUCT

Employees should be firm in refusing gifts, favors, or gratuities of value that may be considered a means to influence the employee in the discharge of their duties or the duties of other law enforcement agency employees.

Other than inconsequential tokens of appreciation, employees should not accept pecuniary payments, rewards or gifts as directed in Arkansas Code Annotated §21-8-801(a)(1) and §21-8-401 *et. seq.*

Advertisements, Endorsements, and Referrals: Employees should not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, or professional or commercial service (such as attorney, ambulance service, towing service, bondsman, funeral service, etc.). In the case of an ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or to request assistance, department employees should proceed in accordance with established Arkansas State Police policy.

Employees should not endorse, sanction, or knowingly permit the use of their names, titles, ranks, or photographs. Any use of the Arkansas State Police name, insignia, or common references should have prior written approval of the Director. See Ark. Code Ann. § 12-8-121; Use of state uniform, patch, or logo prohibited.

Incompetence: Employees should execute their duties in a professional and competent manner. Employees should meet and maintain reasonable measures of job performance.

Repeated incidents of carelessness or a pattern of errors, neglect and/or inattentiveness to job performance is considered incompetence.

Neglect of Duty: Employees should not engage in any activities or personal business that causes them to neglect or be inattentive to their assigned tasks while on duty.

Sexual Misconduct by Employees: Employees should not engage in any sexual conduct while on duty, while on Arkansas State Police premises, or in state vehicles. For the purposes of this policy, Arkansas State Police premises shall include any office or location used by an Arkansas State Police employee to conduct regular work-related business, regardless of location or ownership of the building. This shall include but is not limited to facilities provided by another agency or entity for Arkansas State Police employees to conduct regular work-related business



RULES OF CONDUCT

(e.g. an office located in a sheriff's office, an office located in a building owned, leased or operated by another government agency). These examples are provided for reference only and are not all-inclusive of the types of locations that may be considered Arkansas State Police premises.

Sleeping on Duty: Employees should remain awake while on duty. If unable to do so, and if in danger of falling asleep, the employee should report to a supervisor who should immediately release the employee from duty, and place the employee on appropriate leave status pending further supervisory review and appropriate action.

Reporting for Duty: Employees should report for duty at the time and place required by assignment or orders, and should be physically and mentally fit to perform their duties. Employees should be properly equipped and cognizant of information required for the proper performance of duty, so that they may immediately assume their duties. Subpoenas should constitute an order to report for duty under this Section.

Fictitious Illness or Injury: Employees should not fake illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive the Arkansas State Police as to the condition of their health. After more than three (3) consecutive work day absences reported as "sick leave," a supervisor may require an employee to provide supporting medical documentation from a licensed physician or other medical provider. After five (5) consecutive work day absences reported as "sick leave," employees are required to provide supporting medical documentation. Supervisors may require supporting medical documentation at any time if a pattern of leave abuse is suspected.

Absent Without Leave: Employees who fail to appear for duty at the date, time, and place specified without the consent of a supervisor or Commander is "absent without leave." Employees are expected to apply themselves at their assigned duties during the full schedule for which they are compensated. While on duty, employees should not leave any post, assignment, duty, or their area without advising their supervisor.

Insubordination: Any employee who deliberately refuses or fails to promptly obey any lawful order given by a superior or higher ranking employee, or who engages in conduct that displays insolence or ridicule to a superior officer/supervisor shall be guilty of insubordination. This includes orders relayed from a superior or higher ranking employee in the chain-of-command by other members of the department.



RULES OF CONDUCT

Truthfulness: Employees shall not knowingly make an untrue statement to a supervisor or another employee which relates to the performance of any employee's official duties. Employees responding to superiors or to questions posed during formal or informal misconduct investigations should candidly and truthfully answer all questions related to the scope of employment and operations of the Arkansas State Police.

Brady v. Maryland (1963) requires that prosecutors disclose exculpatory or impeaching evidence to a defendant if the evidence is material to guilt or punishment. *Giglio v. U.S.* (1972) requires the prosecution to turn over or disclose any evidence to a defendant that tends to impeach the character or credibility of the government's witness in a criminal trial. Under *U.S. v. Agurs* (1976), prosecutors have a duty to disclose such evidence to the defense without a request from the defense. In *Kyles v. Whitley* (1995), the Supreme Court held that the prosecution has an affirmative duty to learn of any exculpatory or impeaching evidence favorable to the defendant from others acting on behalf of the government, including the police. These court cases extend to the members of the Arkansas State Police who may be required to testify in criminal proceedings as part of their duties. An administrative finding by the ASP involving untruthfulness or dishonesty subjects the employee to immediate termination of employment.

Criminal Cases:

Accordingly, the following potential impeachment information will be provided to federal and state prosecutors:

- Any department-sustained finding of misconduct related to truthfulness or dishonesty;
- Any criminal convictions involving acts of dishonesty;
- Any present allegations of misconduct under investigation involving truthfulness or dishonesty.

The Legal Section shall notify federal and state prosecutors in writing of any potential *Brady/Giglio* evidence. It will then be the duty of the prosecutor to determine whether the information should be provided to the defense or reviewed by the judge presiding over a matter. Employees have a duty to report any information described above to their immediate supervisor and through their chain of command to the Legal Section if the investigation or charges are brought by an outside agency or jurisdiction.



RULES OF CONDUCT

Duty to Notify Supervisor:

Any current employee who has been notified that he/she has been identified as subject to *Brady/Giglio* guidelines is required to inform any supervisor that is involved in assigning him/her to any task that he/she is a *Brady/Giglio* status employee. Upon reassignment to any supervisor, the employee shall notify the new supervisor of his/her *Brady/Giglio* status.

Civil Cases:

Any current employee who has been notified by the Legal Section that he/she has been identified as subject to *Brady/Giglio* guidelines, or is notified that he/she is under investigation for a matter that could result in being subject to *Brady/Giglio* guidelines, shall notify any attorney that is representing the officer or the Department in a civil case of his/her *Brady/Giglio* status.

Limitations for Assignment:

Due to his/her impaired credibility, members of the Department that have been identified as subject to *Brady/Giglio* guidelines due to past misconduct will not be eligible to participate in any specialized assignment including but not limited to:

- Crash Reconstruction Team
- Criminal Investigation Division (includes any federal task force program)
- Field Training Officer
- Special Weapons and Tactics Team
- Air Support Unit
- Crisis Negotiation Team
- Emergency Response Team
- Fire/Explosive Investigators (Bomb/Arson Team)
- Training Section
- Interstate Criminal Patrol (ICP) Team
- Polygraph Examiner
- Office of Professional Standards
- Executive Protection



RULES OF CONDUCT

Members of the Department that have been identified as subject to *Brady/Giglio* guidelines due to past actions shall be required to have a witness to any law enforcement action that may be undertaken when possible (such as another officer, video, etc.).

Ineligibility for Hire/Re-hire:

Employees identified as subject to *Brady/Giglio* guidelines that resign or are terminated will not be eligible for rehire. Applicants subject to *Brady/Giglio* guidelines based on previous employment with other agencies or departments are ineligible for hire by the ASP.

Handling and Care of Property/Evidence: Property/evidence in the custody of the ASP should be handled in accordance with the Property and Evidence Control policy ([LE SEC 16](#)).

Abuse of Process: Employees should not make false accusations of any charges including criminal or traffic offenses. Employees should not knowingly make false accusations of employee misconduct.

Employees Responsible for Property and Equipment: Employees are responsible for the proper care of all property and equipment utilized in the performance of their duties. State property and equipment should be maintained in proper order.

Employees should only use property and equipment for its intended purpose and should not abuse, damage, or lose property or equipment through acts of commission, omission, negligence, or carelessness. Any damage, loss or defect should be reported in a timely manner in a memorandum to the employee's supervisor for review and determination of whether the damage was due to reckless disregard or deliberate indifference.

If it is believed that an employee acted with reckless disregard or deliberate indifference with regard to property or equipment, a complaint should be filed with the Office of Professional Standards and investigated in accordance with ASP Disciplinary Matters Policy ([LE SEC 4](#) for officers and [CIV SEC 6](#) for civilian employees).

If the investigation reveals that the employee acted with reckless disregard or deliberate indifference resulting in the damage of property or equipment, disciplinary action, up to termination of employment may occur. In addition to any other disciplinary action, the Director may require the offending employee to make monetary restitution of the damages or losses



RULES OF CONDUCT

incurred to the Arkansas State Police. This may include monetary withholding from the employee's paycheck. "Deliberate indifference" means more than negligence, but less than acting or omitting action for the purpose of causing harm or with knowledge that harm will result; the equivalent of acting recklessly.

Use of State Vehicles, Property and Equipment: Use of all vehicles, property and equipment owned, leased, operated or managed by the state should be restricted to official state use only. Unauthorized personal use of vehicles, property or equipment that is owned, leased, operated or managed by the state is prohibited and may result in disciplinary action and/or monetary reimbursement to the department. Any communication equipment and services owned, leased, operated or managed by the state are subject to audit.

Relationships with Other Agencies: Employees should strive to maintain the highest possible level of cooperation between the Arkansas State Police and other law enforcement, federal, and state agencies and public officials. No employee should interrupt or attempt to interrupt the lawful functions of sheriffs, police employees, federal agents, judges, or other public officials acting within the scope of their official duties.

Requests from the Public: The Arkansas State Police, regardless of jurisdiction, should answer requests from the public reporting instances of a serious nature when an emergency exists or there is a possibility of immediate apprehension of an alleged perpetrator. If the situation is of a routine nature, the employee taking the information should explain that the function lies in the jurisdiction of another agency, and, if necessary, pass on the information to the appropriate agency having jurisdiction as soon as possible.

Conduct Unbecoming: Employees should conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the ASP. Conduct unbecoming includes, but is not limited to:

- Actions which bring the ASP or its employees into disrespect;
- Actions which reflect negatively on the agency;
- Conduct which interferes with the operations or efficiency of the agency;
- Conduct which interferes with the work performance of agency employees;



RULES OF CONDUCT

- Concealing information from a supervisor or another employee which relates to the performance of any employee's official duties; or
- Unnecessary physical force directed toward any individuals, including but not limited to suspects and prisoners.

Questionable Associations: Employees should not knowingly commence or maintain a relationship with any person under criminal investigation, indictment, arrest, or incarceration by any law enforcement agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity or crimes of moral turpitude) except as necessary in the performance of official duties, or when unavoidable for persons who are family members. Employees should disclose any relationships with such individuals that may bring discredit to the agency to his or her supervisor.

Influence Affecting Persons or Effecting Results: Employees shall not attempt to influence the Director, directly or indirectly, for the purpose of securing promotion, transfer, or other benefits for personal interest, or to avoid the penalties for reprehensible action or conduct. Such attempts may be considered insubordination.

Observance of a Violation: Employees who observe a violation of any law, ordinance, rule of conduct, or official order on the part of any Arkansas State Police employee, or who otherwise obtain knowledge that would lead a reasonable person to suspect that any law, ordinance, rule of conduct or official order has been violated by any employee, should proceed as follows:

- If the violation is a felony, an employee should notify proper authorities and take whatever action is reasonable and lawful to protect persons and property.
- Report such incidents immediately to a supervisor.

Public Statements: Employees should not publicly criticize, ridicule, or denounce the ASP, its policies, lawful orders, or actions of any employee. Public statements include information heard or read by the public or by members of the ASP through speech, writing, electronic media, or other means.



RULES OF CONDUCT

Confidential Information: Employees should not release reports or information relative to any investigation except as authorized by law. No employee should divulge information deemed confidential to any unauthorized person, whether obtained through the execution of Arkansas State Police duties or other means. No employee should release any information pertaining to other employees except as authorized by law.

Discovery of an employee's release of any information considered official Arkansas State Police business or potentially damaging to the department or its members should be reported to a supervisor immediately.

In civil cases, statements concerning official department business should not be given by employees to litigants or their attorneys without court order or prior approval of a supervisor, unless required by law.

Employees should not copy, alter, destroy, or remove any official records or document, except in accordance with established department procedures and/or law.

Employees should not divulge the identity of persons giving confidential information except as authorized by proper authority.

Medical Information – Confidential: Employees shall not release medical information obtained during the performance of their official duties and may only release that information which is relevant for public health and safety, required to fulfill their law enforcement function, or as authorized by policy, procedure, judicial order, or law.

Dissemination of Intelligence Information – Tip-Offs: Employees should not warn, tip-off, or otherwise provide advance notice to any person or entity, including immediate family members, of the existence, content, or extent of a law enforcement investigation or intelligence information, when such information is not otherwise known to the person or entity under investigation.

Social Networking: The personal use of social media can have bearing on departmental personnel in their official capacity. The policy of this department is to maintain a level of professionalism in both on-duty and off-duty conduct that fulfills the mission of the ASP. Any publication, through any medium which is potentially adverse to the operation, morale, or efficiency of this department will be deemed a violation of this policy.



RULES OF CONDUCT

The purpose of this policy is to provide guidance concerning social media and to ensure employees use appropriate discretion so as not to discredit the ASP. Employees must be mindful of the negative impact on the ASP and its members regarding inappropriate or unauthorized postings on social networking sites.

This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

Department personnel shall abide by the following when using social media:

1. Department personnel are free to express themselves as private persons on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
2. As public employees, department personnel are cautioned that speech, on or off duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and will form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment, without written permission from the director or his or her designee.
4. For safety and security reasons, department personnel are not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are not to do the following:
 - a. Display department identifying items or photos on personal web pages.



RULES OF CONDUCT

- b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as an employee of this department. Officers who are undercover, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
- 5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's Rules of Conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, color, religion, national origin, age, sex, disability, genetic information, or any protected class of individuals.
 - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- 6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an employee's testimony in criminal or administrative proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination.
- 7. Department personnel may not divulge information gained through their employment with the department; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
- 8. Department personnel should be aware that they may be subject to civil litigation for:
 - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is



RULES OF CONDUCT

- not of legitimate public concern, and would be offensive to a reasonable person;
- c. using another person's name, likeness, or other personal attributes for an exploitive purpose without that person's permission; or
 - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
11. Reporting violations—any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

The use of department computers or other department issued devices to access social media is prohibited without authorization.

Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media. Official department logos and images are restricted to official use only and may not be released, distributed, or replicated without permission from the Director. (A.C.A. § 12-8-121)

In accordance with A.C.A. § 11-2-124, employees who are subject to administrative investigations may be ordered to provide the department with access to their social networking account and site when the employee's social media account activity is reasonably believed to be relevant to a formal investigation or related proceeding by ASP of allegations of an employee's violation of federal, state, or local laws, regulations or ASP written policies.



DRUG AND ALCOHOL FREE WORKPLACE

Purpose: In order to ensure the integrity of the ASP and preserve public trust and confidence in a fit and drug-free law enforcement profession, the department has implemented a drug-testing program to detect prohibited drug use by its employees. The ASP has established a drug-free workplace program that balances its respect for individuals with the need to maintain an alcohol-free and drug-free environment.

This policy applies to all employees. Any individual who conducts business for the organization, is applying for a position, or is conducting business on the organization's property is covered by this policy.

This policy is in compliance with the Drug-Free Workplace Act of 1988, 42 U.S.C. §§ 701-707.

Definitions:

“Alcohol test” means any test authorized by the Arkansas Division of Health, Arkansas Department of Health and Human Services for use in determining the alcohol content of a person’s blood, breath, or urine as specified in Ark. Code Ann. § 5-65-101, *et seq.*

“Control sample” means a urine specimen having no drug content or a known drug content submitted to the laboratory for analysis as a routine specimen without the analyzing technician’s knowledge to ensure the accuracy of test results.

“Controlled substance” means a drug, substance, or immediate precursor in Schedules I through VI, as listed in Ark. Code Ann. § 5-64-101, *et seq.*

“Conviction” means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.

“Critical incident” means a situation occurring in the course or performance of duty, or involving the use of a department vehicle, that causes or has the immediate potential of causing serious physical injury or death to any person or results in extensive damage to property.

“Drug abuse” means the use of any illegal drug or any illegally obtained drug.

“Drug misuse” means the overuse or inappropriate use of any legally obtained prescription or non-prescription drug.

“Drug sensitive position” means a job or position in which an employee can reasonably be expected to have access or control over controlled substances.

“Drug test” means a urinalysis test, consisting of both a drug “screen” test and a confirmatory test (to be used in the event drug screen test results are positive), administered under approved,



DRUG AND ALCOHOL FREE WORKPLACE

pre-established conditions and procedures for the purpose of detecting the use of illegal drugs or the misuse of prescription or non-prescription drugs.

“Drug testing custody and control form” means a uniquely numbered, four-part, carbonless form used to ensure participant confidentiality and to document the chain-of-custody of urine samples submitted for laboratory analysis.

“Drug testing officers” means officers designated by the Director or his/her designee properly trained to accomplish the requirements of this policy.

“Review of officer” means a designated person who reviews all positive drug test results to determine whether or not such results were due to the tested employee’s proper use of a prescribed medication.

“Illegal drug” means any substance for which the sale, distribution, manufacture, or use is prohibited by law.

“Non-prescription drug” means any substance not legally controlled and available without a medical prescription; but which, when improperly or inappropriately used may hamper an individual’s ability to perform assigned duties, or impair his/her judgment, alertness, or any other physical, emotional or mental capacities.

“Prescription drug” means any controlled substance for which possession and use is legal when prescribed by licensed medical personnel.

“Probationary employee” means any employee serving in a probationary status.

“Reasonable suspicion” means suspicion based upon specific, objective, and articulable facts and any rational inferences from those facts which would lead a reasonable person to suspect an individual has committed prohibited acts or omissions. Reasonable suspicion of drug or alcohol abuse or misuse is based upon behavioral and performance factors which include, but are not limited to, a decrease in work performance level, misconduct, excessive absenteeism and tardiness, history of citizen complaints, excessive use of sick leave, negligent crashes, poor traffic safety record, and other documentable facts or circumstances.

“Under the influence” means when a person’s reactions, motor skills, judgment, or other physical, emotional, or mental capacities are altered or impaired in such a manner and to such a degree that the proper and efficient performance of his/her duties is jeopardized.

General Provisions: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace. The following rules apply to all employees of the ASP, while on and off duty:



DRUG AND ALCOHOL FREE WORKPLACE

- No employee should perform any job function or operate ASP-owned equipment while under the influence of any drug or alcohol.
- No employee should illegally possess any controlled substance.
- No employee should ingest any prescribed or non-prescribed medication in amounts beyond the recommended dosage.
- No employee should ingest any controlled or other dangerous substance, except as prescribed by a licensed medical practitioner.
- Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, and/or notify supervisor of actual side effects) to avoid unsafe workplace practices.
- This Section does not require disclosure of the physical or mental condition for which the medication is prescribed; nor does it require the disclosure of the name of the medication. The only requirement for disclosure is the reporting of the actual side effects.
- Supervisors should document this information through the use of a memorandum and forward the original memorandum to Little Rock for retention in the employee's secure medical file.
- The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy for employees intentionally to misuse and/or abuse prescription medications.
- Employees who unintentionally ingest, or are forced to ingest a controlled substance should report the incident to a supervisor so that appropriate medical steps may be taken to ensure the employees' health and safety. As soon as practical, the incident should be documented and forwarded through the chain of command to Little Rock for retention in the employee's secure medical file.



DRUG AND ALCOHOL FREE WORKPLACE

- Employees having a reasonable suspicion that another employee is under the influence of drugs or alcohol or is illegally using, or in possession of any controlled substance should immediately report the facts and circumstances to a supervisor.
- The failure of any employee to submit to a drug or alcohol test after receiving a lawful order to do so should be considered insubordination and subject the employee to disciplinary action up to and including termination of employment.
- Employees are required to inform the Director of the ASP immediately if they are charged for violation of any federal or state criminal drug statute.
- Discipline of employees for violation of this policy should be in accordance with the discipline and grievance procedures.
- All records, forms, reports, and/or results generated in compliance with this policy should be confidential.
- The rights and privacy of employees should be safeguarded to the maximum extent possible, while being balanced with the compelling government interest in maintaining a drug-free department.
- All records should be forwarded to Human Resources in Little Rock for retention in the employee's secure medical file.

Drug Free Awareness Program: The Arkansas State Police adheres to a policy of a drug-free workplace. The dangers of drug use in the workplace include, but are not limited to, damage of State or personal property, injury to you, co-workers, or the public, and exposure to personal liability.

Persons Subject to Drug and/or Alcohol Tests:

Pre-employment (post-offer). Every prospective employee, after a conditional offer of employment has been made, is required to submit to a drug test. Refusal to take the drug test or results that indicate a presence of illegal drugs or prescription drugs for which the individual has no prescription will be the basis for precluding the individual from employment.

Random Drug Testing. All employees are subject to random drug tests as a condition of continued employment.

Employees returning from any authorized absence from duty of six (6) months or more should submit to a drug test.



DRUG AND ALCOHOL FREE WORKPLACE

Employees who are involved in, or have completed within the past year, a counseling or rehabilitation program for drug misuse are subject to periodic, unannounced drug tests.

Reasonable Suspicion Testing. The Director, Deputy Director, Division Commander, Troop, Company or Section Commander, or Internal Affairs, after reviewing the facts that form the basis for the reasonable suspicion, may order drug or alcohol test to be given.

Critical Incident Testing. The Director, Deputy Director, Division Commander, Troop, Company or Section Commander, or IA may order a drug or alcohol test following an employee's involvement in a critical incident. Drug/alcohol specimens collected for this type testing should be forwarded to the Arkansas Crime Lab for processing/analysis.



SMOKING/TOBACCO USE

Smoking or Tobacco Use Prohibited: Smoking or the use of any tobacco product is prohibited in all vehicles and enclosed areas owned, leased, or operated by the state of Arkansas.

Use of Tobacco: Employees, while on duty, should not use tobacco products in any form when approaching a violator, lending assistance to any person, making contact with any member of the public, or when the possibility exists for them to make contact with the public.

The use of products containing tobacco in any form is prohibited within twenty-five (25) feet of any entrance to any building owned, leased, or operated by the Arkansas State Police. Employees are allowed to smoke only in designated areas adjacent to the building. These areas will not be at the front entrance of the building or in any location that could be deemed as unsightly to the public.

All tobacco products should be disposed of in fixed receptacles located in designated smoking areas.

Reporting Violations: Employees should notify a supervisor if they observe a violation of this policy. If the employee's supervisor is the violator, he/she should notify the next person in the Chain of Command.

Employees should not discriminate or retaliate against a person for making a complaint or providing information concerning a violation of this policy. See Clean Indoor Air Act of 2006.
[Http://www.arcleanair.com/pdf/act8.pdf](http://www.arcleanair.com/pdf/act8.pdf)



WORKPLACE HARASSMENT

Purpose: It is the intent of the Arkansas State Police to maintain a healthy work environment and to provide procedures for reporting, investigating and resolving complaints of harassment.

Policy: It is the policy of the Arkansas State Police that all employees have the right to work in an environment free of all forms of harassment and that all persons should be treated fairly and equally, with dignity and respect. This agency does not condone and will not tolerate harassment in any form. Therefore, supervisors/employees should take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment.

Prohibited Activity: No employee should either explicitly or implicitly ridicule, mock, or belittle any person. Employees should not make offensive or derogatory comments based on race, color, religion, national origin, age, sex, disability or genetic information either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal law and is considered misconduct subject to disciplinary action.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Behaviors which constitute sexual harassment include but are not limited to:

- Obscene gestures; or
- Flirtatious whistling; or
- Abusive comments, stereotyping, or jokes; or
- Explicit, derogatory sexual remarks; or



WORKPLACE HARASSMENT

- Placing obscene photographs, cartoons, graphics, or sexually suggestive objects in the workplace; or
- Physical contact such as patting, grabbing, pinching, or constant brushing against another's body; or
- Subtle requests for sexual activity; or
- Any repeated or unwanted verbal or physical sexual advances which are offensive or objectionable to the recipient or which cause the recipient discomfort or humiliation or which interfere with the recipient's job performance; or
- The threat or insinuation that the lack of sexual cooperation will adversely affect the victim's employment, wages, promotion, or other assigned duties.

Supervisor / Employee Responsibilities: Each supervisor should be responsible for preventing acts of harassment by:

- Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
- Advising employees on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment;
- Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved persons are within the employee's line of supervision;
- Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment pending investigation;
- Assisting any employee who comes to that supervisor with a complaint of harassment by documenting and filing a complaint with the Office of Professional Standards (OPS); and
- Taking proper care to protect the identity of the complainant(s) and of the accused individual(s) and holding the allegations of workplace harassment in confidence pending appropriate action.



WORKPLACE HARASSMENT

Each employee is responsible for assisting in the prevention of harassment by:

- Refraining from participation in or encouragement of actions that could be perceived as harassment;
- Reporting acts of harassment to a supervisor; or if supervisor is the harasser, to next person in chain of command or the Human Resources Manager; and
- Encouraging employees who confide that they are being harassed to report the acts to a supervisor.

Failure to take action to stop known harassment is grounds for disciplinary action.

Complaint Procedures: Employees encountering harassment should immediately inform the person, in clear terms, that their actions are unwelcome and offensive. The employee should also document all incidents of harassment in order to assist in the subsequent investigation.

Employees who believe they are being, or have been harassed should report the incident(s) to their supervisor immediately so that steps may be taken to protect the employee from further harassment and the appropriate investigation and disciplinary actions may be initiated. When it is not practical for the employees to report harassment to their supervisor, the reports should immediately be made to another supervisor or the Human Resources Manager.

The supervisor to whom a complaint is given should meet with the complaining employee and document the incidents complained of, the persons performing or participating in the harassment, and the dates on which the alleged acts occurred.

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

Employees who have a founded complaint against them for harassment, or who disagree with an aspect of the harassment investigation, may file a grievance/appeal in accordance with the policies and procedures set forth in this manual.

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



WORKPLACE HARASSMENT

Harassment Investigation / Discipline Procedure: The supervisor taking the complaint should immediately deliver the complaint to the Commander of OPS, where the matter will be assigned an OPS control number and investigated.

The Commander of OPS should immediately notify his/her supervisor of the receipt of a harassment complaint.

OPS should take precautions to protect the identity of the complainant and of the accused individual and should hold the allegations of workplace harassment in confidence, except as may be reasonably necessary to successfully complete the investigation.



EQUAL EMPLOYMENT RIGHTS

Discussion: The establishment of equal employment opportunity within the Arkansas State Police is critical to the productive management of employees. Non-discriminatory practices and behavior by Arkansas State Police employees are equally critical to this mission.

Policy: It is the policy of the Arkansas State Police to recruit, select, hire, train, transfer, upgrade/promote, and discipline without regard to race, color, religion, national origin, age, sex, disability, genetic information, or any other non-merit-based factor. The Arkansas State Police will work continually to improve recruitment, employment, career development, and promotional opportunities for all employees. The identification, qualification, evaluation, or selection of candidates for promotions within the Arkansas State Police will be based solely on job-related criteria.

When any state or federal court of law, or the Director, determines that any employee of this agency is guilty of discrimination based upon race, color, religion, national origin, age, sex, disability or genetic information, such determination may be grounds for dismissal from employment with the Arkansas State Police.

If an employee has a problem or complaint with respect to this policy, he/she should contact the Administrative Services Division Commander or the Human Resources Section.

Responsibilities: The Administrative Services Division Commander or his/her designee, with the support of the Director, is the Arkansas State Police's Equal Employment Opportunity ("EEO") Officer and is responsible for:

- Coordinating and maintaining an Equal Employment Opportunity Plan to ensure equality in all employment matters;
- Ensuring that supervisors have received required EEO training.

Supervisors are responsible for administering and complying with Arkansas State Police policy respective of and for full and proper compliance with all EEO obligations.

First line supervisors, meaning those Arkansas State Police employees who are assigned to and serve as an immediate supervisor for an Arkansas State Police employee, should serve as liaisons between employees and Arkansas State Police management and are responsible for:

- Monitoring and following disciplinary policy regarding employee behavior with respect to EEO obligations;



EQUAL EMPLOYMENT RIGHTS

- Seeking resolutions on an informal basis for allegations of unfair discrimination and offering assistance to employees; and
- Providing positive support for all employees regarding equal employment rights.

Reporting/Complaint Procedures: The employee should document all incidents of discrimination in order to assist in the subsequent investigation.

Employees who believe they are being, or have been discriminated against should report the incident(s) to his/her supervisor immediately so that steps may be taken to protect the employee from further discrimination. This will ensure the appropriate investigation and disciplinary actions may be initiated. When it is not practical for the employee to report discrimination to his/her supervisor, the report should immediately be made to another supervisor or the Human Resources Section.

Any supervisor that receives a complaint should meet with the employee filing the complaint and document the incident(s), the name of the person(s) performing or participating in the discrimination, witnesses to the incident(s) and the dates/times on which the alleged acts occurred.

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

Employees who have a founded complaint against them for discrimination, or who disagree with an aspect of the discrimination investigation, may file a grievance/appeal in accordance with the policies and procedures set forth in this manual.

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

Discrimination Investigation / Discipline Procedure: The supervisor taking the complaint should immediately deliver the complaint to the Commander of Office of Professional Standards (OPS), where the matter will be assigned an OPS control number and investigated.

The Commander of OPS should immediately notify his/her supervisor of the receipt of a discrimination complaint.



EQUAL EMPLOYMENT RIGHTS

OPS should take precautions to protect the identity of the complainant, the accused individual and any witnesses. OPS should hold the allegations of discrimination in confidence, except as may be reasonably necessary to successfully complete the investigation.



HIRING OF RELATIVES

Definitions: The following definitions apply to this policy:

“Employee” means a person whose employment is not seasonal or temporary and whose actual performance of duty requires one thousand (1,000) or more hours during a fiscal year.

“Public Official” means the Director or a member of the Arkansas State Police Commission.

“Relative” means husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece.

"Supervisory employee" means any individual having authority in the interest of the ASP to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; or the responsibility to direct other employees, to adjust their grievances, or to effectively recommend an action if the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Public Officials: A public official should not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position at the ASP over any person who is:

- A relative of the public official.
- An employee of the ASP or as a result of the public official's action could be an employee of the ASP.

Arkansas State Police Employees: Within the Arkansas State Police, no relatives of employees should be placed within the same line of supervision whereby one relative is in a supervisory position over the other. A temporary change in supervision resulting in the supervision of a relative will not be considered a violation of ACA §25-16-1001 provided the supervision does not exceed 30 days. No hiring, firing, pay adjustments or other personnel actions may occur during this temporary period of supervision.

Marriage of Employees: On or after August 12, 2005, if employees of the Arkansas State Police plan to marry they should complete and sign OPM Form 50, Marriage Disclosure of State Employees, listing both employees' names, job titles and Division in which employed and submit the form to the Personnel Section for review and compliance approval. Failure to complete this form may subject employees to termination for non-compliance.

If the marriage will result in a violation of ACA § 25-16-1002, the department should provide written notice of each of the employee's alternatives to resolve the violation as listed below:



HIRING OF RELATIVES

- Transferring one of the employees to another position within the agency.
- Transferring one of the employees to another agency.
- The resignation of one of the employees.

The employees should be given the opportunity to select among the available alternatives.

There is no guarantee that a position will be available within the employee's current agency, or another agency. If the employees are unable to agree upon an alternative within 60 days, the public officials should choose from the public official's available alternatives to correct the violation.

Violations: If any employee suspects a violation of ACA §25-16-1001 has occurred, he/she may complete OPM Form 51, Violation of Hiring Practices/Supervision of a Relative, and submit the form to the Office of Personnel Management (OPM). OPM will determine if a violation has occurred and report such violations to the Attorney General's Office for resolution.

This policy does not apply to the hiring, transfer, or promotion of any person employed in a state agency prior to August 12, 2005.

Forms: Forms referenced in this policy can be found on the OPM website at:

http://www.state.ar.us/dfa/personnel_mgmt/opm_forms.html



PERFORMANCE, GOALS, AND COMPENSTATION SYSTEM

I. Purpose

State law requires that ASP conduct an annual Performance Evaluation (PE) on all employees. The Department of Finance and Administration, Office of Personnel Management (OPM) oversees the Performance, Goals, and Compensation System (PGCS). The PE is part of the PGCS and is completed electronically.

II. Requirements and Process

- A.** It is the intent of the Arkansas State Police (ASP) to implement a fair and impartial evaluation process that accurately records and reflects the performance of all agency employees.
- B.** Supervisors will complete the required PEs in the PGCS in accordance with deadlines set by the Administrative Services Division and OPM.
- C.** In accordance with [OPM Policy Number 29](#), supervisors who fail to complete PEs for their assigned employees by the deadline may not be eligible for a performance increase and may be subject to disciplinary action.
- D.** Supervisors shall not share the results of the PE rating with the employee until authorized to do so by the Administrative Services Division.
- E.** In accordance with ASP Disciplinary Matters Policies ([LE SEC 4](#) and [CIV SEC 6](#)), an employee who receives a written reprimand or above during the rating period is ineligible to receive a merit increase.
- F.** An employee on extended leave without pay, including military leave, will be evaluated and receive an overall score during the same period as other employees. Any salary increase for such employees will be effective when the employee returns to active pay status and will not be applied retroactively.
- G.** Each employee should meet with his/her supervisor (rating official) annually to review the PE and the Code of Ethics ('Attachment A' of [GEN SEC 39](#)) in accordance with deadlines set by the Administrative Services Division. (*Note: Attachment A is acknowledged by all new employees in PowerDMS.*)
- H.** During the PE review process, supervisors and employees are required to acknowledge their review of the Code of Ethics by completing and signing an Annual Code of Ethics Acknowledgement form ([Attachment B](#)).
- I.** Employees will electronically acknowledge receipt of their PE in the PGCS.
- J.** An employee may formally appeal the PE by following the process outlined below in section III, Appeal Process.



PERFORMANCE, GOALS, AND COMPENSTATION SYSTEM

- K.** Employees should be aware that there is no guarantee that the PE will be changed and that the decision of the Director (for employees with no Deputy Director in their chain of command) or Deputy Director reviewing the appeal is final. Even if some changes are made in the PGCS, the overall PE score may or may not increase following the final calibration.

III. Appeal Process

All appeals, regardless of origination, will be routed through the administrative review process described below:

- A.** Following the review of the PE and Code of Ethics meeting with the supervisor, if the employee wishes to appeal the PE, he/she may submit an appeal memo through the chain of command to the Administrative Services Division Commander. The memo should include a justification for the appeal and any supporting documents for consideration should be attached. The memo and supporting documents shall be submitted by the employee **within three (3) business days** of the PE and Code of Ethics review meeting with the supervisor.
- B.** The supervisor shall forward the original memo, any employee-provided supporting documentation, and a copy of any supervisory documentation (appeal packet) through the chain of command to the Commander of the Administrative Services Division.
- C.** The Administrative Services Division Commander will review the documentation and provide the appeal packet to the appropriate Deputy Director or Director.
- D.** The Deputy Director or Director will review the appeal packet and provide a decision in writing to the Administrative Services Division Commander. Only the ASP Director or a Deputy Director may authorize a change to a PE.
- E.** If changes are authorized, the Administrative Services Division Commander will ensure any necessary changes are entered into the PGCS.
- F.** The Administrative Services Division Commander will notify the Troop/Company/Section Commander of the appeal decision and any changes that were made in the PGCS. The Troop/Company/Section Commander will provide the decision and/or any revisions to the employee and supervisor.



DISPUTE RESOLUTION RULES AND PROCEDURES

or procedural questions related to Mediation, Review Hearings, and/or Appeals and will maintain all grievance files as the official record-keeper.

ASP Grievance Officer – The person designated by the Director, Deputy Director, or his/her designee, as having the responsibility for acting as the liaison between the employee and ASP. Also serves as the liaison between ASP and OPM's Grievance Coordinator. The ASP Grievance Officer will be responsible for facilitating the grievance and appeal process(s) and will be required to periodically report to the ASP Grievance Coordinator throughout the Dispute Resolution or appeal process.

ASP Grievance Review Committee (ASPGRC) – A three (3) member committee appointed by the Administrative Services Division Commander or his/her designee to conduct the Administrative Review Hearings. Within three (3) business days of the conclusion of the hearing, the ASPGRC will issue a typewritten recommendation to the Director summarizing the hearing and documenting the committee's decision on whether policy has been violated and whether the complaint is founded. ASP Grievance Officers who work in the aggrieved employee's troop, company, section, or area are ineligible to serve on the committee.

ASP Mediation Representative – Appointed by the Director or Deputy Director to represent the agency during Mediation and has the authority to make decisions and sign Settlement and Non-Settlement Agreements on behalf of the agency.

Disciplinary action – Termination, suspension, involuntary demotion, written reprimands, and non-new-hire probation.

Dispute resolution – A procedure that allows parties to constructively manage conflicts through grievances or mediation.

Employee – A person regularly appointed or employed in a position of state service by ASP for which he or she is compensated on a full-time basis or on a pro rata basis for whom a class title and pay grade are established in the appropriation act for ASP in accordance with the Uniform Classification and Compensation Act. An employee on initial new-hire probationary status is not an employee for purposes of these rules and procedures. An employee does not include a supervisory employee.



DISPUTE RESOLUTION RULES AND PROCEDURES

Grievance - A complaint by an employee regarding a disciplinary action, discrimination, harassment, or the approval/denial of compensatory time made by the supervisory employee, but not including compensation and conditions which are beyond the control of ASP or are mandated by law.

Mediation - A collaborative problem-solving and joint decision-making process between the employee, supervisory employee and ASP's Mediation Representative, through utilization of an independent third-party neutral (mediator).

Party - The employee filing the grievance or the supervisory employee against whom the grievance has been filed.

Probationary New Hire Employee - An employee hired or rehired into a regular civilian position at Arkansas State Police will be considered a "new hire" for a probationary period of six (6) months. New hire probationary employees do not have access to the grievance procedure. Employees who change positions within the agency are subject to a probationary period of three (3) to six (6) months, at the discretion of the supervisor, and have access to the grievance procedure.

State Agency - An agency, board, commission, department, division, or office of state government within the executive branch.

State Employee Grievance Appeal Panel ("Panel") - An impartial appeal panel established to review the facts of the grievance and issue a binding decision.

Supervisory employee - An individual having authority in the interest of a state agency to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees of the state agency; or if his or her exercise of authority requires the use of independent judgment and is not of a merely routine or clerical nature, the responsibility to direct other employees of the state agency by which he or she is employed.

III. POLICY

Employees shall be given the opportunity to resolve complaints or grievances they believe adversely affect their employment or working conditions through the established dispute resolution process of this state agency to ensure fair resolution of their complaint or grievance within a reasonable period of time.



DISPUTE RESOLUTION RULES AND PROCEDURES

The state agency and the employee shall take all reasonable efforts to settle a complaint or grievance as quickly as possible. Informal discussion between a supervisory employee and employee is encouraged in an effort to reach a satisfactory solution.

Any employee of ASP that intentionally interferes with, hinders or otherwise impedes a grievance may be subject to disciplinary action.

Participation in the dispute resolution process is voluntary. The dispute resolution process may be terminated by the employee at any stage if an agreement between the parties is reached.

ASP employees will not be charged for leave for participating in the Grievance process.

A party may be represented at each step of the dispute resolution process except during informal discussions between the employee and supervisory employee held prior to the filing of a grievance. Attorney's fees shall not be awarded.

These procedures established herein recognize the employment-at-will doctrine and its exceptions as defined by the Arkansas Supreme Court and do not confer a property right in employment, either expressed or implied.

Access to any of these procedures does not prohibit an employee from utilizing remedies outside these procedures. An employee reserves the right to file a complaint with a federal entity or pursue the matter in court.

IV. PROCEDURE

If the complaint is not resolved by informal discussion with the supervisory employee, the employee may contact the ASP Grievance Coordinator, or his or her designee, to obtain an ASP Grievance Officer. The ASP Grievance Office shall assist the employee in initiating the formal dispute resolution process.

The employee has five (5) business days from the date of the disputed action to submit the Dispute Resolution Form to the ASP Grievance Officer, or his or her designee. An employee shall complete the Dispute Resolution Form completely and



DISPUTE RESOLUTION RULES AND PROCEDURES

provide sufficient information detailing the nature of the disputed action. Incomplete forms will not be accepted.

An employee shall not be subject to adverse action for utilizing the dispute resolution process.

All complaints or grievances shall be processed through the ASP Grievance Officer, or his or her designee, and shall be handled as follows:

1. The employee has the option to choose mediation or proceed to an Administrative Review hearing with the ASP Grievance Review Committee (ASPGRC) and shall clearly indicate on the Dispute Resolution Form which option is selected as the first step.
2. Determination
 - a. The ASP Grievance Officer, or his or her designee, shall determine whether the complaint is grievable or eligible for mediation.
 - b. If the ASP Grievance Officer, or his or her designee, and employee are unable to agree on whether a complaint is grievable or eligible for mediation, then the complaint shall be sent to the Grievance Coordinator at OPM for a review by the Panel.
 - c. The final determination on whether a complaint is grievable or eligible for mediation shall be determined by the Panel within seven (7) business days of the OPM Grievance Coordinator's receipt of the complaint.
 - d. If the decision states that the complaint is grievable or eligible for mediation, then the employee may proceed to mediation.
3. If the ASP Mediation Representative does not consent to mediation, the first step shall be the Administrative Review Hearing.
4. The ASP Grievance Officer, or his or her designee, shall be responsible for assembling the Administrative Record pursuant to OPM's Administrative Record Rules.

a. Mediation

An employee may request mediation if the complaint concerns an allegation that the employee has been:

- i. Terminated;



DISPUTE RESOLUTION RULES AND PROCEDURES

- ii. Demoted;
- iii. Suspended for fourteen (14) or more days; or
- iv. Subject to adverse action by his or her state agency for
 - 1. Communicating in good faith to an appropriate authority:
 - a. The existence of waste of public funds, property, or manpower, including federal funds, property, or manpower administered or controlled by a public employer; or
 - b. A violation or suspended violation of a law, rule, or regulation adopted under the laws of this state or a political subdivision of the state;
 - 2. Participating or giving information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review; or
 - 3. Objecting or refusing to carry out a directive that the employee reasonably believes violates a law, rule, or regulation adopted under the authority of the laws of the state or a political subdivision of the state.

The mediation shall be held within ten (10) business days of both parties agreeing to mediate.

OPM shall maintain a roster of certified Mediators and shall be responsible for assigning a mediator.

A Mediator is not required to be an attorney but shall be certified by the Arkansas Alternative Dispute Resolution Commission. The Mediator shall not be employed by ASP, as a party to the mediation.

A party may be represented by an attorney or other representative at the mediation.

The mediation shall be confidential; however, the Settlement or Non-settlement Agreement is subject to the Freedom of Information Act.

The Settlement or Non-settlement Agreement shall be signed by the parties and become a part of the Administrative Record.



DISPUTE RESOLUTION RULES AND PROCEDURES

Within one (1) business day of the conclusion of the mediation, the mediator shall provide a copy of the Settlement or Non-settlement Agreement to the state agency Director.

Settlement Agreement - If the parties reach a settlement during mediation, the dispute resolution process is considered resolved and the settlement is binding on the parties.

Non-settlement Agreement - If the parties reach a Non-settlement Agreement during mediation, the employee may request within three (3) business days of the Non-settlement Agreement an internal Administrative Review Hearing before the ASPGRC.

b. Administrative Review Hearing

The ASP Grievance Officer, or his or her designee, shall coordinate and schedule the hearing to be held within ten (10) business days of receipt of the employee's request.

The ASP Grievance Officer, or his or her designee, shall be responsible for assembling the Administrative Record and providing copies to the parties and the ASPGRC.

The hearings shall be recorded and may be transcribed at the discretion of the ASPGRC and become a part of the Administrative Record.

A party may have any persons having knowledge of matters relevant to the grievance present at the hearing to provide testimony. An ASP Attorney is responsible for notifying any witnesses employed by ASP. The employee is responsible for notifying any witnesses that are not an employee of ASP. The ASPGRC may request to hear testimony from any persons having knowledge of matters relevant to the grievance that are not already requested to be present.

A party or the ASPGRC may "Invoke the Rule", excluding all non-party witnesses from the hearing room unless they are testifying.

A party may present additional evidence. If accepted by the Chairman of the ASPGRC, the evidence shall become a part of the Administrative Record as an exhibit.



DISPUTE RESOLUTION RULES AND PROCEDURES

Within three (3) business days of the conclusion of the hearing, the Chairman of the ASPGRC shall issue a typewritten recommendation summarizing the hearing and documenting the committee's decision on whether policy has been violated and whether the complaint is founded. The Chairman of the ASPGRC shall provide a copy to the Director, the parties, and the ASP Grievance Officer, or his or her designee. The recommendation shall become a part of the Administrative Record.

The Director shall review the recommendation and issue a final decision within five (5) business days.

c. Appeal to OPM

If an employee is not satisfied with the decision reached by the Director, he or she may appeal, using a form provided by OPM, and request nonbinding mediation or an appeal hearing before the Panel.

If an employee chooses nonbinding mediation as the first appeal step, he or she does not waive his or her right to later request an appeal hearing before the Panel; however, written reprimands, allegations of discrimination or harassment, and the denial of compensatory time are not eligible for nonbinding mediation.

A request for nonbinding mediation shall be filed with the state agency's ASP Grievance Officer, or his or her designee, no later than fifteen (15) business days of receipt of the Director's decision.

A request for an appeal hearing before the Panel shall be filed with the ASP Grievance Officer, or his or her designee, no later than ten (10) business days of receipt of the Director's decision or ten (10) business days of the unsuccessful mediation.

Upon completion of the Dispute Resolution or Appeal process, the ASP Grievance Officer shall submit within twenty (20) business days the grievance file, including any related documents or forms to the ASP Grievance Coordinator. The ASP Grievance Coordinator will serve as the official record-keeper and will retain these files within the Administrative Services Division in accordance with established retention guidelines.



PERFORMANCE EVALUATION APPEAL PROCESS

Purpose: This policy is intended to provide employees with information and guidance on the contents of certain types of files and their storage location. The information below is not all inclusive and subject to revision.

Little Rock Headquarters' Files: Files stored at Little Rock Headquarters should include but not be limited to:

1. **Personnel file:** Personnel records retained in the Administrative Services Division include but are not limited to:
 - Complaint records. See A.G. Opinion 2008-025 (accessible through OPS)
 - Personnel Action Notice forms created by the Personnel Section in conjunction with the following records:
 - Requests for affirmative job action (i.e. requests for transfer, promotion, etc.)
 - Records of a ffirmative j ob a ction (i .e. hi re, t ransfer, prom otion, de motion, suspension, termination, etc.)
 - Applicable time records
 - Military records (i.e. Orders, DD214, etc.)
 - Forms required by OPM (i.e. hire freeze release forms, OMNI forms, proof of prior service forms, etc.)
 - Letters of reprimand (copies)
 - Letters of awards and appreciation/certificates of commendation (copies)
 - Acknowledgment forms (except for training acknowledgements which should be held in the training files)
 - History Summary prepared by the Personnel Section
 - Any other documents as designated by the Director or Administrative Services Division Commander
2. **Human Resources Files:** Human Resources records retained in the Administrative Services Division include but are not limited to:
 - Workers Compensation records
 - Performance Evaluation records
 - Medical records/return to work documentation
 - Prescription Drug Side Effects Memorandums
 - Drug and Alcohol Free Workplace Policy documentation
 - Family Medical Leave Act documentation
 - Catastrophic Leave documentation
 - Shared Leave documentation
 - Military Leave documentation



PERFORMANCE EVALUATION APPEAL PROCESS

- LWOP request documentation
 - Background files/state employment applications
 - Insurance files
 - I-9 file
 - Tax withholding Forms
 - Garnishment Records
 - Child Support Documentation
 - Time files (time records (i.e. ASP 129 & ASP 11) should be stored at the appropriate Troop, Company, Area, Section of office; once employment is terminated, the records should then be forwarded to Central Headquarters' in Central Records)
 - Any other documents as designated by the Administrative Services Division Commander
3. **Training/Certification Records:** Records of any job related training received by an ASP employee should be forwarded to the Training Section in the Administrative Services Division, unless indicated otherwise in procedure:
- Certificates (copies)
 - Proof of Training Attendance
 - Acknowledgement of Training forms
 - Attendance Rosters
 - Certifications (copies)
 - Any paperwork required by the Arkansas Commission on Law Enforcement Standards and Training
 - Training Packets (curriculum, calendars, instructors, objectives, etc.)
 - Any other documents as designated by the Administrative Services Division Commander
4. **Office of Professional Standards:** Records retained in the Office of Professional Standards include but are not limited to:
- Use of Force Files (Original ASP 22, copy of criminal investigation if applicable, use of force investigation, Deadly Force Review Board Findings and Recommendations if applicable, any document related to the use of force investigation)
 - Pursuit Files (ASP 21s and any other related documentation)
 - Complaints (Workplace harassment complaints, ASP 50s, misconduct complaints, Formal Investigation documentation, Informal Investigation documentation)
 - Crash Review Board findings (copies)
 - Any other documents as designated by the Director or Deputy Director



PERFORMANCE EVALUATION APPEAL PROCESS

5. **Director's Files:** Records retained in the Director's Office include but are not limited to:
 - Residency Policy waiver documentation
 - Any other documents as designated by the Director
6. **Aircraft:** Records retained in the Aircraft Section files include but are not limited to:
 - ASP 23s
 - Any other documents as designated by the Highway Patrol Division Commander
7. **Fiscal:** All fiscal related records should be forwarded to the Fiscal Section unless indicated otherwise in procedure:
 - Travel documentation (TR-1s, ASP 9s, ASP 15s)
 - ASP 202s
 - Transfer Acquisition documentation
 - Stolen, damaged equipment documentation
 - ASP 84s
 - ASP 31s Purchasing documentation (contract grant disclosures and certification forms, F1s, F2s, emergency purchases, etc.)
 - Any other documents as designated by the Deputy Director
8. **Highway Patrol Administration:** Records retained in the Highway Patrol Administration office include but are not limited to:
 - Radar/LIDAR memorandums of agreement
 - Federal overtime grant documentation
 - Any other documents as designated by the Highway Patrol Division Commander
9. **Public Information Office:** Records contained in the Public Information office include but are not limited to:
 - FOIA requests
 - News releases and advisories
 - Any other documents as designated by the Deputy Director
10. **Fleet Operations Manager (FOM):** All ASP vehicle related records should be forwarded to the FOM unless indicated otherwise in procedure:
 - ASP vehicle crash records
 - ASP vehicle incident records
 - Repair invoices (copies)
 - Crash Review Board findings (copy)
 - Any other documents as designated by the FOM



PERFORMANCE EVALUATION APPEAL PROCESS

11. **Criminal Investigations Administration:** Records retained in the Criminal Investigations Administration office include but are not limited to:
- Federal overtime grant documentation
 - Any other documents as designated by the Criminal Investigations Division Commander

Field Files: The following files should be stored at the employee's Troop, Company, Section or area headquarters. The files include but are not limited to:

1. **Supervisor File:** Supervisor files stored at local headquarters should include but not be limited to:
 - Corrective action records not rising to a affirmative job action (i.e. counseling, corrective action plan documents, remediation training action documentation, and letters of caution/warning, etc.)
 - Counseling for non-disciplinary purposes
 - Documentation of performance/behavior
 - Correspondence
 - Manual Inspection verification documentation (copies-originals should remain in employee manual)

If the employee changes supervisors, the employee's former supervisor should send the documentation to the employee's new supervisor. The documentation should not be destroyed. If a supervisor realizes the documentation is lost or missing, the supervisor should notify the Commander. The Commander should notify OPS immediately. When employment is terminated, the supervisor should forward the file to Central Headquarters for retention.



RECORDS RETENTION

Purpose: The purpose of this policy is to comply with the Arkansas General Records Retention Schedule and retain certain records as long as they are needed for administrative, fiscal, legal, or research purposes. See Act 918 of 2005. This policy identifies minimum record retention periods. Retention periods listed in the Records Retention Schedule apply to the content contained in a record regardless of the medium in which the content resides: paper, microfilm, electronic, and other records. Whatever the medium, all employees shall retain records for the length of time specified the Schedule and ensure the records are accessible for the full retention period.

Definitions:

“Automated System” means a computer configuration that, with all necessary hardware and software, performs or can be used to perform necessary business applications.

“Copy” means a reproduction of any record, including a reproduction of a previous reproduction.

“Data Element” means in electronic record keeping, a logical record component constituting one separate item of information such as name, address, or age.

“Disposition” means any manner or method of changing the custody, location, or physical state of records including transfer, microfilming, duplication and destruction.

“Format” means the arrangement of information for use, viewing, or storage.

“Freedom of Information Act” or “FOIA” means the Arkansas State Act that outlines the rights of the public to access public records. Reference: Arkansas Code Annotated § 25-19-101 et seq.

“General Record Schedule” provides a minimum period of time that a specific type of record must be preserved.

“Governing Body” means the FOIA applies to the "governing bodies" of "all boards, bureaus, commissions, or organizations of the State of Arkansas." Ark. Code Ann. § 25-19-106(a); A group that has ultimate decision-making or policy-making authority is a governing body. Ark. Atty Gen. Op. Nos. 99-407, 98-169, 96-074, 91-288.



RECORDS RETENTION

“Media” or “Medium” means physical material on which records information may reside including, but not limited to, paper, microfilm, microform, computer disks and diskettes, optical disks, and magnetic tapes.

“Official Version” means records kept by the organization responsible for the authoritative copy. Note: A copy made of the original record may become the official version.

“Permanent Record” means a record that has sufficient historical or other value to warrant its continued preservation by the state or federal government beyond the time it is needed for administrative, legal, or fiscal purposes.

“Record” means information or data captured in any form and media.

“Strategic Plan” means a management document containing the long term objectives of an organization and a specific action plan for attaining these objectives.

General Requirements: The retention periods identified in the Records Retention Schedule are determined by content, not by format or media. Record retention periods reflect the retention and disposition of the official record regardless of media (i.e. electronic, paper, microfiche, etc.).

Records Retention Schedule: The Arkansas State Police Records Retention Schedule is organized into categories: General Administrative; Meetings; Automated Systems; Personnel and Human Resources; Fiscal; Legal, and Grants. These categories are logical in nature and are not intended to establish any requirement for physical organization or operational handling, other than the specified retention periods. The name of a record category may or may not correspond to the area or Section of the department which handles the record.

The retention periods in the Schedule apply only to the official version of a record. Duplicates of the official version have no retention requirements under the Schedule, even if the duplicates are found in different media.

In some cases, this schedule provides examples for record types in order to help agencies identify records. Such examples are *not* intended to be all-inclusive.



RECORDS RETENTION

Schedule Access: A copy of the Records Retention Schedule should be maintained and accessible at local and administrative headquarters. Employees are encouraged to keep a copy of the Schedule with their policy manual.

Form Numbers: Arkansas State Police form numbers are included in the far left column, "Category Title" of the Records Retention Schedule. The ASP form numbers are not intended to be inclusive or exclusive, rather they are intended to serve as a guide to identify the types of records referred to in the Records Retention Schedule.

Exceptions to the General Records Retention Schedule: There are a few situations that will suspend implementation of the Records Retention Schedule. They include:

- **Outstanding legal proceedings** - To comply with current or pending legal actions, Arkansas State Police may need to retain some records beyond their scheduled retention periods. The Records Retention Schedule addresses such situations in its "Legal" records category, but it is mentioned here for emphasis. You must keep any records used in such actions for at least the duration of the action, even if the records' retention periods have passed. Legal actions may include subpoenas and notices of claim (the first indication of a pending filing of a lawsuit). If the retention period has not expired, you must retain the records for the remainder of the retention period.
- **Outstanding Freedom of Information Act (FOIA) requests** - If records that are the subject of a FOIA request exist at the time of the request, then you must not destroy the records until after responding to the request. If the request is denied, do not destroy the records until after any potential appeal is made and resolved.
- **Pending audit or other review** - Pertinent records must be retained if there is a pending state or federal audit that will involve those records. However, if there is no requirement that an audit be done of certain records and if you have not been told of an impending audit, then the applicable records may be discarded once they have reached the end of their retention period. Review by another organization, such as for accreditation review, may also require you to retain records beyond their retention period.
- **Records converted to electronic format** - If you have properly converted paper records to electronic format and have verified the accuracy of their contents, then you may designate the electronic version as the official version.
- **Records not listed in the Records Retention Schedule** - In the case a record is not listed in the Records Retention Schedule, there is no legal requirement that such



RECORDS RETENTION

documents be retained, unless a specific state or federal retention statute applies. If you have reason for concern, you should discuss the applicability of a state or federal retention law with your supervisor, who should consult the agency's legal counsel.

- **Electronic Records** – E-mail messages, like paper records, must be retained and destroyed according to established records retention procedures as set forth by Arkansas and federal law.

Whether the e-mail content serves to document the organization's functions, policies, decisions, procedures, operations or other activities is the deciding factor as to its status as a record. This is true of any communication, whether electronic or paper.

E-mail messages that meet the criteria of the definition of a record may be considered public records and must be available to the public. A record must meet the definition of a public record as defined in the *Arkansas Freedom of Information Act*. As with any format, an e-mail message may be considered a public record, unless it falls under one of the exceptions listed in Ark. Code Ann. § 25-19-105b. All public records must be maintained through the appropriate retention period and be made accessible to the public upon request.

Transmitting such records electronically does not alter the obligation to retain these e-mail records, nor does it alter corresponding retention periods. The content of e-mail messages may vary considerably and, therefore, this content must be evaluated to determine the length of time the message must be retained using the Records Retention Schedule.

E-Mail Use: Employees who use e-mail are responsible for the following:

- Managing e-mail messages the same as they do for other records.
- Organizing their e-mail messages so they can be located and used.
- Using the state retention law to identify how long e-mail messages must be kept.
- Ensuring that e-mail messages are accessible for the duration of applicable state or federal retention schedules.
- Deleting messages in accordance with this policy.

E-Mail Storage: E-mail messages should be organized in a way that makes them easy to find. E-mail may be organized by work project, subject area, case number, or some other retrieval system.



RECORDS RETENTION

Employees that do not have the technical capability to maintain e-mail records for the full retention period in an electronic format should print out a paper copy of their e-mail records.

In order for an e-mail message to be considered a complete record, it is vital that the message header, which contains all the identification lines at the beginning of an e-mail message such as To:, From:, Subject: and Date, be captured and preserved along with the message content itself. Typically, the following header information is captured and permanently recorded (in unaltered state) along with the message:

- The Sender's e-mail name and address
- The Recipient's e-mail name and address
- Names/Addresses of any additional recipients
- Message Subject, as declared by sender
- Date/Time of transmission and receipt

Copy of Record: In most cases where e-mail communication is between a sender and a recipient, the sender's copy is designated as the official version and, therefore, any retention requirements would apply to the official version. All other copies are merely "duplicates" and can be disposed of at will. This does not apply to e-mail received from the public. In that case, the recipient's copy is designated as the official version.



EQUIPMENT, ACCOUNTING AND INVENTORY

Purpose: The purpose of this policy is to establish a centralized inventory location for all ASP inventory, thereby allowing the agency to keep and maintain a record of all ASP property. The Director has designated the Fiscal Section, Asset Management Unit, to ensure compliance with state statutes, rules and regulations governing the accounting and reporting of Arkansas State Police owned property.

New Acquisitions:

All property or equipment that requires property tags, as determined by the Fiscal Section upon order, will be shipped to Central Supply. When property is delivered to Central Supply, the Asset Management Unit is responsible for tagging the asset and distributing the items to the respective areas (i.e. weapons to the armory, vehicles to fleet management, PBTs to Highway Patrol Admin, etc). A Transfer of Equipment Form (ASP 202) or electronic barcode entry should be prepared and keyed in AASIS documenting the transfer.

All equipment and property should be issued/assigned using the Transfer of Equipment Form (ASP 202) or the electronic barcode entry system. Signatures indicate issuance and receipt, and that the property was issued/received in good working order unless otherwise noted. It is the responsibility of the receiving employee to inspect the equipment prior to accepting it and signing.

Purchase/Transfer Acquisitions and Disbursements: When equipment or property is acquired by purchase, transfer to or from another state agency, construction, donation or court award, the Asset Management Unit should be notified prior to receiving or transferring the property, if possible. Copies of all documents supporting the acquisition should be forwarded to the Asset Management Unit as soon as possible but no later than five (5) days of the acquisition.

New Hire/Issue of Equipment: When an employee is hired, all assigned equipment and inventoried items will be issued through the centralized inventory process or through the respective Division. Transfer of Equipment Forms (ASP 202) should be sent to the Asset Management Unit for entry into AASIS.

Transfer of Employee/Equipment: When an employee is transferred within the Division in which they are assigned, all equipment and inventoried items assigned to that employee are to be transferred with the employee. If an employee transfers to another Division, only equipment and supplies, as identified and agreed upon by the Division Commanders, will be transferred with the employee.



EQUIPMENT, ACCOUNTING AND INVENTORY

Lost, Stolen or Damaged Equipment: In the event that Arkansas State Police equipment is lost, stolen or damaged, the employee to whom the equipment was assigned should immediately notify his/her Commander and the designated inventory officer.

The designated inventory officer should complete a Transfer of Equipment Form (ASP 202) for removing the item from the respective inventory. The Inventory Control Officer should also attach a memorandum containing the property tag number, serial number, a description of the property, and a report of the circumstances in which the property was lost, stolen or damaged. The memorandum and ASP 202 should be forwarded to the Asset Management Unit who will obtain approval from the Division Commander and Director prior to obtaining state approval for removal of equipment. Once state approval is obtained, the item will be removed from inventory.

Separation of Employment: When an employee retires or terminates employment with ASP, or is called to active military duty for more than 30 continuous days, all equipment and inventoried items should be brought to Central Supply. The following process should be followed:

- The employee's supervisor, or designee, should call the Asset Management Unit to schedule an appointment for processing all equipment and inventoried items;
- The Asset Management Unit should set up an appointment and notify all involved areas. (i.e. auto shop, armory, division, etc.).
- The Asset Management Unit should prepare a list of all equipment and inventoried items assigned to the individual prior to the scheduled appointment. This list will be sent to the employee and their supervisor to help in preparing for the scheduled appointment.
- Prior to the appointment, the employee is responsible for locating all equipment and inventoried items.
- The employee is responsible for ensuring that all weapons are cleared prior to entering ASP Headquarters.
- The Asset Management Unit should verify all equipment and inventoried items with employee, or designee. Transfer of Equipment Forms (ASP 202) should be prepared, signed and keyed into AASIS.
- The Asset Management Unit should be responsible for notifying the immediate supervisor and the Division Commander of any missing or unaccounted inventoried items.
- The Asset Management Unit should be responsible for distributing the returned items to the respective areas (i.e. weapons to the armory, vehicles to fleet management, policy manuals to Director's Office, employee identification cards to Human Resources, etc). Transfer of Equipment Forms (ASP 202) should be prepared and keyed in AASIS documenting the transfer.



EQUIPMENT, ACCOUNTING AND INVENTORY

Disposition of Surplus Property: Arkansas State Police property that has been determined to be surplus should be disposed of through Marketing and Redistribution Section (M&R), Arkansas Department of Finance and Administration (DFA).

When it is determined that property will no longer be used, the property, Transfer of Equipment (ASP202), and written notices should be sent through the chain of command to the Asset Management Unit. The Asset Management Unit should coordinate the disposal of the equipment with M&R. Following delivery to M&R, the Asset Management Unit should execute the necessary documents to remove the property from the perpetual inventory records.

Annual Equipment Inventory Reconciliation: Each troop/company/section should conduct an annual equipment inventory reconciliation using the perpetual inventory records of the Arkansas State Police. The Asset Management Unit should assign specific time periods within the calendar year for each troop/company/section to conduct an equipment inventory and should provide notification to the Division Commanders.

Each Section should designate an inventory control officer as the primary contact for the completion of its annual equipment inventory reconciliation. The Asset Management Unit will provide the inventory control officer a copy of the perpetual inventory for his/her troop/company/section at least 30 days prior to the annual equipment inventory reconciliation.

Using the perpetual inventory records, the inventory control officer should account for each listed item of equipment. The inventory control officer should provide documentation of any transfers or return of equipment no longer assigned to the troop/company/section but that is still listed on the perpetual inventory record. For equipment items that are not sighted and which have not been transferred, the inventory control officer should determine the disposition of the equipment. The inventory control officer should provide a final inventory report through the chain of command to the Division Commander. The Division Commander should forward a copy of the final inventory report to the Asset Management Unit.

In addition to the above inventory audit process, the Asset Management Unit should conduct annual, on-site audits of each troop/section/company. At the conclusion of the inventory audit process conducted by the Asset Management Unit, there will be an exit conference with effected personnel, including the troop/company/section commander to discuss any deficiencies, etc. The Asset Management Unit should prepare a written report to the Director after each inventory audit.



PURCHASING

General Guidelines: The Arkansas State Police will administer all purchasing in accordance with the applicable Arkansas law, Governor's directives, and DFA rules and regulations.

ASP purchasing officials are encouraged to become familiar with the administration of the purchasing laws and regulations of the State of Arkansas and to seek clarification and instruction from the Office of State Procurement when questions arise. Law and regulations may be accessed at:

<https://www.state.ar.us/dfa/procurement/documents/procurementlaw.pdf>

Authority to Approve Purchases: Authority to approve purchases for the Arkansas State Police is delegated by the Director to the Deputy Director.

Purchases: Purchases should be initiated using an ASP 84. If applicable an ASP 31 sole source narrative, Contract Grant, Disclosure and Certification form (F-1 and F-2), or emergency purchase justification may be necessary. The forms should be approved through the chain of command to the Division Commander or his/her designee. After approved, the forms should be forwarded to the fiscal Section for processing.

Personnel who authorize and approve purchases and invoices, by their approval, indicate they have read and understand the terms and conditions of the transaction, the transaction is authorized by Arkansas law and this policy, and they have reviewed all documents relative to the transaction and found them to be correct and accurate.

Credit Card Purchases Generally: Unless specifically directed otherwise by the Deputy Director, Commanders are authorized to issue procedures describing the types of repairs and services that may be purchased and/or setting specific dollar limits for purchases using the ASP-issued credit cards.

Only those items authorized for purchase by the Deputy Director or local Commander should be purchased using the credit cards. Employees should not use the ASP credit card to purchase personal items, foodstuffs or obtain cash advances. Personnel who abuse the privilege of the ASP-issued credit cards may be subject to disciplinary action.

Gas Credit Card: The Arkansas State Police issues credit cards to employees for the purchase of gasoline, oil, and minor repairs or services for the operation of ASP motor vehicles for official business purposes. Employees who use ASP-issued gas credit cards should: (1) purchase regular unleaded fuel or diesel only; (2) purchase from self-service pumps only; (3) include the following items on the credit card receipt: (a) signature of purchaser; (b) vehicle fleet number and mileage; and (c) description of product, cost per unit and total cost; (4) the employee signing



PURCHASING

the receipt is responsible for assuring that all charges are correct; and (5) the employee using the credit card is responsible for submission of the credit card receipt with the monthly vehicle report.

Purchasing or Travel Card: The Office of State Procurement issues purchasing and travel credit cards to employees for certain purchases and travel. Employees should direct any questions concerning these cards to their immediate supervisor, or access Office of State Procurement regulations at:

<https://www.state.ar.us/dfa/procurement/documents/procurementlaw.pdf>



RELOCATION EXPENSE REIMBURSEMENT

The Arkansas State Police may reimburse employees for moving expenses resulting from promotions and transfers provided the expenses are authorized and approved by the Director prior to the move. Moving expenses incurred as the result of a disciplinary transfer should be considered as part of the punishment and payable by the employee unless payment is specifically approved by the Director. Reimbursement, if approved, should comply with Office of Financial Management guidelines.

Employees should direct any questions concerning allowable expenses to their immediate supervisor, or access Office of Financial Management guidelines at:

http://www.arkansas.gov/dfa/accounting/guide/financial_management_guide.doc



TRAVEL AND REIMBURSEMENT

Travel Expense Reimbursement: All claims for travel expense reimbursements should be directed to the fiscal Section and filed with the original expense documents, using the Travel Expense Reimbursement Form (TR-1) accompanied by Travel Reimbursement Claim Form (ASP 9). The claim should be routed through the chain of command and have the signature of the traveler's supervisor.

Meals and Lodging (Hotel Room): The maximum daily allowance for meals and lodging will be limited to the federal per-diem rate as prescribed by the federal travel directory. The fiscal Section should utilize the current federal travel directory which outlines the federal per-diem rates which may be accessed at <http://www.gsa.gov>. See Ark. Code Ann. § 19-4-903.

Per Diem: Even though the TR-1 form includes a column headed "Per Diem"; there is no provision for "Per Diem" reimbursement within the travel policies of the state of Arkansas. Employees should not use this column when filing for travel expense reimbursement.

State Travel Card or Direct Billing: A Travel Reimbursement Claim Form (ASP 9) and Travel Expense Reconciliation Form (ASP 15) are required in order to process payment of state travel card expenses.



LEAVE AND COMPENSATION

- I. General:** All Arkansas State Police employees are subject to the Arkansas Uniform Attendance and Leave Policy Act, Ark. Code Ann. § 21-4-201 *et seq.* The Arkansas Department of Finance and Administration Office of Personnel Management (OPM), has been assigned the overall responsibility of administering the State's personnel system and has established necessary policies, procedures and regulations to ensure statewide system uniformity. The policies, procedures and regulations of OPM governing attendance and leave are controlling over the Arkansas State Police as set forth hereinafter. When there is a conflict between this policy and State law or regulations, the State law or regulations will take precedence.
- II. Annual Leave:** An ASP employee who works a minimum of 1,000 hours per year in a regular salary position shall accrue annual leave. Full-time employees accrue leave at the rates shown in the table listed below. Employees who work less than full-time but more than 1,000 hours per year accrue annual leave in the same proportion as time worked. For example, employees who work half time would receive half of the annual leave accrual shown on the timetable.

Years Of Employment	Monthly	Annually
Through 3 years (1 through 36 months)	1 Day (8 hours)	12 Days
4 through 5 years (37 through 60 months)	1 Day 2 Hours (10 hours)	15 Days
6 through 12 years (61 through 144 months)	1 Day 4 Hours (12 hours)	18 Days
13 through 20 years (145 through 240 months)	1 Day 6 Hours (14 hours)	21 Days
Over 20 Years (241+ months)	1 Day 7 Hours (15 hours)	22.5 Days

- A. Employees must have completed full years of employment before movement to the next higher accrual rate. Accrual rates will change on the first day of the month following eligibility for the next higher accrual rate.
- B. All annual leave is cumulative; however, no employee shall have over thirty (30) days accumulated on December 31 of each year. Accrued leave may exceed thirty (30) days during the calendar year, but those days in excess of thirty (30) will be forfeited if not used by December 31 of each year. Employees who have a balance of over thirty (30) days at the end of the calendar year may donate their time in excess of thirty (30) days to the OPM Catastrophic Leave Bank. Accrued birthday and holiday leave balances are not forfeited at the end of the calendar year, even though the employee has over thirty (30) days of accumulated leave.



LEAVE AND COMPENSATION

- C. Years of employment may be continuous state employment or an accumulation of years of service when the employee was out of state service for a time.
- D. An employee does not earn annual leave when he/she is on leave without pay (LWOP) for ten (10) or more cumulative days within a calendar month.
- E. Annual leave is granted based on workdays, not calendar days. Non-work days, such as holidays and regular days off (RDO), are not charged as annual leave.
- F. Annual leave must be earned before it can be used. For accrual purposes only, employees will accrue half their monthly accrual of annual leave if employed on the first working day of the month and work through the 15th of that month. This leave is not available until the end of the month. Employees will accrue half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. If the 16th falls on a weekend, holiday, or non-scheduled workday, accrual begins on the first working day thereafter.
- G. Employees will not borrow from anticipated future accruals, nor may an employee use or borrow annual leave accrued by other employees.
- H. The minimum annual leave amount an employee can use is fifteen (15) minutes. No smaller amounts shall be authorized or used.
- I. Employees continue to earn annual leave at their normal accrual rate when in pay status.
- J. Compensatory time may be used before the use of annual leave.
- K. Employees transferring without a break in service between state agencies and/or state-supported institutions of higher education, which are covered by these policies, shall retain all accumulated annual leave.
- L. When an employee terminates employment with the state, they are eligible to receive a payout of their annual, birthday, and holiday leave balances; however, the payout may not exceed thirty (30) days or 240 hours.
- M. An employee may request to use accrued annual leave at any time. The Director, or the Director's designee, may grant the leave request at such time that least interferes



LEAVE AND COMPENSATION

with the efficient operation of the ASP. Employees requesting annual leave shall make the request to their supervisor and are encouraged to submit their request as early as possible. Employees and supervisors should review leave balances prior to requesting and approving leave to ensure that the requested leave time is available. ASP must maintain adequate staffing at all times, thus multiple requests for leave will be addressed on a case-by-case basis.

III. Sick Leave: Any employee who works a minimum of 1,000 hours per year in a regular salary position shall accrue sick leave. Employees who work less than full-time, but more than 1,000 hours per year, accrue sick leave in the same proportion as time worked.

- A. Employees accrue sick leave at the rate of one (1) day for each month of completed service; however, no employee shall have over 120 days (960 hours) of accumulated sick leave on December 31 of each year. Accrued sick leave may exceed 120 days during the calendar year, but those days in excess of 120 days will be forfeited if not used by December 31 of each year. Employees who have a balance in excess of 120 days of sick leave at the end of the calendar year may donate the excess leave to the OPM Catastrophic Leave Bank.
- B. Sick leave accrued during the calendar month is not considered earned by an active employee until the last working day of the month; the leave must be earned before it can be used. For accrual purposes only, employees will accrue half their monthly accrual of sick leave if employed on the first working day of the month and work through the 15th of that month. This leave is not available until the end of the month. Employees will accrue half their monthly accrual if employed on the 16th of the month and work through the last working day of that month. If the 16th falls on a weekend, holiday, or non-scheduled workday, accrual begins on the first working day thereafter. Employees will not borrow from anticipated future accruals, nor may an employee use or borrow sick leave accrued by other employees.
- C. Employees continue to earn sick leave at the normal accrual rate when in pay status. An employee may not earn sick leave when he/she is on leave without pay for ten (10) or more cumulative days within a calendar month.
- D. Sick leave is granted based on workdays, not calendar days. Non-work days, such as holidays and regular days off (RDO), are not charged as sick leave.



LEAVE AND COMPENSATION

- E. The minimum sick leave amount an employee can use is fifteen (15) minutes. No smaller amount shall be authorized or used.
- F. Sick leave may be used for the following purposes only:
 - 1. When the employee is unable to work because of sickness, injury or for medical, dental or optical treatment.
 - 2. Death or serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparents, grandchild, in-laws, or any individual acting as a parent or guardian of an employee.
- G. The use of sick leave is contingent upon the occurrence of one of the events listed above. If the event never occurs, the employee is not entitled to the sick leave benefits.
- H. Requests to use sick leave for purposes of medical, dental or optical examinations, hospital stays, funerals, etc. should be made in advance.
- I. Absent unforeseen circumstances, notification of absence due to illness or injury should be given to a supervisor prior to the beginning of the scheduled shift. Application for sick leave shall be filed within two (2) days after the employee's return to work by submitting a leave request in EASE to the employee's supervisor unless exigent circumstances exist.
- J. Absences due to sick leave, except in the case of maternity leave, should be charged in the following order: (1) earned sick leave; (2) earned annual leave; (3) catastrophic leave; (4) leave without pay. If the employee does not qualify for catastrophic leave, and wishes to request LWOP the employee shall make a formal request for leave without pay (See **Leave Without Pay** below) and must comply with the agency's leave without pay policy. With approval from a supervisor, an employee may also use other accrued leave (i.e. comp time, banked holiday, etc.) in lieu of sick leave.
- K. Employees using sick leave for a non-qualifying Family Medical Leave Act (FMLA) event, must furnish a certificate of illness from an attending physician for the use of five (5) or more consecutive days of sick leave. ASP may require an employee to furnish a certificate from an attending physician for any use of sick leave if the



LEAVE AND COMPENSATION

department reasonably suspects that an employee is abusing the use of sick leave. A certificate from a Christian Science practitioner listed in the Christian Science Journal may be submitted in lieu of a physician's certificate.

- L. Employees are not entitled to payment for accrued and unused sick leave when they terminate their employment except as follows:

Upon retirement or death, any employee (or beneficiary of an employee) shall receive compensation for accumulated unused sick leave in accordance with State Personnel Policy. The State Personnel Policy can be found on the Department of Finance and Administration website at the following link: <https://www.dfa.arkansas.gov/personnel-management/state-personnel-policy>.

- M. Upon retirement or death, if the balance of the employee's sick leave does not reach the criteria needed for a sick leave payout, the employee (or their beneficiary) may donate the remaining sick leave to the OPM Catastrophic Leave Bank. When an employee receives a payout for unused sick leave upon retirement or death, the hours used to calculate the maximum payout of \$7,500 cannot be donated to the OPM Catastrophic Leave Bank. However, once the calculation of the number of accrued hours needed to receive a full payout of \$7,500 is completed, any remaining hours may be donated to the OPM Catastrophic Leave Bank.
- N. Accrued sick leave will be restored to an employee's credit if the employee returns to state employment within six (6) months of termination. This provision shall apply only if the employee was terminated due to budgetary reasons or curtailment of work activities.
- O. If an employee fails to make proper notification for use of sick leave as provided herein, such absences shall be charged to annual leave or leave without pay. Such determination shall be made at the discretion of the Director or his/her designee.

IV. Holidays and Employee's Birthday: Employees shall be granted time off to observe the following regularly scheduled legal holidays:

New Year's Day	January 1
Dr. Martin Luther King Jr.'s Birthday	3 rd Monday in January



LEAVE AND COMPENSATION

George Washington's Birthday & Daisy Gatson Bates Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Christmas Eve	December 24
Christmas Day	December 25
Employee's Birthday	Employee's Choice

- A. The Governor may issue an Executive Proclamation and proclaim additional days as holidays in observance of special events or for other reasons.
- B. All state offices will be closed on the above legal holidays with the exception of employee's birthday. However, these closings do not apply to state offices and employees who are essential to the preservation and protection of the public peace, health, and safety. ASP employees may be required to work on holidays. Days off in lieu of holidays worked may be taken at a time approved by the employee's supervisor. Such time off is to be taken as soon as practicable.
- C. State offices located in Pulaski County shall remain open when a legal holiday occurs during a general or special session of the legislature, with the exception of Martin Luther King, Jr. Day. These offices shall maintain the minimum number of employees required to conduct state business. However, these offices may be permitted to close by Resolution of the General Assembly.
- D. Employees may select a day other than his/her actual birthday to use the accrued birthday leave. Time off shall be taken at a time approved by the supervisor. All regular salaried and extra help employees are eligible to receive holiday or birthday pay only if they are in pay status for at least fifteen (15) minutes on their last scheduled work day before the holiday or birthday and at least fifteen (15) minutes on the first scheduled work day after the holiday or birthday. An employee on a leave of absence without pay is not in a pay status and is not eligible to receive holiday pay.
- E. When a holiday occurs while an employee is on annual or sick leave, that day will be considered a holiday and will not be charged against any other accrued leave type.



LEAVE AND COMPENSATION

- F. When a holiday or birthday occurs on an employee's regularly scheduled day off, the employee will be given equivalent time off.
 - G. Employees who work less than full-time may take the holiday or birthday at a rate proportionately equal to their time worked. For example, if an employee works half time, a holiday or birthday would be granted equivalent to four (4) hours.
 - H. Holidays that occur on a Saturday will be observed on the preceding Friday. Holidays which occur on a Sunday will be observed on the following Monday.
 - I. The minimum holiday leave amount an employee can use is fifteen (15) minutes. No smaller amount shall be authorized or used.
- V. Compensatory Time:** See the Fair Labor Standards Act ([GEN SEC 18](#)) policy.
- VI. Catastrophic Leave:** The Department of Finance and Administration, Office of Personnel Management (OPM) administers the Catastrophic Leave program. Employees applying for Catastrophic Leave should contact the Benefits Section in the Administrative Services Division for instructions. Employees will be responsible for completing the appropriate forms and returning them to the Benefits Section for review and processing.
- A. The Catastrophic Leave policy, OPM Policy Number 47, can be found at the below link: <https://www.dfa.arkansas.gov/personnel-management/state-personnel-policy>.
 - B. Forms for Catastrophic Leave can be found at the below link: <https://www.dfa.arkansas.gov/personnel-management/personnel-management-forms-and-reporting/>
- VII. Maternity Leave:** Maternity leave is to be treated as any other leave for sickness or disability; however, the employee may elect to take unpaid leave of absence without exhausting accumulated annual and sick leave.
- A. Maternity leave is covered by the FMLA. See FMLA Policy ([GEN SEC 21](#)) for further information with regard to maternity leave.
 - B. If an employee is eligible for both catastrophic leave for maternity purposes and FMLA for maternity purposes, the two shall run concurrently.



LEAVE AND COMPENSATION

- C. An employee may request catastrophic leave to receive paid maternity leave. (See OPM Policy Number 47 at <https://www.dfa.arkansas.gov/personnel-management/state-personnel-policy> for more information.)

VIII. Leave Without Pay: Leave without pay is not acceptable under normal circumstances. It is incumbent upon each employee to manage his/her leave in such a manner that an employee will have adequate annual or sick leave available when a need arises. However, it is recognized that situations could arise where LWOP may be necessary. A memorandum requesting LWOP shall be submitted prior to leave, except in unforeseen circumstances. The memorandum shall be routed through the chain of command to the Director, or in his/her absence, to the Deputy Director of Administrative Operations, for review and approval/denial. If prior approval cannot be obtained from the Director or Deputy Director of Administrative Operations due to unforeseen circumstances, a memorandum from the employee to the Director must be submitted through the chain of command as soon as practical explaining the reason for the delay and requesting approval for LWOP. Upon review and approval/denial by the Director or Deputy Director of Administrative Operations, the memorandum will be forwarded to the Administrative Services Division. The Administrative Services Division is required to keep the official record for documentation related to LWOP requests. Violations of this policy by the supervisor and/or employee may result in disciplinary action.

- A. Employees may not take LWOP until all their leave has been exhausted, except in the following circumstances:
1. Maternity leave;
 2. Inclement weather as designated by state policy;
 3. Active duty military leave;
 4. Budget reductions as determined by the Director; and
 5. Agency disciplinary actions. In the case of disciplinary actions, the agency may place an employee in disciplinary LWOP status in accordance with the agency's written policies.
- B. The Director or Deputy Director of Administrative Operations may grant continuous LWOP. Any such period shall not exceed six (6) continuous months. Each request for LWOP, as authorized by A.C.A. § 21-4-210, is to be considered on a case-by-case basis. Upon expiration of any 6-month period of LWOP, additional extensions, up to



LEAVE AND COMPENSATION

six (6) months each may be requested by the employee if an updated justification with appropriate documentation is provided.

IX. Undue Hardship LWOP Process: Approval or disapproval of requests for LWOP as an accommodation should be determined based upon impact on the agency's operation and mission and whether approval would create an undue hardship on the agency.

- A. "Undue hardship" is defined as "an action requiring significant difficulty or expense" when considered in relationship to a number of factors. These factors may include, but are not limited to, the nature of the position occupied by the employee and cost of the request in relation to the size, resources, nature and structure of the agency's operation and mission. Whether or not an accommodation request would create an undue hardship focuses on the resources and circumstances of the department in relationship to the cost or difficulty of providing a specific leave request. Undue hardship refers not only to financial difficulty, but also to requests that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature of operation of the agency.
- B. The Director may declare an undue hardship where a leave request accommodation would be unduly disruptive to the ability of other employees to work efficiently. For example, if granting leave would prevent other employees from doing their jobs, then the significant disruption to the operations of the agency constitutes an undue hardship. In some situations, an employee may not be able to provide an approximate date of return because treatment and recuperation do not always permit exact timetables. If the agency is able to show that the lack of a fixed return date imposes an undue hardship, then it can deny the leave. An undue hardship could result if the agency can neither plan for the employee's return nor permanently fill the position. In other situations, the agency may be able to be flexible.

X. Insurance Continuation During LWOP

- A. **All ASP Employees – LWOP related to a Workers Comp Injury:** The Employee Benefits Division (EBD) will not require employees on LWOP for work-related injuries to pay the state matching for health insurance. Therefore, the ASP will also follow this with respect to the ASP Health Plan.



LEAVE AND COMPENSATION

- B. EBD participants should refer to their Summary of Plan Description or contact the Administrative Services Division, Human Resources Section, for important and time sensitive information regarding premiums during periods of LWOP.
- C. ***Uniformed Employees:***
1. Employees may continue to participate in agency group insurance programs during a period of non-military LWOP. Employees who choose this option must pay the total cost of coverage. For payment information, contact the Administrative Services Division, Human Resources Section. It is the employee's responsibility to ensure payment for all insurance premiums while on LWOP.
 2. Employees on a leave of absence due to military leave may elect to continue health insurance coverage for themselves, their covered spouse, and/or dependents. ASP will continue to pay the health insurance premium during the period of military leave. Employees who choose this option must complete a Military Leave Selection Form. Please contact the Administrative Services Division, Benefits Section, for more information and to obtain a copy of the form. It is the employee's responsibility to ensure payment for all other insurance, including voluntary insurance, while on LWOP. Upon the employee's return to active employment with ASP, coverage will be reinstated for the employee with no break in service.
 3. Please note: Failure to remit insurance premium payments while on LWOP may result in the employee or dependent's insurance being cancelled. Should this occur, an employee/dependent would be eligible for re-enrollment into the Plan within thirty (30) days following the employee's return to active employment. Coverage would be reinstated effective the date the employee returns to active employment, provided payment for any outstanding debt has been paid in full (where applicable).
 4. For more information regarding this policy, employees may refer to the Commissioned Employee Health Plan & Summary Description document available online at <http://asp.arkansas.gov/publications> or may contact an insurance representative in the Administrative Services Division, Benefits Section.



LEAVE AND COMPENSATION

- D. ***Non-uniformed Employees taking FMLA, LWOP, or Worker's Compensation:*** Employees who take leave without pay for **FMLA, LWOP, or Worker's Compensation** will receive a LWOP packet from EBD. The packet will provide the essential information needed to maintain coverage including 1) LWOP Notification, 2) LWOP Election Form, and 3) a Table of Important Dates Schedule that includes the payment schedule for insurance premiums.

1. Employees have two (2) options:
 - a. Option 1 – To continue coverage, employees must sign and return a LWOP Election form by the election due date specified in the packet received from EBD. Employees who select this option will remit insurance premium payments directly to EBD in accordance with the Table of Important Dates schedule for LWOP. All required forms will be mailed to the employee's home address from EBD.
 - b. Option 2 – To discontinue coverage, employees will need to contact EBD at 877-815-1017. If this option is chosen, employees will be eligible to re-enroll within thirty (30) days following return to active employment. Employees must complete the Election Form within this 30-day period. The new coverage will become effective the first day of the month, following the date of application.
2. Important Note: Employees have a responsibility to contact EBD when taking LWOP. Employees may refer to the [EBD Summary Plan Description](#) for detailed information or may contact an insurance representative in the Administrative Services Division, Human Resources Section.

- E. ***Non-uniformed Employees taking Military Leave:*** Employees who take leave without pay for **Military Leave** will receive a LWOP packet from EBD. The packet will provide the essential information needed to maintain coverage including 1) LWOP Notification, 2) LWOP Election Form, and 3) a Table of Important Dates that includes the payment schedule for LWOP premiums.

1. Employees have two (2) options:



LEAVE AND COMPENSATION

- a. Option 1 – To continue coverage, employees must sign and return a LWOP Election form by the election due date specified in the packet received from EBD. Employees who select this option will remit premium payments directly to EBD in accordance with the Table of Important Dates schedule for LWOP. All required forms will be mailed to the employee's home address from EBD.
 - b. Option 2 – To discontinue coverage, employees will need to contact EBD at 877-815-1017. If this option is chosen, employees will be eligible to re-enroll within 120 days following return to active employment. Employees must complete the Election Form within this 120-day period. The new coverage would become effective the first day of the month, following the date of application.
2. Whichever option is chosen, the employee must submit a copy of the military deployment orders to the insurance representative in the Administrative Services Division, Human Resources Section.
 3. If a member has chosen to continue coverage while on LWOP, coverage may be terminated by EBD for non-payment of premiums while in a LWOP status.
 4. Please Note: Failure to submit a LWOP Election form to continue coverage while on LWOP may result in the employee and dependent's coverage being terminated. Employees will be eligible for re-enrollment in the Plan should this occur. For non-military LWOP, employees must enroll within 30 days following the employee's return to active employment and payment in full of any outstanding debt. Employees will be reinstated in the Plan effective the first of the month following the application date.
 5. For reinstatement following Military LWOP, employees will be eligible to re-enroll within one hundred twenty (120) days following the return to active employment. Employees must complete the application within the 120-day period for the new coverage to be effective the first day of the month following the application date. Employees will still be responsible for any outstanding premium debt, if any.



LEAVE AND COMPENSATION

XI. LWOP Reinstatement: Employees will be reinstated with full rights at the end of the period of LWOP. An employee who is on LWOP and returns within the required six (6) months continues to earn credited service toward the next rate in the leave accrual schedule just as the employee who had never gone on LWOP. A returning employee's leave accrual rate will not be affected by periods of LWOP, nor will the time of entitlement to a change in leave accrual rate be adjusted because of LWOP. If the position the employee left is no longer available due to a budgetary reduction in staff, the employee will have no options and cannot be reinstated.

- A. The employee's Increase Eligibility Date will not change. Employees on extended leave will receive their merit increase on their merit increase eligibility date if they are in an active pay status. Employees not in an active pay status will receive their merit increase upon their return to active pay status.
- B. Employees may be dismissed if they fail to report to work promptly at the expiration of the period of LWOP. However, the agency may accept satisfactory reasons provided by the employee in advance of the date to return to work and may extend the LWOP period accordingly.

XII. Court and Jury Leave: An ASP employee subpoenaed as a juror or witness to give a deposition or testimony in court, a hearing, or before any entity with the power to issue a subpoena, shall be entitled to receive normal and full compensation in addition to any fees paid for such services, unless serving as an expert witness outside the scope of state employment, or the employee is a party. The ASP employee shall provide reasonable notice to the ASP of the required proceedings.

- A. Such services or necessary appearances in any court shall not be counted as annual leave unless the matter is outside the scope of state employment and the employee is serving as an expert witness or is a party to the matter. (See OPM [Policy #58](#), Serving as a Juror or Witness, for additional information.)
- B. Employees who work night shifts and are required to serve in court during the day for matters unrelated to his/her duties with the ASP (example: jury duty) shall be allowed to take court and jury leave on the night shift of the day on which they served. This requirement does not apply with regard to any employee who is required to attend court trials or hearings arising out of his/her employment. In such cases, the employee's time



LEAVE AND COMPENSATION

spent in court shall be treated as regular work time and may be subject to schedule adjustments as necessary to meet the ASP's workforce requirements.

XIII. Inclement Weather: ASP does not close its offices because of hazardous driving conditions. However, the obligation to provide services to the citizens of the state must be balanced with the risk of danger to ASP employees. Therefore, ASP will implement the following guidelines during periods of inclement weather in accordance with Governor's Policy Directive (GPD) #7 and with [OPM Inclement Weather Policy #53](#).

A. In the Little Rock Metropolitan area:

1. In the event of early morning severe inclement weather conditions, the Governor's Office will determine whether this inclement weather policy will be placed into effect and will announce its implementation before 6:30 a.m., if possible. The announcement will include the affected counties.
2. On days declared to be covered by the inclement weather policy, all employees should be at their workstations by 10:00 a.m. or the designated time. Employees arriving by 10:00 a.m. or the designated time will be given credit for a full day's attendance. Employees arriving after 10:00 a.m. or the designated time will be charged the full amount of time involved in the tardiness, and employees not coming to work at all will be charged a full day's absence.
3. When severe inclement weather occurs during office hours, the Director and agency Administrators will have the discretion to allow employees to leave work early for safety reasons. Decisions to allow employees to leave work early, however, should recognize the requirement to maintain designated critical personnel and assure service delivery to the citizens for the full work day. Employees who were on the job, and who were allowed to leave early, will not be charged leave for that time.
4. The Director and agency Administrators shall designate critical personnel who will be required to reach their workstations by the time of regular office opening, regardless of weather related conditions to assure that offices are open to the public and services are provided. Prior designation will allow critical



LEAVE AND COMPENSATION

personnel to prepare for weather conditions, and if need be, provide alternative methods of getting to work.

B. In the area outside of Little Rock metropolitan area:

1. The Director or Director's designee will determine when the inclement weather policy is implemented based on weather conditions in different parts of the state. If the Director or Director's designee chooses to delegate this authority to the field supervisor, such delegation should be made immediately and communicated to the employees under the supervisor. Local media shall be used to notify employees of policy implementation by 6:30 a.m., if possible. Where this approach is not possible, employees should be instructed to contact their supervisor when bad weather exists.
2. When the inclement weather policy is implemented in an area outside the Little Rock metropolitan area, the attendance provisions applicable to employees in the Little Rock metropolitan area will be applied to employees in the affected area.

C. Twenty-four hour and seven-day facilities:

During inclement weather, ASP employees who are required to remain on duty until they are relieved may be reimbursed for any additional expenses incurred by their obligation to remain at their duty station. Expenses that could be reimbursed include, but are not limited to, childcare, transportation and meals. Proper documentation must be submitted and approval granted by an appropriate supervisor as outlined in the Travel Reimbursement policy ([GEN SEC 16](#)).

- XIV. Military Leave and Re-Employment of Veterans:** The policy of the ASP with respect to treatment of military leave and re-employment of returning veterans of active service in branches of the U.S. Armed Forces shall comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable Arkansas statutes. To ensure uniform application of veteran reemployment rights, refer questions pertaining to these policy statements in writing to the Administrative Services Division, Human Resources Section. To the extent that any provision of this policy is in conflict with the applicable federal and state statutes, the statutes shall take precedence.



LEAVE AND COMPENSATION

- A. Military leave may only be used by active members of the U.S. Armed Forces, which include the United States Marine Corp, United States Army, United States Navy, United States Air Force, Arkansas National Guard, and all reserve branches of the armed forces. There are 5 types of military leave available to state employees:
1. Called to regular active duty;
 2. Annual training, including drill;
 3. Called to duty in emergency situations;
 4. Called to duty for specialized training; and
 5. Treatment for a service-connected disability.

- B. Regular Active Duty: A regular, full-time employee who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service shall be placed on extended military leave without pay.

All unused sick leave at the time of military leave will be reinstated at the time the employee returns. All accrued, unused annual leave at the time of military leave will be reinstated at the time the employee returns to state employment unless the employee requested and received a lump-sum payment for the accrued, unused annual leave when placed on the extended military leave.

- C. Annual Training: Employees participating in military training programs made available by the National Guard or any of the reserve branches, or the U.S. Public Health Service training program, shall be entitled to a leave of absence for a period of fifteen (15) days plus necessary travel time for *annual* training requirements, including drill requirements, or other duties performed in an official duty status in any one calendar year. To the extent this leave is not used in a calendar year, it will accumulate for use in the succeeding calendar year until it totals fifteen (15) days at the beginning of the calendar year. An employee who requests military leave shall furnish a copy of his or her orders for his or her personnel file.
1. Whenever an employee of a political subdivision is granted military leave for a period of fifteen (15) days per calendar year or fiscal year, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of military leave days available in any one calendar year or fiscal year to be thirty (30) days.



LEAVE AND COMPENSATION

2. The period of military service shall, for purposes of computations to determine whether such person may be entitled to retirement benefits, be deemed continuous service and the employee shall not be required to make contributions to any retirement fund. The state agency or political subdivision shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.
 3. When an employee is granted a leave of absence under this, he or she shall be entitled to his or her regular salary during the time he or she is away from his or her duties during such leave of absence. This leave of absence shall be in addition to the regular annual leave accrued by the employee. During a leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and disability insurance benefits, and any other rights, privileges, and benefits to which they have become entitled.
- D. Emergency Situations: Regular, full-time state agency employees who are called to active duty in emergency situations (and in situations covered by 10 U.S. Code §12304) as declared by the Governor or President shall be granted leave with pay not to exceed thirty (30) working days. Periods beyond the 30-day limit may be charged as annual leave at the employee's option and, if necessary, as leave without pay.
1. Emergency situations means any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger; threats to the public health or security; or threats to the maintenance of law and order.
 2. The reinstated employee will not lose any seniority rights with respect to leave accrual rates, salary increases, Reduction in Force policies, or other benefits and privileges of employment. The period of military service, for purposes of computations to determine whether such persons may be entitled to retirement benefits, should be deemed continuous service and the employee shall not be required to make any contributions to any state supported retirement fund. To receive service credit for retirement purposes, a copy of the employee's DD214 must be submitted to the appropriate retirement system. The retirement system will notify the appropriate agency to remit the employer's contributions to update the employee's account.



LEAVE AND COMPENSATION

3. To be eligible for emergency active military duty paid leave, the employee must be actively employed by the state and submit a copy of military orders for each emergency deployment. Military leave for emergency active duty situations is granted in addition to annual military leave for training purposes and annual leave.
- E. Specialized Training: An employee who volunteers or is ordered to duty for special training is placed on leave without pay for the period of training unless the employee elects to use accrued annual leave. This training is considered sporadic and separate from the required annual training. This leave without pay is given in addition to the paid leave for annual military training. The employee retains eligibility rights including accumulated annual leave (unless the above option has been exercised) and any sick leave not used at the time the employee begins the training. The employee does not accumulate annual or sick leave during a leave without pay period, and the annual leave accrual rate will be calculated as though there had been no period of absence.
- F. Service-Connected Disability: All state agency employees who have been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability and have been scheduled to be reexamined or treated for the disability shall be entitled to a leave of absence with pay.
 1. The employee shall be entitled to his or her regular salary during the time the employee is away from his or her duties during the leave of absence. The leave with pay may not exceed six (6) days for the purpose specified during any one calendar year. The leave of absence shall be in addition to the regular annual leave and sick leave allowed to the employee.
 2. During the leave of absence, the employee shall be entitled to preserve:
 - a. All seniority rights, efficiency or performance ratings, promotional status, retirement privileges, and life and disability insurance benefits; and
 - b. Any other rights, privileges, and benefits to which he/she has become entitled.
 3. For computation purposes, to determine whether the employee may be entitled to retirement benefits, the period of the leave of absence shall be deemed



LEAVE AND COMPENSATION

continuous service. The state agency shall continue to contribute its portion of any life or disability insurance premiums during the leave of absences on behalf of the employee, if requested, so that continuous coverage may be maintained.

G. **Reinstatement:** When the employee is released from active duty, the employee shall be reinstated to the position vacated or an equivalent position for which the employee is qualified. Military release orders, a DD214 Form (or NGB 22 Form), and a reinstatement request memorandum are required before returning to work.

1. Employees performing active military service for less than thirty-one (31) days must report for reemployment on the first regularly scheduled workday on the first full day after release from military service taking into account safe travel home plus an 8-hour rest period. Those serving more than thirty (30) days, but less than one hundred eighty-one (181) days must apply for reemployment within fourteen (14) days after discharge. Those serving more than one hundred eighty (180) days must apply for reemployment within ninety (90) days after release from military service.
2. The employee shall not lose any seniority rights or any of the other benefits and privileges of employment.
3. Former employees returning to State service after military service, but who extended their enlistment or re-enlisted for additional military service beyond the initial period for more than a period of five (5) years will lose all re-instatement rights and will be considered a rehire. Military service time may be extended beyond the 5-year period for reasons stated in 38 U.S. Code § 4312(c).

XV. Surrender of Applicable ASP Equipment: Officers/Employees called to active duty for thirty (30) or more continuous days will turn in state-issued equipment, in accordance with the Equipment, Accounting, and Inventory Policy ([GEN SEC 13](#)).

Officers/Employees on military leave from the department are not active employees of the department and are prohibited from taking any official law enforcement actions as an employee of this department.

XVI. Other Types of Leave: In addition to the leave types discussed in this policy, ASP also complies with the DFA [OPM Policy](#) on Attendance and Leave to include, but not limited to,



LEAVE AND COMPENSATION

the following types of leave (see <https://www.dfa.arkansas.gov/personnel-management/state-personnel-policy>):

- A. Child Educational Activity Leave (OPM Policy Number 48)
- B. Emergency Leave, Disaster Service Volunteer Leave, and Emergency and Rescue Service Leave (OPM Policy Number 50)
- C. Bone Marrow Donor or Organ Donation Leave (OPM Policy Number 46)
- D. Worker's Compensation (OPM Policy Number 60)

Contact the Administrative Services Division, Human Resources Section for more information.



FAIR LABOR STANDARDS ACT (FLSA)

Purpose: The Arkansas State Police (ASP) will ensure compliance with the Fair Labor Standards Act (FLSA) and provide guidelines to all agency personnel. This policy will explain applicable provisions of the FLSA and institute procedures for the proper accounting of compensatory (comp) time earned by employees who are covered by the FLSA. Effective October 16, 2011, the agency designated a regular 40-hour work period for all non-exempt employees.

All employment positions within the ASP shall be classified as exempt or non-exempt. Supervisors of non-exempt employees should attempt to hold employees accountable to their established work schedule unless additional hours are necessary to facilitate the operations of the ASP. Additional hours should be pre-approved by the employee's supervisor, when possible.

Definitions and Explanations:

Exempt Employees: Exempt employees, whose positions meet specific tests established by the FLSA and state law, are exempt from certain overtime requirements. Exempt employees are generally considered to be salaried. Employees are considered to be paid on a salaried basis if they regularly receive, each pay period, a pre-determined amount, constituting all or part of their compensation, which is not subject to reduction because of variation in the quality or quantity of work performed. Exempt employees must receive a full salary for any week in which work was performed, without regard to the number of days or hours worked, unless certain exemptions are met pursuant to the FLSA. However, deductions in pay due to disciplinary action against exempt employees shall be administered in accordance with the holding of the United States Supreme Court in *Auer v. Robbins*, 117 S. Ct. 905 (1997).

Non-Exempt Employees: Employees who are non-exempt from the FLSA's overtime requirements shall record actual time worked. Overtime for non-exempt employees will be compensated with time off in lieu of cash payment, unless that employee's accrued comp time balance exceeds 240 hours. In this case, the employee will receive cash payment for those hours that exceed 240 hours.

Workweek: A workweek is a period of 40 hours during seven (7) consecutive 24-hour periods. The ASP workweek is defined as beginning at 12:00 a.m. on Sunday morning and ending at 12:00 midnight on Saturday night.

Work day: A routine work day is based on an employee's work schedule. A non-exempt employee shall not work more hours than scheduled per day, unless specifically assigned



FAIR LABOR STANDARDS ACT (FLSA)

or fulfilling a duty that cannot be handled equally as well at another time or by a relieving employee. A work day commences on ASP premises or at a prescribed workplace. Travel to and from the workplace or duty assignment in a department vehicle is not compensable unless job action is taken.

The exceptions are commissioned employees who do not report to an office. The work day for these employees begins when they check “in service” and ends when they check “out of service.”

Meal Break: Time off for a meal break shall be based on an employee’s designated work schedule (i.e. thirty (30) minutes, one (1) hour).

The exceptions are commissioned employees who are required to respond to a call during the meal break and the elapsed time of the break has been less than 30 minutes, the time shall not be excluded from the work day. Another full one (1) hour meal break shall be permitted during the shift. If called out after 30 minutes or more has elapsed, the balance of the one (1) hour meal break shall be repaid by reducing the normal tour of duty or as earned comp time.

Rest Breaks: Two (2) rest breaks of up to 15 minutes each may be taken. These rest breaks are permitted, but are not required. Rest breaks shall not be combined and should be taken separately. Rest breaks should not be combined with the meal break, nor shall they be taken as the first 15 minutes of the work day or last 15 minutes of the work day. Failure to take either or both of these breaks will not result in comp time accrual.

Compensatory Time (Comp Time): Only non-exempt employees are eligible to earn comp time which is time that exceeds an employee’s 40-hour work week as reflected on their timesheet. This time can be either:

- **Straight Comp Time (Hour-for-Hour):** For purposes of calculating straight comp time, any paid leave time is included until the excess of 40 actual hours has been worked.
- **Time and One-Half Comp Time:** Time and one-half for time actually worked in excess of 40 hours during the workweek. This time is identified herein as FLSA comp time.

Procedure for Determining Employee Designation: In cases where the exempt/non-exempt status of an employee is in question, the agency shall review position duties and



FAIR LABOR STANDARDS ACT (FLSA)

responsibilities against model FLSA exemption tests. If appropriate, a request for a classification status change from the Department of Finance and Administration (DFA), Office of Personnel Management (OPM) will be made. The OPM should review requests and make the final decision.

Schedule Adjustment/Comp Time – Request and Use: By accepting employment with the ASP, each employee agrees that he/she will be compensated for FLSA comp time with time off in lieu of cash payment. Each employee of the ASP further agrees that the employee shall be compensated for time for which the employee is designated as being on stand-by time, as defined in GEN SEC 20, Miscellaneous Personnel Matters. Each employee of the ASP also agrees that the employee shall not be compensated for any time that the employee is subject-to-call.

An employee who requests to use straight comp time should be permitted to do so within a reasonable amount of time, provided that this time is taken at the discretion of the employer, and shall be taken at a time that does not disrupt the operations of the ASP. A supervisor may require that an employee take accumulated straight comp time within a reasonable period of time after it is earned.

For all FLSA comp time, the employee shall be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the operations of the ASP.

Whether a request to use FLSA comp time has been granted within a “reasonable time” will be determined by considering the customary work practices within the department based on the facts and circumstances in each case. Such practices include, but are not limited to (a) the normal schedule of work, (b) anticipated peak workloads based on past experience, (c) emergency requirements for staff and services, and (d) the availability of qualified substitute staff.

In determining whether honoring a request for FLSA comp time off would “unduly disrupt” the department’s operations, mere inconvenience to the department is an insufficient basis for denial of the request. For a supervisor to deny a request requires that the supervisor reasonably and in good faith anticipates that it would impose an unreasonable burden on the department’s ability to provide services of acceptable quality and quantity to the public during the time requested without the use of the employee’s services.



FAIR LABOR STANDARDS ACT (FLSA)

The minimum amount of any comp time that can be requested or accrued is fifteen (15) minutes. All comp time of fifteen (15) minutes or more must be accounted for, whether earned or used.

All comp time may only be used with the prior approval of the employee's supervisor. Approval or rejection of a request to use FLSA comp time shall be consistent with the spirit and intent of this policy and the FLSA.

It is the intention of the ASP to compel its employees to take accrued comp time while in non-exempt status. Employees shall schedule time off in a manner that will reduce their comp balance as soon as practicable without disruption to the normal operations of the agency.

Supervisors are responsible for monitoring the accrual of comp time. Supervisors should not allow an employee to accrue more than 40 hours of comp time. If the cap of 40 hours of comp time is reached or exceeded, the supervisors shall schedule the use of that time as soon as practicable. It is not the intent of this policy to allow accrual of comp time to reach the cap before adjustments are made to reduce an employee's accrued comp time balance. However, if the comp time was earned due to work performed on a special project which may result in pay, those hours will be removed via a quota correction at the time payment is made.

Disposition of Accrued Compensatory Time Before Promotion: Employees who have accrued comp time balances should use all accrued comp time prior to a promotion into an exempt position whenever practicable. Outstanding comp time balances will be reimbursed as cash payout, prior to promotion. The Arkansas Administrative Statewide Information System (AASIS) does not permit exempt employees to accrue or expend comp time.

Termination: Upon termination from employment, the employee shall receive cash payment for any FLSA comp time accrued at a rate not less than:

- The average regular rate received by an employee during the last three (3) years of employment; or
- The final regular rate of pay received by an employee, whichever is higher.



TIME RECORDING

Purpose: The purpose of this policy is to ensure standardization of time recording methods and the use of Arkansas State Police (ASP) accepted time recording forms. This policy provides clear guidelines for proper accounting of time for all employees.

Time Recording Forms: ASP employees should fully and accurately complete all necessary forms designated by the agency to record all applicable work and/or leave time.

The following definitions and explanations apply to this policy:

- Weekly Time Sheet (ASP 11) - The department's official document for the recording of attendance and leave time taken for all non-exempt employees. All attendance and leave time taken should be recorded on this document. This form shall become a part of the employee's permanent time file.
- Employee Request for Leave Form (ASP 193) - A form used by all employees to request the use of accrued leave time. This form is the department's official document for the recording of leave time taken for all employees and shall become part of the employee's permanent time file.
- Yearly Leave Record Form (ASP 129) - A form used to record the accrual and use of leave time as it occurs each month. This form is also the official document of record for review and acceptance of leave balances for each year and shall become part of the employee's permanent time file.
- Leave Balance Quota Correction Form (ASP 248) - A form used to document adjustments made to an employee's leave balance. This form shall become part of the employee's permanent time file.

Requirements: All non-exempt employees are required to complete a weekly time sheet. All times should be recorded to the exact minute using military time and should include the start of the workday, start of the lunch break, end of the lunch break, and end of the workday. Rest breaks are not recording the weekly time sheets.

When computing the hours worked for time entry, a 7-minute deviation can be credited to the closest 15-minute interval. For example, if an employee logs in at 0801 - 0807, the workday should be computed on a 0800 starting time. If the employee logs in at 0808 - 0814, then the workday should be computed on a 0815 starting time. Also, the same rule applies if the employee logs in early. For example, 0752 reporting time would result in crediting the employee with a starting time of 0745.

All non-exempt employees are required to accurately complete the weekly timesheet and submit it to his/her supervisor, as designated, for approval. Time sheets should then be forwarded to the



TIME RECORDING

employee's timekeeper for entry into the computer system for further processing. This processing should ultimately end with the generation of payroll.

Exempt employees are only required to complete and submit the Request for Leave Form for approval and are not required to complete a weekly time sheet.

The deadline for normal payroll processing is 1600 hours on the second Wednesday during a pay period. The payroll administrator should notify timekeepers of any changes to the payroll processing schedule.

A Yearly Leave Record Form (ASP 129) shall be maintained by the employee's designated timekeeper. It shall be balanced and current as of the last day of the previous month. Twice a year (once at the end of May and again at the end of the calendar year) the supervisor and employee shall review and sign the form, to confirm accuracy. This will ensure the accuracy of:

1. The Leave Liability Report, generated by the Department of Finance and Administration (DFA) at the end of June each year; and
2. The yearly Legislative Audit review processes.

The employee's timekeeper shall verify leave balances against the balances reflected in the Arkansas Administrative Statewide Information System (AASIS) monthly. All required ASP forms and AASIS shall balance. Any discrepancies shall be corrected immediately.

Time Recording Violations: It is the employee's responsibility to submit accurate time forms to his/her supervisor for approval and submission to the timekeeper by designated deadlines. Failure to do so may delay payroll processing and/or result in errors to the employee's paycheck.

Time Recording Revisions: Any revisions to time sheets should be made the first working day following the occurrence. However, no revisions will be keyed during payroll processing. Any questions concerning payroll processing should be directed to the Administrative Services Division, Human Resources Section.



MISCELLANEOUS PERSONNEL MATTERS

Purpose: The purpose of this policy is to inform employees of issues or circumstances that may be encountered during the course of their employment and how those issues should be addressed.

Availability of Stand-By Personnel: The Arkansas State Police must rely upon its personnel from time to time to respond to emergency situations. When a potential emergency situation exists, members may receive more stringent restrictions regarding their off duty time.

When off duty personnel are required to stand-by at a specific location, such as at their home, headquarters, a local police department or a sheriff's office in a Class A, B, C or D, uniform or appropriate attire for non-uniformed personnel, then such stand-by time is compensable and shall be regarded as time actually worked. This time should be recorded as duty time on the appropriate forms of the Arkansas State Police. Personnel may only be ordered to stand-by by the Director, Deputy Director, or a Division Commander.

Subject-To-Call Status: Within certain Troops and posts, employees may be subject-to-call after their regular duty assignment. The following guidelines shall apply to employees and their supervisors with respect to subject-to-call time:

- No employee shall be placed on subject-to-call time while on sick leave, annual leave, FLSA, or compensatory time.
- Employees shall not be restricted to their county of residence while subject-to-call. However, the employee must otherwise comply with the requirements of this policy and be able to respond within required times.
- An employee subject-to-call should leave contact information, i.e. telephone or pager numbers where the employee may be contacted.
- No employee, while subject-to-call, will be prohibited from engaging in outside employment unless it otherwise conflicts with the policies of the Arkansas State Police or otherwise prevents the employee from complying with the response requirements of this policy.
- Employees of the Arkansas State Police are permitted to use their departmental vehicle while subject-to-call; however, other departmental policies may restrict or limit those persons who may ride in a department vehicle; and, such restrictions are not hereby waived.



MISCELLANEOUS PERSONNEL MATTERS

- Employees who are subject-to-call are not required to wear a uniform. However, when required to respond to a call, employees should respond in their Class A, B, C or D uniform, or in civilian clothes in emergency situations or for non-uniformed personnel.
- All employees who are subject-to-call shall respond to an emergency situation by checking "10 -8" with the Arkansas State Police Communications Center within thirty (30) minutes of being notified of a call out. This provision does not require that the employee be at the scene of the accident or emergency within thirty (30) minutes. However, each employee should be in such geographical proximity that the maximum response time to the scene of the accident or emergency call out is one (1) hour, unless the accident or emergency occurs outside of the officer's county of assignment. In those instances, response time shall be judged upon the exigency of the circumstance and the distance to be traveled.
- Employees who are ill, under the influence of drugs or alcohol, or otherwise unfit for duty, **shall report** that fact while subject-to-call, and shall promptly inform their supervisor of their condition and not report to work until they are fit for duty. Officers **shall not** report for duty under circumstances when the officer would register a positive BAC reading at any level. Intoxication for the purpose of avoiding a call may warrant disciplinary action.
- All dispatches of an employee while subject-to-call should be made through the Arkansas State Police Communications Centers or a supervisor. If employees are dispatched by other agencies, they should as quickly as possible, notify the Arkansas State Police Communications Center in their Troop that they have been dispatched to a call and this should be noted on the appropriate forms and radio log.

Transfers of Leave Between State Agencies: When an employee transfers between State agencies and/or institutions of higher education, the ASP will follow Department of Finance and Administration, Office of Personnel Management policy.

Lump Sum Termination Pay: Upon termination, resignation, retirement or other action by which a person ceases to be an active employee of the State, the amount due the employee from accrued and unused annual leave shall be paid to the employee in a lump sum unless the employee is beginning a period of active duty for military service and requests that such leave not be liquidated by a lump-sum payment but instead be held in escrow by the state and reinstated upon the employee's return to state employment. This lump sum must not exceed thirty (30) days of annual leave inclusive of holidays.



MISCELLANEOUS PERSONNEL MATTERS

No employee receiving such additional compensation shall return to State employment until the number of days for which he/she received the additional compensation has expired. However, the employee may reimburse the agency which made the lump sum payment for the number of days paid but not yet expired and return to State employment. Such reimbursement will result in the appropriate number of days being reinstated to the employee's accrued annual leave.

Upon death of an active employee of a state agency or institution, the amount of any accrued, unpaid sick leave incentive benefit and any unused annual and holiday leave due the employee shall be paid to the employee's estate or authorized beneficiary. This lump sum must not exceed \$7,500 for any sick leave incentive benefit and must not exceed sixty (60) days of annual and holiday leave.

Reference Inquiries: The following information may be disclosed about a current or former employee's employment history to a prospective employer of a current or former employee upon receipt of written consent from the current or former employee:

- Date and duration of employment;
- Current pay rate and wage history;
- Job description and duties;
- The last written performance evaluation prepared prior to the date of request;
- Attendance information;
- Result of drug or alcohol tests administered within one (1) year prior to the request;
- Threats of violence, harassing acts, or threatening behavior related to the workplace or directed at another employee;
- Whether the employee was voluntarily or involuntarily separated from employment and the reasons for the separation; and
- Whether the employee is eligible for rehire.

The consent required above must be on a separate form from the employment application form, or, if included in the employment application form, must be in bold letters and in larger typeface than the largest typeface in the text of the employment application form. The consent form must state, at a minimum, language similar to the following:



MISCELLANEOUS PERSONNEL MATTERS

"I, (applicant), hereby give consent to any and all prior employers of mine to provide information with regard to my employment with prior employers to (prospective employer)." The consent must be signed and dated by the applicant. The consent will be valid only for the length of time that the application is considered active by the prospective employer, but in no event longer than six (6) months.

When disclosing such information, ASP shall be presumed to be acting in good faith and shall be immune from civil liability for the disclosure or any consequences of such disclosure unless the presumption of good faith is rebutted upon a showing, by a preponderance of the evidence, that the information disclosed was false and the ASP had knowledge of its falsity or acted with malice or reckless disregard for the truth.

Whistle Blower Act Protection - Definitions: The following definitions apply to this policy:

- A. "Adverse action" means to discharge, threaten, or otherwise discriminate or retaliate against a state employee in any manner that affects the employee's employment, including compensation, job location, rights, immunities, promotions, or privileges.
- B. "Appropriate authority" means a state agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, investigator, auditor, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, the office of the Attorney General, the office of the Auditor of state, the Arkansas Ethics Commission, the Legislative Joint Audit Committee and the Division of Legislative Audit, and the offices of the various prosecuting attorneys having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste.
- C. "Communicate" means a verbal or written report to an appropriate authority.
- D. "State employee" means a person who performs a full or part-time service for wages, salary, or other remuneration for a state agency or institution of higher education.
- E. "State employer" means any of the following:
 - 1. An agency, department, board, commission, Division, office, bureau, council, authority or other instrumentality of the State of Arkansas, including the offices of



MISCELLANEOUS PERSONNEL MATTERS

the various Arkansas elected constitutional officers and the Arkansas General Assembly and its agencies, bureaus, and Divisions;

2. A state-supported college, university, technical college, community college or other institution of higher education, or department, Division, or agency of a state institution of higher education; or
 3. The Arkansas Supreme Court, Court of Appeals, The Administrative Office of the Courts, the circuit and chancery courts, and prosecuting attorneys' offices.
- F. "Violation" means an infraction or a breach, which is not of a merely technical or minimal nature, of a state statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or code of ethics designed to protect the interest of the public or a public employer.
- G. "Waste" means a state agency's conduct or omissions which result in substantial abuse, misuse, destruction or loss of public funds, property, or manpower belonging to or derived from state or local political subdivision's resources.
- H. "Whistle-blower" means a person who witnesses or has evidence of a waste or violation while employed with a state agency or institution of higher education and who communicates, in good faith, or testifies to, the waste or violation, verbally or in writing, to one of the employee's superiors, to an agent of the public employer or to an appropriate authority, provided that the communication is made prior to any adverse action by the employer.

Whistle Blower Protection: A state agency or institution of higher education shall not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of waste of public funds, property, or manpower, including federal funds, property, or manpower, administered or controlled by a public employer or a violation or suspected violation of a law, rule, or regulation adopted under the law of this State or a political subdivision of the state to an appropriate authority. The communication shall be made at a time and in a manner which gives the public employer reasonable notice of the need to correct the waste or violation. For purposes of this policy, a state employee communicates in good faith if there is a reasonable basis in fact for the communication of the existence of waste or of a violation. Good faith is lacking when the state employee does not have personal knowledge of a factual basis for the communication or where the state employee knew or reasonably should have known that the communication of the waste or of the violation is malicious, false or frivolous.



MISCELLANEOUS PERSONNEL MATTERS

ASP shall not take an adverse action against a state employee because the employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review.

ASP shall not take an adverse action against a state employee because an employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of laws of the state. A state employee who alleges a violation of "Whistle-Blower" protections may bring a civil action for appropriate injunctive relief or actual damages, or both, within one hundred eighty (180) calendar days after the occurrence of the alleged violation.

An action commenced may be brought in the chancery court for the county where the alleged violation occurred or for the county where the complainant resides, or in Pulaski County.

To prevail in an action brought under the authority "Whistle-Blower", the ASP employee shall establish, by a preponderance of the evidence, that the employee has suffered an adverse action because the employee, or a person acting on his behalf, engaged or intended to engage in a protected activity.

As used in this Section, "damages" means damages for a job-related injury or loss caused by each violation of the "Whistle-Blower" act, including, but not limited to, fringe benefits, retirement service credit, compensation for lost wages, benefits, and any other remuneration, and reasonable court costs and attorneys' fees.

ASP shall have an affirmative defense to a civil action brought by a state employee if the adverse action taken against the state employee was due to employee misconduct, poor job performance or a reduction in workforce unrelated to a communication made pursuant to the "Whistle-Blower" protections. The ASP must prove the existence of the state employee's misconduct, poor job performance or a reduction in workforce is unrelated to the communication by a preponderance of the evidence.

In the event the Office of Personnel Management of the Department of Finance and Administration implements an employee grievance mediation program, a state employee or state agency or institution of higher education may voluntarily participate in mediation under Office of Personnel Management's mediation program if they wish to resolve a dispute between them that involves an adverse action taken against the state employee. Voluntary mediation shall occur before a civil action has been initiated in court in which the state employee and state agency or



MISCELLANEOUS PERSONNEL MATTERS

institution of higher education are parties.

A court in rendering judgment under this act may order any or all of the following remedies:

- An injunction to restrain continued violation of the provisions of the "Whistle-Blower" act;
- The reinstatement of the public employee to the same position held before the adverse action or to an equivalent position;
- The reinstatement of full fringe benefits and retirement service credit;
- The compensation for lost wages, benefits, and any other remuneration;
- The payment by the state employer of reasonable court costs and attorney's fees.

A court may also order that reasonable attorney's fees and court costs be awarded to the employer if the court determines that an action brought by a state employee under this act is without basis in law or fact. Provided, a state employee shall not be assessed attorney's fees under this Section if, after exercising reasonable and diligent efforts after filing the suit, the state employee files a voluntary nonsuit concerning the employer within sixty (60) calendar days after determining the employer would not be liable for damages.

The "Whistle-Blower" Act shall not be construed to permit a disclosure which would diminish or impair the rights of any person or any public official to the continued protection of confidentiality of records or working papers where a statute or the common law provides for protection.

Governor's Policy Directives: The Governor's Policy Directives may be accessed through http://www.arkansas.gov/dfa/personnel_mgmt/opm_policy/policy_index.html or by contacting the ASP human resources Section.

Career Service Recognition Payments: Employees shall become eligible for annual career service recognition payments upon completion of ten (10) or more years of state service in either elected positions or classified or non-classified regular full-time position or positions.

Years of Service Annual Payment (Per Act 386 or 2007):

- 10 through 14 years of state service \$600



MISCELLANEOUS PERSONNEL MATTERS

- 15 through 19 years of state service \$700
- 20 through 24 years of state service \$800
- 25 or more years of state service \$900

Employees become eligible to receive career service recognition payments on their career service credit date. Employees who have received career service payments in previous bienniums shall receive payments on their career service credit date or their increase eligibility date, whichever occurs first within the fiscal year. Payments to non-classified employees shall be made on the anniversary of the employee's latest hire date.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

Purpose: The purpose of the Family and Medical Leave Act (FMLA) is to allow eligible employees to take unpaid job protected leave for certain family and medical events. It is intended to assist employees in reaching a balance between family and work responsibilities with as little conflict as possible.

Definitions: For purposes of this policy, the following definitions apply:

“12-Month Period” used for determining eligibility is the calendar year, January 1 to December 31. In the case of birth or adoption, eligibility for FMLA leave should expire at the end of the 12-month period beginning on the date of a child’s birth or placement. However, leave used for this purpose should also be calculated on a calendar year basis.

“Covered Service Member” is a member of the Armed Forces, including a member of the National Guard or Reserves.

“Group health plan” for purposes of FMLA, this term includes an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

- No contributions are made by the employer;
- Participation in the program is completely voluntary for employees;
- The sole functions of the employer with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;
- The employer receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and
- The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

The same group health plan benefits provided to the employee prior to taking FMLA leave must be maintained during the FMLA leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc. must be maintained during leave if provided in an employer's group health plan, including a supplement to a group health plan whether or not provided through a flexible spending account or other component of a cafeteria plan.

"Health care provider" is defined as a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other person determined by the United States Department of Labor to be capable of providing health care services. Included in the second part of that definition are podiatrists, dentists, clinical psychologists, clinical social workers, optometrists and chiropractors (limited to subluxation as demonstrated to exist by x-ray), nurse practitioners, nurse-midwives, and Christian Science Practitioners.

"Incapable of Self Care" is defined as requiring assistance or supervision to provide daily self care in three (3) or more activities of daily living (such as grooming, hygiene, bathing, dressing, or eating) or instrumental activities of daily living including, but not limited to cooking, cleaning, shopping, taking public transportation, paying bills, and maintaining a residence.

"Next of Kin" is defined as the closest living blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

“Parent” means the biological parent of an employee, or an individual who stands or who stood in loco parentis to an employee, when the employee was a son or daughter. It does not include parents-in-law.

“Period of incapacity” means a period of time when an employee or family member is unable to work, attend school or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery thereof. Three (3) consecutive calendar days of incapacity is not a “prerequisite” for eligibility under FMLA. Absences may be attributable to incapacity under FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days (such as in the case of morning sickness).

“Qualifying Exigency” for purposes of FMLA, this military leave entitlement includes short-notice deployment, attending certain military events, arranging for alternative childcare or school options, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation, attending post-deployment reintegration briefings, and any other additional activities which arise out of the covered member’s active duty or call to active duty, as covered under the law.

“Shared Leave” is the donation of an employee’s earned sick or annual leave to another employee who is employed by the Arkansas State Police, who is suffering from a severe illness or has an immediate family member who is severely ill.

“Spouse” is defined in accordance with applicable state law. It is clear from the legislative history that unmarried domestic partners do not qualify for family/medical leave to care for their partner.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school, work, or other daily activities and involves:

- **Inpatient care:** Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential medical care facility;



FAMILY AND MEDICAL LEAVE ACT (FMLA)

- **Continuing treatment by a health care provider:** Any period of incapacity of more than three (3) consecutive calendar days that also involves continuing treatment as follows:
 - Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider; or
 - Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under supervision of a health care provider. A regimen of continuing treatment includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. It does not include the taking of over-the-counter medications or other similar activities that can be initiated without a visit to a health care provider;
- Any period of incapacity due to pregnancy, prenatal medical care, or child birth;
- Treatment for a chronic health condition that (1) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider, (2) continues over an extended period of time (including recurring episodes of a single underlying condition), and (3) may cause episodic rather than a continuing period of incapacity (asthma, diabetes, epilepsy, etc.);
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member should be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include: Alzheimer's, severe stroke, or the terminal stages of a disease;
- Multiple treatments for non-chronic conditions: Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition such as cancer, severe arthritis, or kidney disease that



FAMILY AND MEDICAL LEAVE ACT (FMLA)

would likely result in a period of incapacity, or more than three consecutive calendar days in the absence of medical intervention or treatment; and/or

- Continuing supervision of, but not necessarily active treatment by, a health care provider due to a serious long-term or chronic condition or disability that cannot be cured.
- Other conditions may also meet the definition of continuing treatment.

Note: The FMLA only allows leave for substance abuse in order to undergo treatment by a health care provider and specifically excludes employee absence because of the use of the substance. Stress qualifies as a serious health condition only if it rises to the level of a mental illness or results in a physical illness.

“Son” or “daughter” means a biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis who is:

- Under eighteen (18) years of age; or
- Eighteen (18) years of age or older and incapable of self-care because of mental or physical disability.
- Leave may be taken for a child of any age due to a qualifying exigency or an injury to a covered service member in the line of duty.

“Treatment” for purposes of FMLA, includes examinations to determine if a serious health condition exists and evaluations of the condition, but does not include routine physical examinations, eye examinations, or dental examinations.

General Provisions: FMLA is leave without pay. However, if an eligible employee has accumulated, unused sick, annual, and holiday leave, or unused, accrued compensatory time, the employee is required to substitute such paid leave, including any paid shared leave and catastrophic leave benefits, for any FMLA leave taken during a 12 -week period, with the exception that an employee taking maternity leave may elect to not substitute accrued, unused sick, annual, and holiday leave, or unused, accrued compensatory time while on FMLA leave. Paid leave to handle personal and family medical needs is currently available under existing sick, annual, shared, compensatory, and catastrophic leave policies.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

Eligibility: To be eligible for leave under this policy, an employee must have been employed by the state of Arkansas for at least 12 months and must have worked at least 1,250 hours during the twelve-month period preceding the commencement of the leave. Extra help hours worked will be counted for purposes of establishing eligibility requirements.

Basic Leave Entitlements under FMLA: FMLA entitles “eligible” employees to a total of 12 workweeks of leave without pay during a calendar year (12-month period) for one of the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or child birth;
- To care for the employee’s child after birth, or placement with the employee of a son or daughter for adoption or foster care;
- To care for the employee’s spouse, son, daughter or parent with a serious health condition; or
- A serious health condition which makes the employee unable to perform the functions of the employee’s job.

Military Family Leave Entitlements: Eligible employees with a spouse, son, daughter, or parent on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation, may use their 12-week leave entitlement to address certain qualifying exigencies.

FMLA also includes a family leave entitlement for “military caregiver leave” that permits employees who are the spouse, son or daughter, parent, or next of kin to take up to 26 weeks of leave in a calendar year to care for a covered service member. The covered service member must have a serious injury or illness incurred in the line of duty, on active duty, that may render the service member medically unfit to perform his or her job duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is outpatient status; or is on the temporary disability retired list. Military caregiver leave will be used in combination with regular FMLA leave.

Duration of Family and Medical Leave: An eligible employee may take up to a total of 12 workweeks of leave during a 12-month period for any basic leave entitlement or due to a qualifying exigency.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

- **Special Rule for Caring for an Injured Covered Service Member:** An eligible employee may take up to 26 weeks of leave to care for an injured service member. All 26 weeks of leave must be taken during a single 12-month period. During this period, the employee may also take FMLA leave for another, medically documented, qualifying event. However, during that 12-month single period, the employee is only entitled to a combined total of 26 weeks of FMLA leave.
- **Special Rule for Spouses both Employed by the State:** Spouses who are both employed by the state are entitled to a combined total of 12 weeks of leave for the birth or adoption of a child or to care for a sick parent. However, each spouse would be entitled to 12 weeks for their own serious health condition or to care for a child or spouse. Each employee is entitled to FMLA for the care of his or her parent only. Nevertheless, spouses are limited to a combined total of 12 weeks for this purpose, regardless of which parent or the number of parents involved.

When the department has knowledge that an employee's requested leave period is covered by FMLA; the department should notify the employee that they have been placed on FMLA leave.

The Arkansas State Police must determine whether leave should be counted within two business days of the time the employee gives notice of the need for leave, or if the department does not initially have sufficient information to make a determination, at the point this information becomes available. If the Arkansas State Police learns that the leave is for an FMLA purpose after leave has begun or within two days of the employee's return to work, the entire or some portion of the leave period may be retroactively counted as FMLA. An employee desiring to have a leave period designated as FMLA and to obtain FMLA protection for the absence must notify the department within two business days of returning to work.

Leave Use: FMLA may be taken intermittently or on a reduced leave schedule under certain circumstances. If an employee requests intermittent leave that is foreseeable based on planned medical treatment, the department may require such employee to transfer temporarily to an available alternative position with equivalent pay and benefits, but which better accommodates recurring periods of leave.

- When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule



FAMILY AND MEDICAL LEAVE ACT (FMLA)

only if the department agrees. Such a schedule reduction might occur when an employee, with the employer's agreement, works part-time after the birth of a child, or takes leave in several segments. The employer's agreement is not required for leave during which the mother has a serious health condition in connection with the birth of the child or if the newborn child has a serious health condition.

- An expectant mother may take FMLA leave before the birth of the child for prenatal care or if the mother's condition makes the mother unable to work.
- An employee may request leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with the attorney or doctor(s) representing the birth parent, or submit to a physical examination.
- An employee may request an intermittent or reduced leave schedule to care for a family member in situations where the family member's condition itself is intermittent or where the employee may be needed to share care responsibilities with another party or to make arrangements for changes in care, such as transfer to a nursing home.
- Intermittent leave may be taken for a serious health condition, which requires treatment by a health care provider periodically, rather than for one continuous period of time.
- Intermittent or reduced scheduled leave may be taken for absences when the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition even if the employee does not receive treatment by a health care provider.
- Leave may be taken on an intermittent or a reduced leave schedule so long as this does not result in a reduction in the total amount of leave to which the employee is entitled. Only the amount of leave taken may be counted toward the 12 weeks of leave to which an employee is entitled. For example, if an employee who normally works five (5) days a week takes one day of leave, the employee would use 1/5 of a week of FMLA leave.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

- Leave due to a qualifying exigency may be taken on an intermittent basis.

Certification: A request for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent should be supported by a certificate issued by a health care provider. All certification forms are available on the ASP Public Drive or from the Benefits Unit. The certificate must contain the following information:

- The date on which the serious health condition commenced;
- The probable duration of the condition;
- The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- If the leave is to care for a family member, the certificate should contain a statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time required; and
- If the leave is due to the employee's illness, a statement that the employee is unable to perform the functions of the position should be included.

If an employee submits a complete certification signed by a health care provider, the Arkansas State Police may not request additional information from the employee's health care provider. However, a health care provider representing the Arkansas State Police may contact the employee's health care provider, with the employee's permission, for purposes of clarification and authenticity of the medical certification.

If there is reason to doubt the validity of a medical certification, the Arkansas State Police may require a second opinion from a health care provider designated or approved by the department as long as that provider is not employed by the state on a regular basis. If that opinion differs, the opinion of a third health care provider jointly approved by the Arkansas State Police and employee may be solicited. That opinion should be final and binding. The opinions of both the second and third health care providers should be obtained at the Arkansas State Police's expense.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

The department and the employee should each act in good faith to attempt to reach agreement on whom to select for the third health care provider. If the department does not attempt in “good faith” to reach agreement, it should be bound by the first certification. If the employee does not attempt in “good faith” to reach agreement, the employee should be bound by the second certification.

The employee shall provide the Arkansas State Police with a completed Certification of Physician or Practitioner Form 30 days prior to the date leave begins and make efforts to schedule leave so as not to disrupt department operations when the necessity for leave is foreseeable such as for the birth or adoption of a child, or planned medical treatment. If circumstances require that leave begin in less than 30 days, the employee should provide such notice as is practical.

For a request for leave due to a qualifying exigency, the employee must provide a fully completed *Certification of Qualifying Exigency for Military Family Leave* form. If an employee requests leave to care for a covered service member, the employee must provide a fully completed *Certification of Serious Injury or Illness of Covered Service Member* form. Additional information may be requested by the department, when needed, to establish eligibility criteria under Military Family Entitlement (i.e. copy of military orders).

Employees are responsible for providing sufficient information to the department including the anticipated duration of leave. Sufficient information may include that the family member is unable to perform daily activities or circumstances supporting the need for military family leave. Employees are also required to notify the department if the requested leave is for a qualifying FMLA event, for which leave was previously taken or certified.

Fully completed certifications must be provided within 15 calendar days after being requested, unless it is not practicable to do so, despite the employee's diligent, good faith efforts. Under such exceptional circumstances, the certification must be submitted as soon as possible. If an employee fails to submit a timely, fully completed certification, the Director may deny the request for leave.

Medical information gathered as a result of a serious health condition is considered confidential.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

Status Reports & Recertification: In cases of illness, the employee will be required to report periodically on the employee's leave status and intention to return to work. The interval of these reports should be appropriate for the particular leave situation.

The Director may require that the employee obtain subsequent recertification on a reasonable basis, but not more often than every 30 days. If the medical certification indicates that the minimum duration of the condition is more than 30 days, the department will wait until that minimum duration expires before requesting a recertification. Recertification can be requested before 30 days when (1) the employee requests an extension of leave or (2) circumstances described by the previous certification have significantly changed, or (3) the department receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Return to Work Requirements: Employees who are absent from work due to their own serious health condition, with the exception of maternity leave, will be required to provide a doctor's release in order to return to work. Employees must submit the doctor's release to their supervisor when they report for duty. If an employee does not have a doctor's release on file, the employee will be sent home and will be required to use accrued leave until such time the employee provides the doctor's release. If the employee does not have accrued leave time available, then the absence will be coded as leave without pay, in accordance with Gen Sec 17 of this policy manual.

Employment and Benefits Protection: Upon return from family and medical leave, an employee should be entitled to be restored to the position formerly occupied or a n equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

Apart from the paid leave actually used during the family or medical leave period, the taking of leave should not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. However, no seniority or employment benefits shall be accrued during the period of leave. The employee is not entitled to any right, benefit, or position of employment other than a right, benefit, or position of employment to which the employee would have been entitled had the employee not taken leave.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Arkansas State Police should maintain benefits coverage for the employee under its group health plan at the same level and under the conditions coverage would have been provided if the employee had continued in working status. The Arkansas State Police will continue to pay the “employee matching” portion of the health insurance premium and the employee will pay the employee’s portion if such was the arrangement prior to leave. If the Arkansas State Police paid the full premium, it should continue to do so.

An employee may choose not to retain health coverage during leave. However, when the employee returns from leave, the employee is entitled to be reinstated, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of preexisting conditions, etc.

The department’s obligation to maintain health insurance coverage ceases under FMLA if an employee’s premium payment is more than 30 days late. Written notice to the employee that the payment has not been received should be mailed at least 15 days before coverage is to cease.

The Arkansas State Police may recover any payments it made to cover the employee’s share of the premium once the employee returns to work. The department may recover its share of the health plan premiums paid during unpaid FMLA if the employee fails to return to work unless the failure to return to work is due to a serious health condition or other circumstances beyond an employee’s control. If the department has maintained other benefits such as life or disability insurance in order to meet its responsibilities to provide equivalent benefits to the employee upon return from FMLA leave, the department is entitled to recover the costs incurred for paying the premium(s) whether or not the employee returns to work.

Recording Requirements: The department should keep the following records for no less than three years and make them available for inspection, copying and transcription by Department of Labor representatives upon request (29 CFR 825.500 (c)):

- Basic payroll and identifying employee data, including name, address and occupation; rate or basis of pay in terms of compensation; daily and weekly hours per pay period (unless FLSA exempt); additions to or deductions from wages; and total compensation paid.
- Dates FMLA leave is taken.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

- If FMLA leave is taken in increments of less than one full day, the hours of the leave.
- Copies of employee notices of leave furnished to the agency, if in writing and copies of all general and specific notices given to employees as required under the FMLA and its regulations.
- Any documents describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leave.
- Premium payments of employee benefits.
- Records of any dispute between the employer and the employee regarding designation of leave as FMLA leave including employer requests for second or third medical opinions.
- Employer/employee agreement on work schedules during intermittent or reduced schedule leave.

Records and documents relating to medical certifications, re-certifications or medical histories of employees or employees' family members, should be maintained in separate files and be treated as confidential medical records. The only persons who can obtain access to these confidential records are: (a) supervisors and managers who need to be informed of restrictions on the work or duties of an employee and necessary accommodations; (b) first aid and safety personnel if an employee's physical or medical condition might require emergency treatment; and (c) government officials investigating compliance with the FMLA (29 CFR. 825.500(a)).

The Affect of Other Laws and Employer Practices on FMLA Employee Rights:

- **State Law:** Nothing in FMLA supersedes any provision of state law that provides greater family or medical leave rights than those provided by FMLA. For example, state of Arkansas employees who take maternity leave have the option to reserve annual and sick leave balances when on FMLA leave. Even though the agency would normally require employees to use their leave balances during FMLA leave, state law, with regard to maternity leave, extends certain exceptions.
- **Americans with Disabilities Act (ADA):** ADA's "disability" and FMLA "serious health condition" are different concepts and must be analyzed separately. FMLA entitles eligible employees to 12 weeks of leave in any 12-month period, whereas the ADA allows an indeterminate amount of leave, barring undue



FAMILY AND MEDICAL LEAVE ACT (FMLA)

hardship, as a reasonable accommodation. FMLA requires employers to maintain employees' group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period, whereas ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.

In cases where the two laws interact, i.e. the employee is eligible under both, the employer should provide the greater right to the employee. A disabled employee may be entitled to continuous, reduced schedule, or intermittent leave as "reasonable accommodation," and that leave may also be counted as FMLA. Since FMLA requires insurance coverage the disabled employee would receive health insurance during the 12 week FMLA eligibility period even though that is not an ADA requirement.

FMLA requires reinstatement to the same or equivalent position. If the employee were unable to perform the essential functions of that equivalent position even with reasonable accommodation, because of a disability, the ADA may require the employer to make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning the employee to a vacant position, barring undue hardship

- **Workers' Compensation:** Workers' Compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employer). Under Workers' Compensation, the agency may offer a medically certified employee a "light duty" position. Under FMLA the employee is permitted, but not required, to accept the position. Thus it is possible that the worker will no longer qualify for Workers' Compensation, but is still entitled to FMLA.
- **Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA):** An employer's obligation under FMLA ceases and a COBRA qualifying event may occur when and if 1) the employment relationship would have terminated if the employee had not taken FMLA (i.e. his/her position eliminated due to Reduction in Force and no transfer is available), 2) an employee informs the employer of his or her intent not to return from leave (which may be before the leave starts), or the employee fails to return from leave after exhausting his or her FMLA entitlement.



FAMILY AND MEDICAL LEAVE ACT (FMLA)

- **Employee Retirement Security Act (ERISA):** There is no requirement that unpaid FMLA leave be counted as additional service for eligibility, vesting, or benefit accrual purposes. However, the final regulations clarify that if a plan requires an employee to be employed on a specific date in order to be credited with a year of service for participation, vesting, or contribution purposes, an employee on FMLA leave is deemed to have been employed on that date. Previously, employees were required to return to work in order to receive the year of service.

Modification: This policy section provides a summary of the rights and responsibilities under the Family and Medical Leave Act of 1993. The Arkansas State Police will administer FMLA leave in accordance with 29 CFR 825 and will comply with federal and state law. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

The department's policy on FMLA is based on the current version of the OPM Policies and Procedures Manual. In the event there is a modification to the OPM Policies and Procedures Manual, the department policy automatically changes to mirror that of OPM. Likewise, in the event that there is a change in the substantive law upon which FMLA is based, the policy of the ASPs should be automatically modified to meet the minimum requirements of the law.

Questions concerning this policy should be directed to the Administrative Services Division, Benefits Section.



WITNESS FEES

Purpose: The purpose of this policy is to clarify when Arkansas State Police employees may retain witness or mileage fees when subpoenaed to court for a matter within their scope of employment. Ark. Code Ann. § 16-43-806.

This policy does not affect an employee's ability to retain any fees paid while serving as a juror in state or federal court.

Guidelines: An employee may retain witness and mileage fees under state or federal law or court rules if all of the following conditions are met:

- The employee is subpoenaed; and
 - The matter is outside the employee's scope of employment, i.e. personal litigation or service as a paid expert witness; or
 - The employee is a party to the matter other than as a representative of the Arkansas State Police.

Employees should request the appropriate leave status to comply with these type of subpoenas.

An employee may not retain witness and mileage fees under the following conditions:

- The employee is subpoenaed; and
 - The matter is within employee's scope of employment; or
 - The employee is a party to the matter as a representative of the Arkansas State Police.

Witness and mileage fees collected under these circumstances should be forwarded to the fiscal Section for deposit into the appropriate Arkansas State Police account.

Exception: If employees are subpoenaed to appear at a time when they are not scheduled for regular duty, they should notify their supervisor as soon as practical. The supervisor may either adjust their work schedule or work with the Court to reschedule the matter.

If the employee prefers to take annual leave specifically to retain the mileage and witness fees, the employee may elect to do so in writing to their supervisor. In this case, the employee should reimburse the ASP for mileage if a state vehicle is used.



VEHICLE USE

Use and Operation of Arkansas State Police Vehicles: Arkansas State Police vehicles should be used for official state business only. In accordance with the Rules of Conduct ([GEN SEC 3](#)), use of State Vehicles, Property and Equipment section, unauthorized personal use of vehicles, property or equipment that is owned, leased, operated or managed by the state is prohibited and may result in disciplinary action and/or monetary reimbursement to the department. While operating or occupying an Arkansas State Police vehicle, all commissioned officers, civilian employees and all passengers shall wear safety belts. Employees shall not disconnect any passenger restraint system.

Arkansas State Police vehicles shall be operated in compliance with all Arkansas traffic laws. Regardless of the circumstances, employees shall operate agency vehicles (owned, rented, borrowed, etc.) with due regard for the safety of all persons.

Employees have a responsibility to avoid being involved in a crash when possible. Employees involved in avoidable crashes, as determined by the appropriate Division Commander in accordance with this policy, may be considered in violation of this policy. (see Duties and Responsibilities of the Division Commander section in this policy)

Authorized Emergency Vehicles: For purposes of this policy, and in accordance with A.C.A. §§ 27-36-303 and 27-37-202 (b)(3)(A), only those State Police vehicles equipped with blue lights and a siren operated by an ASP commissioned officer are considered authorized emergency vehicles.

ASP authorized emergency vehicles are required to follow the posted speed limits and to abide by stop signs or signals unless the authorized emergency vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law and is operating both the vehicle's blue lights and siren. (A.C.A. §§ 27-49-109 and 27-51-202).

The only exception to the policy to operate both the blue lights and siren, as required in this section, is when the authorized emergency vehicle is being operated under the "Police vehicle exception" contained in A.C.A. § 27-51-906 (see below section "Police Vehicle Exception").

Police Vehicle Exception: In accordance with A.C.A. § 27-51-906, ASP officers are only exempt from operating both blue lights and siren when responding to an emergency call, or in the immediate pursuit of an actual or suspected violator, if the authorized emergency vehicle is being used to:

1. Obtain evidence of a speeding violation;



VEHICLE USE

2. Respond to a suspected crime in progress when use of an audible or visual signal could result in the destruction of evidence or escape of a suspect; or
3. Conduct surveillance of a vehicle or the passengers of a vehicle who are suspected of involvement in a crime.

The “Police Vehicle Exception” does not relieve the driver of an authorized emergency vehicle operated as a police vehicle from the duty to drive with due regard for the safety of all persons or any legal consequence resulting from reckless disregard for the safety of others.

Officers are cautioned that the “Police Vehicle Exception” should be limited to only the exceptions as specified in the Arkansas Code and that the requirement to drive with due regard (“ordinary care”) for the safety of others is the requirement of law. Officers should be prepared to justify and articulate his or her reasons for operating under the “Police Vehicle Exception.”

Ride-Along Passengers: Ride-along passengers are allowed to ride with ASP personnel in accordance with the requirements below:

ASP family members, spouses and children are considered non-employees and must adhere to the procedures set forth below in this policy regarding ride along passengers.

Requirements for Ride-Along Passengers with **Non-Commissioned** ASP Personnel:

- ASP employees may ride-along with non-commissioned personnel in accordance with his/her official capacity and in performance of official duties. No ‘Release of Liability (Ride-Along) Form’ ([ASP 113](#)) is required under this section.
- Non-employees who are certified law enforcement officers may ride-along in accordance with his/her official capacity, in performance of official duties, or due to an emergency. An ASP 113 is not required under this section.
- **Other non-employees** over the age of eighteen must be approved by the **Division Commander**. A signed [ASP 113](#) must be completed and approved by the Division Commander prior to **each** individual ride-along session. The ASP 113 shall be kept on file at the Troop/Company/Section level for a period of three (3) years following the ride-along.
- **Riders under the age of eighteen are not permitted unless approved by the Division Commander under exigent circumstances.**



VEHICLE USE

Requirements for Ride-Along Passengers with **Commissioned** ASP Personnel:

- ASP employees may ride-along with ASP commissioned officers in accordance with his/her official capacity and in performance of official duties. No [ASP 113](#) is required under this section.
- An ASP 113 must be executed for **each** individual ride-along session unless otherwise indicated below. Each ASP 113 shall be kept on file at the Troop/Company/Section headquarters for a period of three (3) years after the ride-along.
- A person over the age of eighteen may ride-along for recruiting purposes with the approval of the Troop/Company/Section Commander and an approved ASP 113 on file. The Recruiting Section Commander or designee should be notified of all recruiting ride-alongs. It is the responsibility of the supervisor approving the ASP 113 to ensure that the recruiting office is notified. Ride-along passengers for recruiting purposes are limited to a maximum of three (3) ride-along sessions/shifts per year agency-wide (not per officer) unless otherwise approved by the Division Commander.
- Any law enforcement officer is allowed to ride along with an ASP officer in his/her official capacity in performance of official duties without an ASP 113 on file.
- A law enforcement officer not acting in his/her official capacity is allowed to ride-along with the approval of the Troop/Company/Section Commander and an approved ASP 113 for **each** ride-along session.
- Passengers transported during the course of official state business (examples include but are not limited to violators, motorist assists, prisoners, witnesses, victims, and suspects) are not required to have an ASP 113 or approval.
- The Division Commander must approve all other requests for a ride-along and require completion and approval of an ASP 113, unless exigent circumstances apply.
- Ride-along passengers are not allowed for probationary officers other than passengers transported in the course of official state business as outlined above, law enforcement officers engaged in the performance of official duties, or when approved by the appropriate Division Commander.

Low Profile Vehicles: Low profile vehicles should be used for enforcing traffic and criminal laws with emphasis on such violations as “road rage,” seatbelt enforcement, distracted driving, following too close, speeding, and improper lane usage.



VEHICLE USE

The rotation or movement of low profile vehicles from one troop to another must be approved by the Highway Patrol Division Commander and documented on a Transfer of Equipment form ([ASP 202](#)).

The ASP 202 should be forwarded to the Fiscal Section and copy provided to Fleet Operations for inventory purposes.

The officer must be cognizant that the low profile vehicle is not a conventionally marked patrol car and sufficient time should be afforded for the violator to recognize the low profile vehicle as a legitimate law enforcement vehicle. Accordingly, because a violator may not respond in a typical manner, officers should exercise patience and discretion. When circumstances permit, the low profile unit should pull alongside the violator so that the markings of the unit can be seen.

Officers operating a low profile vehicle who initiate a pursuit should turn over primary unit status upon the arrival of a marked secondary unit (see [LE SEC 13](#) Pursuits).

Care and Maintenance of Arkansas State Police Vehicles: In accordance with the Rules of Conduct, employees are responsible for the care and maintenance of their assigned Arkansas State Police vehicle (see [GEN SEC 3](#), paragraph entitled “Employees Responsible for Property and Equipment”). Employees are also responsible for the care and maintenance of any Arkansas State Police vehicle operated on a temporary basis, i.e., vehicles used during repairs of an assigned vehicle, etc.

To properly care for and maintain your Arkansas State Police vehicle, employees are responsible for the following:

- Ensuring that required maintenance is performed on schedule;
- Checking the brakes, tires, and safety equipment to ensure that the vehicle is in proper working condition before each tour of duty or work day;
- Keeping the exterior and interior of an assigned vehicle as clean as practical under the circumstances. When necessary, employees may wash their assigned vehicle during regular working hours;
- Updating the vehicle’s Automobile Maintenance Log (ASP-39A or ASP-39B, whichever form is appropriate for the employee’s assigned vehicle) when vehicle maintenance is performed;



VEHICLE USE

- Complying with the Smoking/Tobacco Use policy ([GEN SEC 5](#)), including the enforcement of the policy with any passengers, in any Arkansas State Police vehicle; and
- Not displaying any stickers on an Arkansas State Police vehicle other than those required by law or the Arkansas State Police.

Fleet Operations: The Fleet Operations Manager should be assigned by the Deputy Director for Administrative Operations and will be responsible for providing the transportation equipment necessary to execute the statutory responsibilities assigned to the Arkansas State Police.

The Fleet Operations Manager should have the authority, upon approval of the Deputy Director of Administrative Operations, to promulgate departmental protocol regarding the purchasing, assignment, redistribution, care, maintenance, and repair or replacement of all vehicles owned and operated by Arkansas State Police.

It is the responsibility of the Fleet Operations Manager, relying on the assistance of all Commanders, to maintain a current database of ASP vehicles. The information provided should include the year, make and model of each vehicle, the vehicle identification number (VIN), fleet number, license plate number, current personnel and location assignment, mileage (based on the most recent 30-day reporting period), and notations of repairs in excess of \$1,000.

The Fleet Operations Manager should notify the appropriate Division Commander if improper vehicle care is discovered or if inadequate repairs occur.

Crash and Damage Reporting for ASP Employees: If any damage occurs to an Arkansas State Police vehicle from a crash or non-crash incident, the involved employee should stop at the scene of the crash/incident and report the crash/incident to the appropriate ASP telecommunications center. Employees should notify the appropriate local police and emergency service personnel if necessary. Employees should immediately, or as soon as practical, notify their supervisor. The involved employee should document the circumstances of the crash or non-crash incident in a memorandum to his/her supervisor and should follow the procedures outlined in state law (A.C.A. §§ 27-53-101, 27-53-102 and 27-53-103). **A supervisor from the appropriate division should respond to the scene of all incidents/crashes where a department vehicle was involved in a death or serious personal injury.**

All troopers who have in-car cameras are required to activate their emergency lighting in the event of a crash to ensure the pre-event sequence is captured on video.

Critical Incident Testing Post Crash: Upon being notified about an incident of an **employee involved in a fatality or personal injury crash**, the Troop/Company/Section Commander, or



VEHICLE USE

his/her designee, should **arrange for the drug/alcohol testing of the employee** as prescribed in the Critical Incident Testing section of the Drug and Alcohol Free Workplace policy ([GEN SEC 4](#)).

In the event the department vehicle is assigned to a civilian employee, and death or serious personal injury has resulted from a crash, the appropriate **supervisor should make contact with the local Troop Commander. A Highway Patrol supervisor should respond to the scene.** The **Highway Patrol supervisor will be responsible for critical incident testing** and crash reporting.

Notification Responsibilities of the Troop/Company/Section Commanders and Crimes Against Children Division (CACD) Area Supervisors: Upon being notified of a department vehicle crash, the Troop/Company/Section Commander or CACD Area Manager will immediately notify the appropriate Division Commander of the following:

- Specific information pertaining to the severity of any personal injury or death resulting from the crash or event;
- Details of the crash;
- Involved employee's preliminary verbal report concerning the details of the crash (as soon as practical);
- Availability of in-car video or other evidence (example electronic data recorder, etc.);
- Name of department conducting the crash investigation;
- Monetary estimate of damages to vehicles involved;
- Estimated time when the completed crash packet will be submitted to the Division Commander.

Death/Serious Personal Injury Crashes: When an ASP vehicle is involved in a crash resulting in death or serious physical injury, the appropriate Division Commander should immediately confer with a Deputy Director to determine if the department's Reconstruction Team or the Office of Professional Standards should respond to the scene.

Division Commander to Collect Reports and Forward to Fleet Operations Manager: The appropriate Division Commander should coordinate the collection of all reports, memoranda and other documentation required by Arkansas law, and Arkansas State Police policy, following a crash or non-crash incident involving an Arkansas State Police vehicle. All documents contained in the crash packet should be uploaded into AASIS by the Troop/Company/Section. After the



VEHICLE USE

Division and Troop/Company/Section Commanders have reviewed the crash packet, it will be forwarded to the Fleet Operations Manager.

Contents of Crash Packets:

Troop/Company/Section Commanders and CACD Area Supervisors are responsible for compiling a crash packet containing the following:

- Motor Vehicle Crash Report or Incident Report
- Witness statement(s)
- Photographs of vehicles
- Employee memorandum detailing the event
- Supervisor's memorandum (Event details, Employee Crash History, Determination)
- In-car video/audio or other evidence if available
- Estimates of any property damage
- Towing bills
- 3 Vehicle repair estimates
- [ASP 56](#) (Crash Packet Review Form) – Troop/Company/Section Commanders and CACD Area Managers complete page 1
- [ASP 84](#) (Inter-Departmental Requisition Form)
- [ASP 31](#) (Fiscal Affairs Special Offers and Verbal Quotes Form)
- Copy of [SR-1](#) when damage over \$1,000 or involved an injury or death
- Memorandum from Troop/Company/Section Commander or CACD Area Manager
- Employee's Accident history for the past three years (see AASIS list to obtain info)

Duties and Responsibilities of the Division Commander

It is the responsibility of the Division Commander to:

- Review the crash packet submitted by the Troop/Company/Section Commander or CACD Area Manager;
- Consult with Troop/Company/Section Commander or CACD Area Manager and appropriate Deputy Director to determine whether the crash investigation should be



VEHICLE USE

addressed with a supervisory or departmental investigation in accordance with the Disciplinary Matters policy ([LE SEC 4](#) for commissioned officers; [CIV SEC 6](#) for civilian employees).

- Ensure that supervisory investigations are conducted in accordance with the applicable Disciplinary Matters policy (LE SEC 4 for commissioned officers; CIV SEC 6 for civilian employees) in determining whether the crash was avoidable, unavoidable, inconclusive, or the result of legal intervention.

Monetary Restitution: The Director may require an employee to make monetary restitution to the Arkansas State Police, in addition to any other disciplinary action, for the damages incurred if the employee acted recklessly or negligently with regard to Arkansas State Police property or equipment.

Supervisors to Notify Fleet Operations Manager: Supervisors should report any damage to an Arkansas State Police vehicle due to a crash or non-crash incident to the Fleet Operations Manager the following business day after the damage occurs.

A copy of the repair invoice for an ASP vehicle should be provided to the Fleet Operations Manager after repairs are made.

Fuel: Unless impractical under the circumstances, the fuel tank of an emergency vehicle should be kept at least half full at all times and particularly at the end of a tour of duty.

Employees should use Arkansas State Police fuel pumps when practical. When it is necessary to purchase fuel, employees should use self-service fuel pumps and should not purchase any grade of fuel other than regular unleaded fuel.

Security of Arkansas State Police Vehicles: Employees should be responsible for locking or otherwise securing Arkansas State Police vehicles while unattended. Vehicle keys should not be left in the vehicle when it is unattended. This includes, but is not limited to, the ignition or the gas tank flap. Canine handlers are exempt from this requirement if the canine is present in the vehicle.

If an employee gives a non-employee or inmate complete control or access to an Arkansas State Police vehicle (such as valet parking, service in an auto shop, etc.) the employee should remove and secure all weapons (*see also* [LE SEC 25](#) – Firearms) and other sensitive information such as case files, in-car computers, equipment, electronic devices, ASP cell phones, etc.



VEHICLE USE

In-car computers, equipment, or electronic devices, when practical, should be powered off and locked in the trunk of the vehicle or in another secure location when the vehicle is unattended.

Purchasing and Redistribution of Arkansas State Police Vehicles: The Arkansas State Police should abide by all applicable Arkansas statutes, directives of the Governor, and policies of the Department of Finance and Administration in the purchasing and redistribution of vehicles.

It is the responsibility of the Fleet Operations Manager to coordinate and serve as a point of contact for other state agencies and vendors involved in vehicle purchasing, fleet operations, and fleet maintenance.

Assignment of Arkansas State Police Vehicles: The Fleet Operations Manager is responsible for maintaining a list of all vehicles available for assignment to Arkansas State Police personnel and serves as the primary coordinator for temporary and permanent assignment of vehicles. Requests for permanent reassignment of vehicles to personnel should be routed through the chain of command and, if approved, coordinated by the Fleet Operations Manager.

Assignment of new and low mileage vehicles should be made in accordance with the ASP Fleet Rotation Plan and in the best interest of the agency. Employees do not determine vehicle assignments.

Vehicle Daily Use Logs: In accordance with the State of Arkansas Vehicle Use and Management Handbook, Section 17.1 – Vehicle Use Log, ASP is required to maintain a Vehicle Daily Use Log ([ASP 169](#)) for all pool vehicles that are not assigned to a specific employee and for some assigned vehicles (see [Department of Finance and Administration Vehicle Fleet Management Site](#) for more information). The Fleet Operations Manager will maintain a record of all vehicles required to have an ASP 169. Drivers of the vehicles required to maintain a daily log shall complete the ASP 169 each time a vehicle is used. The completed ASP 169s shall be submitted with monthly vehicle reports and maintained in accordance with state document retention guidelines. Troop/Company/Section Commanders and CACD Area Managers shall ensure that the ASP 169s are utilized as required and submitted in accordance with this policy.

Shop Operations: The Arkansas State Police Auto Shop and Equipment Install Shop are under the direct supervision of the Fleet Operations Manager. Requests for services should be scheduled in advance through the respective shop manager unless services are needed due to an emergency.

Radio Repairs/Maintenance: Radios shall only be taken to the ASP radio shop or to an ASP-approved repair location for repairs or maintenance. Radios that are taken to the ASP radio shop,



VEHICLE USE

or to an ASP-approved repair location, shall not be re-programmed without written authorization by the Division Commander or his/her designee. Personnel shall not request that technicians add or remove talk groups/channels or otherwise re-program or amend the radio templates/programming.



RESIDENCY REQUIREMENTS

I. Purpose

This policy outlines the residency requirements for the agency and applies to employees assigned a State vehicle or those who have been informed as a condition of employment to live in a specific area/location.

II. Requirements

- A. All employees assigned a state vehicle shall reside within the state of Arkansas. All employees subject to this policy shall complete an initial Residency Certification/Relocation Request Form ([ASP 249](#)) and submit it through their chain of command to the Division Commander. Upon promotion, transfer, and/or prior to any desired relocation within his or her assigned area, an employee should submit a new ASP 249.
- B. The Troop/Company/Section Commander, and the Division Commander or designee, shall verify the new residence complies with this policy with his or her signature on the ASP 249.
- C. Division Commanders shall forward the completed ASP 249 to Human Resources (HR) for retention. Employees may access a copy of the completed form in their PowerDMS certificate history. **In accordance with the Rules of Conduct policy ([GEN SEC 3](#)), an employee's failure to provide his or her actual physical address on the ASP 249 is considered untruthfulness and may result in disciplinary action up to and including termination.**
- D. **Employees shall not relocate outside their assigned area without a residency waiver approved by the Director and filed with their Division Command and the Human Resources Section.**
- E. The mileage driving distance requirements indicated below in this policy should be measured using the website MapQuest, located at www.mapquest.com.

Note: Employee's must also submit a Change of Name/Address/Telephone Form ([ASP 149](#)) to Personnel for a name, address, or telephone number change.

F. Employee Annual Certification

Employees subject to this policy shall certify their physical address in accordance with this policy annually. Employees are required to view the most recent ASP 249 form on



RESIDENCY REQUIREMENTS

file in PowerDMS and to verify that no changes have taken place since the form was approved. This will be accomplished by electronically signing for the Annual Residency Certification Form ([ASP 249A](#)) in PowerDMS by the deadline required.

G. Troop/Company/Section Commanders Annual Certification:

Troop/Company/Section Commanders will be required to verify compliance with the annual certification of their subordinates by electronically signing for the Commander's Residency Policy Certification Form ([ASP 249B](#)) in PowerDMS.

H. Deputy Directors and Division Commanders Annual Certification:

Each Deputy Director and Division Commander will complete the ASP 249B process for the subordinates that report directly to them.

I. Waivers

1. Employees requesting a waiver must submit an ASP 249 and a memorandum through his or her chain of command to the Director outlining the justification for the waiver.
 - a. A copy of the MapQuest directions with the total mileage shall be attached with the memorandum.
 - b. Troop/Company/Section Commanders and Division Commanders shall provide a memorandum to the Director with his/her recommendation for the waiver request.
 - c. Residency waivers are at the sole discretion of the Director and will be reviewed on a case-by-case basis, considering such factors as the impact on emergency response time, agency resources, agency operations and interests, and federal income tax reporting requirements.
2. The Director will approve or deny the waiver request in writing.
 - a. The Director's office should retain a copy of all waivers (both approved and denied), and forward copies to Human Resources and the employee's Troop/Company/Section Commander.



RESIDENCY REQUIREMENTS

- b. The Troop/Company/Section Commander should ensure that the employee receives a copy of the approved or denied waiver.
3. The employee shall retain a copy of an approved residency waiver. The employee shall present a copy of his or her approved residency waiver when requested by a supervisor.
4. **An employee requiring a residency waiver shall not relocate to a new residence without having a waiver on file that is approved by the Director.** Employees who violate this section of policy are subject to disciplinary action up to and including termination.

J. Commander's Responsibility

The Division/Troop/Company/Section Commander shall be responsible for the enforcement of this policy. A Commander's failure to enforce this policy or failure to report a residency violation shall be reflected on his or her annual performance evaluation and may result in disciplinary action.

III. Residency Requirements by Division

A. Highway Patrol Division

1. Troop Commanders and Assistant Troop Commanders shall reside within their assigned Troop boundaries and no further than 45 miles from the Troop Headquarters.
2. Post Sergeants shall reside within their assigned Post unless the promotional/lateral transfer announcement indicates a more specific residency requirement (see Transfers and Promotions, [LE SEC 3](#)) as recommended by the Troop Commander and approved by the Division Commander.
3. Corporals, Troopers First Class, and Troopers shall reside within their assigned county.
4. Driver's license examiners (DL and CDL) shall reside within their assigned Troop and no further than 45 miles from their assigned testing site. If an examiner is assigned to multiple testing sites, the employee shall reside within their assigned testing area as approved by the Troop Commander.



RESIDENCY REQUIREMENTS

B. Criminal Investigation Division

1. Company Commanders shall reside within their assigned Company and no further than 45 miles from the Company headquarters.
2. CID Company sergeants shall reside within their area of responsibility unless the promotional/lateral transfer announcement indicates a more specific residency requirement (see Transfers and Promotions, [LE SEC 3](#)) as recommended by the Company Commander and approved by the Division Commander.
3. CID special agents shall reside within their area of responsibility.
4. The CID area of responsibility is determined by the Company Commander and approved by the Division Commander using the following factors: geographical consideration, available manpower, and average caseload.

C. Crimes against Children Division

Area supervisors and investigators shall reside within their area of responsibility or within 45 miles of the employee's official workstation with the approval of the Division Commander.

D. State Police Headquarters Personnel

All employees who are issued a state vehicle and assigned to headquarters in Little Rock, Executive Protection, or the Aircraft Section, shall reside within 45 miles of their assignment unless the Director has approved a waiver.



AIRCRAFT USE

Use of ASP Aircraft: Arkansas State Police (ASP) aircraft are for use by ASP members, other approved state employees, and other persons, for the expedient and beneficial conduct of official state business. ASP members are encouraged to request use of the department's aircraft through their chain of command to the officer's Commander, or the Commander's designee, whenever it will benefit the ASP's mission. Aircraft have frequently proven to be valuable in enforcement, and are often beneficial in other areas due to economic, practical or emergency considerations. Examples of common activities conducted by the ASP when use of aircraft may be beneficial are:

- Emergency travel;
- Normal travel, when economically beneficial to reduce staff hours or travel expenses, or when other means of travel are unavailable;
- Aerial surveillance (prison escapes, marijuana eradication, stolen vehicles, following suspects, pre-raid planning, photography, traffic enforcement, security, etc.);
- Transportation of prisoners (security, expediency, etc.);
- Emergency transportation of blood, medicine, transplant organs, documents, equipment, etc.;
- Transportation to enhance efficient scheduling and productivity of the Director and other ASP personnel;
- Transportation of other state officials in the performance of official state business;
- Transportation of other persons to further the ASP mission;
- Public information, public relations, crime prevention displays, etc.;
- Any function to promote the health, safety, and welfare of the citizens of Arkansas;
- Any other function, that is in the best interest of the Arkansas State Police and/or the state of Arkansas.

Determination of Need for ASP Aircraft and Requests for Aircraft: The determination of whether a situation warrants the use of ASP aircraft should be made by ASP field supervisors. The Commander of the Executive Protection Section may also schedule and request aircraft for use by the Governor.



AIRCRAFT USE

The determination whether a flight can be safely accomplished considering weather, equipment, and pilot capabilities, shall be made exclusively by the Aircraft Section Commander and/or the pilot assigned to the flight.

Schedule: The Aircraft Section Commander shall schedule flights in accordance with guidelines established by the Director.

Flights by ASP aircraft shall be scheduled on a priority basis. Flights of equal priority shall be scheduled on a first come, first serve basis. Flight approval shall be determined by (1) safety, (2) need, (3) cost effectiveness, and (4) priority, in that order.

Inquiries regarding the practicality and/or availability of flights should be made directly to the Aircraft Section Commander, or in the Commander's absence, the Aircraft Section pilot subject-to-call.

When time permits, non-emergency flight requests should be made by completion of a Flight Request Form (ASP-23) and forwarded through the requester's chain of command to the Aircraft Section Commander. To expedite response, emergency flight requests may be made directly to the Aircraft Section Commander or the Aircraft Section pilot subject-to-call by any ASP supervisor.

Requests for flights by non-law enforcement agencies should be forwarded to the Highway Patrol Division Commander or his/her designee.

Flight Limitations: All flights shall be in accordance with Federal Aviation Regulations (FAR's) and within the limits set by the aircraft insurance policy. The pilot should make the final decision to initiate, continue, or abort any flight.

Passenger Limitations: Tear gas, pepper spray, and any other type of chemical irritants or hazardous materials are strictly prohibited from transport on any ASP aircraft.

When transporting prisoners, all weapons should be secured in an area of the aircraft not accessible to the prisoners.

Persons transported on helicopters obtained through the Federal Surplus Property Program must meet the requirements of Federal Public Law 103-411 and any subsequent FAA Regulations regarding "Public Use" aircraft.

Smoking is prohibited on all aircraft.



COMPUTER USE

I. Purpose

The purpose of this policy is to govern the use of computers, laptops, tablets, personal digital assistants (PDA), smartphones, cellular phone, or any mobile device by Arkansas State Police employees. It is the intent of this policy to establish guidelines for the appropriate use of state-owned or operated devices mentioned above to include networks, Internet, and email, while protecting the integrity, standards, and ethics of the department.

II. Definitions

- A. **Information Technology (IT)** – includes but is not limited to the Department's computer network, servers, routers, switches, computers, landline telephones, VoIP, hotspots, smartphones, mobile devices, wireless modems, printers, email, voice mail, mobile data computers, and other devices.
- B. **Computers** – storage systems, servers, tablets, and desktop, laptop and mobile computers. This includes the central processing units (CPU), monitors, printers and other devices.
- C. **Electronic Mail** – Email to include Department-supported email using Microsoft Outlook and an Exchange server as well as any other email service that is capable of sending or receiving electronic mail to a Department-owned computer or across the Department's network.
- D. **ACIC** – Arkansas Crime Information Center, which allows access to criminal history and other law enforcement information.
- E. **NCIC** – National Crime Information Center, which allows access to criminal history and other law enforcement information through the Federal Bureau of Investigation.
- F. **Mobile Computer Device** – means laptop, tablet, or other removable CPU device or peripheral that can be easily transported from one location to another (i.e. laptops installed in patrol units, etc.).
- G. **Network** – System of computers interconnected in order to share/obtain information using the ASP and state network.
- H. **PII** – Personally Identifiable Information
- I. **CJI** – Criminal Justice Information
- J. **CJIS** – Criminal Justice Information Services



COMPUTER USE

III. Restrictions

- A. Unauthorized removal of agency sensitive files that contain PII or CJI is strictly prohibited. Files must have an encryption level of 256 FIPS (Federal Information Processing Standards) certified AES (Advance Encryption Standard). Please refer to CJIS Security Policy - <https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>.
- B. Employees should not engage in any social engineering process. This means that employees should not give out any agency logon credentials or PII over the phone or through electronic means unless authorized in writing by the appropriate supervisor.
- C. Personally owned devices, including but not limited to smartphones, tablets, or electronic devices used for electronic communication are prohibited from connecting to the agency network. Per Section 5.13 (Mobile Devices) of the CJIS Policy, no criminal history information (CHI) shall be transmitted on a device not issued by ASP.

IV. User Responsibilities

When using state-owned computers to create documents, access the internet, send or receive emails, etc., employees shall adhere to the following requirements:

- A. Employees shall log on to their computer as required.
 - 1. Highway Patrol officers are required to log in to their computers upon checking in service to ensure that their GPS and MOVE systems are activated at the beginning of the shift.
 - 2. Employees should check email as required while on duty and respond to any announcements or agency requests within any mandated deadlines (i.e. PowerDMS document signatures, subpoena notifications, requests for submission of time sheets or leave requests, etc.).
- B. Computer use should be in accordance with policies and procedures and not for personal use. Documents created, internet sites accessed, and emails sent and received should be for state business purposes only and may be monitored.
- C. Refrain from leaving computers unattended for extended periods. When an employee leaves their desk, they should sign out, logoff, or lock their computer screen to prevent unauthorized access.
- D. Non-ASP equipment is prohibited from connecting to the ASP network.



COMPUTER USE

V. Privacy

- A. **Electronic communications should never be considered private, confidential, or secure.** Once sent, copies of email can be forwarded to unintended recipients without the sender's knowledge or permission. All files stored on Department computer systems and all messages, files, images, and data created, sent, or retrieved over the Internet or through email are the property of the Department and may be subject to disclosure under the Arkansas Freedom of Information Act (FOIA). **All email communication using a state email address is subject to FOIA regardless if the email is on a personal or agency-issued device.** The Department has a right to monitor all aspects of its computer system including, but not limited to:
1. Internet sites visited by employees;
 2. Material downloaded or uploaded by employees; and
 3. Email sent or received by employees.
- B. **Monitoring may occur at any time, without notice, and without the employees' permission.** Employees should have no expectation of privacy in anything they create, store, send, or receive on the Department's computer system.

VI. Acceptable Computer Use

Acceptable uses of the internet and email are those that conform to the purpose, goals, and mission of the Department and to each user's authorized job duties and responsibilities. Each agency employee is required to acknowledge the acceptable use notification and agree to adherence to this policy upon logging in to the agency network. The following list, although not all-inclusive, provides some examples of acceptable uses:

- A. Communicating with federal, state, or local government personnel, vendors, and other private businesses related to an employee's job duties;
- B. Accessing information for professional development, work-related research, or to maintain knowledge or skills;
- C. Researching legislation or government regulations;
- D. Communicating for administrative purposes; and
- E. Investigating criminal activity or conducting research to support a criminal investigation.



COMPUTER USE

VII. Inappropriate Computer Use

Conduct that violates this policy includes, but is not limited to the following:

- A.** Disclosing investigative or confidential information without the express written authority of a supervisor;
- B.** Posting, transmitting, printing, accessing, or sharing objectionable material, including but not limited to, pornographic, defamatory, false, inaccurate, abusive, obscene, profane, hate dialog, sexually oriented, harassing, threatening, racially offensive, discriminatory or illegal material;
- C.** Participation in chain mail, virus hoaxes, urban legends, unauthorized chat rooms or social media groups;
- D.** Engaging in private or personal business activities;
- E.** Sending or forwarding executable files, JPEG, bitmaps, non-business emails, or other attachments unrelated to work activities;
- F.** Unauthorized participation in chat rooms or social media groups;
- G.** Downloading/installing recreational games;
- H.** Downloading or installing non-ASP licensed software without prior written authorization from the Chief Information Officer (i.e. screen savers, etc.);
- I.** Installing state-funded internet subscription software on a personally-owned computer (i.e. personal laptop, desktop, or tablet);
- J.** Installing personal internet subscription software, account sign-on, and password on a Department computer;
- K.** Displaying scanned or reproduced Department images, logos, patches or badges on a personal web site or personal computer without the express written permission of the Director (*see* A.C.A. § 12-8-121);
- L.** Knowingly or recklessly performing an act that will interfere with normal computer use;
- M.** Sharing passwords with employees or third parties, unless requested in writing by a supervisor.
- N.** Misrepresenting oneself or the Arkansas State Police;



COMPUTER USE

- O. Sending or forwarding email messages from another user's computer while logged in under the other user's account without prior written approval from the user of the source computer. If a user needs to send a message under a different name, the format for the message should be {composing user} followed by {authority: requesting user};
- P. Computer use to gain unauthorized access to or the misuse of any computer system, including but not limited to the ACIC, NCIC, AASIS, CHRIS, ACISS or HR database;
- Q. The use of ACIC or NCIC for personal gain or benefit or for any other reason not directly related to law enforcement (*see* A.C.A. § 12-12-212);
- R. Engaging in unlawful or malicious activity;
- S. Computer use which violates Arkansas State Police policy;
- T. Any action which restricts or inhibits other users from using the system in a productive manner;
- U. Violating terms of applicable software licensing agreements or copyright laws and their fair use provisions through inappropriate reproduction or dissemination or copyrighted text, images, etc.;
- V. Installation of personally owned hardware, software, or peripherals on an ASP authorized network or workstation without the approval of the Director or his/her designee.
- W. Introducing, using or having another person introduce or use hardware or software that is designed to gain unauthorized access to any IT resource by password cracking, port scanning, keystroke recording or other method; or
- X. Introducing, using or having another person introduce or using hardware or software designed to corrupt or destroy IT resources or cause other harmful effects.

VIII. Email

- A. Users are not to open email messages containing attachments unless they are certain of the trustworthiness of the source. Messages received that appear suspicious, i.e. unknown sender and/or a suspicious subject line, should be reported to the IT Helpdesk, 501-618-8020 or it_helpdesk@asp.arkansas.gov prior to opening or viewing as it may contain a malicious code allowing access into the State network. If the email is in question, ALWAYS delete the message without viewing it.



COMPUTER USE

- B. Use of non-ASP references or quotes (i.e. quotes and religious scriptures or text) or use of non-ASP icons, logos, or images within or associated with an employee's signature block is prohibited.
- C. The transmission and dissemination of email among employees will be treated the same as official Departmental written correspondence.
- D. **Email Retention**
 - 1. All agency email is subject to the Arkansas Freedom of Information Act. It is the employee's responsibility to retain email in compliance with records retention rules. (See [Arkansas Records Retention Schedule](#), page 6-7 regarding correspondence.)
 - 2. Each employee is allotted a defined space on the email server for information storage. Once an employee reaches the maximum allotted space, the server will prevent send/receive capabilities. Employees should reduce the amount of used space by removing or saving files locally to their assigned agency computer before send/receive rights are restored.

IX. Freedom of Information Act (FOIA)

- A. Electronic files, including email and computer files of state employees are subject to public inspection and copying under the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-105 *et seq.*
- B. Arkansas State Police records, email, internet, and computer files are subject to disclosure to other law enforcement or government officials or to third parties through subpoena or other processes. Employees should ensure that all information contained in email/internet transmissions is accurate, appropriate, and lawful.
- C. ASP utilizes a multitude of electronic information, including all information contained in MOVE (Mobile Officer Virtual Environment) which can be released under the FOIA or other means. Employees must refrain from personal use or any use not related to their official duties when using MOVE, ACIC/NCIC, etc. It is imperative that all ASP personnel maintain professionalism when using electronic devices or systems (i.e., laptops, PDAs, ACIC/NCIC, MOVE, etc.) so that the integrity of the systems is not compromised. All transactions can be obtained and reviewed; any inappropriate or unlawful use could result in the termination of employment.



VIDEO SUPPORT UNIT AND PHOTO LAB

Video Support Unit and Photo Lab: The Arkansas State Police Video Support Unit and Photo Lab are charged with the responsibility of assisting the department's law enforcement operations, development of public service publications and video productions, recruiting and training materials, as well as other administrative projects for both departmental and public use that may be enhanced with the use of accompanying customized print and video productions.

Requesting Services of the Video Support Unit and/or Photo Lab: All requests for photographic or video "shoots" and assignments and/or services should be directed to the public information officer. Requests should originate from a Division, Troop, Section, Area, or Company Commander.

Film processing and printing orders associated with an open or closed highway crash investigation or criminal investigation may be submitted directly to the photo lab. The photo lab should catalogue the images and hold the images for duplication as necessary during the course of the investigation and adjudication process. Photo lab services outside the scope of a law enforcement investigation, prosecution, or Freedom of Information Act requests should be directed to the public information officer.

Commanders who do not have access to video duplication equipment may submit their requests for duplication services directly to the public information officer.

Project and Assignment Priority: Projects and other assignments received by the video support and photo lab units should be prioritized for completion by the employees of each unit in consultation with the public information officer and the applicable department Commander or supervisor requesting services of either unit.



INMATE PROGRAM

Purpose: The Arkansas State Police operates its inmate program in cooperation with the Arkansas Department of Correction. The program provides secure incarceration, while permitting inmates to pay their debt to society with job assignments that otherwise would bear a substantial burden on the fiscal affairs of the Arkansas State Police.

Arkansas State Police acknowledges great concern for the safety of employees and the public. To protect the integrity of the program, inmate insubordination will not be tolerated. Rule violations may result in the inmate's immediate return to the Arkansas Department of Correction. While this policy specifically addresses the inmates assigned in Little Rock, personnel around the state utilizing inmate labor are expected to apply the applicable sections of this policy to his/her situation. This policy should be deemed to apply to any inmate, including but not limited to city and county detainees and inmates on furlough.

Inmate Program Supervisor: A commissioned employee designated by the Regulatory and Building Operations Division (RBOD) Commander should supervise the Arkansas State Police Inmate Program.

Other personnel, as determined by the RBOD Commander, should be assigned in sufficient numbers to adequately maintain the integrity of the program.

Inmate Supervision and Security: Inmates should be under the supervision of an Arkansas State Police commissioned officer or a designated ASP employee.

Rules Governing the Inmate Program: Inmates and employees should abide by the following rules. The rules are not intended to cover every situation, but should serve as a guide for conduct that is not acceptable. If an inmate or employee has a question about permissible behavior, he/she should seek guidance from his/her supervisor before proceeding.

Inmates shall not:

- Have access to weapons of any kind;
- Have access to computers unless authorized. Access is limited for clerical purposes only;
- Have access to e-mail or the Internet (Inmates assigned to the auto shop are authorized to access the W ytek system to obtain training and appropriate certifications. All other internet access is filtered to block access to any other site.);
- Use a telephone without express authorization from their supervisor. Access is limited to business purposes only;
- Possess or use any type of tobacco products;



INMATE PROGRAM

- Have access to cellular telephones or pagers;
- Have access to personnel information;
- Be permitted access to information concerning investigations or other information not available to the public;
- Have any financial interest, including receiving money, fees or commissions;
- Request or perform a personal favor for or from any employee, employee's family or friends, or any person with whom the inmate may come in contact during participation in the inmate program;
- Leave ASP grounds without an authorized escort;
- Use offensive, vulgar, profane language, or racial slurs;
- Possess contraband. "Contraband" means any article not officially issued or purchased through department channels or any article or item brought onto state property or into a state building other than through proper channels.
- Be permitted to drive vehicles except when meeting the following criteria:
 - Inmate must have a valid driver's license;
 - Inmates driving vehicles should observe all applicable traffic laws; and
 - Inmates should be supervised at all times when operating a vehicle.
 - When more than one vehicle is involved, an Arkansas State Police officer or authorized ASP employee should be in the convoy of vehicles and in a position to observe vehicles operated by inmates.

Inmates should direct any problems, complaints, or concerns to the inmate program supervisor or the RBOD Commander.

Employees should comply with the following rules regarding Inmates:

- Employees should not have any financial interest, including receiving money, a fee, commission, personal favor, or gratuity from an inmate, or an inmate's family or friends.
- Employees should not trade or traffic with inmates at any facility.
- Employees should not convey any message, written or verbal, from one inmate to another or to any person outside the department on behalf of an inmate.
- Employees should not perform any personal favor for an inmate. This includes but is not limited to contacting third parties, writing or mailing letters, sending messages or delivering packages;
- Employees should not give money directly to inmates at any facility for any reason.
- Employees should not buy or bring meals, snacks, gifts, tobacco, etc. to inmates at any facility without the approval of the Division Commander;



INMATE PROGRAM

- Employees should refrain from being overly familiar or personal with inmates. Undue familiarity decreases an inmate's effectiveness and could place the employee in a compromising position;
- Employees should not use offensive, vulgar, profane language, or racial slurs in the presence of an inmate;
- Under no circumstance should an employee allow an inmate to use the telephone without approval from the employee's supervisor. Any employee who has reason to believe that an inmate is improperly using the phone should contact the inmate program supervisor;
- Contrabands should not be furnished to any inmate. "Contraband" is defined as any article not officially issued or purchased through department channels or any article or item brought onto state property or into a state building other than through proper channels.
- Employees are prohibited from striking or laying hands on inmates unless it is in self-defense or in defense of another person, or when necessary to prevent an escape, quell a disturbance, or protect property. Only the amount of force necessary to resolve the situation should be used.
- Employees may not accept gifts or items of value from inmates, an inmate's family or an inmate's friends.
- Employees are not permitted to appear before the Parole Board or any other body concerning inmates to represent an inmate. Employees should not submit letters on behalf of inmates unless required to do so by the Board. If the Board requires an employee to submit documents or appear on behalf of an inmate, the employee's Division Commander and the RBOD Commander should be notified.
- Employees should not change an inmate's work hours, assignments or duties without authorization from the RBOD Commander or his/her designee. Under no circumstances may an inmate be removed from the assigned premises without approval of the inmate supervisor.

Any problem or concern regarding inmates should be reported to an employee's immediate supervisor and forwarded to the inmate program supervisor or the RBOD Commander.

Disciplinary Action: Any employee who has reason to believe that disciplinary action is warranted against an inmate should immediately contact his/her Division Commander or the inmate supervisor. All disciplinary action taken against inmates should be implemented by the RBOD Commander.



INMATE PROGRAM

Proper steps should be taken by involved commissioned personnel to prevent possible escape when an inmate is believed to have committed a crime or rule violation that may result in the inmate's return to ADC.

If an inmate escapes from custody, the RBOD Commander, inmate supervisor, ADC, and appropriate law enforcement agency of jurisdiction should be notified immediately.

Conflict with Law or Policy: Any portion of this policy found to be in conflict with state or federal law or with the rules and regulations promulgated by the ADC should be withdrawn and superseded by the applicable law or regulation.



BOMB THREAT

Purpose: This policy establishes a plan containing specific procedures for the safe handling of bomb threats and bomb emergencies.

Policy: It is the policy of the Arkansas State Police to investigate bomb threats and emergencies occurring in state offices and facilities when appropriate, and provide assistance to other jurisdictions as requested to help locate and dispose of explosive devices.

Bomb Threats and Bomb Emergencies: A bomb threat is the report of a bomb in a location likely to cause injury, death, or property damage. A bomb threat should be treated as real until a thorough search and investigation of the threatened location proves otherwise.

Employees receiving a bomb threat should:

- Keep the caller talking as long as possible. Ask the caller to repeat the message and record as much as possible in writing;
- Record the call if possible;
- Ask for the location of the bomb and the time of detonation;
- Advise the caller the building is occupied and the detonation of the bomb may result in death or serious injury to innocent people;
- Listen for specific background noises which might indicate the place from which the call is being made;
- Listen closely to unique characteristics of the caller's voice (e.g., accents, speech impediments, sex, and other distinguishing features); and
- Ask specific questions regarding the bomb, (i.e., size, detonator type, construction, type of explosive, appearance, time of detonation, etc).

If a bomb threat is received indicating a bomb has been placed at an Arkansas State Police building or facility, the Director, affected Commander, and on-duty supervisor should be notified immediately.

Bomb threats received concerning buildings or facilities not within the responsibility of the Arkansas State Police should be immediately reported to the law enforcement agency having jurisdiction.



BOMB THREAT

Evacuation Policy: The Regulatory and Building Operations Division Commander or his/her designee should determine what course of action to take. Action may include, but is not limited to: no action; search without evacuation, or evacuate and then search.

If a decision is made to evacuate the site, officers should render all necessary assistance and request whatever manpower is needed to complete the task in a timely and safe manner.

Fire drill procedures or similar measures may be used to ensure an organized systematic evacuation of a building or facility. Two-way radios and use of cell phones should not be used by employees during evacuation.

Searches: The officer in charge of the bomb emergency site might request the assistance of responsible civilian employees to be utilized if they are willing to participate. Search team members should:

- Monitor, but not transmit on, two-way radios and use non-cellular telephonic or courier communications;
- Nothing should be done to change the environment of the area searched, such as turning on light switches or thermostats until the area has been searched thoroughly using flashlights;

Bomb Squads: The Arkansas State Police Bomb Squad should be notified of any suspicious item or device located in a state owned or leased facility.

After hours or weekends contact ASP Troop A Dispatch at 501-618-8101 to notify the ASP Bomb Squad.



HONORS BOARD AND AWARDS POLICY

Purpose: The purpose of this policy is to publicly recognize and honor commissioned officers, civilian employees, and citizens who demonstrate exceptional dedication and/or valor on behalf of the citizens of the state of Arkansas.

Awards are presented to individuals who distinguish themselves through individual or collective acts of bravery or meritorious service. Such acts are at a level above those ordinarily expected. When considering the acts of service and heroism normally performed by Arkansas State Police Troopers and civilian employees, qualification for individual awards should be particularly significant.

The honor and integrity of the Arkansas State Police awards program requires that recipients are individuals to whom no justified criticism can be attached.

Honors Board Composition: The Honors Board is comprised of seven representatives, five voting members and two ex-officio members appointed by the Director. The board members should include one civilian employee from the Crimes Against Children Division, one commissioned employee from the Highway Patrol Division, one commissioned employee from the Criminal Investigation Division, one civilian employee at large, one commissioned employee at large, and two ex-officio members at large.

Two members of the board should be replaced each January. The voting members of the board will make recommendations to the Director of possible replacements during the December meeting each year. The recommendations should be compiled from a list of personnel who have stated an interest in serving on the board.

During the board's first meeting, the members of the board should elect a chairman, vice chairman and secretary. The board should meet on a monthly basis, or as often as necessary to review nominations, and will submit recommendations to the Director of Arkansas State Police.

Members of the honors board will sacrifice their right to submit nominations. No member should actively participate in consideration or vote for any singular award or be an active participant of the event/incident which resulted in a nomination.

The honors board is tasked with the responsibility of examining each submitted award nomination. Nominations should be submitted through the chain of command to the respective Division Commander. The Division Commander should forward the nomination to the honors board for its review and consideration.



HONORS BOARD AND AWARDS POLICY

The honors board should conduct a review of the circumstances of the cited action or service. The honors board may recommend presentation of an award of greater or lesser significance than indicated on the nomination, based on the review of the facts. The honors board will make its recommendations to the Director, and upon approval of the Director, the board will make a written acknowledgment to the person who initiated the nomination and the nominee's Commander.

Award Nominations: Each nomination should be submitted on the Departmental Award Nomination Form ([ASP 98](#)) through the chain of command to the honors board.

Nominations should provide a detailed narrative relating to the circumstances and events worthy of recognition, including names, addresses, and telephone numbers of all witnesses, participants, or others with first-hand knowledge about the incident or service.

The award process is intended to be timely and accurate; therefore it is essential that nominations be submitted through the chain of command within 45 days of the action or service. If supporting documents are not available within the 45 days, the ASP-98 nomination form should be submitted. The supporting documents should be submitted in a timely manner thereafter. Delay of the ASP-98 nomination past the 45 days should be justified with a cover letter stating the extenuating circumstances for the delay.

Multiple and Posthumous Awards: Awards, medals and other honors may be presented posthumously. Incidents of valor or distinguished service often occur in circumstances that warrant honoring more than one act. For example, an individual could receive a medal of valor and a gold shield as a result of a single incident. For this reason, multiple awards may be recommended by the honors board.

Medal of Valor: The medal of valor is the highest award to be presented to a commissioned or civilian employee of the Arkansas State Police. The medal of valor is earned for extraordinary acts of valor and gallantry that clearly sets the individual apart from other employees.

The honors board should authenticate the circumstance and details of each nomination for the medal of valor. It is imperative that the integrity of the medal of valor be maintained by incontestable proof of the circumstances of the action.

The following guidelines contain the documentation required for consideration for the medal of valor:

- A complete and detailed narrative of the incident forming the basis of the nomination. The narrative should include:
 - Full name, address and telephone number of person nominated.



HONORS BOARD AND AWARDS POLICY

- Date and time of the incident.
- Any description pertaining to terrain and/or weather conditions impacting the incident.
- Clear evidence the action was voluntary and not the result of a supervisor's written or verbal order or suggestion.
- Clear evidence the individual was aware that his or her action would place them at peril of death or grave bodily harm.
- Clear evidence the action reflected conspicuous gallantry and valor above the call of duty.
- All available statements from law enforcement or rescue personnel present during the action should accompany the nomination. It is preferable that any and all statements obtained from public safety personnel, witnesses, and rescued or assisted persons, be presented with the nomination for honors board consideration.

Trooper's Cross: The Trooper's cross is awarded to Troopers and civilian employees who demonstrate courage at a level not justifying the medal of valor.

The Trooper's cross can be appropriately awarded to an individual operating under the written or verbal orders of a supervisor.

The following guidelines contain the documentation required for consideration for the Trooper's cross:

- A complete and detailed narrative of the incident forming the basis of the nomination. The narrative should include:
 - Full name, address and telephone number of person nominated.
 - Date and time of the incident.
 - Any description pertaining to terrain and/or weather conditions impacting the incident.
 - Whether the action was initiated by a supervisor's specific written or verbal order.



HONORS BOARD AND AWARDS POLICY

- Clear evidence the action met the standard of courage that sets the individual apart from other employees.
- Statements from all witnesses, including public safety personnel at the scene should be submitted with the nomination.

Gold Shield: The gold shield is designed to honor Troopers and civilian employees who, under honorable conditions, suffer permanent disfigurement, permanent impairment of the health, or extremely serious physical injury in the line of duty.

The following guidelines contain the documentation required for consideration of the gold shield:

- A complete and detailed narrative of the incident forming the basis of the nomination. The narrative should include:
 - Full name, address and telephone number of person nominated.
 - Date and time of the incident.
 - Any description pertaining to terrain and/or weather conditions impacting the incident.
- The action was taken under honorable conditions.
- Copies of any relevant case summaries or reports documenting the event, and other substantiating records needed by the honors board.
- Available statements from all witnesses, including public safety personnel at the scene.

Memorial Medal: The purpose of the Memorial Medal is to honor the memory of an Arkansas State Police employee killed in the line of duty under honorable conditions.

The Memorial Medal should be presented to the immediate family of any Trooper or civilian employee who loses their life under honorable conditions, while serving the state of Arkansas in their assigned duties, or in a law enforcement capacity either in the line of duty or in an off duty capacity.



HONORS BOARD AND AWARDS POLICY

The following guidelines contain the documentation required for consideration of the memorial medal:

- A complete and detailed narrative of the incident leading to death. The narrative should include:
- Full name and duty assignment of the deceased.
- Date and time of the incident.
- Any description pertaining to terrain and/or weather conditions impacting the incident.
- Full name, address and telephone number of the deceased's next of kin.
- A statement that the fatal wounds or injuries were sustained under honorable conditions.
- Copies of any relevant case summaries or reports documenting the event.

Lifesaving Award: The lifesaving award is presented to any Trooper or civilian employee who, through direct personal intervention, sustains the life of another person. "Direct personal intervention" is defined as direct application of cardiopulmonary resuscitation, the Heimlich maneuver, or some other lifesaving measure designed to prevent the immediate death of a person.

The following guidelines contain the documentation required for consideration of the lifesaving award:

- A complete and detailed narrative of the incident forming the basis of the nomination. The narrative should include:
- Full name, address and telephone number of person nominated.
- Date, time and location of the incident.
- Duration of time the nominee engaged in the performance of the rescue.
- Available personal information of the person(s) rescued.



HONORS BOARD AND AWARDS POLICY

- Exact type of direct intervention used to prolong life.
- Description pertaining to terrain and/or weather conditions impacting the incident.
- Copies of relevant case summaries or reports documenting the event.
- Statements from witnesses, law enforcement officers or fire and rescue personnel, and physicians who subsequently examined the victim.

Distinguished Meritorious Service Award: The distinguished meritorious service award is the highest award for meritorious service or achievement presented by the Arkansas State Police.

The performance should merit recognition for service that is clearly outstanding. Service may be a special requirement or an extremely difficult duty performed in an unprecedented and clearly outstanding manner. Justification for this award may be established by virtue of outstanding meritorious service performed in successive positions within the Arkansas State Police.

The distinguished meritorious service award should be based on a commitment to the mission of the Arkansas State Police and the extraordinary devotion to duty.

“Devotion to duty” is defined as an unselfish commitment to duty above normal requirements, which contributes significantly to the advancement of service provided to the citizens of Arkansas by the Arkansas State Police.

The devotion to duty category is for outstanding service, accomplishment and contribution to the Arkansas State Police. The performance on which this award is based should clearly be beyond the expectations from dedicated Troopers and civilian employees who are fully and competently discharging all the duties and requirements of their job descriptions.

The distinguished meritorious service award is intended to recognize personal and professional motivation through which employees have taken the initiative to expand their job capabilities for the benefit of the Arkansas State Police. The motivation may be through individual effort and achievement, or by motivating others toward a mutual goal of outstanding work.

The following guidelines contain the documentation required for consideration for the distinguished meritorious service award:

- A complete and detailed narrative description of the service forming the basis of the nomination. The narrative should include:



HONORS BOARD AND AWARDS POLICY

- Full name, address and telephone number of person nominated.
- If the person is being nominated for service over an extended period of time, include the dates of service.
- A specific explanation of the personal initiative and unselfish devotion to duty demonstrated above that normally performed by competent and dedicated employees.
- Whether the employee made an outstanding contribution to public service by successfully implementing exceptional methods, practices, or projects, which will fundamentally enhance the Arkansas State Police mission.
- Include any supporting documentation such as letters of appreciation from the public or peers.

Trooper of the Year Award: The Trooper of the year award may only be presented to an Arkansas State Police commissioned officer. The award may recognize cumulative acts of heroism or meritorious service, provided that the meritorious service exceeds service that is clearly outstanding, and the service should not only greatly benefit the Arkansas State Police, but the state of Arkansas.

Nominations are submitted through the chain of command to the honors board for investigation and consideration. All nominations for the medal of valor and lifesaving award are considered by the honors board as nominations for the Trooper of the year award. It should be noted however, that the honors board will not be required to select a Trooper of the year, if the board finds that the action of those nominated does not rise to a level worthy of this recognition.

The following guidelines contain the documentation required for consideration of a Trooper of the year nominee:

- A complete and detailed narrative of the event or series of events forming the basis of the nomination, including:
 - Name, address and telephone number of the individual nominated.
- If the nomination is based on meritorious service, a detailed explanation of the performance that benefits both the Arkansas State Police and the state of Arkansas.

Civilian Employee of the Year Award: The civilian employee of the year honors a civilian employee for outstanding performance or contribution to the mission of the Arkansas State



HONORS BOARD AND AWARDS POLICY

Police. By recognizing a single civilian employee, the Arkansas State Police acknowledges civilian employees as indispensable and integral to the services delivered to the citizens of Arkansas.

Civilian employees are defined as non-commissioned personnel employed by the Arkansas State Police. Qualification for this award may be based on a single act or cumulative acts of service or heroism. The acts of the civilian employee of the year recipient should be so exemplary as to set the individual apart from other employees.

Nominations are submitted through the chain of command to the honors board for investigation and consideration. All nominations of civilians for the medal of valor and lifesaving award are considered by the honors board as nominations for the civilian employee of the year award. It should be noted however, that the honors board will not be required to select a civilian employee of the year, if the board finds that the action of those nominated does not rise to a level worthy of this recognition.

The following guidelines contain the documentation required for consideration of a civilian employee of the year nominee:

- A complete and detailed narrative of the event or series of events forming the basis of the nomination, including:
- Name, address and telephone number of the individual nominated.
- Supporting documentation such as letters of appreciation from members of the department or public.

Official Commendation Award: An official commendation award will be presented to Troopers and civilian employees for exemplary service when an employee, through diligence and perseverance, performs beyond the call of duty under unusual circumstances and conditions.

The official commendation award should not be limited to the protection of life and property or the apprehension of criminals, but may include performing assigned job duties over a period of time or performing specific tasks in an exemplary manner.

The following guidelines contain the documentation required for consideration for the official commendation award:



HONORS BOARD AND AWARDS POLICY

- A complete and detailed narrative of the incident forming the basis of the nomination. The narrative should include:
- Full name, address and telephone number of person nominated.
- Date and time of the service or action.
- The duration of the service or action.
- The specific accomplishments of the person nominated.
- A description indicating that the nominee's job performance was superior.

Letter of Commendation: A letter of commendation recognizes significant achievement or service on behalf of the Arkansas State Police or the state of Arkansas. A letter of commendation can be awarded for an individual act or cumulative acts.

A letter of commendation should be initiated in the form of a letter or memorandum, clearly detailing the actions to be recognized, the date, time and duration of the actions, and submitted through the chain of command for ultimate consideration by a Division Commander and/or the Deputy Director or Director.

Division, Troop, Company, Area, and Section Commanders are encouraged to recognize the outstanding performance of an employee through their own personal correspondence.

An honors board review is not required of letters of commendation.

Distinguished Service Award: The purpose of the distinguished service award is to honor citizens or law enforcement officers representing other agencies who assist the Arkansas State Police in the apprehension of a criminal or who lend assistance in a manner that clearly and directly places the citizen in jeopardy of physical harm.

Since qualification for the distinguished service award could place the citizen in imminent peril of life, it is essential that the action be voluntary.

The following guidelines contain the documentation required for consideration for the distinguished service award:



HONORS BOARD AND AWARDS POLICY

- A complete and detailed narrative of the incident forming the basis of the nomination. The narrative should include:
- Full name, address and telephone number of person nominated.
- Date and time of the service or action.
- Description pertaining to terrain and/or weather conditions impacting the incident.
- A statement acknowledging that the person acted voluntarily and understood the action would place the individual in imminent peril of life or grave bodily harm.
- If the nominee was injured, the cause, extent, and a medical statement documenting the injuries.
- Statements from Arkansas State Police personnel who were assisted by the individual nominated and any other witness statements.

Certificate of Appreciation: A certificate of appreciation may be presented to an individual by the Director or a Commander holding the rank of major, captain or lieutenant, for assistance rendered to the Arkansas State Police.

An honors board review is not required for certificate of appreciation nominations.



REPORTS

General Guidelines: Employees should document all matters that come to their attention in the performance of their duties that may need to be recalled. Employees should document such matters on Arkansas State Police forms to the extent a form exists that covers the particular subject matter.

Employee Responsibility: Reports submitted by employees should be truthful, accurate, complete, legible, and submitted on time. No employee should knowingly enter, or cause to be entered, any inaccurate, false, untrue, or improper information or misrepresentations on any Arkansas State Police form, report, or on any other document that relates to official Arkansas State Police business.

All Arkansas State Police forms should be typewritten. If a signature is required, the signature should be in blue ink or electronically generated.

Supervisor Responsibility: Supervisory personnel are responsible for ascertaining that all documentation concerning official Arkansas State Police business is neat, clear, accurate, and grammatically correct. Words should be properly spelled. Supervisors who receive documentation that does not meet these requirements should promptly return the documentation to the submitting officer for correction.

The signature or initials of a supervisor on an Arkansas State Police document constitutes a certification that the supervisor has carefully reviewed the document and that the document meets the foregoing standards to the best of the supervisor's information and belief.

Use of E-Mail: Employees are encouraged to communicate information to other Arkansas State Police personnel via e-mail when such means of communication would enhance operational efficiency. E-mail transmissions should comply with policy concerning the Chain of Command (Law Enforcement) (Civilian). E-mail transmissions should also comply with ASP policy concerning use of the Internet.



EXTERNAL PUBLIC COMMUNICATIONS

Investigations: Verbal or written public statements relating to any felony investigation or an investigation which may, in due course, rise to a felony charge should be prepared and/or disseminated only after seeking the approval of the Division Commander or his/her designee (Troop, Company, Section, area Commanders).

Cases accepted for federal prosecutions should be coordinated with the U.S. Attorney's Office prior to release of a verbal or written public statement.

Crash Investigations: Officers may only release information that is contained in form (ASP 25) unless otherwise authorized by the Troop or Company Commander.

General Guidelines: Department news releases which will be disseminated to the public relating to non-criminal (routine) matters, should be prepared in consultation with the applicable Troop, Company or Section Commander.

Public remarks by an Arkansas State Police employee who is speaking on behalf of the department should be approved by a supervisor. Any statements relating to items of public controversy or legislative or political agenda matters should be approved by the applicable Division Commander.

Requests from a news organization or non-government entity to interview or use department personnel to represent a particular cause or position should be routed through the chain of command and approved by the applicable Division Commander.

Internal Notification Procedures: Division Commanders and/or Troop/Company/Section Commanders should apprise, in a timely manner, the public information officer of departmental issues that may cause public inquiries.

The Division Commanders and public information officers should apprise the Director and Deputy Director of these subject matters.

The public information officer should maintain a record of all department news releases and advisories.

Critical Incidents Involving ASP Personnel: All news media inquiries relating to department critical incidents (i.e. officer involved use of force, internal or special investigations, incidents involving the injury or death of department personnel, etc.) should be routed to the Division Commander for appropriate action.



EXTERNAL PUBLIC COMMUNICATIONS

The public information officer should be apprised of, prior to or immediately thereafter, all department news releases. The public information officer should maintain a record of all department news releases.

Release of Video or Photos to the Public: Employees should not duplicate video or photo of an active or open investigation to release to any member of the general public, including the media, unless authorized by the Division Commander. Video and photos should be treated as other case evidence and release decisions should be made by the prosecutor handling the particular case.

Use: Electronic evidence/media should only be used for official Arkansas State Police business. Electronic evidence/media includes, but is not limited to, film and digital images. Possession does not authorize personal use of Arkansas State Police evidence/media. Personal use includes, but is not limited to, e-mailing, sharing or duplicating film or digital images, or posting images to websites for non-official purposes. Officers are prohibited from duplicating any evidence/media outside the scope of policy unless so directed by a Commander or a court. (Refer to GEN SEC 3 Rules of Conduct.)

Freedom of Information Act Requests (FOIA): All requests of the department under the provisions of the Arkansas Freedom of Information Act should be routed through the chain of command to the public information officer for his/her handling. In the absence of the public information officer, FOIA requests should be routed to the ASPL legal counsel. Release of documents pertinent to a routine FOIA request may occur from within the respective Division.



RADIO COMMUNICATIONS

Use of ASP Radios: The primary purpose of the Arkansas State Police (ASP) radio system is to facilitate a rapid and efficient means of communications between officers and communications centers. Employees should use the radio system for official business or to communicate pertinent information to other emergency service personnel.

To the extent possible, all communications on the primary channels should be broadcast by the communications center and officers using the ASP “10 Codes,” with spoken language being used only to the extent necessary to clearly communicate a radio message. When officers wish to communicate with the communication center or other officers more informally, or with more freedom to use spoken language or for the purpose of a more prolonged conversation, they should use either the TAC 1 channel, a channel that is not a dedicated primary channel in that area, a cellular telephone, or other means of communication. Secondary channels and cellular telephones should not be used to circumvent the requirements of this policy.

Clear verbalization should be used during instances when the National Incident Management System (NIMS) has been activated and the Incident Commander has ordered the use of such language. In addition, plain language may be used when any incident involving multiple agencies has occurred and the use of such clear verbalization is necessary to communicate effectively.

Supervisory personnel should monitor and strictly control radio traffic on the primary ASP channels.

Officers should use the phonetic alphabet to communicate messages that contain letters, such as requests for vehicle registration information.

Time: Telecommunications operators and officers should not use military time on the radio system.

Officers should only use professional terminology when using the radio system. More specifically, officers should not use “CB slang” or other slang on the radio system.

When broadcasting on the radio, officers should be mindful that the communications center must prioritize the importance and/or urgency of pending radio traffic and requests for information. Officers should make an effort to minimize radio traffic and requests for information when it is apparent that the communications center is occupied with more pressing matters.

Unauthorized Use of ASP Radio System: Officers should not allow persons other than ASP officers to use their assigned radios unless the circumstances are such that the use of the radio by



RADIO COMMUNICATIONS

another person is necessary to communicate or receive a message that is critical to the performance of the officer's duties.

Troop Recordings: All communication centers are equipped with radio and telephone recording equipment. Access to the communication center is generally limited to those personnel who operate and command the center and who are specifically authorized by reason of their position.

Access to the recording equipment should be limited to those personnel who are properly trained and permitted to operate the equipment. All recording equipment should be protected.

The equipment will record radio frequencies and telephone lines on a 24-hour basis.

It is the responsibility of Troop Commander or his/her designee to ensure Troop audio and radio recordings are retained in compliance with this Section.

The Troop Commander or his/her designee should designate an appropriate secure area for the storage of the recordings. Each recording should be labeled with the date and time period of the actual recordings stored on the device. All recordings should be stored in chronological date order.

The recordings should be retained for a minimum of 45 days, unless the recording is of a critical event. Recordings containing dialog of a critical event should be retained for a minimum of 4 years. For the purposes of this policy a critical event is any Level 1 or Level 2 event in accordance with the Chain of Command policy (LE SEC 2), a pursuit and any event designated by a supervisor as a critical event.



JUVENILES

General: The Arkansas State Police is committed to developing and perpetuating procedures which facilitate the proper handling of criminal and non-criminal incidents involving juveniles.

The arrest and custodial interview of juveniles is subject to the Arkansas Rules of Criminal Procedure, as modified by the Arkansas Juvenile Code of 1989, Ark. Code Ann. §9-27-301, *et seq.* Arkansas State Police officers shall be familiar with all laws applicable to their interactions with juveniles and shall be familiar with and follow the procedures required by the juvenile courts in their areas of assignment, to the extent that such local procedures are not contrary to the Arkansas Juvenile Code.

Rights of Juveniles: Juveniles suspected of or arrested for any criminal offense, delinquent act or certain traffic acts shall be afforded the same care and regard concerning the rights of the individual extended to adult offenders. Juveniles are also entitled to the additional rights provided by the Arkansas Juvenile Code of 1989, Ark. Code Ann. §9-27-301, *et seq.*

Custodial Interview/Interrogation of Juveniles: Officers shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense if the juvenile has stated in any manner that he or she:

- Does not wish to be questioned;
- Wishes to speak with a parent or guardian or to have a parent or guardian present during questioning; or
- Wishes to consult counsel before submitting to any questioning. *See A.C.A. 9-27-317.*

Prior to a custodial interview the officer shall:

- Assist the juvenile in contacting parent/legal guardian and/or counsel. When a custodial parent, guardian, or custodian cannot be located or is located and refuses to go to the place where the juvenile is being held, counsel shall be appointed for the juvenile. Procedures shall then be the same as if the juvenile had invoked counsel. *See A.C.A. § 9-27-317.*
- Advise the juvenile of his/her Miranda rights in the juvenile's own language and complete the Juvenile Miranda Rights form (ASP 116A). When a juvenile is being charged as a juvenile it is important to follow these guidelines:
- The parent or guardian must be present when the juvenile is questioned. There is no requirement that the parent or guardian be present during the interview, unless the



JUVENILES

juvenile requests the presence of the parent or guardian. However, the parent or guardian must be present prior to questioning, should the juvenile invoke his/her right to have his/her parent or guardian present during the questioning (see #5 of the form).

- The questioning procedure should be explained to the parent or guardian. Subsequently, the officer/investigator should have the parent or guardian sign the bottom of the form **prior** to advising the juvenile of his/her rights and taking a statement. The parent or guardian has no right to demand to be present during the juvenile interview. Only the juvenile can invoke his/her right to have his/her parent or guardian present during questioning.
- Any waiver of the right to counsel by a juvenile shall be in writing and signed by the juvenile (see #3 and 4 on the ASP 116A).
- The officer should explain the reason for custody and the juvenile justice system procedures to the juvenile suspect and the juvenile's parent or guardian, if present.
- If circumstances permit, the custodial interview of a juvenile suspect should be recorded.
- Notify the juvenile intake officer, when required; however, the juvenile intake officer shall not be present during the interview/interrogation.

Upon request for an attorney or parent/legal guardian, the officer shall stop the interview until they are present.

A minimal number of officers should be present during the custodial interview.

The custodial interview should be limited in duration to a reasonable period of time with appropriate breaks.

See Ark. Code Ann. §9-27-317.

Arrest by Warrant: When a juvenile is taken into custody pursuant to a warrant, the arresting officer shall immediately take the juvenile before the court issuing the warrant, and make every effort possible to notify the custodial parents, guardian, or custodian of the juvenile's location. The judge will decide whether the juvenile shall be tried as a delinquent or a criminal defendant. See Ark. Code Ann. §9-27-313.

Warrantless Arrest: A juvenile may be taken into custody without a warrant by an Arkansas State Police officer under the circumstances set forth in Arkansas Rules of Criminal Procedure, Rule 4.1, subject to the following:



JUVENILES

Weapons Offense: If a juvenile is taken into custody for any of the following offenses, the officer shall take the juvenile to detention and shall notify the juvenile court intake officer and the prosecuting attorney within twenty-four (24) hours:

- Unlawful possession of a handgun Ark. Code Ann. §5-73-119(a)(1)(A);
- Possession of a handgun on school property Ark. Code Ann. §5-73-119(a)(2)(A);
- Unlawful discharge of a firearm from a vehicle Ark. Code Ann. §5-74-107;
- Any felony committed while armed with a firearm; or
- Criminal use of a prohibited weapon (Ark. Code Ann. §5-73-104).

Felony Offense: If a juvenile is taken into custody for an act that would be a felony if committed by an adult, (other than those weapons violations set out above) the officer shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location and may:

- Take the juvenile to detention. The officer shall notify the intake officer and the prosecuting attorney within 24 hours of the time the juvenile was first taken into custody.
- Issue a citation for the juvenile and the juvenile's parents to appear for a first appearance before the juvenile court, release the juvenile, and within 24 hours notify the juvenile intake officer and the prosecuting attorney so that a petition may be filed under the Arkansas Juvenile Code; or
- Return the juvenile to his or her home.

Misdemeanor Offense: If a juvenile is taken into custody for an act that would be a misdemeanor if committed by an adult, the officer shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location and may:

- Notify the juvenile intake officer, who shall make a detention decision; or
- Issue a citation for the juvenile and the juvenile's parents to appear for a first appearance before the juvenile court, release the juvenile and, within 24 hours notify



JUVENILES

the juvenile intake officer and the prosecuting attorney so that a petition may be filed under the Arkansas Juvenile Code; or

- Return the juvenile to the juvenile's home.

Protective Custody: A law enforcement officer may take a juvenile into protective custody without a warrant, if there are clear, reasonable grounds to conclude that the juvenile is in immediate danger and that removal is necessary to prevent serious harm from the juvenile's surroundings or from illness or injury, and if parents, guardians, or others with authority to act are unavailable or have not taken necessary action to protect the juvenile from the danger, and there is insufficient time to petition the court for an order prior to taking the juvenile into custody. The officer taking the juvenile into custody shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.

Dependent-Neglect or Pursuant to the Child Maltreatment Act: Upon taking custody of a juvenile alleged to be dependent-neglected or pursuant to the Child Maltreatment Act the employee should comply with Ark. Code Ann. §12-12-501 et seq. See Ark. Code Ann. §9-27-313; Arkansas Rule of Criminal Procedure 4.1; Arkansas Rule of Criminal Procedure 5.2.

Traffic Offense: Juveniles under the age of 18 who commit any traffic offense may be issued a traffic citation. Juveniles under the age of 18 who commit a non-traffic violation, such as possession of intoxicants, may be issued a citation. If a citation is issued or Arkansas State Police Incident Report filed, the juvenile court may contact or call the juvenile, depending on the local juvenile procedures.

Many juvenile courts request that the citation/incident report be completed by the arresting agency for record purposes. Commanders should ensure that officers have been informed of the proper procedure for each county's juvenile court.

The booking and/or referral to a juvenile detention center shall be determined by the applicable county procedures. Whenever possible, a juvenile shall be released to a parent or guardian, particularly for non-criminal behavior. State laws shall guide the placing of juveniles into protective custody and applicable county procedures should be followed.

Fingerprinting and Photographing Juveniles: When a juvenile is arrested for any offense which, if committed by an adult would constitute a felony or a Class A misdemeanor in which violence or the use of weapon is involved, the juvenile shall be fingerprinted and photographed.



JUVENILES

In the case of an allegation of delinquency, a juvenile shall not be photographed or fingerprinted unless the juvenile has been taken into custody for the commission of an offense which, if committed by an adult would constitute a felony or a Class A misdemeanor involving violence or the use of a weapon. See Ark. Code Ann. §9-27-320.

Confidentiality of Records: Records of the arrest and/or detention of a juvenile and of court proceedings under the Arkansas Juvenile Code are confidential and not subject to disclosure under the Arkansas Freedom of Information Act except pursuant to Ark. Code Ann. §9-27-309 and §9-27-352.

Detention of Juveniles without Arrest: Whenever Arkansas State Police officers have reasonable cause to believe that a juvenile found at or near the scene of a felony is a witness to the offense, the officers may stop the juvenile subject to the following:

- After identifying themselves, officers must advise the juvenile of the purpose of the stop and may then demand the juvenile's name, address, and any information the juvenile may have regarding the offense.
- Such detentions shall be reasonable and not exceed fifteen (15) minutes, unless the juvenile refuses to give such information. The juvenile, if further detained, shall be immediately brought before a judicial officer or prosecuting attorney to be examined with reference to the juvenile's name, address, or any information the juvenile may have regarding the offense.

See Ark. Code Ann. §9-27-317.



VICTIM ASSISTANCE AND NOTIFICATION

Generally: Arkansas law requires that law enforcement agencies responsible for investigating crimes provide victims of specified offenses with certain assistance and notification. An Arkansas State Police officer making initial contact with a victim shall ensure compliance with the applicable statutes. See Ark. Code Ann. §16-90-1101, *et seq.*

Definitions: For purposes of this policy, the following definitions apply:

“Crime” means an act or omission committed by a person, whether or not competent or an adult, which, if committed by a competent adult, is punishable by incarceration.

Crimes against a victim who is a minor:

- Kidnapping pursuant to Ark. Code Ann. §5-11-102(a)(4) when the victim is a minor and the offender is not the parent of the victim;
- False imprisonment in the first degree pursuant to Ark. Code Ann. §5-11-103 when the victim is a minor and the offender is not the parent of the victim;
- Permanent detention or restraint pursuant to Ark. Code Ann. §5-11-106 when the victim is a minor and the offender is not the parent of the victim;
- Any sex offense when the victim is a minor;
- An attempt, solicitation, or conspiracy to commit any of the offenses enumerated above;
- An adjudication of guilt for an offense of the law of another state, for a federal offense, or for a military offense, which is substantially equivalent to any of the offenses enumerated above; or
- A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated above.

“Sex crime” means any crime listed in Ark. Code Ann. §16-90-1101(6).

“Violent Crime” means any felony that resulted in physical injury to the victim, any felony involving the use of a deadly weapon, terroristic threatening in the first degree, Ark. Code Ann. §5-13-301(a), and stalking as defined in Ark. Code Ann. §5-7-229.



VICTIM ASSISTANCE AND NOTIFICATION

“Victim” means a victim of a sex crime or an offense against a victim who is a minor, and a victim of any violent crime, but does not include a person who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan and does not include a governmental entity. See Ark. Code Ann. §16-90-1101

Victim Initial Contact – Required Information: Pursuant to Ark. Code Ann. §16-90-1101 et seq., after initial contact between a victim and the law enforcement agency responsible for investigating a crime, the agency shall promptly give certain information to the victim in writing. For those initial contacts made by an Arkansas State Police officer, the officer making the initial contact shall ensure that the required information is provided to the victim in writing, as follows:

- That the victim has the right to be present or have a representative present at any court proceeding concerning the crime charged, except a grand jury proceeding or when the court determines that the victim or representative’s exclusion is necessary to protect the defendant’s right to a fair trial or the confidentiality or fairness of a juvenile proceeding.
- That any property held in the custody of the Arkansas State Police will be reasonably cared for and returned to the victim when it is no longer needed for evidentiary purposes, unless otherwise provided for by law.
- That a victim is not to be discharged or disciplined by an employer for participation in any preparation for a criminal justice proceeding at the request of the prosecuting attorney or for attendance at any criminal justice proceeding if the attendance is reasonably necessary for the protection of the interests of the victim.
- That a protective order may be issued by a court restraining the perpetrator of the crime, or the perpetrator’s representatives, from contacting or interfering with the victim. (No assurances shall be made that a restraining order will be issued).
- The names of officials, office addresses and office telephone numbers of the Department of Human Services Division of Children and Family Services, Prosecuting Attorney Victim/Witness Coordinator and the Office of the Arkansas Attorney General who may provide assistance to include counseling, social, medical, legal, reparations or other needs of the victim.

The provision of this policy may be met by providing to the victim with the Crime Victim(s) Rights Notification form (ASP 53).

As soon as practical, an Arkansas State Police officer shall provide to the victim, as relevant, the following information:



VICTIM ASSISTANCE AND NOTIFICATION

- The suspect's identity, unless inconsistent with law enforcement purposes.
- Information about whether the suspect has been taken into custody, has escaped from custody, or has been released by law enforcement and any conditions imposed on the release, when such information has been made known to the Arkansas State Police. This information shall be updated on a reasonable basis.
- The case file number and the name, office address, and office telephone number of the Arkansas State Police officer assigned to the case.
- The name, office address and office telephone number of the prosecuting attorney.

See Ark. Code Ann. §16-90-1103 & 1105, et seq.

Confidentiality of Certain Information: Arkansas State Police officers and employees shall not disclose information to the public, directly or indirectly identifying the victim of a sex crime. The location of the crime, (when it does not directly or indirectly identify the victim) may be publicly disclosed for justified law enforcement purposes. See Ark. Code Ann. §16-90-1104(b).

Next of Kin Notification: When any incident investigated by the ASP has resulted in a fatality or serious injury, or when the ASP is requested by another agency to make such notification, the ASP should timely initiate a process to notify the next of kin. It shall be the responsibility of the investigating officer to ensure that the notification process is accomplished or delegated to another commissioned officer of the Arkansas State Police.

Notification Procedures:

- Death/injury notifications shall be delivered with dignity and professional decorum. Arkansas State Police personnel involved directly or indirectly in death/injury notifications will be expected to exhibit at all times respect and dignity toward the victim and the victim's family.
- Death and injury notification will be made in person. Notifications by telephone should occur only as a final option. Arkansas State Police identifications should be worn or presented by non-uniformed personnel when making notification.
- Considering the emotional distress that can be caused by death notification, the following guidelines should be considered and used when practical and feasible:



VICTIM ASSISTANCE AND NOTIFICATION

- A representative of the Arkansas State Police Chaplain Program may be used to assist in the notification.
- Uniformed Troopers may be available to accompany a non-uniformed investigator during the notification process.
- When making notification outside a home, an effort should be made to ensure the notification is delivered in a private setting.
- Upon initial contact with next of kin, consideration should be given to the mental and physical condition of the individual receiving the notification. Acquaintances, co-workers or other family members may be included in the initial notification if their presence will aid in the comforting process.
- Consideration should be given to individuals who may be alone or without immediate family members present. Whenever possible, officers should remain with the person until family members or clergy arrive to offer aid and comfort.

Out of State Notification Procedure: Should it be determined that the nearest relative or spouse resides outside the State of Arkansas; communication will be established with a law enforcement agency within the state where the relative resides for purposes of making notification. The person actually making the notification will be requested to advise the Arkansas State Police officer of the date, time, address, telephone numbers, family relationships and names of the individuals notified.

Dissemination of Information to the Public: Information for general public dissemination about the identity of a deceased or seriously injured person should not be released until the notification process has been completed. Precautions should be taken to avoid identifying the deceased or injured during radio communications.



DEPARTMENT EMPLOYEES POLITICAL ACTIVITIES

Purpose: Employees of the Arkansas State Police that participate as a candidate for an elective office are obligated to comply with all state and federal laws.

Statutory Provision: Act 1214 of 1997, codified as A.C.A. § 21-1-207, states:

No employee of the state, a county, a municipality, a school district, or any other political subdivision of this state shall be deprived of his or her right to run as a candidate for an elective office or to express his or her opinion as a citizen on political subjects, unless as necessary to meet the requirements of federal law as pertains to employees.

Hatch Act: As indicated above federal law must be considered when a public employee seeks to run for elective office. The federal Hatch Act, which is codified as 5 U.S.C. § 1501 *et seq.*, provides that a state or local officer or employee (as defined in 5 U.S.C. § 1501(4)) whose salary is paid **completely**, directly or indirectly, by loans or grants made by the United States or a Federal agency, may not be a candidate for elective office (*see* 5 U.S.C. § 1502(a)(3)). Non-partisan races and candidates for those races are exempted from the Hatch Act (*see* 5 U.S.C. § 1503).

Compliance Process: The question of whether the Hatch Act is applicable to a particular employee is a question of fact. The responsibility for enforcement of the Hatch Act rests with the United States Merit Systems Protection Board and the U.S. Office of Special Counsel. Accordingly, employees intending to seek elective office should submit a Personnel Seeking Elected Office Acknowledgement Form ([ASP 177](#)) prior to filing for political office, through the chain of command, to the ASP General Counsel. The form shall include:

1. Employee's name, contact information and public office for which they intend to seek; and
2. A position description of the office they currently hold, including any of their duties that pertains to the receipt or distribution of federal funds.

The ASP General Counsel will contact the U.S. Office of Special Counsel as to the applicability of the Hatch Act.

Copies of any correspondence between the employee and the Office of Special Counsel should be submitted through the chain of command to the ASP General Counsel.



DEPARTMENT EMPLOYEES POLITICAL ACTIVITIES

All State Employees: Employees shall comply with all applicable laws, rules and directives with regards to political activities. Failure to comply with applicable laws, rules and directives may subject the employee to disciplinary action up to and including termination.

Department of Finance and Administration, Office of Personnel Management (OPM) [Policy Number 18 – Political Activity](#), states in part:

1. State employees are prohibited from engaging in partisan political activity during the hours they are performing work for, and being paid by an agency of State government.
2. Political banners, posters or literature should never be allowed to be displayed on or in any State office.
3. Political bumper stickers or decals should never be displayed on or in a State car. State vehicles must not be used during or after working hours to promote or assist the candidacy of any person in any way. State employees may not display political advertising on personal vehicles when using these vehicles in the performance of official duties for which they shall be reimbursed by the State.

[OPM Policy Number 19 – Political Freedom](#) and A.C.A. § 21-1-503, protects the political freedom of state employees. The following provisions from A.C.A. § 21-1-503 apply to all ASP employees:

- (a) A public employee shall not be prohibited from communicating with an elected public official concerning a matter related to the public employee's job, except for a matter exempted under § 25-19-105.
- (b) A public employee shall not be prohibited from exercising a right or privilege under the Freedom of Information Act of 1967, § 25-19-101 *et seq.*
- (c)
 - (1) It shall be unlawful for any public employer to discipline, to threaten to discipline, to reprimand either orally or in writing, to place any notation in a public employee's personnel file disciplining or reprimanding the public employee, or to otherwise discriminate against a public employee because the public employee exercised the right to communicate with an elected public



DEPARTMENT EMPLOYEES POLITICAL ACTIVITIES

official or exercised a right or privilege under the Freedom of Information Act of 1967, § 25-19-101 *et seq.*, as granted under this subchapter.

- (2) A public employer shall not be prohibited from disciplining a public employee who has intentionally made an untrue allegation to an elected public official concerning a matter related to the public employee's job.
- (d) Any person willfully violating a provision of this subchapter shall be guilty of a Class A misdemeanor.

Commissioned Officers: The following provisions apply to commissioned officers under A.C.A. § 12-8-205:

- (a) The members of the Department of Arkansas State Police shall be prohibited from engaging in any partisan political or election campaign activities during hours when they are performing work for the department.
- (b)
 - (1) The members of the department shall not be at any time detailed to perform any work pertaining to political activities affecting either a candidate or measures.
 - (2) The members of the department shall not display any political banners, posters, or literature on any department or state government offices, buildings, or other facilities.
 - (3) Department vehicles shall not display any political bumper stickers or decals and shall not be used during or after working hours to promote or assist the political campaign of any person or political issue.
- (c) The members of the department shall not be required or counseled to make, solicit, or prescribe contributions toward and for any political campaign of whatsoever nature.
- (d) The members of the department may participate or assist in any political campaign of any candidate or measure so long as the participation or assistance is rendered on the member's own time and department or state government property is not involved.
- (e) The members of the department shall not publicly and openly espouse the candidacy of any person or measure in their official capacity as members of the department.



DEPARTMENT EMPLOYEES POLITICAL ACTIVITIES

- (f) It is declared to be the intention of the General Assembly to encourage members of the department to participate in the election process so long as the participation occurs while they are off-duty and are on their own time.
- (g)
 - (1) The violation of these provisions shall be sufficient for the removal of any member of the department force.
 - (2) However, nothing in this section shall interfere with the rights of any member of the department to vote for any candidate or upon any issues as his or her reason and conscience may dictate.



IDENTIFICATION/SECURITY CARDS

Purpose: It is the intent of the Arkansas State Police to maintain a secure system of accessibility to the main headquarters by employees of the department and for those employees to be properly identified by department issued identification/security cards. These cards are to be used as access cards to the Arkansas State Police Main Headquarters and to be used as identification cards during involvement with the general public, disaster locations, and special assignments.

Policy: It is the policy of the Arkansas State Police that each employee, commissioned and non-commissioned, be issued an identification/security card upon their employment and to maintain a valid card for the duration of their employment. The card should be carried by the employee at all times when on duty. It is encouraged that all commissioned employees carry the card at all times to identify themselves as law enforcement officers. Cards issued to commissioned employees will expire on the dates shown and must be renewed prior to that date. The identification/security card is not to be duplicated. The card is not to be loaned to any other person, including other department employees.

Responsibilities: It is the responsibility of the department employee to immediately report a lost or stolen card to their immediate supervisor and submit a written report of the loss or theft to the Regulatory Services Division. If the card is suspected of being stolen, a police report, from that jurisdiction, must be completed and a copy submitted.

The card must be returned to the Regulatory Services Division when requested to do so or when the employee severs from the agency. The employee must immediately notify the Regulatory Services Division if their card no longer allows access to the main headquarters.

Investigation/Discipline Procedures: In the event the identification card is lost, loaned, or misused by a department employee, an investigation may be conducted. If the investigation reveals the card was lost due to negligence on the part of the employee or the card was loaned to another person, including another department member, the employee could be subject to disciplinary action. If the card is not returned to the department when requested or when the employee severs from the agency, the card holder could face a criminal charge for THEFT OF PROPERTY, Arkansas Statute #5-36-103.



ANTI-FRAUD AND CODE OF ETHICS

Purpose

The purpose of this policy is to implement systems and procedures that aid in the prevention of fraud and support Arkansas State Police's culture and environment of honesty and ethical behavior. This policy is consistent with R1-19-4-505 of the [Arkansas Financial Management Guide](#).

Policy

In order to promote a culture of honesty and ethical behavior within Arkansas State Police, the procedures outlined below are mandated. Failure to follow the procedures outlined in this policy may lead to disciplinary action up to and including termination.

Code of Ethics

Within thirty (30) calendar days of the effective date of this policy, all Arkansas State Police Administrators are required to distribute a copy of the Code of Ethics (**Attachment A** of this policy – begins on page 5) to each employee within their administration (distribution will be completed in PowerDMS). Administrators are required to explicitly communicate options of reporting Fraud, Waste or Abuse to their employees. To verify that employees have received a copy of the Code of Ethics, employees must electronically sign for this policy in PowerDMS by the assigned deadline. Human Resources has access to PowerDMS to confirm employees have properly acknowledged the policy. Employees can access the policy and the date/time that they acknowledged the policy in PowerDMS.

Human Resources shall create procedures to include an introduction to the Code of Ethics in new employee orientation sessions within thirty (30) calendar days of implementation of this policy. All employees receiving orientation shall electronically sign for this policy in PowerDMS signifying that they have been provided a copy of the Code of Ethics. If the new employee does not attend orientation offered by Human Resources, the employee's manager is required to ensure that the employee electronically signs for the Code of Ethics in PowerDMS.

The Arkansas State Police Code of Ethics is included as **Attachment A** to this policy.

The Arkansas State Police Annual Code of Ethics Acknowledgement Statement is incorporated as part of this policy as [Attachment B](#) (accessible through PowerDMS).

During an employee's annual performance review, or at the time of promotion, each employee must reaffirm that he or she has been made aware of the Code of Ethics by signing an Annual Code of Ethics Acknowledgement Statement ([Attachment B](#)). This statement shall be included



ANTI-FRAUD AND CODE OF ETHICS

with the employee's performance evaluation or hire packet that is sent to Human Resources upon completion of the review or promotion. Employees that do not receive annual performance evaluations will reaffirm they have been made aware of the Code of Ethics on or about January 3rd each year by signing [Attachment B](#) and forwarding the original to Human Resources.

Background Checks

Prior to extending job offers to applicants in designated financial positions that require the handling of cash or negotiable assets, a criminal history check shall be obtained from the Arkansas State Police (ASP) Identification (ID) Bureau. In accordance with Arkansas Code Annotated (A.C.A.) § 25-1-123(b)(1), a criminal history check from the ASP ID Bureau shall also be obtained prior to finalizing the hiring of positions with supervisory fiduciary responsibility over all fiscal matters. The Human Resources Manager shall submit requests to the ASP ID Bureau on behalf of the agency.

Investigations of Fraud

Arkansas State Police is committed to a thorough investigation of occurrences of alleged ethical violations, fraud, waste and abuse. In accordance with Governor's Executive Order 04-04, the Department of Finance and Administration (DFA) Office of Internal Audit will be available to assist agency management by coordinating an objective investigation and recommending controls to prevent or detect future occurrences. The DFA Office of Internal Audit is authorized to request assistance from Arkansas State Police employees that have the experience required to assist or perform such investigations. Investigations will be conducted in a confidential manner. If investigations indicate that a loss of state funds has occurred, then the amount of loss shall be reported to Arkansas Legislative Audit in accordance with R1-19-4-2004 of the Arkansas Financial Management Guide. In addition, any loss of state funds involving criminal activity shall be reported to the Arkansas State Police for a criminal investigation.

Also, in accordance with A.C.A. § 25-1-124, an employee of Arkansas State Police with supervisory fiduciary responsibility over all fiscal matters shall report a loss of public funds to Arkansas Legislative Audit, including without limitation, an apparent unauthorized disbursement of public funds or an apparent theft or misappropriation of public funds or property within five (5) business days of the date that the employee learns of the loss of public funds. As stated in A.C.A. § 25-1-124, an employee with supervisory fiduciary responsibility over all fiscal matters who purposely fails to report the loss of funds within the five (5) business days to Arkansas Legislative Audit is guilty of a Class A misdemeanor. Employees with supervisory fiduciary



ANTI-FRAUD AND CODE OF ETHICS

responsibility include the Arkansas State Police Director, Deputy Directors, Chief Fiscal Officer, Agency Controller I, and Assistant Controller.

Arkansas State Police employees shall be protected against any form of retaliation, including discharge, for reporting in good faith occurrences of ethical violations, fraud, waste and abuse of government resources as stated in the Arkansas Whistleblower Act (A.C.A. §§ 21-1-601 *et seq.*)

Allegations of ethical violations or fraud may be reported to the Arkansas State Employees' Fraud, Waste, and Abuse Report Center (1-800-952-8248) or to the DFA Office of Internal Audit by telephone (501-682-0370). An employee may also choose to report ethical violations, fraud, waste, or abuse by completing a DFA Office of Internal Audit Complaint Form, incorporated as [Attachment C](#) to this policy (in PowerDMS) and may also be found on the DFA website at the below web link:

<http://www.dfa.arkansas.gov/offices/internalaudit/Documents/ComplaintForm.pdf>.

Complaint forms can be emailed or mailed directly to the DFA Office of Internal Audit at the following addresses:

Fraud Reporting Email Address: fraud@dfa.arkansas.gov

Mailing Address:

Department of Finance and Administration
Office of Internal Audit
1515 West 7th Street, Room 215
Little Rock, AR 72201

Evaluation of Anti-Fraud Processes and Controls

In accordance with R1-19-4-505 of the Arkansas Financial Management Guide, Arkansas State Police will reduce fraud opportunities by (1) identifying fraud risks, (2) mitigating fraud risks, and (3) implementing preventive and detective internal controls.

The identification of fraud risks will be conducted as part of the agency-wide risk assessment every two years. Arkansas State Police management will implement appropriate internal controls and change business processes when feasible to reduce fraud risks.



ANTI-FRAUD AND CODE OF ETHICS
ATTACHMENT A – CODE OF ETHICS

Purpose

The Code of Ethics is the written document that supports the culture of ethical and efficient service to the citizens of the State provided by this department. The Code of Ethics describes the behavior expected of employees that perform these services.

Code of Ethics

Employees must comply with all applicable laws and regulations. Arkansas State Police will not condone employee conduct that either violates, or has the appearance of violating, the law, including the ethical provisions. This includes receiving payments for illegal acts, indirect contributions, rebates, or bribery.

If an employee is uncertain about the application or interpretation of any legal or procedural requirement, the employee should ask for guidance from his or her immediate supervisor.

Conflicts of Interest

Employees must perform their duties in an ethical manner. Employees must not use their position or knowledge gained from their position for private or personal advantage. A.C.A. § 21-8-304 lists certain activities that are ethically prohibited activities for state employees and officials. If an employee becomes involved in a situation that could be considered a prohibited activity, the employee should immediately communicate all the facts to his or her immediate supervisor.

Outside Activities, Employment, and Directorships

Employees should avoid acquiring any business interest, engaging in outside employment or participating in any activity outside Arkansas State Police that would conflict with his or her official duties.

Relationships with Clients and Suppliers

Employees must adhere to A.C.A. § 19-11-705 in their relationships with clients and suppliers to avoid any conflict of interest. In addition, any employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest shall make a disclosure to the Director of DFA in accordance with A.C.A. § 19-11-706 and the Rules and Regulations for Implementing Governor's Executive Order 98-04.

Gifts, Entertainment, and Favors

Employees must not accept entertainment, gifts, personal favors or preferential treatment that could influence, or appear to influence, their decisions in performing their job functions. Specific procurement law addressing gratuities is codified in A.C.A. § 19-11-707 and included in Part 4 of



ANTI-FRAUD AND CODE OF ETHICS
ATTACHMENT A – CODE OF ETHICS

the Procurement Law and Regulations promulgated by the DFA Office of State Procurement. Refer to [Rules and Gifts](http://arkansasethics.com/rules/Rules_on_Gifts.doc) issued by the Arkansas Ethics Commission for detailed rules on gifts at: http://arkansasethics.com/rules/Rules_on_Gifts.doc.

Kickbacks and Prohibited Commissions

Employees must not receive kickbacks, prohibited commissions or other prohibited payments from third parties. Violations of this rule will result in imposition of the penalties provided by law. Specific procurement law addressing kickbacks and commissions is codified in A.C.A. §§ 19-11-707 and 19-11-708 and included in Part 4 of the Procurement Law and Regulations promulgated by the DFA Office of State Procurement.

Organization Funds and Other Assets

Employees who have access to Arkansas State Police funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in the Arkansas Financial Management Guide, other explanatory materials, or both. The Financial Management Guide can be found at the below link:

<https://www.dfa.arkansas.gov/accounting-office/financial-management-guide/>

Personal use of Arkansas State Police funds or assets is strictly forbidden.

Organization Records and Communications

Books and records of the Arkansas State Police must reflect accurate and timely recording of all business transactions. Full disclosure of assets, liabilities, receipts, and disbursements must be made.

Employees must not make or engage in any false record or communication whether internal or external, including but not limited to:

- False expense, attendance, production, financial, or similar reports and statements
- False advertising, deceptive marketing practices, or other misleading representations

Dealing With Outside People and Organizations

Employees must not use their position or affiliation with Arkansas State Police when communicating regarding matters not involving agency business. Employees must not use organization identification, stationery, supplies, and equipment for personal or political matters.



ANTI-FRAUD AND CODE OF ETHICS
ATTACHMENT A – CODE OF ETHICS

When communicating publicly on matters that involve agency business, employees must not speak for the agency on any topic, unless they are certain that the views they express are those of agency management, and that it is management's desire that such views be expressed publicly.

When dealing with anyone outside Arkansas State Police, including public officials, employees must take care not to compromise the integrity or damage the reputation of the agency or any other entity.

Prompt Communications

Employees shall respond promptly and accurately to all requests for information and complaints regardless of the source.

Privacy and Confidentiality

When handling financial and personal information about customers or others with whom the agency has dealings, observe the following principles:

1. Collect, use, and retain only the personal information necessary for agency business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
2. Retain information only for as long as necessary or as required by law. Protect the physical security of this information.
3. Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which it was obtained. Release of any information to persons not involved with the stated business purpose should be made by management in response to a Freedom of Information Act request.

Reporting Suspected Fraud

Employees have a responsibility to report occurrences of ethical violations, fraud, waste, or abuse of Arkansas State Police resources that can be verified through investigation. Employees shall be protected against any form of retaliation, including discharge, for reporting, in good faith, occurrences of ethical violations, fraud, waste, or abuse of agency resources as stated in the Arkansas Whistleblower Act (A.C.A. §§ 21-1-601et seq.) Investigations to substantiate reported allegations will be conducted in a confidential manner.

Allegations of ethical violations or fraud may be reported to the Arkansas State Employees' Fraud, Waste, and Abuse Report Center (1-800-952-8248) or to the Office of Internal Audit by telephone



ANTI-FRAUD AND CODE OF ETHICS
ATTACHMENT A – CODE OF ETHICS

(501-682-0370). A complainant may also choose to report fraud, waste, or abuse by completing a Complaint Form ([Attachment C](#)) obtained at the following web site:

<https://www.dfa.arkansas.gov/images/uploads/internalAuditOffice/ComplaintForm.pdf>

Complaint forms can be emailed or mailed directly to the DFA Office of Internal Audit at the following addresses:

Fraud Reporting Email Address: fraud@dfa.arkansas.gov

Department of Finance and Administration
Office of Internal Audit
1515 West 7th Street, Room 215
Little Rock, AR 72201

In addition, employees with supervisory fiduciary responsibility over all fiscal matters shall report any loss of public funds to Arkansas Legislative Audit within five (5) business days of the date that the employee learns of the loss of funds in accordance with A.C.A. § 25-1-124. This includes any apparent unauthorized disbursement of public funds or an apparent theft or misappropriation of public funds. In accordance with A.C.A. § 25-1-124, any employee with supervisory fiduciary responsibility over all fiscal matters who purposely fails to report the loss of funds within the five (5) business days to Arkansas Legislative Audit is guilty of a Class A misdemeanor. Employees with supervisory fiduciary responsibility include the **Arkansas State Police Director, Deputy Directors, Chief Fiscal Officer, Agency Controller I, and Assistant Controller.**

My signature on this document indicates that I have read and fully understand the prohibited activities and my responsibilities to Arkansas State Police as listed in this Code of Ethics.

(Note: Employees will electronically sign for this policy in PowerDMS.)

Signature

Date

Printed Name



EMPLOYMENT CRIMINAL BACKGROUND CHECKS

Purpose

The following Policy and Procedures provide guidance for implementing criminal background checks concerning prospective employees of the Arkansas State Police (see A.C.A. § 25-1-123). This information will be applicable to all divisions and offices within the Arkansas State Police. The background check requirement will apply to all positions within the Arkansas State Police divisions and offices in addition to background checks required by Federal or State statutes, unless the background checks required by Federal or State statutes are employment background checks.

The Arkansas State Police Anti-Fraud and Code of Ethics Policy ([GEN SEC 39](#)) requires background checks be performed on all applicants in designated financial positions and positions with supervisory fiduciary responsibility over all fiscal matters. The Arkansas State Police will conduct background checks prior to hiring an applicant.

The Director or Deputy Director of Administrative Operations will determine the positions of the Department that will be subject to the background check requirements of the ASP Anti-Fraud and Code of Ethics Policy ([GEN SEC 39](#)). The Human Resources Manager will maintain a list by Position Number of all the designated financial positions and positions with supervisory fiduciary responsibility over all fiscal matters.

Public notices of employment for designated financial positions and positions with supervisory fiduciary responsibility over all fiscal matters must indicate that background checks are required.

Definitions

The following definitions shall apply unless the text clearly indicates otherwise:

1. Applicant: A person applying for employment.
2. Criminal Background Check: A criminal history report produced by the Identification Bureau of the Arkansas State Police.
3. Designated Financial Position: A position that has access to cash and negotiable assets, including: currency, checks, and other transferable assets that are readily



EMPLOYMENT CRIMINAL BACKGROUND CHECKS

converted to cash. This also includes use of state credit cards, ability to make wire transfers, etc., in which funds can be accessed and/or utilized in an electronic format.

4. Hiring Official: A person authorized to make the hiring decision for a vacant position.
5. Supervisory Fiduciary Responsibility over all fiscal matters: A role that requires a person to be responsible for all fiscal matters of the Agency, such as the role of a CFO. This also includes all Managers in the chain of supervision of the person who is designated with the role, i.e. Director or Deputy Director of Administrative Operations.

Procedures

The State of Arkansas Employment Application notifies applicants that some jobs may require background checks, prior to employment or as a condition of employment, to determine suitability of employment. Failure to pass the background check may cause the applicant to be rejected or terminated from that job. Applicants affirm this notification by their signature on the State of Arkansas Employment Application.

All applicants are required to sign a consent form for a criminal background check. This consent form will be provided to the Hiring Official by Human Resources prior to the interview. The applicant will be required to sign the consent form at the time of the interview in order to be considered for employment for the position.

The Hiring Official will forward the signed consent form of the applicant selected for the position to Human Resources. The Hiring Official will maintain all signed consent forms of applicants interviewed until the hiring process has been completed. Human Resources will submit an electronic request for a criminal background check to the ASP Identification Bureau. As a law enforcement agency, ASP conducts fingerprint background checks with the Federal Bureau of Investigation for all employees. If the background check reveals an arrest for which there is no disposition, Human Resources will contact the court of jurisdiction to obtain the disposition of the arrest. When Human



EMPLOYMENT CRIMINAL BACKGROUND CHECKS

Resources has obtained the disposition of all arrests, they will notify the Hiring Official of the results of the applicant's background check.

Applicants with criminal convictions may be disqualified for employment with ASP due to the nature of the position. Examples include but are not limited to:

1. An applicant is disqualified for designated financial positions and positions with supervisory fiduciary responsibility over all fiscal matters if the background check reveals a misdemeanor conviction of a criminal offense that is of a financial nature or any felony conviction. (see A.C.A. § 25-1-123(b)(1))
2. Applicants for State Trooper must be free of a felony record (guilty plea, found guilty, otherwise convicted of an offense for which punishment could have been imprisonment in a federal or state penitentiary), and be free of a misdemeanor domestic violence conviction in accordance with 18 U.S.C. § 922. (see Arkansas Commission on Law Enforcement Standards (CLEST) [Regulations](#) 1002.(3)(d) and 1002.(3)(m) and CLEST [Specification](#) S-3)
3. Any employee assigned to operate Arkansas Crime Information Center (ACIC) access devices, including mobile devices, or an employee assigned to receive information directly from the ACIC system, shall not have entered a plea of guilty, been found guilty or convicted of a crime which is a felony. (see [ACIC System Regulations](#) § 10 (d))

Current Employee Applications

A current Arkansas State Police employee applying for a designated financial position and positions with supervisory fiduciary responsibility over all fiscal matters will be subject to the same requirements as any other applicant for the position. If the results of the background check disqualify the current Arkansas State Police employee for the position, the Hiring Official will be notified.



EMPLOYMENT CRIMINAL BACKGROUND CHECKS

If the applicant's current job is classified as a designated financial position or a position with supervisory fiduciary responsibility over all fiscal matters, then the results of the check will be provided to the Arkansas State Police Director, or designee, for disposition.

Notification and Challenge

If the background check reveals a disqualifying conviction, Human Resources will notify the hiring official (supervisor) and have them contact the applicant by phone or email to notify him/her of the disqualification for employment due to results of their background check. The hiring official shall record all telephone calls or emails to applicants. The hiring official shall make attempts each day for two (2) days to reach the applicant. If unable to reach the applicant by telephone numbers or the email listed on the application after two (2) days of attempting to make contact, then the disqualification shall be final. Any message left on the applicant's answering machine shall be considered a completed notification. Included in the notification by the hiring official shall be a statement that the applicant has the right to challenge the accuracy of the information included on the background check and that they have two (2) working days to provide a signed statement of intent to challenge the convictions with the Arkansas State Police. If the applicant declines to provide a signed statement to Human Resources within two (2) working days from the date of notification, the applicant will be automatically disqualified. After receiving a signed statement of their intent to challenge, the applicant will be given an additional three (3) working days to resolve any background check disagreements with the Arkansas State Police.

After the applicant resolves any disagreements with the background check, Human Resources shall obtain a new background check for the applicant, at which time the results of the background check will be considered final.



LAW ENFORCEMENT POLICY – TABLE OF CONTENTS

Essential Job Functions-----	LE SEC 1
Chain of Command -----	LE SEC 2
Transfers and Promotions -----	LE SEC 3
Disciplinary Matters -----	LE SEC 4
Secondary Employment -----	LE SEC 5
Uniforms and Personal Appearance -----	LE SEC 6
Search and Seizure -----	LE SEC 7
Arrest-----	LE SEC 8
Bias-Free Policing-----	LE SEC 9
Use of Force-----	LE SEC 10
Reporting and Investigating Use of Force -----	LE SEC 11
Use of Conducted Electronic Weapons (CEW)-----	LE SEC 12
Pursuits-----	LE SEC 13
Prisoners -----	LE SEC 14
Consular Notifications -----	LE SEC 15
Property and Evidence Control-----	LE SEC 16
Administrative Inventory-----	LE SEC 17
Traffic Enforcement/Highway Patrol-----	LE SEC 18
In-Car Cameras -----	LE SEC 19
Vehicle Equipment and Lighting-----	LE SEC 20
SWAT and CNT-----	LE SEC 21
Cyber Crimes -----	LE SEC 22
Canine Deployment -----	LE SEC 23
Flag Courtesy -----	LE SEC 24
Firearms-----	LE SEC 25
Firearms Inventory -----	LE SEC 26
Small Unmanned Aircraft Systems (sUAS) -----	LE SEC 27
Automated License Plate Readers -----	LE SEC 28
Physical Fitness and Wellness Policy -----	LE SEC 29
Athletic Events – Security -----	LE SEC 30
Emergency Response Team-----	LE SEC 31
PepperBall System -----	LE SEC 32
Long Range Acoustical Device (LRAD) -----	LE SEC 33



ESSENTIAL JOB FUNCTIONS

In order to carry out the statutory mandates governing the powers and duties of the officers of the Arkansas State Police, the following policies are necessary. *See A.C.A. 12-8-101, et seq.*

Performance of Essential Job Functions

Each commissioned officer of the Arkansas State Police must be able to both physically and mentally perform the essential job functions set forth in this policy. Officers are expected to demonstrate good judgment in the performance of these functions.

No Permanent Light Duty Jobs

The Arkansas State Police has no permanent “light duty” job assignments for commissioned officers.

Temporary Light Duty Assignments

When an officer suffers an injury or medical condition which temporarily prevents the officer from performing the essential job functions of a commissioned officer, he or she may be assigned to a temporary light duty assignment at the discretion of the Division Commander in consultation with the Deputy Director or his/her designee. Such an assignment will be made only if there is meaningful work that can be performed by the injured officer. During the time an officer is assigned to a temporary light duty assignment, he/she may be restricted from wearing a uniform, carrying a weapon, taking enforcement action and/or driving a state vehicle.

A “temporary injury or medical condition”

- 1) causes the officer to be temporarily unable to perform the essential job functions of a commissioned officer; and
- 2) is expected to heal so that, within a reasonable time, the officer will again be able to perform the essential job functions.

To be considered for a temporary light duty assignment, an officer should submit, to his/her supervisor, a memorandum requesting a temporary light duty assignment and a written statement from a physician who is treating the officer. The statement must include the following information:

- 1) that because of the injury, the officer is temporarily unable to perform the essential job functions; and
- 2) that the injury is expected to heal so that the officer will be able to perform the essential job functions; and



ESSENTIAL JOB FUNCTIONS

- 3) the expected duration of the healing period; and
- 4) a release for the officer to return to the specified temporary light duty assignment.

Regardless of the request, all temporary light duty requests along with pertinent documentation will be routed through the chain of command to the Division Commander for approval/denial in consultation with the Deputy Director.

Subject to Transfer

Any officer may be transferred to any job assignment at any time, as required by the needs of the Department. Any officer may be assigned to work, temporarily or permanently, in any location in the State and may also be assigned to work any designated shift or period of hours.

The following essential job functions are the performance requirements for all commissioned personnel.

Essential Job Functions: The following are essential job functions common to all A SP commissioned employees:

1. Effect an Arrest - The officer must be able to use reasonable force to subdue a resisting suspect. In order to use the reasonable force required, the officer must be proficient in the use of tactical maneuvers and weapons.
2. Prepare Reports - The officer must be able to initiate and complete all required reports of the Arkansas State Police which may include, but are not limited to, diagrams, mathematical computations and narratives.
3. Maintain Knowledge of the Law - The officer must maintain a practical, working knowledge of the laws of the United States and the State of Arkansas.
4. Operate a Motor Vehicle - The officer must be competent in driving, operating, handling and maintaining a law enforcement vehicle in both emergency and non-emergency circumstances.
5. Communicate with Radio - The officer must be able to coherently and effectively communicate via radio in both emergency and non-emergency situations.
6. Gather Information - The officer must be able to gather, sort, compile, and interpret information received from victims, witnesses, suspects and citizens etc.



ESSENTIAL JOB FUNCTIONS

7. Pursue Fleeing Suspects - The officer must be able to pursue on foot, fleeing suspects. The officer must be able to enter and exit law enforcement vehicles; lift, carry and drag objects; climb and descend stairs; climb over obstacles; climb through openings; jump over obstacles, ditches, streams; balance on uneven or narrow surfaces and use bodily force to gain entrance through barriers.
8. Use Firearms - The officer must be able to load, unload, aim, and fire handguns, shotguns, and other agency approved firearms from a variety of body positions and under conditions of stress that justify the use of deadly force. The officer must perform at a level of proficiency prescribed by qualification/certification standards.
9. Conduct Searches - The officer must be able to perform searches of people, vehicles, buildings, and outdoor areas which may involve feeling for and detecting concealed objects and which may include standing and/or walking for long periods of time.
10. Conduct Surveillance - The officer must be able to conduct surveillance for extended periods of time under a variety of environmental conditions.
11. Perform Patrol Duties - The officer will perform law enforcement patrol duties that include such things as working rotating shifts, detaining people and stopping suspicious vehicles and persons, exercising physical force as necessary, etc.
12. Communicate with the Public - The officer must effectively communicate with people by providing information and directions.
13. Communicate in Formal Settings-The officer must demonstrate communication skills in court.
14. Maintain Professional Appearance – The officer must wear an authorized Arkansas State Police uniform and meet policy standards for uniform requirements, including boot requirements.
15. Maintain Professional Demeanor-The officer must be able to maintain a professional demeanor while enduring verbal abuse when confronted with hostile views, opinions of suspects, and other people encountered in an antagonistic environment.
16. Detect Hazardous Conditions - The officer must be able to detect and report the presence of hazardous or potentially hazardous conditions and materials. The officer must be able to perform rescue operations at accidents, emergencies and disasters to include directing



ESSENTIAL JOB FUNCTIONS

traffic for long periods of time, administering emergency medical aid, lifting, dragging, and carrying people away from dangerous situations and securing and evacuating people from particular areas.

17. Transport Prisoners - The officer must be able to process, fingerprint, photograph and transport prisoners and mental patients using handcuffs and other appropriate restraints.
18. Read Legal Documents - The officer must be able to read and comprehend legal and non-legal documents, including the preparation and processing documents such as citations, affidavits and warrants. The officer must be able to serve warrants as necessary.
19. Engage in Problem Solving - The officer must be able to facilitate problem solving by assisting in the identification of problems, generation of alternatives, and implementation of solutions.
20. Assist Motorists and Other Citizens – The officer must be able to provide non-emergency assistance to motorists and other citizens by rendering aid that may include varied physical activity.



CHAIN OF COMMAND

General Guidelines: The chain of command is critical to the efficient operation of the Arkansas State Police. Officers should follow the chain of command in connection with both operational and administrative matters.

Officers should not be directly accountable to more than one immediate supervisor at any given time. When temporarily assigned to special duty (including but not limited to, training, critical incidents, special enforcement, etc.), the officer will be under the command of the supervisor responsible for that assignment. Any early release from the assignment will require approval by the on-site supervisor or Commander of that assignment.

At every level within the ASP, officers shall have the authority necessary to carry out their responsibilities.

Supervisory personnel are entitled to delegate authority but not responsibility to other officers. Officers are responsible for the use of delegated authority.

Supervisory personnel are responsible for the activities of personnel under their immediate supervision.

When the Director is absent or unavailable to act as the chief executive officer or when otherwise authorized by the Director in writing, the Deputy Director should have the acting authority of the Director, except in matters that by statute must be acted on or decided by the Director.

Unless otherwise established by the Director, when the Deputy Director is absent or unavailable for any reason, the appropriate Major should assume the responsibilities of the absent or unavailable Deputy Director.

Unless otherwise established by the Director, when any Division, Troop, Company, or Section Commander is absent or unavailable for any reason, the Assistant Division, Troop, Company, or Section Commander should assume the responsibilities of the absent or unavailable Commander.

Orders: Officers should obey all lawful orders from a superior officer, whether received directly or relayed by an officer of the same or lower rank.

Officers should not engage in conduct that constitutes insubordination. See the General Manual, Rules of Conduct policy.

Officers who receive a conflicting order should respectfully inform their immediate supervisor or the superior officer who issued the order of his/her belief. Except as provided below, if the



CHAIN OF COMMAND

superior officer who issued the order does not retract the order, the officer should carry out the order and should not be in violation of disobeying the previous order.

If the officer who received the order believes that following the order would require the officer to commit a criminal act, the officer should not obey the order and should request the supervisor who issued the order to either clarify the order or consult with an officer of higher rank concerning the lawfulness of the order.

An officer who wishes to file a complaint against another member of the Arkansas State Police should follow the procedures set forth in Disciplinary Matters policy of this Manual.

Communications with Command Staff: The Arkansas State Police encourages the free exchange of ideas and suggestions from officers for change and/or improvement. Officers should feel comfortable expressing any constructive ideas and/or suggestions to the Director, Deputy Director, and Division Commanders (hereinafter referred to as the "Command Staff"). Such ideas and suggestions should be consistent with the Arkansas State Police Mission Statement and may be communicated to a member of the Command Staff either in person, via e-mail, or by mail.

Officers should not directly bring matters to the attention of the Command Staff that would ordinarily be handled through the chain of command. Examples of such matters include, but are not limited to, requests for a new vehicle, requests for special training, and requests or complaints concerning operational matters that are ordinarily handled by field supervisors.

Officers are encouraged to express their ideas and suggestions to members of the Arkansas State Police Commission. Officers should not, however, communicate complaints and/or concerns to a Commissioner without first voicing their complaint or concern to their immediate supervisor and obtaining their supervisor's permission to make their complaint or concern known to a Commissioner.

Field Reporting: The Director's Office has a responsibility to the Governor and other public officials to stay informed of Arkansas State Police matters which are of public interest or which may affect other state agencies, boards, or commissions. It is critical that the Director and his/her Division Commanders be promptly informed, and kept informed, of certain field operation matters. To carry out the purpose of this policy, Troop, Company, and Section Commanders are responsible for verifying that the reports required by this policy are made available to their Division Commanders within the specified time frames.



CHAIN OF COMMAND

Reporting Levels: All field operations (incidents, investigations, and situations) of a serious or significant nature should be categorized by reporting level. Each of the five (5) reporting levels should be used to establish the reporting responsibilities of Troop, Company, Section, and Division Commanders.

A matter that falls within a particular reporting level should be reported to the appropriate Division Commander or his/her designee in accordance with the requirements of that reporting level until the Division Commander or designee establishes a different reporting level for the matter. For example, a high-profile homicide, which initially falls within reporting level one (1), would likely be reduced by the Division Commander to reporting level two (2) or three (3) as soon as it becomes apparent that hourly status reports are no longer necessary.

The five (5) reporting levels and examples of matters that would ordinarily fall within each reporting level are as follows:

- LEVEL ONE – (immediately) Examples include:
 - Homicides;
 - Multiple-fatality (three or more) motor vehicle collisions;
 - Collisions involving an Arkansas State Police vehicle which results in any personal injury or death;
 - Jail, prison, and youth detention facility escapes which pose and immediate threat;
 - Incidents that involve or are likely to require planned high-risk tactical operations;
 - The discharge of a firearm or use of deadly physical force by an Arkansas State Police officer;
 - Matters which threaten the safety of the Governor or the Governor's immediate family;
 - Major aircraft crashes; nuclear or chemical/biological accidents; and tornadoes or floods or other severe weather which results in personal injury;
 - SWAT/CNT activation; and
 - Road Closures.
- LEVEL TWO – (daily) Examples include:
 - Crimes against persons that result in personal injury;
 - Response to shooting incidents;
 - Significant drug seizures and/or arrests;
 - Fatality motor vehicle collisions; and
 - Incidents involving an Arkansas State Police vehicle which do not result in injury or property damage.



CHAIN OF COMMAND

- LEVEL THREE (weekly reports) Examples include:
 - Vital statistics for special highway patrol programs and progress of significant investigations.
- LEVEL FOUR (monthly reports) Examples include:
 - Regular reports of vital statistics and progress of less significant investigations.
- LEVEL FIVE (upon completion) Examples include:
 - Routine investigations and special projects.

The foregoing examples are offered as guidelines and are not intended to replace the application of discretion and common sense. Troop, Company, Section, and Division Commanders or their designees shall initially determine the reporting level of matters within their authority but should err on the side of reporting a matter promptly when there is some doubt about the seriousness of the matter. Once the initial report is made, the Division Commander should determine whether and when to change the reporting level.

When advised of a matter that falls within the responsibility of the respective Division Commander, the Division Commander should exercise discretion and common sense in deciding whether and when the Director should be notified and/or briefed on the matter.

Field Operations Command Responsibilities: The ranking on-scene supervisor from the Division that is primarily responsible for a situation should be considered the Incident Commander. The Incident Commander should be in charge of a field operations incident unless and until such time as he/she either delegates the authority to oversee the incident to a lower ranking officer or an officer of equal rank, or is replaced by an officer of higher rank.

The local Communications Center and all involved personnel and personnel en-route to a non-routine field operations incident should be advised, and updated, as to the identity of the Incident Commander. (For example, if the Assistant Troop Commander were the initial Incident Commander for a particular non-routine incident, all units at the scene and en-route to the incident would be advised by the Communications Center when the Troop Commander arrived on the scene and assumed responsibility for the incident. Thereafter, if the Troop Commander were to leave the scene and delegate the authority concerning the incident to the on-scene Assistant Troop Commander, either the Troop Commander or the Communications Center would be required to broadcast a radio message that the Assistant Troop Commander would act as the Incident Commander until further notice.)

Under ordinary circumstances, the Incident Commander should have the responsibility to manage and carry out a field operations incident from start to finish. Although the Division



CHAIN OF COMMAND

Commanders should have the authority to assume responsibility for a local field operations incident, a Division Commander or higher ranking officer who arrives at the scene of a field operations incident should generally defer to the Incident Commander and make clear to all officers involved that the Division Commander is present only to observe – not to take command, assume responsibility for the incident, or give orders to ASP personnel.

Whenever a field operations incident occurs that crosses Troop or Company boundaries, or which requires the temporary assignment of personnel from one Division to another (weather emergencies, etc.), the Division Commanders from the involved Divisions shall ordinarily coordinate the field operations from the Critical Incident Command Center (CICC) at ASP Headquarters. In these situations, the Division Commanders should maintain close communications with the Incident Commander(s).

When the ASP SWAT is dispatched to the scene of a field operations matter, the SWAT Commander should report to the Incident Commander. Incident Commanders should remain responsible for the successful completion of the operation.

The SWAT Commander should have the discretion to decline to execute an operational plan approved by the Incident Commander or abort a tactical operation that is in progress.

Except when emergency circumstances exist, the Incident Commander will document the specifics of all planned high-risk field operations and will consult with the appropriate Division Commander before authorizing the execution of the plan. The Incident Commander should document the plan and approve the plan in advance by signing a Tactical Operations Plan Form (ASP 131). This requirement applies to all planned high-risk field operations, including the planned execution of arrest and search warrants when the Incident Commander knows or should know that the incident involves a high risk of death or serious physical injury.

In such situations, the Incident Commander should consult with the Division Commander prior to the operation and determine the tactical resources to be used to execute the plan. When ASP SWAT is involved in a planned high-risk field operation, and when emergency circumstances do not exist, the SWAT Commander should also indicate approval of the tactical plan by signing the ASP 131.

At the conclusion of all planned high-risk field operations, all personnel involved in the operation should participate in a debriefing. Additionally, all supervisory personnel involved in the operation should participate in a critique of the incident. The Division Commander from the Division primarily responsible for the operation should participate in the critique.



CHAIN OF COMMAND

None of the requirements set forth herein shall be construed or applied to prevent the ASP officers involved in a field operations matter from using immediate force to protect themselves or another person from an immediate threat of death or serious physical injury.



TRANSFERS AND PROMOTIONS

Transfers: Except when authorized by the Director, vacancies or new positions that may be filled by lateral transfer for the ranks of Sergeant and above should be advertised electronically by position. For the ranks of corporal or below, transfers are electronically advertised for announced time periods.

Reassignment of officers in the ranks of Corporal and below, within a Troop, Company, or Section will generally be subject to the discretion of the respective Commander. Officers who desire to transfer to another assignment within their assigned troop/company/section should submit a memorandum through the chain of command to their respective Commander. The Commander should submit a memorandum to the Division Commander, which includes justification for the transfer and whether any other officers under his command are interested in the transfer. The Division Commander will make final approval and is responsible for providing documentation to the Director and the Human Resources Section.

Officers requesting a lateral transfer to an advertised position should comply with the procedures of the advertisement. (See Residency Requirements policy – GEN SEC 24)

Reassignment of officers under any other circumstance is at the discretion of the Director. The Director may approve or disapprove requests for lateral transfer whenever, in the Director's discretion, such decision is necessary for the efficient operation of the department. Lateral transfers do not require Arkansas State Police Commission (ASPC) approval.

The Director may disapprove requests for lateral transfers if an applicant has not served in his/her current assignment for a period of twelve (12) months. The Director shall have sole discretion to waive this restriction to serve the best interest of the department.

Promotions: The Arkansas State Police strives to administer a fair and equitable promotional policy in accordance with applicable laws and in compliance with the policies of the State Office of Personnel Management.

The Director shall recommend all competitive promotions of commissioned officers, subject to approval by a majority of the ASPC. The Director's recommendation should be based on an informed evaluation of each eligible candidate's qualifications for the particular position.

All vacancies for promotions for the ranks of Sergeant through Major should be advertised electronically. Each Division, Troop, Company, and Section Commander should ensure that the



TRANSFERS AND PROMOTIONS

advertisement is posted to provide reasonable notice to subordinates. It is the responsibility of each employee to routinely check his/her e-mail and/or postings for all Arkansas State Police information.

Officers requesting a promotion to an advertised position should comply with the procedures in the advertisement. (See Residency Requirements policy – GEN SEC 24)

Applicants are responsible for ensuring that their application packet is properly transmitted to and received by the Administrative Services Division within the time allocated. Applications may be hand-delivered, mailed, faxed or e-mailed. Late or lost applications will not be considered without proof of delivery.

A separate application should be submitted for each vacancy.

Eligibility to Compete for Promotion: The following time-in-rank criteria apply to an officer's eligibility to participate in the testing or selection process.

A Trooper must have completed three (3) years of ASP commissioned officer service to test for the rank of Sergeant.

A Sergeant must have completed (2) years of actual in-rank service before becoming eligible for promotion to the rank of Lieutenant. However, all Sergeants may test for the rank of Lieutenant prior to becoming eligible for promotion.

A Lieutenant must have completed one (1) year of actual in-rank service before becoming eligible for promotion to the rank of Captain.

A Captain must have completed one (1) year of actual in-rank service before becoming eligible for promotion to the rank of Major.

An officer shall be ineligible for promotion for a period of one (1) year from the imposition of a disciplinary action resulting in a demotion, any suspension, or a punitive transfer. Any disciplinary agreement should include a notice and waiver of the loss of promotional opportunity.

Applicant's Responsibility: Officers who desire to be considered for promotion to the ranks of Sergeant or Lieutenant will be required to participate in an established and approved promotional



TRANSFERS AND PROMOTIONS

process. Candidates who successfully complete all testing components of the promotional process will receive a composite examination score. A candidate's composite examination score will be determined by the total score he/she received for each testing component of the promotion process factored by the weight assigned to each testing component.

After the candidate's composite examination score has been calculated, seniority points will be added to the composite examination score to determine the candidate's 'final composite examination score.' Seniority points will only be granted for years of service that have been completed as of May 1 of the applicable year of eligibility. Completed years of service will be calculated in accordance with ASP Leave and Compensation Policy (GEN SEC 17). The conversion to seniority points will be as indicated in the following chart. The maximum credit that a candidate can earn for seniority is five (5) points. Credit will be awarded for each full year completed – no partial year credit will be awarded.

SENIORITY POINT CONVERSION	
COMPLETED YEARS OF SERVICE	SENIORITY POINTS
1	0
2	0
3	.25
4	.5
5	.75
6	1
7	1.25
8	1.5
9	1.75
10	2
11	2.25
12	2.5
13	2.75
14	3
15	3.25
16	3.5
17	3.75
18	4
19	4.25
20	4.5
21	4.75
22	5

All officers successfully completing the above promotional process, who meet the time-in-rank criteria and who have not been subject to a disqualifying disciplinary action, may apply for any promotion for which they are eligible.



TRANSFERS AND PROMOTIONS

When a promotional position is advertised, eligible candidates must submit an application to be considered for that position. Of these applicants, the highest ‘composite examination score’ (does not include seniority points) of the eligible candidates will establish the upper limit of the highest band of candidates. This creates a “floating” band that is specific to each advertised position. The ‘band width’ is determined by the testing vendor, was developed using an acceptable statistical procedure, and is based on a ‘statistical break.’ The statistical breaks for the width of the bands will not change since the scores of all candidates who tested determine those breaks, not just those applying for a particular position (see example of floating band below). Candidates who have ‘final composite examination scores’ (includes composite examination score and seniority points) that fall into the highest score range will be assigned to ‘Band A.’

All eligible candidates applying for promotion to a specific advertised position will be placed on an eligibility list. ‘Banding’ will then be applied to create bands for the final composite examination scores only for the applicants for a specific advertised position. All of the scores in the same band will be considered equivalent for that particular position. *Note: It is possible for an applicant who applies for multiple positions to be in the ‘A Band’ for one position and not be in the ‘A Band’ for another position. The banding is determined for each position individually.*

Example of Floating Band:

The below chart lists examples of ten candidates that have all completed the entire testing process with their ‘final composite testing score.’ Of the ten candidates, six are applying for an open sergeant position. The first statistical break in the composite examination scores (before seniority points were added), as determined by the testing vendor, is 10 points. *This is for the example only – the actual band width, based on the statistical break for the testing process, will be determined by the vendor.* The chart below indicates which candidates applied for the sergeant opening.

Final Composite Examination Scores	Candidates that applied for Sgt. opening
Candidate 1	97
Candidate 2	94
Candidate 3	92 X
Candidate 4	87 X
Candidate 5	86 X
Candidate 6	85
Candidate 7	84 X
Candidate 8	80
Candidate 9	76 X
Candidate 10	75 X



TRANSFERS AND PROMOTIONS

Candidate 3 had the highest composite examination score of those that applied for the opening, which set the high score for the floating band. Since the statistical break determined by the vendor is 10 points for the 'A Band,' any candidate that applied for this position and is within 10 points of Candidate 3's final composite examination score will be considered part of the 'A Band.' 92-10=82. This means that any candidate with an 82 or higher will be in the 'A Band.' For this example Candidates 3, 4, 5 and 7 qualify for the 'A Band' and their names will be forwarded to the Director in consideration for the promotion to the advertised sergeant position.

Promotions to Captain or Major: There is not a testing procedure for promotion to Captain or Major, and all officers meeting the time-in-rank criteria and who have not been subject to a disqualifying disciplinary action will be eligible to apply for those positions.

Human Resources Section Responsibility: Once the applications are received for a position, a candidate packet will be prepared by the personnel officer and should include the following:

1. Candidate Information Summary ([ASP 246](#)) to include:
 - a. Date of Commission Meeting
 - b. Candidate Name
 - c. Current Assignment
 - d. ASP Tenure
 - e. Rank Tenure
 - f. Education Level
 - g. Law Enforcement Certification Level
 - h. Brady/Giglio Status (Information provided by OPS)
 - i. Assignment Dates
 - j. Founded or Open OPS Complaints (Information provided by OPS)
 - k. Avoidable Accidents for previous three years (Information provided by OPS)
 - l. Certifications
 - m. Specialized Assignments
 - n. Supervision Training
 - o. Other relevant information
2. Most recent performance evaluation
3. Other documentation beneficial in determining a candidate's qualifications

If any discrepancy is noted between a candidate's application and his/her personnel files, the candidate should be notified and be given the opportunity to clarify the discrepancy.



TRANSFERS AND PROMOTIONS

Director's Responsibility: The Director should recommend to the ASPC an applicant from the 'A Band' that, within his/her discretion and opinion, is most qualified for the particular position.

The Director should maintain a written record of his/her reasons for all promotional recommendations for Sergeant through Major.

Additionally, the Director may disapprove requests for lateral transfers if an applicant has not served in his/her current assignment for a period of twelve (12) months. The Director shall have sole discretion to waive this restriction to serve the best interest of the department.

Arkansas State Police Commission's Responsibility: The ASPC is empowered in Arkansas Code Annotated § 12-8-103(a)(1) to approve or disapprove each nomination for promotion to position of Sergeant through Major in compliance with all federal and state laws including court orders.

Application packets, personnel files, and written summaries of each candidate's qualifications will be made available to members of the ASPC prior to a meeting during which the Director plans to make a promotional recommendation. Applications and personnel files shall be properly secured and accessible only to authorized personnel.

Personnel discussions between the ASPC and the Director conducted during executive session shall be confidential.

The ASPC meeting shall reconvene following an executive session wherein promotional candidates are considered. The Director will make the official nomination of the candidate for the record. The ASPC will vote to either approve or disapprove the nomination. All promotions approved by the ASPC will become effective consistent with State Office of Personnel Management payroll guidelines.

If the majority of the ASPC votes to disapprove the Director's nomination of a particular candidate, the ASPC shall indicate in writing the reasons for disapproval, which shall be placed in the promotional file. The Director may request the ASPC to reconvene in executive session or defer the promotion to a future meeting.

Prohibited Practices: It is the intent of this policy that all promotions are considered in a fair and equitable manner. Presentation of proof that a candidate has engaged in a prohibited practice may result in the candidate's disqualification for consideration.



TRANSFERS AND PROMOTIONS

Candidates shall not attempt to improperly influence a promotional decision by requesting or causing another person to request that the Director or a commissioner make a promotional decision that is inconsistent with this policy.

No commissioned officer or promotional candidate shall interfere with the promotional process by knowingly communicating false or misleading information concerning the qualifications or character of any candidate.

No commissioned officer shall engage in any act that would improperly influence the eligibility of any promotional candidate or the final selection of a candidate for an advertised vacancy.

No commissioner shall be involved in any phase of the promotional process except for candidate file review, executive session, and voting after nomination by the Director.



DISCIPLINARY MATTERS

I. Basis for Discipline

- A. Employees are required to familiarize themselves with all ASP policies, procedures, and all applicable laws that govern their conduct. Employees are also required to follow ASP policies, procedures, and applicable laws. When in doubt about the meaning or intent of a policy or procedural requirement, or an applicable law, employees should seek guidance from their immediate supervisor.
- B. Supervisors are required to enforce ASP policy. A supervisor's failure or unwillingness to enforce ASP policy is, in and of itself, a violation of policy and may subject the supervisor to discipline.
- C. Routine corrective action by a supervisor not resulting in disciplinary action is a primary duty of the supervisor and is not a complaint.
- D. Any disciplinary action that rises to a letter of reprimand or above remains a permanent part of the employee's personnel file.
- E. All newly hired ASP officers shall serve an eighteen-month probationary period, during which time any officer may be terminated with or without cause upon approval of the ASP Commission without following the disciplinary procedures outlined below.

II. Definitions

For purposes of this policy, the following definitions apply:

- A. **"Misconduct"** refers to an allegation of an act, omission, or substantial evidence that an employee has violated an ASP policy or procedure, a local, state, or federal law, or a lawful order issued by the Department.
- B. **"Complaint"** refers to an allegation of misconduct or information that ASP employee may have violated an ASP policy or procedure, a local, state, or federal law, or a lawful order issued by the Department. A dispute that pertains to matters that must be adjudicated in court (i.e. tickets and fine costs), or those that do not allege a violation of an ASP policy, local, state, or federal law, or lawful order issued by this Department are not valid complaints.



DISCIPLINARY MATTERS

- C. **“Commander”** refers to Troop, Company, Section, or Area Commander or the applicable Supervisor designated by the ASP Organizational Chart. See <http://asp.arkansas.gov/divisions>.
- D. **“Supervisory Misconduct Investigation”** refers to an investigation conducted by an employee’s supervisor in consultation with the chain-of-command that is not likely to rise to a disposition resulting in a letter of reprimand, disciplinary transfer, suspension, demotion, or termination. **Supervisory misconduct investigations are not subject to review by a Command Staff Review Board (CSRB).**
- E. **“Departmental Misconduct Investigation”** refers to an investigation conducted by Office of Professional Standards (OPS) where the disposition may result in a letter of reprimand, disciplinary transfer, suspension, demotion, or termination. **Only departmental misconduct investigations will be submitted to a CSRB.**
- F. **“Written Notification”** refers to notification by e-mail, fax, or letter.

III. General Information

- A. The Arkansas State Police shall accept, investigate, and take appropriate action with respect to all complaints (as defined under “Complaints” above) without bias or regard to an employee’s rank, status, gender, race, religion, nationality, etc. The Arkansas State Police should accept complaints of misconduct regardless of the means by which the complaint is communicated. Employees should not discourage, either directly or indirectly, any person from making a misconduct complaint.
- B. Employees are required to promptly report misconduct by another ASP employee to that employee’s supervisor. Regardless of the source, employees shall report all alleged misconduct to their immediate supervisors, whenever they have reasonable grounds to suspect that another employee has violated an ASP policy or procedure, a local, state, or federal law, or a lawful order issued by the Department.
- C. Employees are required to promptly report their own misconduct to their immediate supervisor.
- D. Employees shall not intentionally conceal their own, or another employee’s misconduct.



DISCIPLINARY MATTERS

IV. Receiving Complaints

- A. The employee's Commander should notify OPS of all complaints to obtain a Control Number. The commander shall also notify OPS whether the complaint will be designated as a supervisory or departmental investigation as determined by the chain of command in accordance with the procedures outlined in section **X., Determination of Supervisory and Departmental Misconduct Investigations and Review Procedures**, of this policy. The control number will be recorded on the [ASP 50](#) and in OPS records.
- B. If OPS receives a complaint on an officer, it may be forwarded to the Commander for action in accordance with this policy.
- C. All complaints should be documented on a Complaint and Tracking Form ([ASP 50](#)). The complainant should complete the ASP 50. If the complainant is unwilling or unable to complete the form, the Commander or designee should complete the ASP 50 using whatever information is available to document the complaint, noting the source of the information, the manner in which the complaint was received, and the date and time of the initial complaint.
- D. The ASP misconduct investigation policies and procedures exist solely to allow the Director to execute supervision and control for the purposes of discipline and proper management of this Department, as required by Ark. Code Ann. § 12-8-104(f)(1). A complainant has no right to status updates, desired results, or records that are not otherwise subject to the Arkansas Freedom of Information Act (FOIA). However, the complainant will be provided notification of disposition upon final resolution of a misconduct investigation. OPS will provide a notification of disposition to complainants in all investigations.

V. Notification of Misconduct Investigation

At an appropriate point in the complaint process, the named employee's Commander should notify the affected employee in writing (unless notification would hinder the investigation) of the matter under investigation through use of the Complaint Investigation Notification form ([ASP 239](#)). In all investigations, the employee should be notified within a reasonable time before he/she is interviewed. The notice should include the following: (1) that the Arkansas State Police has received a complaint of misconduct against the employee; (2) the general nature of the complaint; (3) the source of the complaint (unless



DISCIPLINARY MATTERS

identity/disclosure could compromise personal safety); (4) that the complaint is being investigated in accordance with this policy; and (5) that the named employee will receive written notice of the final disposition of the complaint.

VI. Investigation Process

- A.** When related to the misconduct investigation, employees who are the subject of an investigation may be required to: (1) submit to medical, psychological, and laboratory collections and examinations at the agency's expense; (2) submit financial disclosure statements or bank records; (3) provide telephone records; (4) submit to or provide photographs; (5) appear in a live line-up; and/or (6) take a polygraph examination. In the course of a misconduct investigation, the Director shall issue a written authorization prior to all medical, psychological, and laboratory collections and examinations (except for random drug tests), financial disclosures, line-ups, or polygraph examinations.
- B.** Employees who are the subject of a non-criminal misconduct investigation may be interviewed concerning the allegations of the complaint before the investigation is concluded. All misconduct investigation interviews should be recorded. The recording should be preserved for future reference. Employees do not have the right to counsel during such interviews.
- C.** Employees who are the subject of a misconduct investigation should be given the appropriate "Garrity Warning" when, in the discretion of the investigating officer and in consultation with the Director and ASP General Counsel, the circumstances justify the use of such warnings prior to compelling a statement. When given, the Garrity warning should be read to the employee, documented on a Garrity Warning Form ([ASP 48](#)), and signed by the investigating officer. A named employee who receives the Garrity warning is required to sign an acknowledgement that the employee has received and understands the nature and effect of the warning.
- D.** If OPS is conducting the investigation, they should keep the named employee's Commander advised of the status of the investigation.
- E.** The named employee's Commander or designee should periodically provide the named employee with a verbal status update of the investigation. The status update should not include any details or the results of any part of the investigation. If a named employee has any questions throughout this process, the employee's Commander or his/her



DISCIPLINARY MATTERS

designee may be contacted. Until a final disposition of the matter has been entered, employees are prohibited from discussing a complaint with anyone other than the assigned investigator(s) or the employee's personal attorney.

- F. Upon the conclusion of all supervisory misconduct investigations, the Commander shall prepare a **Supervisory Investigation Report** ([ASP 252](#)) that includes written factual findings and conclusions with specific references and application to each policy and/or law violation investigated.
- G. Upon the conclusion of all **departmental misconduct investigations**, OPS shall prepare an investigation summary that includes written factual findings without conclusions.
- H. All investigations, supervisory or departmental, shall thoroughly review relevant and available information, including the conduct and performance of employees who are the subject of the complaint. **Additionally, if the investigation reveals the employee's supervisor was negligent, the Commander/Section Supervisor/Deputy Director may request a misconduct investigation into neglect of duty by the employee's respective supervisor by submitting an ASP 50.**
- I. All investigations shall be concluded by using one (1) of the following dispositions:
 - 1. **Sustained** – There is a preponderance of evidence to prove the allegations. Preponderance of the evidence is defined as the stronger evidence, however slight the edge;
 - 2. **Not Sustained** – Insufficient evidence to either prove or disprove allegations;
 - 3. **Exonerated** – The incident occurred but was lawful and/or not a policy violation;
or
 - 4. **Unfounded** – Allegation is false, not factual, or the employee was not involved.
- J. If an employee resigns or retires before the conclusion of a supervisory or departmental misconduct investigation, a disposition shall still be determined in accordance with this policy. However, there will be no determination of a specific disciplinary action for sustained complaints, and the investigation will be designated as administratively closed



DISCIPLINARY MATTERS

by the Director. Such investigations without a disciplinary action will be exempt from disclosure under the Arkansas Freedom of Information Act (FOIA).

- K.** A former employee is not eligible for re-hire if they retire or resign before the conclusion of a supervisory or departmental misconduct investigation.
- L.** A commissioned officer who resigns or retires before the conclusion of a supervisory or departmental misconduct investigation is not considered to be in “good standing” for the purposes of retired law enforcement concealed carry under federal and state law.
- M.** Departmental recommendations for decertification to CLEST shall be determined solely by the Director on a case-by-case basis.
- N.** Employees who receive a written disciplinary or performance-based reprimand (Letter of Reprimand or higher) during the performance review period are not eligible for a merit pay increase.

VII. Immediate Relief from Duty

- A.** Upon the receipt of a complaint of serious misconduct, the named employee’s Commander should have the discretion to relieve the employee from duty immediately, with full pay and benefits, pending further review of that decision through the chain of command to the Director. Commanders should have the same discretion and authority when they reasonably believe that an employee under their command is physically or psychologically unfit for duty. In all cases when an employee is relieved from duty, the Commander should promptly document the administrative action in writing and deliver a copy to the named employee, the appropriate Division Commander, and the Human Resources Section in Little Rock. The employee should be notified in writing of his/her loss of law enforcement authority (includes secondary duty assignments and may include restrictions for secondary employment) and any other power or privilege associated with his/her employment with the department. All state issued property and equipment will be collected and stored at the employee’s headquarters. Upon collection, a property receipt ([ASP 202](#)) should be completed and maintained at the employee’s headquarters. A copy of the receipt should be given to the named employee.
- B.** Employees on administrative leave due to a misconduct complaint should be available during normal business hours (Monday through Friday, 8:00 a.m.-5:00 p.m.). The



DISCIPLINARY MATTERS

employee must provide contact information to their supervisor where they can be reached during normal business hours. If the employee fails to be readily available while on administrative leave, he/she will be subject to further disciplinary action.

- C.** While on administrative leave due to a misconduct complaint, the employee shall not work for another employer during those hours for which he/she is obligated to and compensated by the Department, unless approved by the Director in writing.
- D.** Upon approval from the Director or a Deputy Director, commissioned employees who are not placed on administrative leave may also be temporarily suspended from secondary duty assignments (i.e. SWAT, Honor Guard, etc.) and/or restricted from secondary employment pending the outcome of a misconduct investigation. The Commander should document the suspension in writing and notify the respective secondary duty assignment Commander of the suspension.

VIII. Prohibited Acts during Misconduct Investigations and Disciplinary Proceedings

- A.** Employees who are the subject of a pending misconduct investigation and related proceedings should not (1) communicate or encourage other persons to communicate with the Director or any Arkansas State Police Commissioner concerning the matter; (2) directly or indirectly attempt to influence a witness who has knowledge of the matter under investigation; or (3) directly or indirectly attempt to influence the investigation, review process, or the disposition of the matter by contacting an elected official or anyone else in an attempt to influence the outcome of the investigation. Such conduct shall subject the employee to additional investigation and disciplinary action.
- B.** Employees who are actual or potential witnesses in a misconduct investigation or related proceeding should not discuss the matter with any person other than the employee's personal attorney or the employee's Commander, unless the employee is given permission to do so by the employee's Commander and the assigned investigating employee.

IX. Office of Professional Standards (OPS) Responsibilities

- A.** The Office of Professional Standards (OPS) is responsible for all departmental investigations and may conduct supervisory investigations upon request of a Deputy Director or the Director. Upon the completion of a supervisory investigation by OPS,



DISCIPLINARY MATTERS

and following a review for accuracy and completeness by the Deputy Director of Administrative Operations, OPS shall deliver the original case file to the named employee's Commander. The file will include an investigative summary and findings of fact without a recommendation. Thereafter, the matter will be reviewed in accordance with the procedures set forth below.

- B.** OPS should collect and maintain a record of all supervisory and departmental complaints against ASP employees. OPS should maintain such records in a secure location. Such records and the accompanying documents, materials, and case files should be stored separately from personnel records.
 - C.** OPS should report directly to the Deputy Director of Administrative Operations and shall keep the Deputy Director of Administrative Operations informed of complaints of misconduct, the status of, and the disposition of all misconduct investigations. The Deputy Director of Administrative Operations is responsible for keeping the Director apprised of investigative activity/complaints assigned to or monitored by OPS. The Director may require these responsibilities and roles be performed by designees as necessary.
 - D.** With respect to a complaint against an employee that involves alleged corruption or criminal misconduct, the named employee's Commander shall immediately notify OPS, who shall assume primary responsibility for investigating the complaint. In such cases, OPS should immediately inform the Deputy Director, or designee, of the nature of the complaint and any preliminary information provided by the complainant in support of the allegation. In turn, the Deputy Director, or designee, should promptly brief the Director concerning the nature of the complaint and preliminary information.
 - E.** OPS shall submit an Annual Report to the Director for review by January 31 summarizing all investigations, to include the reason and length of investigations (date received by OPS to final date of disposition/determination by the Director), disciplinary actions, and appeals in the preceding year. The Annual Report shall include all final dispositions.
- X. Determination of Supervisory and Departmental Misconduct Investigations and Review Procedures**

(See Appendix A – Commissioned Disciplinary Process Flowchart)



DISCIPLINARY MATTERS

A. Supervisory Misconduct Investigations

1. If a complaint of misconduct appears on its face to be inconsequential, the employee's Commander shall consult with the Division Commander and Deputy Director (or Director as applicable) for authorization to investigate and resolve the complaint with a supervisory investigation. For example, an employee's first avoidable crash while driving a state vehicle should be addressed by supervisory investigation, unless there is physical injury, gross negligence, extensive vehicle damage, death, or other mitigating circumstances requiring a departmental investigation. Other examples of complaints typically addressed with a supervisory investigation include, but are not limited to, personality conflicts, traffic citation disputes, driver's license testing issues, and employee rudeness. The determination should be documented on a **Complaint Investigation Determination or Request for Upgrade** form ([ASP 253](#)).
2. When initially reviewing a complaint to determine whether a supervisory investigation is appropriate, the Commander, Division Commander, and Deputy Director (or Director as applicable) shall consider the following factors:
 - a. Whether the complaint alleges a violation of ASP policy, local, state or federal law, or lawful order issued by the Department;
 - b. The reliability of the source of the complaint and motives of the person making the complaint;
 - c. Time elapsed since the allegations occurred;
 - d. The potential disciplinary consequences if the complaint is sustained; and
 - e. Any other aggravating or mitigating circumstances surrounding the complaint.
3. After consultation with the chain of command, if it is determined that the complaint will be handled with a supervisory investigation, the employee's Commander will submit an [ASP 253](#) through the chain of command and notify OPS to inform them how the investigation will be designated.



DISCIPLINARY MATTERS

4. OPS may conduct the supervisory misconduct investigation upon the request of the Director or a Deputy Director.
5. The Commander bears responsibility to ensure that the complaint is thoroughly investigated. If the complaint is sustained, discipline not rising to a letter of reprimand, suspension, demotion, transfer or termination should be administered by the Commander after consultation with the Division Commander and Deputy Director (or Director as applicable) for consistency.
6. No disciplinary action in a supervisory misconduct investigation is a final action until reviewed and approved by the Director.
7. The Commander should forward all documentation, including disciplinary action (if applicable) and ASP forms, through the chain of command to the Director for review. Following the review, the Director will forward the file to OPS for tracking and retention purposes. Upon review, if the Director determines the complaint and disciplinary action failed to adequately address an allegation of misconduct, the investigation shall be forwarded to OPS for a departmental misconduct investigation with a revised control number designation.
8. An employee's Commander may determine that a supervisory investigation should be upgraded to a departmental investigation at any time based on information and evidence, following consultation with the Division Commander and Deputy Director (or Director as applicable). Upon determination that the investigation should be upgraded, the Deputy Director/Director shall provide written notification to OPS that the investigation was upgraded to a departmental investigation by forwarding a copy of the [ASP 253](#) to OPS. The notification shall include the reason(s) why the complaint investigation was upgraded.

B. Departmental Misconduct Investigations

1. If it is determined by the employee's Commander and Division Commander in consultation with the Deputy Director (or Director as applicable) that the complaint should be handled as a departmental investigation, the employee's Commander should forward all documentation to OPS for investigation.



DISCIPLINARY MATTERS

2. At the conclusion of a departmental investigation and upon receipt of the investigative file, the Deputy Director of Administrative Operations, or designee, should review the file for accuracy and completeness. If necessary, the file should be returned for correction and/or additional investigation and documentation.
3. If the file is accurate and complete, the Deputy Director of Administrative Operations, or designee, will arrange for a Command Staff Review Board (CSRB) to be convened.

C. Command Staff Review Board

1. **Command Staff Review Board Composition:** The CSRB shall be comprised of randomly selected commissioned Division Commanders or their designees upon approval by a Deputy Director. The CSRB shall not be comprised of more than one member of a Division. The senior Division Commander (measured by length of time in rank) shall preside at the CSRB meeting. Three Division Commanders or designees shall constitute a quorum. The CSRB meeting will be conducted in a private session and shall be audio recorded by the Department. Recordings should only be transcribed if necessary.
2. **Command Staff Review Board Procedure**
 - a. The named officer should be given reasonable notice of the meeting of the CSRB and should be granted the right to inspect the investigative case file, or portions thereof, prior to the CSRB meeting. Commanders should provide the officer with the sealed copy of the file upon receipt and prior to the hearing. Departmental investigative files shall not be shared with other employees. The Director may limit the named officer from reviewing and copying sensitive or irrelevant information prior to submission of the investigation file to the CSRB. The CSRB will also be limited from reviewing the designated sensitive or irrelevant information. The designated sensitive or irrelevant information shall not be used as a basis for a final administrative decision by the Director.
 - b. OPS will make a copy of the investigative case file prior to the CSRB (without sensitive or irrelevant information restricted by the Director, when applicable) for each member of the CSRB and the named officer. No other copies of the investigative file are permitted. Prior to the Director's final administrative



DISCIPLINARY MATTERS

decision, any review of an investigative case file by anyone other than the CSRB, the named officer, and the named officer's personal attorney is prohibited unless approved by the Director in consultation with the ASP General Counsel. Following conclusion of the CSRB, the chairperson of the CSRB is responsible to ensure all copies of departmental investigative files (including the officer's copy) are returned to OPS for destruction.

- c. The named officer should be required to attend the CSRB meeting unless excused by the presiding Division Commander in writing. The named employee does not have the right to counsel at the meeting, nor shall the named officer be allowed to compel the attendance of witnesses. If the named officer wishes to call ASP employees as witnesses before the CSRB, the officer may request in writing that arrangements be made for such employees to attend the meeting. Such written request shall include a brief description of the expected testimony of witnesses and relevancy to the allegations of misconduct. The decision to make such arrangements at the officer's request shall be within the discretion of the presiding Division Commander. A complainant does not have a right to appear before the CSRB.
- d. The named officer should be given the opportunity to present an explanation of the officer's conduct and any other relevant evidence that is allowed by the presiding Division Commander.
- e. Upon conclusion of the CSRB's review, the presiding Division Commander should assign one of the Division Commanders to prepare written factual finding(s) and conclusions supporting the majority's finding(s) that the complaint was sustained, not sustained, exonerated, or unfounded as defined above, with specific references to any applicable ASP policies or laws that were violated by the officer.
- f. The written findings and conclusions of the CSRB will be delivered to the Deputy Director of Administrative Operations for review. The Deputy Director's review should be noted in the case file.

D. Director's Decision: After consideration of the findings of the CSRB, the Director should render a final decision for disposition of the matter. The findings of the CSRB are not binding upon the Director and the Director may find additional violations of



DISCIPLINARY MATTERS

policy or overrule the findings of the CSRB as specified in the final written disciplinary decision.

1. The Director may, among other factors, consider the following when imposing discipline:
 - a. The nature of the violation of policy or law;
 - b. Whether the violation was intentional, reckless or inadvertent;
 - c. Whether the officer was candid and forthcoming concerning the violation;
 - d. The extent to which the violation reflects adversely on the ASP's reputation for honesty, integrity and professionalism;
 - e. Whether, and to what extent, the officer has a prior disciplinary record;
 - f. Mitigating circumstances; and
 - g. Other factors as deemed relevant.
2. **Disciplinary Agreement:** The Director and named employee may enter into a Disciplinary Agreement in lieu of the disciplinary process outlined in this policy. By entering into a Disciplinary Agreement, the employee admits as true the allegations that form the basis of the misconduct investigation. When entering into a Disciplinary Agreement, the employee waives his/her right to administrative appeals, court appeals and any other due process rights associated with discipline for the incident(s) at issue. If any new information becomes known to the department that would require revisiting or investigating the original matter, then the department would do so immediately.
3. **Notification:** As soon as practical, the officer will be notified of the Director's decision. The notification should be in writing and should be delivered to the officer.
4. An officer's appeal to the Arkansas State Police Commission (ASPC) should not automatically postpone or suspend the imposition of discipline while the appeal is



DISCIPLINARY MATTERS

- pending. Once approved by the Director, discipline should be effective as soon as it is imposed.
5. The Director may suspend the imposition of discipline pending an appeal to the ASPC. An officer who wishes to obtain a stay of discipline pending appeal may make such request in writing to the Director accompanied by a statement setting forth the reasons the officer believes the request should be granted.
- E. Appealable Matters:** Officers may appeal the following disciplinary actions to the ASPC (*see* A.C.A. 12-8-204 (c)(1)):
1. Termination of Employment;
 2. Suspension;
 3. Demotion; or
 4. Disciplinary Transfer.

XI. Appeal to the ASPC

- A.** A written notice of appeal should be filed with the ASPC within ten (10) calendar days after the officer's receipt of the Director's written decision. Lodging the appeal may be completed by having the notice of appeal delivered to the Director's office within the appropriate time limit. Appeals should be heard and determined by the ASPC within a reasonable time from the date the appeal is filed.
- B.** The ASPC will be notified of appealable disciplinary decisions after an officer receives the Director's written decision. Upon an officer's written notice of appeal, the ASPC will receive a copy of the Director's written disciplinary decision.
- C.** Contact with members of the ASPC by the named employee or by an attorney, family member, representative, or any other individual on behalf of the named employee prior to the appeal hearing before the ASPC is prohibited and shall be grounds for a separate disciplinary investigation and action.
- D. Record on Appeal**



DISCIPLINARY MATTERS

1. The record on appeal to the ASPC should be compiled by the Director, or his/her designee, and may include any material document, item, or other evidence which was considered by the officer's Commander, the investigating officer, the CSRB, and the Director. All matters not relevant to the Director's disciplinary decision should be omitted, including any sensitive investigation information limited by the Director to the named employee and CSRB. A copy of the record on appeal should be provided to the disciplined officer upon request.
2. A copy of the record should be provided to each Commissioner at the commencement of the appeal hearing, and a copy should be submitted to the hearing officer to be made part of the official record. If requested by the hearing officer, a copy of the record on appeal may be provided to the hearing officer prior to the appeal hearing.

E. Procedure for Appeal Hearing

An appeal to the ASPC should be conducted pursuant the ASPC's rules, which require that the Director's decision be supported by a preponderance of the evidence.

F. Appeal to Pulaski County Circuit Court

Provided the appeal is perfected within thirty (30) days from the date of the final order made by the ASPC, an appeal may be taken to the Pulaski County Circuit Court from any order of the ASPC discharging, removing, suspending, demoting, or transferring for disciplinary reasons of any member of the department. See Ark. Code Ann. §12-8-204(d). Within a reasonable time following service of the Petition for Review, the Arkansas State Police should order the preparation of the appeal transcript from the court reporter. The appeal transcript should be filed with the circuit court by the Arkansas State Police within ten (10) days following preparation of the transcript. The cost of the preparation of the record shall be borne by ASP. However, the cost of the record shall be recovered from the appealing party if ASP is the prevailing party.

G. Exclusiveness of Appeal Procedures

The foregoing appeal procedures are exclusive with respect to matters that may be appealed to the ASPC. Written disciplinary actions not subject to appeal to the ASPC



DISCIPLINARY MATTERS

may be addressed utilizing the Arkansas State Police Dispute Resolution Rules and Procedures ([GEN SEC 10](#)).

XII. Corrective Action Based on Performance

- A.** Performance deficiencies should be addressed as soon as possible, and with increasingly greater sanctions for repeated offenses. While such progressive corrective measures are the preferred method of corrective action for performance deficiencies, certain situations may require disciplinary action up to and including termination for a first offense, dependent on the facts and circumstances of each incident. The progressive corrective measures are intended to address performance deficiencies observed or brought to the attention of an employee's supervisor, but do not give rise to departmental misconduct investigations outlined above. Unless circumstances dictate otherwise, the measures are:
1. Additional training and/or counseling;
 2. Verbal warning; and
 3. Written warning.
- B.** If these measures are unsuccessful in correcting the employee's performance, the employee's Commander should initiate and the departmental misconduct investigation process outlined above by filing an [ASP 50](#). Accelerated progression in this procedure, including letters of reprimand, suspension, disciplinary transfer, and termination of employment, may be taken if multiple infractions or infractions of a critical or severe nature occur. Supervisors are not required to follow the above order of progression and are not limited to the above steps, when the circumstances surrounding the behavior or conduct dictate otherwise.
- C.** When conducting any type of corrective action, the employee's supervisor should document the details and circumstances of the incident(s) on which the corrective action is based. The documentation should include the date the corrective action took place, persons present, name of the person conducting the corrective action, and any statements made by the subject officer that have a bearing on the employee's performance or behavior. The employee should be notified that the corrective action will be documented but will be used only for purposes of recording the incident unless misconduct or inappropriate behavior is repeated.



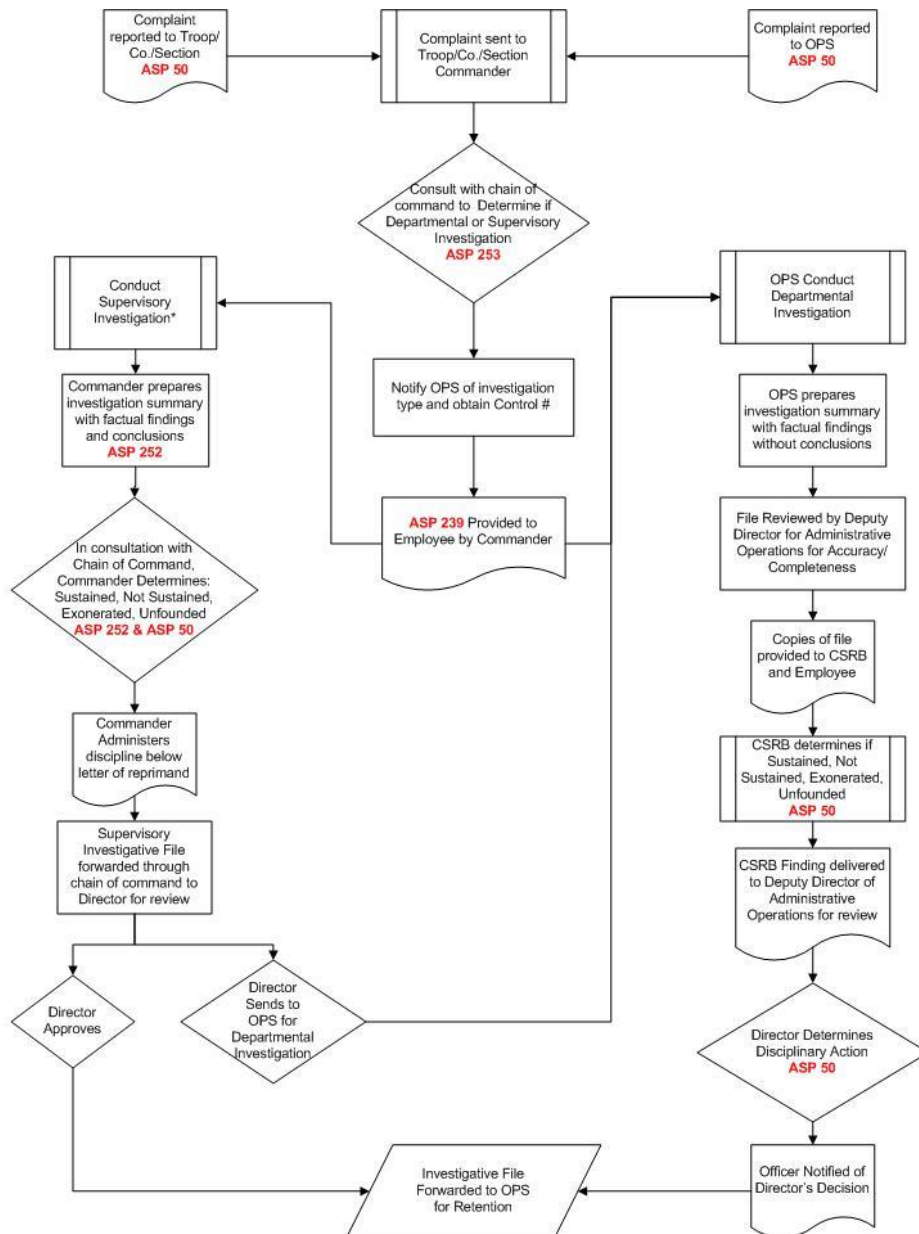
DISCIPLINARY MATTERS

- D.** A copy of documentation regarding corrective action should be maintained by the employee's supervisor. If the employee changes assignment, the employee's supervisor should send the documentation to the employee's new supervisor. The documentation should not be destroyed. If the employee becomes the subject of a departmental investigation, the documentation should be forwarded to the Office of Professional Standards.
- E.** Nothing contained in this policy should preclude the Director from making transfers, assignments, or reassignments pursuant to Ark. Code Ann. §12-8-104(h)(1).



DISCIPLINARY MATTERS

Appendix A – Commissioned Disciplinary Process Flowchart



*At any point in a supervisory investigation the commander may request an upgrade to a departmental investigation through the chain of command. A Deputy Director or the Director shall provide written notification to OPS regarding investigation upgrades with reasons for the upgrade.



SECONDARY EMPLOYMENT

The purpose of this policy is to ensure that Arkansas State Police (ASP) officers are engaged in law enforcement for the benefit and protection of the citizens of Arkansas. As servants of the public, it is essential that officers do not engage in any activity that hinders the officers' performance in their execution of duties, including certain types of secondary employment. As community role models, it is critical that officers refrain from secondary employment affiliations that demean the agency's mission.

Any ASP oversight of secondary employment strictly serves to ensure compliance with this policy and in no way implies any involvement or interest in the secondary employment of officers.

Concurrent Employment: Officers may work in two legislatively authorized positions (regular, extra help, or a combination) in two different state agencies and/or institutions, provided that a request is made by an agency or institution director to the Chief Fiscal Officer of the State and the combined salary payments from the agencies or institutions do not exceed the larger maximum annual salary of the line item position authorized.

Prior to employment at the institution of higher education, the agency must complete and submit a DFA-Concurrent Employment Request. If approval is obtained from the Chief Fiscal Officer of the State, an officer may teach as adjunct faculty at state-supported institutions of higher education even though their combined salaries will exceed the line item maximum.

When any non-exempt employee works occasionally or sporadically, and in a different capacity from the regular employment, the hours worked in the different jobs shall not be combined for the purpose of determining overtime compensation. If the different jobs are within the same general occupational category as the employee's regular work, the non-exempt employee would be eligible for overtime compensation.

The work performed for the second state agency or institution may not interfere with the employee's proper and required job duties for the primary state agency or institution.

Leave benefits may be awarded to an employee employed by different state agencies and/or institutions at a pro rata rate. Annual, sick, and holiday leave may be accrued in a concurrent employment position proportionate to the hours worked in the secondary employment position. Holiday leave may be accrued in an extra-help secondary employment position accordingly.



SECONDARY EMPLOYMENT

Employees are allowed to use annual leave from the primary employer while working the same hours at the secondary employer. Employees are not allowed to use accrued sick leave from the primary employer and be paid a salary or compensation from the secondary employer. Likewise, employees are allowed to draw a second paycheck if the work occurs secondary the employee's regular scheduled hours of work from the primary employer.

Concurrent employment may take place as long as the officer is performing the tasks on an RDO, during other non-scheduled work time, or when a request for annual leave has been approved. Regardless of the circumstances, all requests for concurrent employment must be approved.

In the case of concurrent employment, the employing agency will be required to complete their portion of the DFA-Concurrent Employee Request form which they should forward to the ASP Human Resources Section. The ASP Human Resources Section will complete the department's portion of the form and return it to the employing agency who should then forward to DFA for review and approval.

Outside Employment: An officer interested in working for a private employer, organization or individual other than a state agency or institution must submit a request to their supervisor for review and approval in accordance with the policy herein.

Secondary Employment Guidelines and Process

General Guidelines: Officers should not wear an ASP uniform or use an ASP vehicle or use other state-owned equipment, with the exception of the officer's firearm, while engaged in secondary employment, unless specific approval is granted by the Director.

An ASP vehicle should not be used to go or return from the secondary employment without supervisory approval.

Officers may carry department-issued handguns during secondary employment. The handgun should be concealed and the officer should carry their badge and/or commissioned identification.

Acceptance of secondary employment shall in no way excuse officers from their duty to abide by all laws, policies, rules, and regulations currently existing and governing ASP commissioned law enforcement officers.



SECONDARY EMPLOYMENT

Officers are prohibited from participating in any secondary employment while they are on duty or on sick leave, catastrophic leave, or shared leave from ASP.

An employee injured during his/her secondary employment shall report any injury to the officers Division Commander through the chain of command with all relevant medical records.

New-hire, probationary officers are prohibited from working secondary employment for a period of one year (12 months) from their date of Troop School graduation. This does not apply to officers who are a business owner. For purposes of this policy, "business owner" is defined as a for-profit or non-profit entity organized in accordance with Arkansas and federal law.

These restrictions may be waived in extenuating circumstances with the Director's approval.

Conflict of Interest: Officers shall not engage in secondary employment that presents potential conflicts of interest between ASP duties and duties for the secondary employer.

Officers shall not seek nor accept secondary employment with vendors who are bidding for or who are under contract with the department. It is the officer's responsibility to ascertain that employers neither have nor are seeking a department contract.

Other examples of types of secondary employment which present a conflict of interest include, but are not limited to the following:

- Process serving, bail bonding, property repossessing, bill collecting, vehicle towing, or any other employment in which law enforcement authority may be used to collect money or merchandise for private purposes;
- Conducting personnel investigations for private entities or any other employment which could require an ASP officer to access law enforcement information, files, records, or services as a condition of the officer's secondary employment;
- Any employment that could require an ASP officer to testify from a position opposing law enforcement in criminal or civil litigation in which a law enforcement or governmental agency conducted the investigation or has been identified as a party;
- Any employment for a business on-strike or labor organization;



SECONDARY EMPLOYMENT

- Any employment by a political party or employment that otherwise favors one political candidate over another;
- Ownership or management of a private security company;
- Employment by an ambulance service. Temporary volunteer work is permitted solely for EMT certification purposes.
- Employment by an employer having a criminal record which would exempt an individual from being hired as an ASP Trooper. If the officer has knowledge or learns after accepting a position, that the employer has a criminal record, the officer shall make written notification of that fact through the chain of command to the Division Commander.

ASP Reputation: Officers shall not accept secondary employment with establishments that may jeopardize the status, reputation, or dignity of the ASP as a professional organization.

Examples of types of secondary employment which could jeopardize the status, reputation, and dignity of the department include, but are not limited to, the following:

- Establishments dealing with pornographic books, magazines, videos, sexual novelties, or that otherwise provide entertainment or services of a sexual nature;
- Any employment involving alcoholic beverages as the principal business; or
- Any employment involving gambling as the principal business.

Diminished Capacity: Officers shall not engage in activities or accept secondary employment that may impede the officer's ability to perform ASP duties or physically or mentally exhaust the officer to the extent that the officer's job performance may be adversely affected. Secondary employment is no excuse for poor performance, absenteeism, tardiness, leaving early, refusal to travel or to work overtime or different hours.

The Director may change, withdraw or otherwise amend approval of any secondary employment for the benefit of the department



SECONDARY EMPLOYMENT

Enforcing the Law and Making Arrests: Officers who observe behavior that would prompt an arrest if they were on ASP duty should contact a local law enforcement agency to take appropriate action. If it is not feasible to contact local law enforcement or to await their response, the officer should take appropriate action then notify local law enforcement as soon as practical.

Absent exigent circumstances, ASP citations should not be utilized while engaged in secondary employment. Secondary employment arrest or citation statistics shall not be commingled into ASP statistics.

Any court appearance, hearing or other legally required attendance by the officer resulting from secondary employment shall be on the officer's own time.

Use of State Equipment: An officer may request permission to use state equipment if the nature and scope of the secondary employment requires the use of a law enforcement vehicle and/or uniform.

If approval is granted, the requesting officer shall record all mileage related to secondary employment using an Secondary Employment form (ASP 221).

The officer shall submit monthly reports to the fiscal section, along with a check payable to "ASP" in an amount equivalent to the total recorded mileage multiplied by the current per-mile rate of reimbursement. See Ark. Code Ann § 19-4-903(a)(1) and as outlined in the Federal Travel Directory.

Any officer permitted to use a state law enforcement vehicle in the course of secondary employment must adhere to all applicable ASP policy. An officer using a state law enforcement vehicle must respond to situations as though on ASP duty.

Approval Procedure and Appeals: Officers must complete an ASP 221, Secondary Employment Form, providing all requested information, including any special requests for use of state equipment. The ASP 221 form is used to submit requests for both outside and concurrent employment.

The completed form shall be submitted to the officer's supervisor for review. It is the supervisor's responsibility to verify the officer will be either off duty or on approved annual, compensatory, or holiday leave while conducting secondary employment and that no



SECONDARY EMPLOYMENT

unauthorized equipment is being used. Upon review by their supervisor, the documentation should be submitted through the chain of command to the Division Commander for final review. Upon approval by the Division Commander, the original ASP 221s should be forwarded to the Administrative Services Division for processing and a copy should be maintained in accordance with records retention requirements.

At any point through the chain of command, the request may be rejected, additional information requested, or limitations imposed. Limitations on secondary employment may include regulation of hours worked and restricted or denied use of state equipment. Any use of ASP vehicles or uniforms must be approved by the Director. In addition, requests to engage in secondary employment related to security work in which the officer may use his/her powers of arrest as an Arkansas State Police officer must be approved by the Division Commander.

All written approvals for secondary employment will expire one year after date of issuance. A request for renewal should be submitted annually if the intent is to continue employment.

Appeal Process: A review of a denied request or withdrawn approval must be requested in writing through the chain of command to the Division Commander. The officer will be given an opportunity to provide reasons the denied request or withdrawn approval should be reconsidered. The Division Commander will consider the appeal and will issue a written determination to the officer.

An officer desiring to appeal the decision of a Division Commander may make written request for review to the Director. The Director's decision will be final.

Change in Secondary Employment: Officers should notify their Division Commander if employment status changes. Notification should be given if the officer works different hours than those approved or if employment ceases.

Records Retention: The Division Commander or his/her designee shall maintain centralized files of all secondary employment requests, including but not limited to, copies of ASP 221s and supporting documentation such as leave requests. The Administrative Services Division will maintain the original ASP 221s for a minimum of five (5) years. Any other secondary employment documentation maintained by the Division Commander or his/her designee will be retained in accordance with GEN SEC 12, Records Retention policy.



UNIFORMS AND PERSONAL APPEARANCE

Personal Appearance Standards: Arkansas State Police officers are expected to maintain a high level of professionalism in their personal appearance, both when in uniform and while performing official duties in civilian clothing. Therefore, officers should maintain a high level of personal hygiene and keep their hair neatly groomed and cut within policy requirements.

Hair Requirements: Officers who wear a uniform should meet the haircut and hair grooming standards that are set forth in the Uniform Regulations and Field Manual (hereinafter referred to as "Uniform Manual").

Officers whose duties do not require them to wear a uniform should keep their hair cut and groomed in accordance with generally accepted business styles. No decoration(s) should be worn in the hair. Female officers may wear conservative hair clips or pins matching the color of the hair.

Officers are prohibited from wearing facial hair of any kind (beards, mustaches, etc.) while on duty without the prior permission of the officer's Division Commander.

Non-Uniformed Personnel Attire: Division Commanders will determine the appropriate attire suitable to specific occasion or duty within the listed parameters:

Business Casual is defined as:

- Men: Collared shirt and slacks (without jacket or necktie).
- Women: Similar to above, including slacks or skirt with blouse or sweater.

Business Dress Attire is defined as:

- Men: Business suit or sport coat and slacks with collared shirt and necktie.
- Women: Suit (including business pantsuit), dress, or blazer with skirt or tailored slacks.

Casual, but appropriate attire is authorized on Fridays and other days that are designated by the Director.

When working in civilian clothing, officers should adhere to the guidelines set forth in this policy and in the Non-Uniform Attire section of the Uniform Manual. Officers who have doubt about the propriety of their attire should err on the side of dressing more formally and/or consult their immediate supervisor. Clothing with cartoons, pictures, or items that display obscene gestures or offensive language that promote political beliefs, that ridicule or belittle any person



UNIFORMS AND PERSONAL APPEARANCE

or group because of race, color, religion, national origin, age, sex, disability or genetic information, or that contain derogatory comments about the workplace should not be worn.

When on duty in civilian attire, officers (when not working “undercover”) should carry a badge, official identification, and an approved Arkansas State Police handgun. Officers who are wearing a handgun visible to the public should wear business casual attire unless circumstances dictate otherwise. If a handgun is visible to the public, the officer shall conspicuously wear an ASP badge.

Uniforms: When in uniform, officers should:

- Wear the complete uniform, including all uniform items required for that particular uniform, as specified in the Uniform Manual.
- Wear a uniform that is properly fitted.
- Begin their tour of duty in a clean, neatly-pressed uniform with their boots, brass, and leather highly polished.
- Not wear any jackets, other clothing or accessories with a uniform that are not authorized in the Uniform Manual.
- Not wear any uniform clothing or accessories that are in poor condition.
- Not wear personal earphones, headsets, microphones, Bluetooth cell phones, or similar devices.
- Not clip cell phones or pagers on shoulder strap or epaulet.

Uniforms for New Troopers: The Administrative Services Division Commander or his/her designee should complete all the necessary forms to purchase the clothing and accessory items for new employee uniforms prior to graduation from Troop school.

Replacement of Worn or Damaged Uniforms: If an employee's uniform has become worn or damaged, the employee may submit a memorandum to their immediate supervisor for the purchase of a replacement. It should be the decision of the respective Commander as to whether or not a uniform or uniform item will be replaced by the ASP. All replacement uniforms or



UNIFORMS AND PERSONAL APPEARANCE

uniform items should be selected and be in accordance with the official list found in the Uniform Manual.

ASP will replace uniforms or uniform items due to normal use or in the event of a critical incident (i.e. fight, crash, etc.). Replacement is limited to the authorized replacement amount, unless the cause for replacement is a catastrophic event. If uniforms, uniform items, or equipment is damaged or destroyed as a result of the actions of a suspect or arrestee, the ASP will replace the item in a timely manner. The arresting officer should ensure that the damage is documented in the arrest report and that a formal request, including cost of replacement or repair, is made to the court seeking restitution from the arrestee. The restitution should be made to the ASP Fiscal Section for the total cost of the item(s) damaged or destroyed as allowed by the court.

ASP will not replace uniforms or uniform items solely on basis of weight gain/loss.

The Director reserves the right to approve or deny requests for uniforms or uniform item replacement on a case-by-case basis.

Once a replacement uniform or uniform item is received by the employee, he or she should turn the previous unserviceable uniform or uniform item in to his/her Commander. Serviceable uniform items turned in by retired or terminated employees should be forwarded by Commanders and stored at Little Rock Headquarters in a designated storage room for selection and purchase by officers.

Commanders shall destroy all uniforms and uniform items that are considered non-serviceable. Documentation of destruction should include name of the officer, description of the item, date of destruction, and shall be forwarded to the appropriate Division Commander for filing.

Uniform Replacement Budgets: Fiscal Section should track costs and amounts spent on uniforms for each fiscal year. TR-1's received should be reviewed and denied by Fiscal once the employee's uniform purchase meets the maximum allowed during the fiscal year, unless in the case of a catastrophic event.

Body armor, weapons and other necessary equipment (such as handcuffs, Rolatape, OC spray, etc.) issued by the department DO NOT apply to this policy and procedure.

Maximum Reimbursement Allowed: The maximum reimbursement allowed for each uniformed employee will be determined at the beginning of each fiscal year. The funds may be



UNIFORMS AND PERSONAL APPEARANCE

used to pay replacement costs for uniform items issued, required or authorized by the Arkansas State Police.

Repository: Commanders may allow officers to seek uniforms or uniform items from the repository at the officer's request as an alternative to purchasing a new item. The department will continue to maintain a repository of all serviceable used uniform items which are available for officers to purchase at a reduced cost.

The Administrative Services Division Commander should maintain a price list of used uniform and uniform items. Officers should make payment in full for any items purchased at the ASP Fiscal Office cashier's window.

Catastrophic Events: If an employee's uniform is damaged or destroyed during a catastrophic event that was beyond the control of the employee, the Commander may request a replacement uniform from his/her Division Commander. Such a request should be recorded as being above and beyond the allotted budget for the respective employee and should not be subtracted from the employee's allowable reimbursement.

How to Request a Uniform: If an employee believes his/her uniform, or an item on the uniform is in need of replacement, the employee should bring the matter to the attention of his/her immediate supervisor using a memorandum.

The employee's immediate supervisor should present this information to his/her respective Commander. Only the Commander may authorize the purchase of a uniform or uniform item.

If the Commander believes the uniform or uniform item is in need of replacement or repair, the Commander should authorize the purchase by signing his/her approval on the memorandum.

The employee should then purchase the pre-approved uniform or uniform item that meets official ASP specifications. Once the uniform or uniform item is purchased with the employee's own funds, the employee should send the following to their Division Commander for reimbursement:

1. Memorandum with Commander's signed approval;
2. Receipt showing the item(s) purchased or repaired; and
3. Completed TR-1 Form.



UNIFORMS AND PERSONAL APPEARANCE

Once approved by the Division Commander, fiscal should reimburse the employee for the cost of the uniform or uniform item.

Required and Optional Uniforms: The required and optional ASP uniforms for all officers are:

- Class A uniform – Required dress uniform from October 16 to April 14, unless otherwise approved by the Division Commander.
- Class B uniform – Required dress uniform from April 15 to October 15, unless otherwise approved by the Division Commander.
- Class C uniform – Required utility uniform for training, manhunts, during inclement weather, and for other functions, when authorized by the respective Commander. (Not to be worn in court).
- Class D uniform – Optional camouflage uniform for marijuana eradication, SWAT, canine handlers, and other outdoor duties where concealment is appropriate.

During training exercises and field operations, the members of SWAT/CNT may wear uniforms appropriate for the situation, subject to the approval of the SWAT/CNT Commanders.

Personnel assigned to the Criminal Investigation Division (CID) will be required to wear an approved ASP CID polo shirt and khaki colored utility pants during the performance of certain official duties when required by their respective commander. Examples of such incidents include but are not limited to the service of search warrants, participation in building searches or arrest warrant service, manhunts, or other law enforcement functions where a serviceable, yet readily identifiable presence is desired. Officers not easily identified are at a higher risk of being harmed by citizens or other officers as a result of misidentification. Uniformity in dress helps both citizens and fellow police officers identify the wearer as having a legitimate purpose for their presence, using force, or carrying a weapon.

Officers who have questions concerning approved uniform clothing and accessories should refer to the Uniform Manual.

Responsibility of Supervisory Personnel: Supervisors should set the standard for the personal appearance of the personnel under their command. Accordingly, supervisors should meet a



UNIFORMS AND PERSONAL APPEARANCE

higher standard of personal appearance than the standard against which their subordinates are measured.

Supervisory personnel should strictly enforce the uniform requirements of this policy and the Uniform Manual. When necessary, supervisors are authorized to retrieve from their subordinates any uniform clothing or accessories which are in such poor condition that they are no longer presentable. All such clothing and other uniform items should be delivered to the officer's Division Commander with an explanatory memorandum.

Protective Vests: The ASP will make protective vests available to all officers. Officers may wear a protective vest of their own choosing, at their own expense and approved by the Division Commander, as long as the vest meets or exceeds the protective specifications of department-issued vests.

All officers shall wear a protective vest: (a) when performing patrol and/or enforcement duties; (b) when directed to do so by a supervisor; (c) while qualifying with weapons at the range; and (d) when they have previous knowledge that they are likely to be involved in an incident which may result in exposure to dangerous situations. Examples of such incidents include but are not limited to the service of search warrants, participation in raids or building searches, manhunts, or other efforts to apprehend persons who are thought to be armed, violent, or otherwise dangerous. During extreme work conditions, a Troop Commander has the authority to waive these requirements. These conditions include but are not limited to prolonged exposure to extreme heat indices.

When not wearing a protective vest, all officers should carry a department-approved protective vest in their assigned vehicle. Undercover officers should store their vests, when not worn, in an area to be immediately accessible if it is not practical to carry the vest in their assigned vehicle.

Care of the Vest: The carrier may be machine washed in warm water and tumble dried; however, all insert panels should be removed prior to laundering. The panels may be cleaned by wiping with a damp cloth, but should not be laundered or dry-cleaned.

Requesting a Medical Exemption: Any officer may request a temporary or permanent exemption from uniform requirements by submitting to the officer's immediate supervisor a physician's statement which sets forth in narrative fashion a detailed explanation of the specific, verifiable medical reason the officer should be exempted from the requirement. All such physician's statements should include the physician's assessment of whether the officer is



UNIFORMS AND PERSONAL APPEARANCE

otherwise fit for duty as a law enforcement officer. See Essential Job Function policy located in this manual.

Upon receipt of such physician's statement from an officer, the officer's immediate supervisor should forward the statement through the chain of command to the appropriate Division Commander for consideration of the officer's request for an exemption. Upon receipt of the request for exemption, the Division Commander should approve or deny the request in writing or defer consideration of the request pending further evaluation of the officer's medical condition. The Division Commander may require any officer requesting an exemption from this policy to submit to a physical examination by a physician, at the department's expense, to determine the officer's overall fitness for duty or for the purpose of further evaluating the medical basis for the officer's request.

Tattoos: Tattoos shall not be visible while in ASP uniform.

Piercing: When employees are on duty, they shall not wear piercings in a visible area, other than conservative earrings for females, unless specifically approved by their Commander due to an undercover assignment.



SEARCH AND SEIZURE

The law for search and seizure is founded upon both the United States Constitution and the Constitution of the State of Arkansas.

The Fourth Amendment to the United States Constitution provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article 2, § 15 of the Constitution of the State of Arkansas provides:

The right of the people of this State to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

The Courts, both federal and state, have the responsibility to interpret and define the boundaries of appropriate action for law enforcement in the area of search and seizure. This is a constantly evolving area of the law. Under a general approach, the courts examine the "totality of the circumstances" in a given fact situation to determine whether a search is reasonable within the meaning of the Constitution. In making this assessment, the courts weigh on one hand, the degree to which such action intrudes upon an individual's privacy, and on the other, the degree to which the intrusion is needed for the promotion of legitimate governmental interests.

The Arkansas Rules of Criminal Procedure govern many of the situations which arise in the area of search and seizure. It is the policy of this Department that Arkansas State Police personnel will abide by the law as it has been defined by legislation and court decisions.



ARREST

Introduction: Both our federal and state Constitutions expressly provide for the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. *Constitution of the United States, Amendment 4* and *Constitution of the State of Arkansas 1874, Article 2, Section 15*. These sections further provide that no warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person to be seized. These constitutional provisions provide the premise for Arkansas laws concerning searches addressed in the Search and Seizures policy, and seizures, which includes arrests, addressed herein.

The United States Supreme Court has held, “[W]henver an officer restrains the freedom of a person to walk away, he has seized that person.” *Tennessee v. Garner* 471 U.S. 1, 7-8, 105 S.Ct. 1694, 1699 (1985). However, it has also been held that not all encounters between individuals and the police amount to a “seizure.” In *U.S. v. Mendenhall* 446 U.S. 544, 552-555, 100 S.Ct. 1870, 1876-1877 (1980), the Court stated:

We adhere to the view that a person is “seized” only when, by means of physical force or a show of authority, his freedom of movement is restrained. Only when such restraint is imposed is there any foundation whatever for invoking constitutional safeguards. The purpose of the Fourth Amendment is not to eliminate all contact between the police and the citizenry, but “to prevent arbitrary and oppressive interference by enforcement officials with the privacy and personal security of individuals.” (citations omitted) As long as the person to whom questions are put remains free to disregard the questions and walk away, there has been no intrusion upon that person’s liberty or privacy as would under the Constitution require some particularized and objective justification.

This area of the law is “fact” oriented, that is, facts of individual cases considered in the “totality of the circumstances” will be examined by the courts in determining when a lawful or unlawful seizure has occurred.

An Arkansas State Police officer will have many contacts with the public, such as, request for cooperation; detention without arrest; arrest based upon a warrant; and, arrest without a warrant. The Arkansas Rules of Criminal Procedure govern many of these situations and all law enforcement officers should be familiar with these rules. It is the policy of this Department that Arkansas State Police personnel will abide by the law as it has been defined and interpreted by legislation and court decisions.



ARREST

Miranda Warnings: What has commonly become known as Miranda warnings are:

You have the right to remain silent.

Anything you say can and may be used against you in a court of law.

You have the right to talk to a lawyer for advice before we question you and have a lawyer present with you while you are being questioned.

If you cannot afford to hire a lawyer, a lawyer will be appointed to represent you before any questioning at no cost to you.

If you want to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602 (1966)

These Miranda warnings are only required in a custodial interrogation situation. The courts have held, “A person is ‘in custody’ for purposes of the Miranda warnings when he or she is ‘deprived of his freedom by formal arrest or restraint on freedom of movement of the degree associated with a formal arrest.’ In resolving the question of whether a suspect was in custody at a particular time, the only relevant inquiry is how a reasonable man in the suspect’s shoes would have understood his situation. The initial determination of custody depends on the objective circumstances of the interrogation, not on the subjective views harbored by either the interrogating officers or the person being interrogated.” *Hall v. State*, 361 Ark. 379, 389; 206 S.W. 3d 830, 837 (2005).

It is the policy of the Arkansas State Police to abide by the foregoing.

Arrest of Juveniles: Juvenile suspects may be entitled to certain statutory rights that are not applicable to adults. The Arkansas State Police policy relating to the arrest and interrogation of juveniles is addressed in Juvenile policy in this Manual. See Juvenile policy.

Use of Force to Effect Arrest: Arkansas State Police officers are allowed to use such force as is reasonably necessary under the circumstances to carry out their duties, this includes making arrests. Use of force is addressed in the Use of Force policy in this Manual. See Juvenile policy.



BIAS-FREE POLICING

Purpose: Arkansas State Police is committed to bias-free policing and reinforcing procedures that maintain public confidence by providing service and enforcing laws in a fair and equitable manner.

This policy shall be made available for public inspection upon request.

Definition and Explanation:

“Racial Profiling” is defined by A.C.A. § 12-12-1401 as

...the practice of law enforcement officer’s relying to any degree 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.

The statute further states that racial profiling

...does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect and the description is thought to be reliable and locally relevant.

The Arkansas State Police expanded upon the requirement to ensure that officers refrain from racial profiling by requiring that officers practice bias-free policing. Officers of the Arkansas State Police shall not rely, to any degree, on race, color, religion, national origin, age, sex, disability, or genetic information to select individuals for routine investigatory activities, or to determine the scope and substance of law enforcement activity following the initial routine investigatory activity. Bias-free policing is a higher standard than the requirement set forth in the racial profiling statute.

Bias-free policing does not include reliance on such criteria, in combination with other identifying factors, when the law enforcement officer is seeking to apprehend a specific suspect whose race, color, religion, national origin, age, sex, disability, or genetic information is part of the description of the suspect, and the description is thought to be reliable and locally relevant.

Prohibition of Bias-Based Policing: Arkansas State Police neither condones nor tolerates, and affirmatively prohibits the practice of biased policing by its officers. It is the policy of the Arkansas State Police that all police-initiated actions (examples include but are not limited to:



BIAS-FREE POLICING

stops, arrests, investigations or detentions) are based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution, Arkansas Rules of Criminal Procedure, statutory authority, and applicable case law.

Officers must be able to articulate specific facts, circumstances, and conclusions, to support probable cause or reasonable suspicion for the traffic stop, investigative detention, or arrest.

Officers may consider the reported race, color, religion, national origin, age, sex, disability, or genetic information of a specific suspect in the same way they would use such specific information regarding the age, height, and weight of specific suspects provided to them.

Arkansas State Police shall enforce this policy in a proactive manner by thoroughly and efficiently monitoring efforts to ensure that all officers practice bias-free policing.

Bias-Free Policing Procedure: Officers shall treat all persons professionally when making contact. Officers are prohibited from using language or displaying symbols or gestures that are commonly viewed as offensive and indicative of bias toward any group. **In accordance with A.C.A. § 12-12-1403, the officer should introduce him/herself by name and jurisdiction, inform the individual of the reason for the stop, and when possible, provide written identification.** This practice fosters better relations with the community, reduces immediate tensions, and diminishes the perception of bias by the officer. Nothing in this section shall limit an officer's ability to interview witnesses or discourage routine conversations with persons not suspected of an offense.

Supervisor Responsibility: Supervisors shall review of a minimum of three (3) events per officer (live view or recordings) each month. Supervisors will document the review of the three (3) events per officer on the Supervisor Monthly Video Review Form ([ASP 17B](#)) and forward to the Troop Commander or his/her designee for review. (The officer is not required to sign the form if no issues are found during the review.) The Troop Commander or designee shall initial and date the form to indicate that he/she has reviewed the form. The ASP 17B shall be maintained in the officer's file at the troop level. Infractions discovered during a routine review of recorded material should be used to assist the supervisor with performance evaluation and/or training. The review should assist a supervisor in determining whether a pattern of policy or statutory infractions exist. If a serious infraction is discovered that could result in disciplinary action, the Commander should report it to the Division Commander for review and appropriate action.

Each marked patrol vehicle operated by the Arkansas State Police should have a video camera that is capable of recording the contact between the Trooper and the individual. The video



BIAS-FREE POLICING

camera is the primary method of auditing Trooper behavior, determining training needs to correct unacceptable behavior, and deterring biased policing tactics. **In-car video shall be used and stored in accordance with the In-Car Camera Policy ([LE SEC 19](#)).**

Supervisors are required to evaluate and monitor Trooper behavior as part of the overall quality assurance process of the Arkansas State Police. Trooper conduct should be audited to identify specific behavior during person contacts that may indicate bias. All complaints of biased policing against individual officers, units, or the agency shall be documented/processed by supervisors and forwarded to OPS in accordance with departmental procedures contained in the Disciplinary Matters Policy ([LE SEC 4](#)).

For statistical purposes, all complaints of biased policing, and the disposition thereof, should be documented by the Office of Professional Standards.

Supervisors shall ensure that subordinates are familiar with this policy, the applicable laws related to biased policing (racial profiling), and that the officers under his/her supervision adhere to the provisions provided herein.

Supervisors shall not retaliate against any person who makes a report of suspected biased policing practices.

Audio and Video Recordings: All in-car camera recordings depicting an incident of alleged biased policing should be retained for a period of at least four (4) years following the final adjudication of the complaint or any related charges.

Training: The Training Section shall provide for and/or arrange for annual training to all commissioned officers that emphasizes the requirement of bias-free policing as well as the policy and operational procedures implemented by the agency regarding bias-free policing. The instruction and guidelines shall stress understanding and respect for racial, ethnic, national, religious, and cultural differences and the development of effective and appropriate methods of carrying out law enforcement duties. The training shall be properly documented in each officer's training file and shall comply with all rules and standards promulgated by the Arkansas Commission on Law Enforcement Standards and Training.

It shall be the responsibility of the Division Commanders to coordinate with the Training Section to ensure that all subordinates receive the training annually.



USE OF FORCE

I. Purpose

The purpose of this policy is to set the use of force guidelines for officers of the Arkansas State Police. Use of force shall be consistent with state and federal laws and with appropriate court precedents. When a court precedent supersedes this policy, officers shall follow the appropriate court ruling.

II. General Guidelines

- A.** Officers are allowed to use such force as is reasonably necessary under the circumstances to carry out their duties.
- B.** Officers should escalate or de-escalate their use of force in response to the actions of the subject against whom force is used.
- C.** Under no circumstances should officers use force as a means of retaliation or punishment.

III. Definitions

For purposes of this policy, the following definitions apply:

- A.** Force” and “Use of Force,” as used in this policy, refers to any form of “physical force” or “deadly physical force” as those terms are defined below.
- B.** “Physical force,” as used in this policy, is defined as any bodily impact, restraint, or confinement, or the threat thereof. A.C.A. § 5-2-601(6).
- C.** “Deadly physical force,” as used in this policy, is defined as physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury. A.C.A. § 5-2-601(2).
- D.** “Non-Deadly Physical force,” as used in this policy, is defined as physical force that under the circumstances in which it is used is not readily capable of causing death or serious physical injury.
- E.** “Serious physical injury,” as used in this policy, is defined as physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ. A.C.A. §5-1-102(21).
- F.** “Reasonably believe” or “reasonable belief,” as used in this policy, is defined as a belief that an ordinary, prudent person would form, under the circumstances in question, and is not recklessly or negligently formed. A.C.A. § 5-1-102(18).
- G.** “Subject” as used in this policy, is defined as any person with whom an officer has contact in the course of carrying out the officer’s official duties.



USE OF FORCE

IV. Examples of Force

Use of force includes, but is not limited to:

- A.** Striking, pushing, shoving, holding, or any other physical contact by an officer's body which has the intended purpose of disabling, immobilizing, restraining, detaining, or arresting a subject;
- B.** Carotid restraint which has the intended purpose of restricting the flow of blood to the brain by applying pressure to the sides of a person's neck;
- C.** Striking a subject with a solid object;
- D.** Use of authorized chemical/irritant agents or a combination of authorized chemical/irritant agents. (Example: Oleoresin Capsicum (OC) spray);
- E.** Use of conducted electrical weapons;
- F.** Use of tire deflation devices;
- G.** Intentionally causing a collision with another motor vehicle for the purpose of functionally damaging or forcing the other vehicle off the road.
- H.** Use of kinetic energy impact projectiles which are intended to incapacitate a subject with a minimal potential for causing death or serious physical injury when compared to conventional projectiles;
- I.** Use of a canine under circumstances where the canine causes injury to a subject at the direction of the handler; or
- J.** Intentional discharge of a firearm in the direction of a subject, an occupied motor vehicle, or an occupied house or other structure.

V. Officers are allowed to use such force as is reasonably necessary under the circumstances to carry out their duties.

VI. Actions by an officer which **are not considered use of force include, but are not limited to:**

- A.** The reasonable touching of a person or a firm grasp used to maintain control, guide, or assist an individual;
- B.** The application of handcuffs where the person being handcuffed does not offer serious physical resistance; or
- C.** The reasonable touching or display of an authorized weapon.

VII. Use of Non-Deadly Physical Force

An officer is authorized to use non-deadly physical force or threaten to use deadly physical force upon another person if the officer reasonably believes it necessary to:



USE OF FORCE

- A. Effect an arrest or to prevent the escape from custody of an arrested person unless the officer knows the arrest is unlawful; or
- B. Defend himself or herself or a third person from what the officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape. (See A.C.A. § 5-2-610 (a) (1-2).)

VIII. Use of Deadly Physical Force

- A. Use of deadly physical force is reviewed by an Arkansas prosecutor under Arkansas criminal law to determine if criminal charges will be filed against an officer. Specifically, A.C.A. § 5-2-610(b)(1) - (2) states as follows:

An officer is authorized in using deadly physical force upon another person if the officer reasonably believes that it is necessary to: (1) effect an arrest or prevent the escape from custody of an arrested person whom the officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; or (2) defend himself or herself or a third person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

- B. The U.S. Supreme Court has clearly established that deadly physical force is *only constitutionally* authorized **when the officer can articulate facts rising to probable cause that the suspect poses an immediate threat of death or serious physical injury to either the officer or others.** (See *Tennessee v. Garner*).
- C. Use of deadly force will be judged on whether the officer's actions were objectively reasonable in light of the totality of the facts and circumstances known to the officer at the time, not based on "20-20 hindsight." (See *Graham v. Connor*)
- D. Warning shots are strictly prohibited.
- E. Officers shall not discharge a firearm at a vehicle to disable the vehicle unless the officer reasonably believes that there is an immediate threat of death or serious physical injury to the officer or another person and deadly force is authorized.

IX. Authorized Use of Firearms

The use of a firearm in the performance of an officer's official duties should conform to the requirements set forth in DPS and ASP Policies and Procedures.

X. Appropriate Medical Aid

Appropriate medical aid will be provided in a safe and reasonable manner to any person who is injured or who complains of injury and includes but is not limited to:



USE OF FORCE

- A.** Observation by an officer to detect obvious changes in the person's condition which may require additional aid;
- B.** Flushing chemical agents from the eyes and face;
- C.** Summoning emergency medical personnel or transportation to a medical facility;
- D.** Application of first-aid treatment.



REPORTING AND INVESTIGATING USE OF FORCE

Definitions: The definitions defined in the Use of Force policy in this Manual also apply to this policy.

Deadly Physical Force

I. Involved Officer(s) Reporting Requirements:

Preliminary Actions: An Officer that has been involved in deadly physical force or the use of deadly physical force should immediately or as soon as practical:

- Render medical assistance to any injured persons;
- Call for any needed medical assistance;
- Secure any weapons, vehicles, or other items used to employ force, if necessary;
- Notify the local Arkansas State Police communications center;
- Notify the on-duty supervisor for the area of occurrence;
- Stand by, preserve the scene, and take whatever other action is appropriate under the circumstances (traffic control, crowd control, etc.);
- Await further instructions from the on-duty supervisor; and
- Make a preliminary verbal report of the incident to the on-scene supervisor or as directed.

Additional Reporting Requirements for Involved Officers: A preliminary verbal report with the Criminal Investigation Division Agent(s) and officer(s) who took such action or used such force is required. Details from that interview should be reduced by the CID interviewing Agent, to an investigative supplement. The investigative supplement and a Use of Force Report (ASP 22) should be completed within 48 hours unless it is impractical to do so under the circumstances.

- All other Arkansas State Police officers, who were involved in or who witnessed the incident involving such deadly physical force should immediately notify the on-duty supervisor. Those officers should also reduce their verbal statements to an Incident Report.
- The officer(s) utilizing deadly physical force and the officer(s) witnessing such force should review all video tapes and audio tapes relating to the incident prior to completing an Incident Report and/or the Use of Force Report (ASP 22).



REPORTING AND INVESTIGATING USE OF FORCE

Drug/Alcohol Testing: Upon being notified of a use of force incident where an officer(s) used deadly physical force, the Troop/Company/Section Commander, or his/her designee, from the Division primarily responsible for the matter, should arrange for the drug/alcohol testing of the officer(s) involved as prescribed in Critical Incident Testing. See policy entitled Drug and Alcohol Free Workplace located in the General Manual.

Removal from Line of Duty Assignment Pending Review: Any officer whose actions or use of deadly physical force result in a death or serious physical injury will be temporarily removed from a line of duty assignment pending a preliminary administrative review. This action should not be construed as an indication of wrongdoing by the officer. The Administrative Services Division Commander or his/her designee will serve as the officer's point of contact for informational purposes during the administrative review.

The officer's Division Commander will determine the length of time during which the officer will be temporarily removed from line of duty assignments and may arrange for the officer temporarily to assume other duties, if appropriate under the circumstances. The Division Commander may restore the officer to a line of duty assignment after the preliminary administrative review of the incident has been completed and the officer has completed a debriefing through a professional designated by the department. The department will assist the officer in obtaining additional counseling and any other such services that may assist the officer in recovering from stress and/or other psychological effects resulting from the incident.

II. Use of Deadly Physical Force Review:

Notification of CID Regarding the Use of Deadly Physical Force: Upon being notified of a use of force incident where an officer(s) used Deadly Physical Force, the Troop/Company/Section Commander, or their designee, from the Division primarily responsible for the matter, should promptly notify the local Criminal Investigation Division (CID) Commander. The Troop/Company/Section Commander, or his/her designee, from the Division primarily responsible for the matter, should also make the notifications which are required for matters that fall within Reporting Level One. See policy entitled Chain of Command in this Manual.

The CID will have the primary responsibility for conducting the deadly physical force review. This review will document the criminal violations of the suspect that resulted in the officer's use of deadly physical force and will include all details surrounding the use of deadly physical force by the officer.

If, during the course of the deadly physical force review, evidence obtained during the review indicates a possible criminal violation by the officer(s) in his/her use of deadly physical force the



REPORTING AND INVESTIGATING USE OF FORCE

agent, after consulting with the local CID Company Commander and with the prosecuting attorney of the appropriate jurisdiction, may transition the deadly physical force review into a deadly physical force criminal investigation. When a deadly physical force review has been transitioned into a deadly physical force criminal investigation, the *Miranda* warning will be read to the officer(s) prior to his/her official interview.

Prosecutor's Review: Upon CID's completion of the deadly physical force review, the file will be delivered to the prosecuting attorney of the appropriate jurisdiction with a copy provided to the Commander of the involved officer. It is recommended that a letter be requested from the prosecuting attorney after his review summarizing his findings and determinations. A copy of this letter should be provided to the officer(s) involved in the incident.

III. Use of Deadly Force Administrative Investigation:

The Troop/Company/Section Commander, or their designee, from the Division primarily responsible for the matter, should notify the Office of Professional Standards. OPS will monitor the CID investigation for administrative purposes. The OPS will send an officer to the scene if death or physical injury has occurred or if directed by the administration.

The Use of Force Report (ASP 22) and a copy of the completed CID investigation will be forwarded to the Division Commander for review. Upon the Division Commander's review of the investigation, in conjunction with OPS, the Division Commander should determine whether the officer's use of force was consistent with Arkansas State Police policy and whether the officer's actions were appropriate.

If the officer's actions were determined to have met legal standards and conformed to ASP policy, the Division Commander will provide a letter to the officer indicating that the officer's actions met legal guidelines and standards required by ASP policy.

If the officer's actions were determined to have met legal standards and conformed to ASP policy, the Division Commander will forward the file to the Deadly Force Review Board.

If the Division Commander determines that Arkansas State Police policy may have been violated the matter will be referred to OPS.

Office of Professional Standards (OPS) Responsibilities: If an investigation is warranted, OPS should report directly to the Deputy Director, or designee, and shall keep the Deputy Director, or designee, informed of the status of the investigation. At the conclusion of the



REPORTING AND INVESTIGATING USE OF FORCE

investigation and upon receipt of the investigative file, the Deputy Director, or designee, should review the file for accuracy and completeness.

When the file is complete, the Deputy Director, or designee, will forward the file to the respective Division Commander who should request a Command Staff Review Board (CSRB) be convened.

Deadly Physical Force Review Board: The Deadly Physical Force Review Board is established for the purpose of reviewing and evaluating incidents where officers employ deadly physical force. All such incidents will be reviewed by the Deadly Physical Force Review Board as soon as practical after completion of the use of force investigation. The incident being reviewed will consist of a duplicate copy of the criminal investigation. All documents will remain confidential until the criminal investigation and charges, if any, have been adjudicated.

The Deadly Physical Force Review Board should consist of not less than three (3) or more than five (5) members appointed by the Director. The Board should be comprised of the following: a member of the training staff; the ASP State Firearms Officer; a Troop Commander; a Company Commander, and an at-large member. Three (3) board members will constitute a quorum. The Board is responsible for reviewing the officer's use of force and evaluating such force in comparison to training, supervision, equipment needs or other issues identified. The Deadly Physical Force Review Board is not assigned the responsibility for determining legal, policy or procedural violations as they relate to disciplinary actions. The Command Staff Review Board (CSRB) is responsible for the review and determination of policy violations per LE SEC 4.

The senior board member, measured by length of time in rank, should serve as the chairman of the board. The chairman will convene the Deadly Physical Force Review Board for the purpose of reviewing an incident that involves the use of any form of deadly physical force, regardless of whether the use of such force resulted in, or is alleged to have resulted in, death or physical injury.

The Deadly Physical Force Review Board will meet in closed session. The Review Board has the authority to require officers, and to request other witnesses, to appear before it to answer questions concerning the use of the deadly physical force being reviewed.

After conducting its review of the use of deadly physical force incident, the members of the Deadly Physical Force Review Board will confer on the matter. Thereafter, the chairman should assign one (1) member of the Review Board to prepare a written report of the Board's findings and recommendations, if any. Once the written report is approved by all Board members who were in attendance at the meeting, the chairman will provide a copy of the written report to the



REPORTING AND INVESTIGATING USE OF FORCE

Director. Until the Director acts upon the recommendations of the Deadly Physical Force Review Board, all documents will remain confidential.

Reporting and Investigating Non-Deadly Physical: The following investigative requirements apply when an officer uses non-deadly physical force:

- The officer should immediately notify and make a verbal report of the incident to the on-duty supervisor.
-
- The officer(s) who took such action or employed such force should complete an Incident Report and a Use of Force Report (ASP 22). These reports should be completed within forty-eight (48) hours unless it is impractical to complete under the circumstances.
- All other Arkansas State Police officers who were involved in, or who witnessed the incident involving such action or force should immediately notify to the duty supervisor. Those officers should also reduce their verbal statements to an Incident Report.
- The officers utilizing non-deadly physical force and the officers witnessing such force should review all video tapes and audio tapes relating to the incident prior to completing the Incident Report and/or the Use of Force Report (ASP 22).
- A supervisor should be responsible for conducting the use of force investigation and for ensuring that the Incident Report and Use of Force Report (ASP 22) and any additional investigative reports are complete and accurate.

Review of the Use of Non-Deadly Physical Force Incidents: The use of non-deadly physical force by officers should be reviewed by the officer's supervisors and forwarded through the chain of command to the officer's Division Commander.

At every stage of review by the officer's supervisor, the supervising officer should note his approval or disapproval of the officer's use of force in the use of force investigative file. If a supervisor disapproves of the officer's use of force, the supervisor should explain the reason(s) in a memorandum and place a copy of the memorandum in the use of force investigative file.

Upon the Division Commander's review of the investigation, the Division Commander should determine whether the officer's use of force was consistent with Arkansas State Police policy and whether the officer's actions were appropriate. If the Division Commander determines that



REPORTING AND INVESTIGATING USE OF FORCE

Arkansas State Police policy may have been violated, the use of force incident will be referred to OPS.

Distribution of Report(s): When the investigation is completed and the file becomes accessible under the Arkansas Freedom of Information Act, copies of the use of force investigation, including video and audio evidence, should be forwarded to the designee of the Director for data collection and analysis.



USE OF CONDUCTED ELECTRICAL WEAPONS

Policy: It is the policy of the ASP to use such force that is reasonably necessary under the circumstances to carry out their duties. Conducted Electrical Weapons may be used by authorized and trained personnel in accordance with the Use of Force policy and additional guidelines established herein.

Definitions:

Conducted Electrical Weapon (CEW): A device designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

Anti-Felon Identification Tag (AFIDs): Confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID tag contains an alpha-numeric identifier unique to the cartridge used.

Sensitive population groups: Sensitive populations include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pace maker.

Deployment: Energizing or attempting to energize a subject.

Brandishing: The presence of or displaying of the CEW without deployment.

Procedures:

Authorized Users: Only officers who have successfully completed the agency's approved training course shall be authorized to carry CEWs.

Authorized Devices: Only CEW models issued by the department are approved for use by ASP officers.

Device Readiness: The CEW will be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to highway patrol may utilize other department-approved holsters and carry the device consistent with department training.

The device should be carried loaded with the safety on in preparation for immediate use. While on duty, uniformed officers trained and approved to use the CEW should appropriately safeguard their assigned CEW and carry it on their duty belt.



USE OF CONDUCTED ELECTRICAL WEAPONS

Officers authorized to carry a CEW will be issued two (2) cartridges. These cartridges should be carried on the CEW in a manner consistent with training. Additional (Spare) cartridges will be maintained and stored by the Troop CEW Coordinator, in a manner consistent with manufacturer recommendations.

Only agency-approved battery power sources should be used in the CEW.

The CEW should be subjected to a pre-shift “spark test” as defined in training to ensure that the device is functioning properly. A CEW that does not meet the testing protocol should be taken out of service until repaired.

During the pre-shift test, the officer shall check remaining battery power on the unit. When the battery life is at or below 25% the officer shall report this to the Troop CEW Coordinator to ensure that a replacement battery is ordered.

Deployment: Deployments of the CEW should be consistent with policy and training received by the officer while employed by the Arkansas State Police.

Deployment of a CEW against any person shall be considered a use of non-deadly physical force. The CEW is not intended to be used as an alternative to the use of deadly physical force.

When possible, the officer should give a warning before deploying the CEW and subsequent warnings for additional cycles. The officer shall energize the subject the number of times needed, but no longer than necessary, to accomplish the operational objective.

The CEW should be used only for official law enforcement purposes. No officer shall playfully, maliciously, or intentionally misuse a CEW.

In addition, the CEW should not be used for the following:

- Punitively or for purposes of coercion;
- On a handcuffed or secured prisoner, absent active aggressive behavior that cannot be reasonably managed by another less intrusive action;



USE OF CONDUCTED ELECTRICAL WEAPONS

- In any environment where an officer is aware that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with an alcohol base, gasoline, natural gas, or propane).
- In an environment where the subject's fall would likely result in serious physical injury (such as in water or on an elevated structure).

Officers are not prohibited from using a CEW on a sensitive population group, but such use should be limited to those circumstances where the need to use the device reasonably outweighs the risks to those involved.

The subject should be secured as soon as practical while disabled by the CEW. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

The device may also be used in certain circumstances in a drive stun mode. This involves removing the cartridge and pressing the unit against an area of the body in accordance with the officer's training. It is important to note that when the device is used in this manner, it is:

- Primarily a pain compliance tool due to a lack of probe spread;
- More likely to leave marks on the subject's skin; and
- Subject to the same deployment (use) guidelines and restrictions as those of the CEW in cartridge deployments.

After Deployment Considerations: After deployment of the CEW and the subject is under control, the probes will be removed as soon as practical. The on-scene supervisor, or in a supervisor's absence, the CEW Operator, will make the decision to remove the probes on scene or transport to a medical facility for removal.

If the probes hit sensitive areas – face, neck, groin, and female breasts – they will be removed at a medical care facility or by trained medical professionals.

If the CEW operator removes the probes, he/she should consider the probes a biological hazard.



USE OF CONDUCTED ELECTRICAL WEAPONS

The CEW operator should attempt to collect a sample of the AFIDS from the expended cartridge(s) for evidence purposes. The dots, cartridge, wires, and probes will be collected, kept together and maintained as evidence in accordance with the Property and Evidence Control Policy (LE SEC 16) and Departmental Procedures & Directives, Property and Evidence Control Procedures (PROP/EVID PROC SEC 5). Photographs should be taken of the puncture wounds and any other injuries.

The following persons should be transported to a medical facility, by EMS if possible, for examination following exposure to a CEW. Any person who:

- requests medical attention;
- from whom officers have difficulty removing the probes;
- does not appear to recover properly after being hit;
- is in a sensitive population group;
- has been energized more than three times;
- has had more than one CEW effectively used against him or her in any given incident;
- has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW exposure.

If the subject is incarcerated, the facility shall be made aware that a CEW was used for apprehension.

Reporting: The deploying officer should notify a supervisor and the communications center as soon as practical after deploying the CEW.

The deploying officer is responsible for completing all Use of Force reporting requirements (LE SEC 11). Each CEW cycle is considered a separate use of force occurrence and details of each occurrence must be recorded thoroughly and sequentially. Clear documentation that reflects the objective reasonableness of each occurrence is essential and must be contained in the Use of Force report.



USE OF CONDUCTED ELECTRICAL WEAPONS

If a CEW is used on an animal, the incident should be recorded by incident report. A Use of Force report ([ASP 22](#)) is not required. A copy of this report should be forwarded to the Office of Professional Standards for data collection.

If a cartridge is lost, or discharged unintentionally, the assigned officer should notify his/her immediate supervisor within 24 hours. The officer should also complete a memorandum explaining the loss/discharge and submit the CEW to the Troop CEW Coordinator for data download.

Supervisor's Responsibilities: The supervisor should ensure that all required reports are properly completed by the officer. The supervisor should confirm the officer's deployment information with the Troop CEW Coordinator.

CEW Coordinator Responsibilities: The Troop CEW Coordinator shall download the CEW information anytime a CEW is deployed – intentionally or accidentally. The Troop CEW Coordinator shall download CEW information if a cartridge is reported as lost or missing. The Troop CEW Coordinator shall verify that the date and time of the unit was accurate at the time of deployment. Deployments – intentional or accidental, inaccurate time/date, and lost or missing cartridges should be recorded on the CEW Log (ASP 241). **All CEWs will be checked/downloaded quarterly by the Troop CEW Coordinators.** Troop CEW Coordinators may use the quarterly firearms training as a method to check/download CEWs. All officers are required to bring their CEW to quarterly firearms training.

Troop CEW Coordinators will be responsible for reporting any issues regarding the failure of an officer to conduct daily spark tests, to report a battery at or below 25%, or any discrepancies discovered during the download of the CEW. This information shall be reported in a memorandum from Troop CEW Coordinator to the Troop Commander.

Storage, Tracking Data, and Replacement parts: A CEW Log ([ASP 241](#)) will be kept at Troop/Company level. This log will contain Trooper's name, model of CEW, serial number of the assigned CEW, each cartridge issued to the Trooper by serial number, and other pertinent information. Troop CEW Coordinators or the Troop Commander or his/her designee will issue cartridges for the CEW to officers.

No modifications or repairs should be performed on the device.



USE OF CONDUCTED ELECTRICAL WEAPONS

ASP Training will order and issue all replacement items for a CEW. A CEW that needs replacement or repair will be sent to ASP Training.

Auditing: CEWs will be downloaded randomly and **at least quarterly**. The data obtained will be reconciled with existing use-of-force reports to ensure accountability between the cycles recorded and those documented in such reports and occurring in pre-shift testing.

The Troop CEW Coordinator shall check the date and time setting on each unit during quarterly and random data downloads. The Troop CEW Coordinator will record verification of the date and time of the CEW, or any malfunction, on the CEW Log (ASP 241). The Troop CEW Coordinator will verify that the date and time setting is correct before returning the CEW to the officer.



PURSUIT

Definitions: For purposes of this policy, the following definitions apply:

- **Authorized Emergency Vehicle** – a vehicle issued by the department that is equipped with emergency lights and siren and operated by an Arkansas State Police officer.
- **Due Regard** – defined by the Arkansas Supreme Court as “the duty to exercise ordinary care for the safety of others using the street.” (see *City of Little Rock v. Weber*, 298 Ark. 382, 767 S.W.2d 529 (1989); *City of Caddo Valley v. George*, 340 Ark. 203, 9 S.W.3d 481 (2000))
- **Fleeing** – refer to Ark. Code Ann. §5-54-125.
- **Primary Unit** – the officer who is closest to the fleeing vehicle.
- **Secondary Unit** – the second officer to engage in a pursuit, whether upon the request of the primary unit or a supervising officer.
- **Supervising Officer** – the officially designated officer-in-charge.
- **Third Unit** – the requested or assigned third unit.
- **Vehicle Pursuit and Pursuit** – an attempt by an ASP officer in an authorized emergency vehicle to stop a moving vehicle when the driver is aware the officer is signaling the motorist to stop and he/she disregards the officer and continues driving.

Pursuit Guidelines: The following guidelines are intended to assist officers in making sound decisions regarding pursuits:

- When involved in a pursuit the officer has the duty to drive his/her vehicle in accordance with Arkansas law with **due regard for the safety of all persons**. (See A.C.A. §§ 27-36-303, 27-37-202, 27-49-109, 27-49-114, 27-51-202, 27-51-204, 27-51-901, 27-51-906 for additional information.)
- No more than two (2) units should be committed to a pursuit unless the primary unit or a supervising officer specifically advises that additional units are needed to safely effect the arrest of the suspect(s).
- Officers in low profile vehicles (partially marked), or unmarked emergency vehicles, should turn over primary unit status upon the arrival of a marked secondary unit.



PURSUITS

- Only authorized emergency vehicles shall engage in pursuits. The emergency lighting equipment and siren shall be in operation at all times during the pursuit.
- Officers involved in pursuits should use their unit number with all radio transmissions and should communicate on the same radio frequency.
- Officers shall not engage in pursuits when transporting persons other than commissioned officers unless those persons have an approved Release of Liability form ([ASP 113](#)) on file. Officers shall turn over pursuit operations as soon as possible to another authorized emergency vehicle if transporting persons other than commissioned officers. (See Vehicle Use, [GEN SEC 23](#))
- Vehicles operated by non-commissioned personnel shall not engage in pursuits.

Primary Unit Responsibilities: When a primary unit initiates a pursuit, he/she is responsible for advising the communications center of the following:

- Unit identification;
- Location, direction of travel, speed, and traffic volume;
- Any hazardous conditions, if possible;
- Description of the fleeing vehicle and license number, if known;
- Description of the suspect driver, if known; and
- Reason for the pursuit, including crimes or violations committed.

Secondary Unit Responsibilities: The acknowledged or assigned secondary unit shall advise the communications center of its involvement upon joining the pursuit. The secondary unit shall be primarily responsible for radio communications so that the primary unit can devote full attention to the fleeing vehicle. The secondary unit shall replace the primary unit in the event the primary unit cannot continue the pursuit.

Third Unit Responsibilities: A third unit, in the event one is requested or assigned, shall have the following responsibilities:



PURSUITS

- Replace either of the first two units in the event that one of them is unable to continue the pursuit;
- Discontinue the pursuit and render aid in the event of a collision involving third parties or to recover evidence; and
- Be in a position at the point of pursuit termination to implement a felony stop, containment, or apprehension of fleeing suspects or to provide traffic control as necessary.

Backup Unit(s) Responsibilities: Other units in the pursuit area should monitor the progress of the pursuit. They should not engage in the pursuit unless requested to do so by the primary unit or directed to do so by a supervising officer. These units should be ready to replace any assigned unit in the event the assigned unit cannot continue the pursuit. They should also be in a position to respond to any collision that may result from the pursuit. Backup units should be available to assist in the apprehension of the suspect(s) at the termination of the pursuit or provide any needed traffic control.

Supervising Officer Responsibilities: Once a supervisor has been notified of a pursuit he/she assumes command of the pursuit and may order termination of the pursuit.

- The supervisor in command of the pursuit should advise the communications center.
- A supervisor shall continue supervisory command of a pursuit until it has ended. In situations when no supervising officer is on duty when a pursuit occurs, the involved officer(s) may proceed with the pursuit in accordance with this policy.

Communications Center Responsibilities: The communications center should immediately broadcast available information concerning a pursuit to local units, designate the radio frequency to be used during the pursuit, and follow departmental procedures for the use of emergency traffic status. Pursuit communications should be considered priority.

- If possible, the communications center shall advise the on-duty or on-call supervisor of an ongoing pursuit. Initiation or any change of supervisory command should be communicated to all involved units. Through available data/information, the communications center should attempt to obtain information concerning the identity of the driver and to determine ownership of the vehicle.



PURSUIT

- When a pursuit approaches or occurs in a municipal jurisdiction, the communications center shall notify the affected jurisdiction. When a pursuit extends into or approaches an adjoining Troop, the controlling communications center should transfer the pursuit to the newly affected Troop as soon as practical.

Opposing Direction of Traffic Pursuits: Absent exigent circumstances, officers should not proceed in an opposing direction, on a divided highway, freeway, freeway access, or one-way street. Officers should obtain supervisor approval before proceeding in an opposing traffic direction. Supervisors shall cautiously consider traffic volume and hazards, severity of the crime, and the need for immediate apprehension before authorizing an officer to proceed.

Officers should not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.

Pursuits into Another Jurisdiction or Troop: When a pursuit extends into a municipal jurisdiction or adjoining Troop, the pursuing officers may turn over the pursuit to a local officer, if available, and advise the communications center that their involvement has been terminated.

Out of State Pursuit: Laws in Oklahoma, Missouri, Mississippi, Tennessee, Texas, and Louisiana, provide for ASP officers in pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony to continue pursuing into their state. Officers making a felony arrest in another state shall take the arrestee, without unnecessary delay, before a magistrate of the county in the state in which the arrest is made.

Other Agency Pursuits: Absent exigent circumstances, officers should not become involved in pursuits initiated by another agency without an official supervisory request from the other agency and approval from the on-call/on-duty ASP supervisor. ASP officers engaged in other agency pursuits shall adhere to ASP pursuit policies.

Initiation and Termination of a Pursuit: Officers should exercise discretion in deciding whether to initiate a pursuit. The decision to terminate a pursuit can be made by the primary unit or ordered by a supervisor at any time during the pursuit.

Decisions to initiate a pursuit should include consideration of the totality of the circumstances, including but not limited to:

- The nature of the offense;



PURSUITS

- The time of day;
- An evaluation of hazardous conditions;
- Geography;
- Familiarity with the area;
- Types of official vehicles involved; and
- The actions of the fleeing driver.

Factors to consider in determining when to terminate a pursuit should include the following:

- The officer or supervisor believes that the danger created by the pursuit outweighs the need for immediate apprehension of the suspect;
- The offender is known;
- A supervisor orders the pursuit terminated;
- The officer loses visual contact with the fleeing vehicle for an extended period of time;
- The officer's lack of familiarity with the area and his/her ability to accurately relay to communications the location and direction of the pursuit;
- Road conditions, traffic congestion and construction zones; or
- Environmental factors such as rain, fog, ice, snow, lighting conditions that would substantially increase the danger of the pursuit.

Whenever an ASP vehicle experiences mechanical breakdown or equipment failure during a pursuit, the unit should terminate its involvement in the pursuit.

When an ASP vehicle is involved in a crash during a pursuit that involves an occupied vehicle, or that may involve bodily injury, the involved officer shall stop and render aid.

Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.



PURSUIT

Upon pursuit termination, officers may follow the suspect vehicle's predicted route of travel at routine patrol speeds with emergency equipment deactivated.

Methods of Forcible Stop

Intentional Intervention: For purposes of this policy, "intentional intervention" means the use of an ASP vehicle to intentionally cause a collision with another motor vehicle for the purpose of functionally damaging or forcing the other vehicle off the road. A Precision Immobilization Technique (PIT) falls within this definition.

Roadblocks: A roadblock is a barricade using vehicles or other obstructions, excluding the hollow spike strip, across a roadway set up to stop or prevent the escape of a fleeing vehicle.

Roadblocks may be used to stop a fleeing vehicle when objectively reasonable to do so, provided:

- A description of the suspect(s) and suspect vehicle is available (the description must be adequate for proper identification).
- Unless Deadly Physical Force is justified, the roadblock must be plainly visible to the operator of the fleeing vehicle from a distance that would allow the operator of the fleeing vehicle to safely stop before reaching the roadblock.
- Supervisory approval is obtained, when possible.

Hollow Spike Strip: Pursuing officers should keep officers at the site of the spike strip informed of the following:

- Location by milepost or cross-street.
- Direction of travel and speed.
- Erratic driving behaviors.
- Possible weapons involved.
- Any other data pertinent to the pursuit.

When deploying a hollow spike strip, the following precautions should be considered:



PURSUITS

- The officer deploying the spike strip should do so from a position of hard cover. Examples of hard cover include but are not limited to bridge and overpass supports (patrol units or other vehicles are not considered hard cover).
- During high speed pursuits, the spike strip should not be used in locations where specific geographic configurations increase the risk of serious injuries to the officer, violator, or the public (alongside of rivers, embankments, etc.).
- Effort should be made to stop oncoming traffic some distance from the actual deployment site before deploying a spike strip on two-way roadways.
- The spike strip may be used to stop fleeing motorcycles **only** when Deadly Physical Force is justified.
- Absent exigent circumstances, spike strips should not be used for trucks carrying hazardous materials or vans/buses occupied by passengers who appear to be victims.

Precision Immobilization Technique (PIT): The Precision Immobilization Technique (PIT) is a method to reduce risks to the public by concluding pursuits. PIT is a forced rotational vehicle stop of a suspect vehicle in an effort to end the suspect's flight.

Except when it is objectively reasonable to protect an officer or a third person from imminent death or serious physical injury, PIT should not be utilized on trucks carrying hazardous materials, pick-up trucks with passengers in the bed of the truck, vans or buses occupied with passengers who appear to be victims, or motorcycles.

Spin and Pin: The Spin and Pin is a technique used after a successful PIT maneuver to "pin" the violator and prevent fleeing. This technique requires two units that will allow them to pin the violator's vehicle from the front and the rear. This method should not be used on violators who are known to be armed or have a high potential of being armed. Troopers must use extreme caution due to the potential for "cross-fire." Clear communication should be established between the two units before executing the "Spin and Pin." The unit conducting the PIT maneuver should be responsible for executing the "Spin and Pin."

Boxing Technique: The Boxing Technique is a method typically used to end a slow vehicle pursuit or halt a vehicle failing to yield. This will allow the pursuing units to "Box In" the violator's vehicle in order to bring him/her to a stop. This method should not be used on high-speed pursuits, unless exigent circumstances exist. Examples of this technique include but are



PURSUITS

not limited to: a teenager that won't pull over, an intoxicated driver, a driver suffering from a medical emergency that is not cognizant of his/her actions, etc. Clear communication should be established between all three units and the primary unit should be responsible for executing the Boxing Technique.

Investigation of Pursuits / Intentional Intervention / Precision Immobilization Technique (PIT) / Spin and Pin / Boxing Technique: After all pursuits, all involved officer(s), excluding back up unit(s), shall complete a Pursuit Report Form ([ASP 21](#)) and an Incident Report. The report should be reviewed by the officer's immediate supervisor. The Pursuit Report, the Incident Report, and the Commander's Critique ([ASP 21A](#)) should be forwarded through the chain of command to the officer's Division Commander within five (5) days. The Division Commander will forward the pursuit packet to the Office of Professional Standards for retention.

When a pursuit involves the use of force, as defined in Use of Force policy ([LE SEC 10](#)), the involved officers and a supervisor shall complete the necessary investigation and documentation required by the Use of Force policy.

The appropriate Highway Patrol Division Commander shall be notified immediately of any pursuit that results in death, bodily injury, or damage to property.

If the Commander believes that a specific policy was violated, the Commander shall begin the investigation process in accordance with the appropriate Disciplinary Matters policy ([LE SEC 4](#) for officers, [CIV SEC 6](#) for civilian employees).



PRISONERS

Searches of Prisoners: The purpose of a search is to ensure the following:

- To protect the officer, the prisoner and others;
- To prevent the escape of the prisoner;
- To furnish the appropriate custodial care; and
- To obtain evidence or contraband.

All searches shall be conducted in a lawful manner.

Strip searches should not be conducted except under the most extreme circumstances. Any officer who chooses to conduct a strip search in the field must be prepared to testify of the extreme reasons for the search and must document those reasons in a written report. In order for a strip search to be valid in a jail or holding facility, it must be justified under existing circumstances and conducted in a reasonable manner.

Body cavity searches may only be performed by a health care professional subsequent to a warrant.

Handcuffing Requirements: Officers shall properly handcuff all felony prisoners as soon as it is feasible to do so following a custodial arrest and before transporting the prisoner. Officers should exercise caution and discretion in deciding whether to handcuff a misdemeanor prisoner.

When transporting a mentally disturbed or unruly prisoner, specialized restraints may be used. Additionally, officers should take reasonable measures to safeguard the prisoner from self-inflicted injuries.

Temporary plastic restraints may be used only on a short-term basis when numerous arrests are made or as a supplement to handcuffs.

Prisoner Transported Without Delay: An officer transporting prisoners should not stop to take enforcement action, pursue a violator, or become involved in any other duty-related activity, except in exigent circumstances. Prisoners should be transported to detention facilities as soon as practical.

Transportation of Prisoners: Prior to being placed in the patrol vehicle and transported, prisoners should be thoroughly searched.

Procedure for Placement of Prisoner(s):

When placing prisoners in a patrol vehicle equipped with a security partition (if handcuffs are used), the following guidelines should apply:



PRISONERS

- The partition should be closed and secured;
- The prisoner should be handcuffed behind the individual's back and securely restrained with a seat belt in the right rear seat of the patrol car.
- Multiple prisoners shall be handcuffed behind their backs and each securely restrained within a seat belt in the rear seat.

When transporting a prisoner in a patrol vehicle not equipped with a security partition, the following guidelines should apply:

- The prisoner should be handcuffed behind the individual's back and placed in the right front seat of the patrol car. The prisoner should be secured with a seat belt.
- When transporting more than one prisoner, one prisoner will be handcuffed and placed in the right front seat and the others should be handcuffed and placed in the rear seat. All prisoners shall be secured by seatbelts.

Prevention of Positional Asphyxia: Officers should continuously monitor prisoners during transportation to ensure that the prisoners are not positioned in a manner that may restrict breathing. Prisoners should not be transported lying face down. When prisoners position themselves in a prone position, the officer should take reasonable steps to reposition the prisoners to ensure that the prisoners' breathing can be monitored.

Safety and Search of Vehicle Prior to and Following Prisoner Transport: Patrol vehicles should be searched after transportation of a prisoner.

Court Personnel to be Notified of Security Risk: When a prisoner, considered to be a security risk, is to be transported to court by an officer, the transporting officer shall notify court security personnel.

Medical Care for Prisoners: When a prisoner becomes sick or is injured, or appears to be sick or injured, the arresting/transporting officer shall seek medical assistance.

- If medical assistance is sought at the scene, it is the decision of the emergency medical personnel whether or not to transport the prisoner to a medical facility.

If the prisoner is transported by medical personnel, an officer should accompany the prisoner or follow the ambulance.



CONSULAR NOTIFICATIONS

Purpose: Article VI of the United States Constitution, commonly referred to as the Supremacy Clause, reads in part, “[T]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; *and all Treaties made* (emphasis added), or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; . . .”

Since December 24, 1969, the United States has been a party to a treaty known as the Vienna Convention on Consular Relations (VCCR). The VCCR establishes the “baseline” for most obligations with respect to the treatment of foreign nationals in the United States and for the treatment of U.S. citizens abroad by foreign governments. One such obligation addressed by the VCCR is the ability of a foreign government to provide assistance to its citizens who may be arrested or detained in the United States. Some 165 different countries, including the United States, are parties to the VCCR.

Requirements: Any Arkansas State Police officer who makes an arrest of a foreign national, regardless of whether the foreign national is in the United States legally or illegally, shall notify the arrestee of his/her right to consular notification and access.

The VCCR provides for informing the foreign national of the right to consular notification and access if the national is “arrested or committed to prison or to custody pending trial or is detained in any other manner.” The notification requirement does not apply to an alien that is detained only momentarily, e.g., during a traffic stop. On the other hand, requiring a foreign national to accompany a law enforcement officer to a place of detention may trigger the consular notification requirements, particularly if the detention lasts for a number of hours or overnight.

The right to consular notification must be given to a foreign national even if Miranda warnings have also been given. The right to consular notification is given as a result of international legal requirements so that the foreign national’s government can provide its national with whatever consular assistance it deems appropriate.

The VCCR requires that a foreign national be notified of his/her right to consular notification “without delay”. If the foreign national requests that consular officials be notified of his/her arrest or detention, notification to the foreign national’s consulate should also occur “without delay.” **There should be no deliberate delay, and notification should occur as soon as reasonably possible under the circumstances.** In the case of an arrest followed by a detention, the foreign national should be advised of his/her right to consular notification by the time the foreign national is booked for detention. Notification to consular officials should be made within 24 hours and certainly within 72 hours.



CONSULAR NOTIFICATIONS

Procedure: Steps to follow when a foreign national is arrested or detained include but may not be limited to:

1. Determine the foreign national's country. In the absence of other information, assume this is the country indicated on the passport or other travel document the foreign national travels with if available.
2. If the foreign national's country is NOT on the mandatory notification list:

Offer, without delay, to notify the foreign national's consular officials of the arrest/detention. A Foreign National Consular Notification Form (ASP 235A) should be used when consular notification is at the foreign national's option.

- Translations of the ASP-235A in selected foreign languages can be downloaded from the U.S. Department of State website at http://travel.state.gov/law/consular/consular_735.html.
 - If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay. For phone and fax numbers for foreign embassies and consulates in the United States access http://travel.state.gov/law/consular/consular_753.html. Officers should utilize the Consulate Notification of Arrest/Detention (ASP 235) form when making notifications to consular officials.
3. If the foreign national's country is on the list of mandatory notification countries, notify that country's nearest consular officials, without delay, of the arrest/detention. A Foreign National Consular Notification Form (ASP 235B) should be used when consular notification is mandatory.
 - Translations of the ASP-235B in selected foreign languages can be downloaded from the U.S. Department of State website at http://travel.state.gov/law/consular/consular_753.html.
 4. Notify the nearest consular officials of the foreign national's country without delay. For phone and fax numbers for foreign embassies and consulates in the United States may be downloaded at http://travel.state.gov/law/consular/consular_753.html. Officers should utilize the Consulate Notification of Arrest/Detention (ASP 235) form.
 5. Keep a written record of the provision of notification and actions taken.



CONSULAR NOTIFICATIONS

6. For urgent telephone inquiries after normal business hours, please call the U.S. Department of State Operation Center at 202-647-1512.
7. Arkansas currently hosts two foreign consulates – a Mexican Consulate in Little Rock and the Republic of the Marshall Island (RMI) Consulate in Springdale. Neither Mexico nor the RMI are mandatory notification countries.
 - The address of the Mexican Consulate in Little Rock is 3500 South University Avenue, Little Rock, Arkansas 72204. Phone: 501-372-6933. Fax: 501-372-6109.
 - Officers arresting or detaining a Mexican national who desires to have the Mexican Consulate notified of his or her arrest and/or detention should use the ASP-235 form and fax the form to the Mexican Consulate at 501-372-6109.
 - The address of the RMI Consulate in Springdale is 109 Spring Street, Suite 9, Springdale, Arkansas 72764. Phone: 479-419-9332. Fax: 479-419-9667.
 - Officers arresting or detaining a Marshallese national who desires to have the RMI Consulate notified of his or her arrest and/or detention should use the ASP-235 form and fax the form to the RMI Consulate at 479-419.9667.
8. Mandatory countries include: Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Brunei, Bulgaria, China, Costa Rica, Cyprus, Czech Republic, Dominica, Fiji, Gambia, Georgia, Ghana, Grenada, Guyana, Hong Kong, Hungary, Jamaica, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Malaysia, Malta, Mauritius, Moldova, Mongolia, Nigeria, Philippines, Poland, Romania, Russia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Slovakia, Tajikistan, Tanzania, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Ukraine, United Kingdom, U.S.S.R., Uzbekistan, Zambia, Zimbabwe. Any updates to this list will appear on the U.S. Department of State web site.



PROPERTY AND EVIDENCE CONTROL

General Guidelines and Definitions: This policy is established for the purpose of providing for the security and control of seized, abandoned, recovered, and evidentiary property in the custody of the ASP. For purposes of this policy, all such property is referred to herein as “property/evidence.” The terms “collection,” “collected,” and “collecting officer” refers to an ASP officer taking custody or control of any “property/evidence.”

Whenever a collecting officer is investigating a crime in conjunction with another agency or when the officer is assisting another agency, with a authorization of the respective Troop or Company Commander, it is permissible for the other agency to take possession and maintain control of the evidence in the case.

The collecting officer should follow established ASP property/evidence collection procedures. Criminal Investigation Division personnel who are investigating crimes and have obtained a CID case number do not have to utilize the control number procedures set out in this policy.

Impoundment of Motor Vehicles: The requirements of this policy do not apply to the impoundment of motor vehicles unless:

- The vehicle is stolen;
- The officer believes the vehicle was used in the commission of a felony crime; or
- The officer believes the vehicle is itself evidence or contains evidence of a felony crime.

Otherwise, the impoundment of vehicles should be conducted in accordance with the policies set forth in the Highway Patrol/Traffic Enforcement Policy.

Crime Guns: Whenever an officer collects a firearm and reasonably believes that the firearm has been used in the commission of a crime (“crime gun”), the officer should deliver the firearm to the Arkansas State Crime Laboratory no later than thirty days (30) from the date of collection. If the firearm is needed as evidence in a criminal prosecution, the officer should request that all forensic testing be conducted prior to the testing required by the gun tracing statute. When a weapon is seized, the officer should follow the policies set forth herein with respect to the collection, transportation, and storage of the firearm.

Property/Evidence Room: If available, Troop or Company headquarters may maintain a secure, single entry property/evidence room. The lock on the property/evidence room should not be keyed for entry with a master key. The property/evidence room should remain locked at all times, except when an authorized property/evidence custodian is entering or leaving the room. If



PROPERTY AND EVIDENCE CONTROL

available, the door to the property/evidence rooms should be alarmed and under video surveillance at all times.

Property/Evidence Custodians: The following personnel should be the authorized property/evidence custodians for each Troop headquarters: Troop or Company Commander and/or his/her designee – an Assistant Troop/Company Commander or one Sergeant.

Under ordinary circumstances, no other persons should be authorized to enter the property/evidence room or the secure storage facility, except under the direct “line-of-sight” supervision of an authorized property/evidence custodian.

Procedures: Officers should follow Property/Evidence Procedures as established by the department.



ADMINISTRATIVE INVENTORY – PERSONS/VEHICLES

Generally: The purposes of administrative inventories, whether of arrestees and their personal effects or vehicles, include but are not limited to:

- The protection of the owner's property;
- The protection of the police against claims or disputes over lost or stolen property; and
- The protection of the police and others from potential danger.

Administrative Inventory – Persons and Possessions: An Arkansas State Police officer making an arrest should:

- Conduct an administrative inventory of the arrestee and all clothing, open and closed containers, and other articles in the possession of the arrested person, or
- Release the arrestee to the booking agency for processing.

Documents or other records may be read or otherwise examined only to the extent necessary for custodial purposes. While generally this inventory should be conducted at or near the time of the booking or incarceration, it may be performed at any reasonable time following the arrest.

If the person arrested by an Arkansas State Police officer is transported to a police station, jail or other place of incarceration that conducts an administrative inventory at the time of booking pursuant to its own routine administrative procedure, then the Arkansas State Police officer should not be required to witness or otherwise take part in such inventory.

Administrative Inventory – Vehicles: An Arkansas State Police officer directing that a motor vehicle be seized, towed or impounded as a consequence of an arrest or for other good cause shall conduct an administrative inventory of the motor vehicle pursuant to the following procedures:

- The Arkansas State Police officer should perform the inventory in the location at which the vehicle is seized, towed from or impounded unless limited by reasons of safety or practicality. If the inventory is not conducted prior to the vehicle being transported, the inventory may be conducted within a reasonable time following seizure, towing or impoundment as reasonably necessary for safekeeping of the vehicle and its contents.



ADMINISTRATIVE INVENTORY – PERSONS/VEHICLES

- The entire vehicle should be inspected and inventoried, including the passenger compartment and trunk. All containers, sealed, locked or otherwise, should be opened unless the contents are otherwise identifiable.
- All items of significant value shall be listed on an ASP Auto Storage Report (ASP-168) at the time the inventory is conducted.
- Any contraband or evidence discovered during the inventory shall be handled pursuant to the Arkansas Rules of Criminal Procedure.



TRAFFIC ENFORCEMENT/HIGHWAY PATROL

Responsibilities of the Highway Patrol Division: The Highway Patrol Division is primarily responsible for maintaining and improving the safety of Arkansas' highways, assisting motorists, enforcing traffic and criminal laws, assisting other agencies, investigating the cause of motor vehicle collisions, answering calls for police service, and displaying a general willingness to assist the public.

Tour of Duty: Officers assigned to patrol duties should ordinarily be on duty at least nine (9) hours per working day.

Officers should be available in their assigned duty areas for calls by radio, telephone, or pager, but should not rely solely on pagers for call while on duty.

Officers should remain in their assigned county while on duty, unless they are in pursuit of a suspect, dispatched elsewhere by the Communications Center, directed to leave by a supervisor, given permission to leave by a supervisor, or are otherwise required to leave to handle an emergency situation.

Whenever an officer in a marked patrol unit leaves or enters another Troop, the officer should notify the local communications center in both Troops and change his/her radio channel to the appropriate Troop.

Rest and Meal Breaks: Supervisors may designate the time and location of rest breaks and meal breaks. During rest breaks and meal breaks at public locations, the officer's patrol vehicle should be properly parked and, when possible, backed into a parking space or otherwise positioned for a safe and prompt departure. Officers should not attempt to hide their vehicle when on break.

Parking spaces in close proximity to the front doors should be left for those who may be less capable of walking or who are not as physically fit (i.e. elderly people).

Officers should advise the communications center of their location when taking meal breaks and rest breaks.

Assistance to Motorists: An important duty of the ASP is to help motorists in need of assistance. Unless impractical under the circumstances, an officer operating an official ASP vehicle should stop and render assistance whenever the officer observes a motorist who appears to need assistance.

Assistance to motorist may be documented with a service to motorist form.



TRAFFIC ENFORCEMENT/HIGHWAY PATROL

Unattended/Inoperative Vehicles: Officers shall order the immediate removal of any unattended, abandoned, disabled, or inoperative vehicle located within three feet (3') of the traveled surface of a public way or a vehicle that creates a hazard to the public.

See A.C.A. §27-50-1205

If the unattended vehicle is not parked within three (3) feet of the traffic lane, the officer should place a completed ASP Abandoned Vehicle Sticker in a conspicuous location on the rear or driver's side window of the vehicle. If the vehicle has not been removed within twenty-four (24) hours from the time the sticker was placed on the vehicle, arrangements should be made to have the vehicle towed or removed. Before arrangements are made to tow a vehicle, an effort to notify the registered owner should be made.

Impoundment of Vehicles: Situations requiring or justifying immediate impoundment include, but are not limited to:

- When the driver of a vehicle is arrested and taken into custody by an ASP officer. If practical, the officer may make arrangements for the vehicle to be removed by a responsible person with the owner or operator's consent;
- When an officer determines that due to a medical or other condition, the operator of a motor vehicle would threaten the safety of themselves or other motorists if allowed to drive the vehicle, and the officer is unable to make reasonable arrangements for the vehicle to be removed by a responsible person with the owner or operator's consent;
- Vehicles located within three feet (3') of the traveled surface of a public way or a vehicle that creates a hazard to the public;
- When an officer determines a vehicle to be stolen and impoundment is practical under the circumstances;
- When an officer has reasonable cause to believe the vehicle was used in the commission of a crime or is itself evidence of a crime;
- When an unattended vehicle constitutes an obstruction to traffic, such as preventing roadway maintenance equipment from clearing traffic lanes;
- When an officer discovers an unattended vehicle which has apparently been involved in a collision and which jeopardizes public safety, whether or not the vehicle is at the scene of a collision;



TRAFFIC ENFORCEMENT/HIGHWAY PATROL

- When an officer finds a vehicle unattended at the scene of a collision or the driver is physically/mentally incapable to decide what should be done;
- When an officer determines a vehicle will likely be a target for vandalism or theft and neither the owner/operator nor other responsible person are available to move the vehicle; or
- When an officer determines a vehicle to be so mechanically defective as to be unsafe for operation on the highways of the state.

When impounding a vehicle, the officer should advise the communications center when and where the impoundment is made. The officer should also inform the communications center of the license number, year, make, model, color, vehicle identification number (VIN) and the name of the tow Company. Officers should follow the Administrative Inventory policy.

If an officer places a hold on a vehicle, the communication center should be notified of the reason for the hold. The officer should be available to release the vehicle to the registered owner, or make arrangements for supervisory personnel to release the vehicle if the officer is going to be unavailable.

Alternative to Impounding Vehicles: If a driver is arrested for any lawful reason or is not permitted to continue to drive, the vehicle should either be impounded or released to a qualified driver who agrees to be responsible for the vehicle with the consent of the operator or owner. At no time should a vehicle be left unattended after the driver is arrested or no longer permitted to drive or the vehicle is disabled. Whenever a vehicle is released to a responsible person, the officer should document the name, address, and telephone number of the person accepting responsibility for the vehicle. This may be accomplished by recording the information on video or by informing the communications center of the information.

A vehicle may be left on property that belongs to either the driver or registered owner of the vehicle, or with the permission of the owner of the property.

Road Closures: When a situation develops which necessitates the closure of a state highway, requests for closures should be submitted to the Troop Commander for approval from the Arkansas Highway and Transportation Department. If a state highway is unsafe for travel and constitutes an immediate threat to public safety, the officer should take steps to ensure the road is physically closed to traffic. This section does not apply to brief roadway closures in conjunction with traffic accidents or other obstructions which may interfere with the normal flow of traffic.



TRAFFIC ENFORCEMENT/HIGHWAY PATROL

The communications center should be informed immediately of any road closure and reopening. The communication center should advise the Troop Commander or his/her designee, the Arkansas Highway and Transportation Department, local authorities, and the news media. The Highway Patrol Division Commander should immediately be notified of any road closures.

If a state highway has been closed pursuant to this policy, the Troop Commander or his/her designee should consult with the Arkansas Highway and Transportation Department before the highway is reopened.

High Visibility Vest: Whenever an officer will be on or near a highway for an extended period of time during inclement weather and/or at night, the officer should wear an ASP high visibility vest over his/her uniform unless wearing an approved jacket with reflective panels.

Stopping and Approaching Traffic Violators: Officers should follow state law and conduct themselves in a manner consistent with their training during traffic stops. It is recognized that varying conditions, including but not limited to, roadway construction, volume of traffic, and the urgency of making vehicle stops may require officers to adjust to particular conditions.

Issuance of Citations and Warnings: A Uniform Law Enforcement Citation should ordinarily be issued to persons who violate Arkansas law. This policy does not preclude the officer from using his/her discretion in issuing verbal or written warnings.

Officers should not amend or alter the face of the original citation that has been signed by the violator. Officers may make field notes on the back of a citation for purposes of testifying in court.

Circumstances may occur in the interest of justice, where the ASP may request that charges be dismissed or delayed (i.e. invalid charges, suspect cooperation in further investigation, etc.). In these cases, the justification to dispose of or dismiss an arrest or citation should be directed to the appropriate Troop Commander or in consultation with the appropriate prosecutor for review and determination.

Every person arrested for a traffic violation (other than custodial arrests) who is not released on a written promise to appear, and who is an Arkansas resident or a resident of a reciprocating state, may deposit his/her operator's or commercial driver's license with the arresting officer, who shall issue an official receipt for such license and release the person from custody. See A.C.A. § 27-50-606. The official receipt received from the arresting officer shall serve in lieu of a driver's or operator's license for a time not to exceed twenty (20) days. See A.C.A. § 27-50-607.



TRAFFIC ENFORCEMENT/HIGHWAY PATROL

A person arrested for a traffic violation, and not physically arrested, who is not released on a written promise to appear has the option to either surrender his/her operator's or commercial driver's license or post a bond or a bond card to assure his/her appearance in court and release from custody. See A.C.A. § 27-50-609. A bond card shall not be accepted from a person charged with DWI. See A.C.A. § 27-50-609(b).

Handling Special Categories of Traffic Law Violators

Non-Residents: If appropriate for the type of violation, officers may allow a non-resident to sign a traffic summons, provided the violator's home state is reciprocal. If the non-resident desires to post a cash or driver's license bond, he/she may do so. Any non-resident from a non-reciprocal state may be required to post bond.

Escorting Other Vehicles: Officers should not provide escorts for medical emergencies unless exigent circumstances exist. In a medical emergency, an officer may transport a person in a patrol unit to the nearest emergency medical facility.

Non-emergency requests for ASP escorts should be approved by the Troop Commander or his/her designee.

Emergency Circumstances: Officers who stop a person for a traffic violation, claiming to be en route to an emergency, should:

- Determine the type of emergency and the identity and destination of the violator.
- Release the violator if the emergency is urgent but not extreme.
- Offer transportation if the emergency is extreme.
- Provide the person with an escort only under the most extreme conditions.
- Take enforcement action immediately or at a later time if the violation was of a serious nature and such action is deemed appropriate by the officer under the circumstances.
- Only detain a law enforcement official long enough to determine their identity and that they are engaged in the performance of their official duties.

Radar/Lidar Use: Officers may use traffic radar/lidar when they have been issued a current radar certificate by the Arkansas State Police or other approved operator course with certification



TRAFFIC ENFORCEMENT/HIGHWAY PATROL

from the Commission on Law Enforcement Standards and Training. Officers should operate radar/lidar consistent with ASP training.

DWI/DUI Enforcement General Policy: It is the policy of the ASP to vigorously enforce DWI (alcohol and drugs), DUI (minors), and Commercial Vehicle DWI (alcohol and drugs) offenses in accordance with the provisions of Arkansas law. Officers should be alert for suspected DWI, DUI, and Commercial Vehicle DWI offenders. When an officer believes that a person has operated a motor vehicle while under the influence of alcohol or drugs and in violation of Arkansas law, the officer should follow the procedures set forth in state law.

Tests for Blood-Alcohol / Drug Test: The ASP designates the breath, blood, and/or urine tests to be administered to any person in police custody for DWI, DUI, or Commercial Vehicle DWI, or any other legal purpose. These tests will be performed according to Arkansas law and state mandated procedures.

This policy does not preclude officers from requesting any test(s) that may be required to perform their job duties.

Sobriety Checkpoint Operations: Sobriety Checkpoints are an effective means of enforcing the laws of the State of Arkansas while ensuring the protection of all motorists.

Sobriety Checkpoints should be conducted as outlined in the Highway Patrol Procedures. When feasible, a supervisor should be on the scene during a Sobriety Checkpoint. However, officers may conduct a Sobriety Checkpoint in the absence of a supervisor provided that a supervisor has given specific permission to do so and is available for consultation. Should the supervisor authorizing the checkpoint not be present, an officer will be designated for the operation of the checkpoint.

ASP personnel may conduct a Sobriety Checkpoint in conjunction with other law enforcement agencies. However, any such joint checkpoint should only be conducted if the cooperating law enforcement officers agree to comply with the specific requirements set forth in this policy and the Highway Patrol Procedures.

The foregoing section pertains to sobriety checkpoints and is not applicable to roadblocks established for other purposes.

Troop Recordings: All communication centers are equipped with radio and telephone recording equipment. Access to the communication center is generally limited to those



TRAFFIC ENFORCEMENT/HIGHWAY PATROL

personnel who operate and command the center and who are specifically authorized by reason of their position.

Access to the recording equipment should be limited to those personnel who are properly training and permitted to operate the equipment. All recording equipment should be protected.

The equipment will record radio frequencies and telephone lines on a 24-hour basis. It is the responsibility of Troop Commanders or his/her designee to ensure Troop audio and radio recording are retained in compliance with this section.

The Troop Commander or his/her designee should designate an appropriate secure area for the storage of the recordings. Each recording device should be labeled with the date and time frame of the actual recordings stored on the device. All recording devices should be stored in chronological date order.

The recording devices should be retained for a minimum of 45 days, unless the device is of a critical event. Devices containing dialog of a critical event should be retained for a minimum of 4 years.



IN-CAR CAMERAS

- I. General:** In-car cameras should be installed, operated, and maintained in Arkansas State Police patrol units in accordance with the following requirements. For purposes of this policy, “in-car cameras” include both analog and digital video recording cameras.

II. Installation

- A.** The in-car cameras should be installed in a manner that provides unobstructed views.
- B.** The in-car camera unit, including its sound recording capabilities, should be wired so that the unit is activated automatically when the emergency lights are turned on or when the speed of the unit exceeds 99 miles per hour.

III. Operation

- A.** The officer should ensure that the in-car camera unit, including audio recording, is activated on all events. “Events” include, but are not limited to traffic stops, vehicle searches, pursuits, arrests, or the unit exceeds 99 miles per hour. During the course of an event or activation of the camera, all non-law enforcement audio devices should be turned off. This will include all commercial sound systems, including but not limited to, AM/FM radios, satellite radios, CD players, MP-3 players, etc.
- B.** The in-car digital camera unit should be set to provide pre-event recording.
- C.** The officer should position his/her patrol unit in a manner that provides the in-car camera unit with an unobstructed view of the vehicle or other subject of the stop, search, or arrest.
- D.** The officer should carry the wireless microphone on his/her person in a manner where the microphone is capable of receiving all conversations taking place between the officer(s) and the person(s) who are the subject(s) of the event. The officer’s interaction with persons/vehicles should be conducted within view and range of the in-car camera unit.
- E.** Officer safety takes priority over in-car camera operations.
- F.** Cameras and microphones shall not be turned off with the purpose of avoiding the recording of an event or for any other improper purpose. Intentionally turning off the cameras and/or microphones during an event is cause for disciplinary action. The officer may turn the unit off if doing so will not defeat the purpose of collecting any evidentiary information.



IN-CAR CAMERAS

- G. **All troopers who have in-car cameras are required to activate their emergency lighting in the event of a crash to ensure the pre-event sequence is captured on video.**
 - H. Officer's shall not alter, erase, modify, or tamper with any recording or pre-set administrative settings.
 - I. Interchanging of image storage devices on any camera system is not permitted.
 - J. It is the officer's responsibility to monitor the recording capacity of each image storage device. The officer should download digital data as directed by a supervisor or when near capacity. **All digital data should be downloaded at least weekly.**
 - K. To reduce the risk of damage, original recordings from memory storage devices should only be viewed with equipment authorized by the department.
- IV. Significant Incidents:** An officer involved in a significant incident, including but not limited to a pursuit, shooting, crash, or use of force, shall immediately remove the recording or storage device and turn it over to their immediate or on-duty supervisor following conclusion of the incident. Officers with digital recording systems shall ensure that the recordings are downloaded to the appropriate troop server as soon as practical. If the officer is incapacitated or unable to retrieve the recording or storage device, the supervisor is responsible for the immediate retrieval of the recording or storage device. Copies shall not be made of the event without supervisory approval.
- V. Requirements**
- A. **Release of Recordings:** Until investigations are complete, recordings of law enforcement actions are evidence. These recordings are not to be released to, or viewed by, anyone other than authorized agency personnel. Authorized agency personnel include officers that are involved in the incident, officers investigating the incident, and officers of the court upon order.
 - B. **Use:** Recordings should only be used for official business. Possession does not authorize personal use of ASP recordings. Personal use includes, but is not limited to, e-mailing, sharing or duplicating, or posting recordings to websites for non-official purposes. Officers are prohibited from duplicating any recordings outside the scope of policy unless so directed by a Commander or as directed by a court.
 - C. **Maintenance:** At the beginning of each shift, the officer should ensure the in-car camera system (including all video and audio equipment) is functioning properly.



IN-CAR CAMERAS

Officers should conduct a test to ensure that the wireless microphone is synced with the camera and functioning properly by making a test video. The test video should be reviewed to verify the audio and video systems are functioning properly. Test videos should be classified as non-events.

- D. Malfunction:** Upon detection of any malfunction of the unit, the officer should promptly report the malfunction to the on duty supervisor and the Troop telecommunications center to log the specific problem. The supervisor should schedule repairs to the system as soon as practical.

VI. Retention

- A. Classification:** Digital recordings should be classified by the officer at the conclusion of each event. Officers are required to ensure that recordings are downloaded to the server or stored at least weekly. Unless there is litigation or notice of pending litigation, recordings are stored on the servers or must be preserved based on the following required retention requirements:

1. Test Recordings – 10 days
2. Non-Event – 60 days
3. Traffic – 180 days
4. Search – 180 days
5. Crash – 1 year
6. DWI/DUI – 4 years
7. Pursuit – 4 years
8. Criminal Arrest – 4 years
9. Biased Policing Allegation – 4 years

B. Cataloging:

1. For other systems, upon replacing the video tape or digital media, the officer shall catalog the stored recording with the officer's name, unit number, dates, and the beginning and ending times of the recording.



IN-CAR CAMERAS

2. The original tapes or downloaded recordings should be securely maintained at either the Troop headquarters or by the officer until the case is adjudicated. Once the case is adjudicated, the tape/digital recording shall be transferred to Troop headquarters to be cataloged and stored. All cataloged recordings should be retained for a period of at least four (4) years after final adjudication.

VII. Troop Review of Recordings: In accordance with the Bias-Free Policing policy (LE SEC 9), supervisors shall review a minimum of three (3) events per officer (live view or recordings) each month for the purposes of ensuring compliance with policy, procedures, training tactics, and ensuring that test videos are being performed on digital hard-drive recorders. Supervisors will document the review of the three (3) events per officer on the Supervisor Monthly Video Review Form ([ASP 17B](#)) and forward to the Troop Commander or his/her designee for review. (The officer is not required to sign the form if no issues are found during the review.) Minor infractions discovered during a routine review should be used to assist the supervisor with counseling, performance evaluation and/or training. If a serious infraction is discovered that could result in disciplinary action, the Commander should report it to the Division Commander for review and appropriate action.



VEHICLE EQUIPMENT AND LIGHTING

Markings of Highway Patrol Vehicles: Highway patrol vehicles are uniformly marked with reflective markings as established by the Director, with the following exceptions:

- Vehicles assigned to personnel above the rank of Sergeant; and
- Low profile vehicles with markings on the right side of the vehicle.

Lighting for Highway Patrol Vehicles: Highway Patrol vehicles should be equipped with blue lights visible to the front and rear.

The following chart lists required and optional lighting for ASP vehicles:

Required Lighting	Optional Lighting
2008-2014 Dodge Charger issued to Corporal or below	
Bar light and wig wag headlights, tail lights	Fog lights and deck lights or arrow stick LED undercover lights in tail lights
2015-current Dodge Charger or Ford Utility Pursuit issued to Corporal and below	
Bar light and wig wag headlights, tail lights	Grill lights and deck lights or arrow stick LED undercover lights in tail lights Dash Light
2012-current Chevrolet Tahoe issued to Corporal and below	
Interior front light bar, wig wag headlights and tail lights. Outer edge rear exterior lights, license plate lights, running board LED lights	Interior LED side lights, outside mirror lights
2008-2014 Dodge Charger issued to a Sergeant or above	
Interior front light bar, wig wag headlights and tail lights. Fog lights and deck lights or arrow stick.	Interior LED side lights, outside mirror lights



VEHICLE EQUIPMENT AND LIGHTING

Required Lighting	Optional Lighting
2015-current Dodge Charger issued to Sergeant or Above	
Interior front light bar, wig wag headlights and tail lights. Grill lights and deck lights or arrow stick.	Interior LED side lights, outside mirror lights.
CID and Administration	
Undercover LEDs in tail lights Fog lights (2008-2014 Charger only) Grill lights (2015-current model) Wig Wag Headlights (Charger only) Rear Deck Lights	Arrow Stick (in place of deck light) LED interior Side lights, Interior Bar Light Dash Light

Optional Equipment: With the written approval of the Division Commander forwarded to the Fleet Operations Manager (FOM), installation of optional lighting equipment listed above or other optional equipment is permissible at the employee's expense. The approved optional equipment must be installed by the ASP Install Shop or by an installer approved by the FOM.

To initiate a request for additional lighting or other equipment, an employee should submit a written request through the chain of command to his/her respective Commander. The written request should name the type of equipment requested and include the name of the proposed installer if the equipment will not be installed by the ASP Install Shop. The Commander should forward the request to the FOM for approval. The FOM should retain a copy of the request for the life of the vehicle.

The installation or removal of any equipment in the patrol units should be scheduled by appointment at the ASP Install Shop or by an installer approved by the FOM. To be an ASP-authorized installer, the installer should consult with the ASP Install Shop as to the proper installation of the equipment and obtain approval from the FOM.

Highway Patrol Vehicle Equipment: The following equipment should be kept in vehicles assigned to non-supervisory personnel and post Sergeants while on duty:

- Mobile Computer
- Loaded shotgun with at least one full box of extra shells



VEHICLE EQUIPMENT AND LIGHTING

- Loaded Rifle
- At least 100 rounds of rifle ammunition
- At least 50 extra rounds of pistol ammunition
- Citation and Warning Ticket Book
- Flashlight(s)
- Collision scene measuring devices
- First responder supplies as determined by the department
- Department-Issued Trauma Kit
- Fire extinguisher
- Evidence collection bags
- Surgical gloves
- Floor jack
- Lug wrench

All of the above mentioned equipment should be provided at the department's expense. Officers should restock the required equipment when necessary.

Equipment Security: Officers shall comply with the security requirements contained in the Firearms policy (LE SEC 25) to ensure that firearms are not left unsecured in unattended vehicles and are removed or secured when a non-employee or an inmate will have control over the vehicle. Officers are responsible for the safety and security of all department-issued equipment/property. Officers shall follow the guidelines in the Rules of Conduct policy (GEN SEC 3) with regards to the section "Employees Responsible for Property and Equipment."

Other Vehicles: Unmarked Administration and Criminal Investigation Division units should be equipped as needed and approved by the appropriate Division Commander. Supervisors are responsible for ensuring that all vehicle equipment regulations are met.

Vehicle Modifications: Vehicles are issued with all necessary accessories. No unauthorized additional equipment, devices, decorations, modifications or decals may be added without prior approval of the Division Commander or his designee. Applying paint or altering any body part,



VEHICLE EQUIPMENT AND LIGHTING

chassis, engine, exhaust system, electrical system or accessories, or equipment of any description is prohibited without the prior written approval of the Division Commander or his designee.

Window Tint applications are permissible but are restricted as follows:

- K-9, Narcotics and Executive Protection vehicles must comply with Ark. Code Ann. § 27-37-306
- All other vehicles are restricted to the following:
 - Windshields 0% tint, (a 5 inch “eyebrow” application in accordance with state statute is allowable).
 - Front-side glass 35% net light transmission, including any factory tint.
 - Rear-side glass 35% net light transmission, including any factory tint.
 - Rear-window 35% net light transmission.

Vehicles currently tinted to state statutory limits are permissible with no modifications required. Any vehicle window tint that exceeds state statutory limits as of **November 1, 2008**, will require modification to include the removal of window tint and if reapplied must meet the 35% net light transmission as described above. No final window tint application, in combination with factory tint, should be darker than 35% net light transmission.

Push Bumpers - Purpose: The purpose of push bumpers is to safely and quickly remove disabled vehicles from traffic lanes. The removal of disabled vehicles should reduce traffic congestion and secondary accidents.

The installation of a push bumper is optional at the discretion of the Troop Commander.

Use and Operation of Push Bumpers: The officer should talk with the operator of the vehicle being moved and explain the removal procedure. The officer should comply with ASP procedures when removing the vehicle.

Officers should maintain their assigned push bumper. Any needed repair or replacement should be communicated to their supervisor and the FOM.

Security Partitions: Security partitions are required for all marked patrol vehicles assigned to Corporals and below in the Highway Patrol Division. Troopers that are not able to safely operate their patrol vehicle with the standard security partition installed, due to a factor such as height, may request that a “½ cage” be installed. Requests for a “½ cage” security partition will be routed through the chain of command to the Troop Commander. If approved, the FOM will



VEHICLE EQUIPMENT AND LIGHTING

receive a copy of the approval. The FOM will ensure that a “½ cage” security partition is ordered and installed in the patrol vehicle once approved.



SWAT/CNT

Purpose: At the request of law enforcement agencies throughout the State of Arkansas, ASP SWAT/CNT may provide tactical responses to situations which could require the use of special weapons or tactics beyond the capabilities of the normally equipped and trained law enforcement agency personnel. ASP SWAT/CNT personnel are available 24 hours a day to handle these high risk situations.

ASP SWAT/CNT Function and Duty: The administration, supervision and control of the ASP SWAT/CNT will be the responsibility of the Highway Patrol Division Commander. When activated and deployed to an incident, supervision and control of SWAT and CNT will be the responsibility of the SWAT Commander and CNT Commander, respectively.

Activation Requests: When requests for ASP SWAT/CNT are received from a law enforcement agency, the request should be routed from Troop/Company Commander to the Highway Patrol Commander or his designee.

The Troop/Company Commander, or designee, begins by gathering pertinent information including, but not limited to the following information:

- Agency requesting SWAT
- Nature of the request
- Location of request
- Current assessment of the situation (has death or injury occurred, hostages, etc.)
- Agencies involved and current law enforcement officers involved at the time of the request
- ASP members currently involved

Activation Approval: The Special Operations Commander or the SWAT commander should contact the Highway Patrol Division Commander to approve any activation request. In the event the Highway Patrol Division Commander cannot be contacted in a reasonable period of time (10 minutes), the Special Operations Commander or SWAT Commander should use the following progression to request approval for activation:

1. Criminal Investigation Division Commander
2. Administrative Services Division Commander

After approving or denying the activation request, the Division Commander should contact the Deputy Director. If the Deputy Director cannot be reached within a reasonable period of time the Division Commander should contact the Director.



SWAT/CNT

Team Activation Procedure:

- When A SP S WAT/CNT Activation or on call status is authorized, the authorizing Division Commander should contact the Troop A Communications center. Troop A Communications will then initiate the team activation (to include all Command Staff) by utilizing the Alert Express Notification System:
- The message to the team members should include:
 1. That the team has been activated or is on standby
 2. Location of the call and staging area (members should respond to the staging area unless otherwise directed)
 3. Nature of the call (hostage, barricaded suspect, etc.)
- As soon as practical, team members should notify their respective chain of command, providing brief details and the nature of the call.

When A SP S WAT/CNT is activated, priority should be given to ASP S WAT/CNT callout unless, after consultation with an affected Division Commander, another Level One critical incident takes priority. See Chain of Command policy.

Incident Command: It shall be the responsibility of the ASP Incident Commander to keep his/her Division Commander informed of the situation as per policy (Level One reporting).

When the A SP S WAT is dispatched to the scene of a field operations matter, the SWAT Commander should report to the Incident Commander. The Incident Commander should remain responsible for the successful completion of the operation. The SWAT Commander, for safety reasons, should have the discretion to decline to execute an operational plan approved by the Incident Commander or abort a tactical operation that is in progress. See Chain of Command policy.

The on-scene SWAT Commander or their designee should coordinate with other on-scene law enforcement personnel to implement a plan to control all possible escape/travel routes. Marked vehicles should be available for pursuit.

A staging area for the media should be established in a location that is safe and with no line-of-sight or access to the actual scene. If available, the Public Information Officer or a designee



SWAT/CNT

should release only information that has been approved for release by the ASP Incident Commander or the SWAT Commander.

Any incidents involving Use of Force will be investigated per ASP policy. When appropriate, the SWAT Commander should formally debrief the incident. Team members involved in the Use of Deadly Force will be placed on inactive status until the Director or his designee gives them permission to return to active status. This will be done only if it will not cause a safety issue during a active shooter or barricade event and all the SWAT manpower will need to stay in place till the event is resolved.

Selection of SWAT members

Notification: The first step for filling vacancies on SWAT is an advertisement letter listing the following criteria to be considered during selection:

1. Be a commissioned member of the department for three (3) years.
2. A review of complaints or investigations resulting in disciplinary action against an applicant, with particular emphasis on use of force or insubordination issues, are to be strictly evaluated.
3. Written approval from the applicant's Commander.

Tryouts: Applicants will be evaluated based on the following criteria:

1. A resume' from the applicant;
2. Firearms proficiency (day and night) with of minimum score of 90% for both handgun and shotgun;
3. Swimming (25 yards) with a weapon held out of the water and other life saving water drills;
4. Obstacle course in full SWAT gear;
5. The SWAT candidate will be required to meet the Silver standard on the department's physical fitness test;
6. Provide a ASP 236 medical release form;
7. One-half mile run in Class C uniform w/body armor and helmet with various tasks at designated stations;
8. Ten minute presentation on any subject;
9. A tactical planning session (A mock problem for applicants); and
10. Oral interview.

This process is required for all new or candidates requesting reinstatement. Additionally, incumbent SWAT members will be required to successfully meet the above ASP physical fitness standards annually.



SWAT/CNT

Other Considerations: The geographical area of the state where the applicant is assigned may be a consideration for team membership. Preference may be given in those areas where there are no current SWAT members, providing that all other requirements have been met. Preference may also be given to special training or skills that are beneficial to the ASP SWAT. Members may also be required to obtain a CDL licenses to legally drive SWAT vehicles.

Selection: At the completion of the process, the pool of applicants will be reviewed and approved by a selection committee comprised of the Command Staff, Special Operations Commander and the SWAT Commander.

If for any reason information is brought to the attention of any SWAT member about an applicant, such as psychological problems, inability to handle stress, inability to work as a team, problems relating to their current assignment or other negative factors, should be brought to the attention of any member of the selection committee. If verified, the information may be used as grounds for removing an applicant from the application list or denying their acceptance to become a member of SWAT.

Removal: Willingness to work to improve the effectiveness, efficiency and safety of the team are all critical factors. Members must be able to trust and expect team members to risk their lives to save the life of another team member and without this level of trust the team's effectiveness and professionalism will quickly deteriorate. SWAT is a totally volunteer assignment and any officer not living up to SWAT standards by pulling his/her own weight and adding to the effectiveness of the Team or any member that creates a negative impact on the Team based on their actions or inability to perform assigned tasks may be asked to leave the team, if after being warned of their deficiencies they still do not improve to acceptable standards. They may also be removed from the team if their work habits become an issue in their work place assignments.

Selection of Crisis Negotiation Team Members:

Notification: The first step for filling vacancies on the CNT is an advertisement letter listing the following criteria to be considered during selection:

1. Be a commissioned member of the department for two (2) years and successfully completed all terms of probation.
2. Must be willing to accept standby duty and be capable of working flexible hours on short notice.
3. Must be willing to take a psychological screening exam if requested to do so.



SWAT/CNT

Troopers that are interested and eligible should submit an application that includes a narrative report listing:

- Reasons for wanting to be a negotiator
- Education and work experience
- List special activities
- Previous negotiating experience

Desired Qualities: CNT applicants should possess or demonstrate the following qualities:

- Interpersonal sensitivity / empathy
- Tolerance and the ability to be ambiguous
- Credibility, honesty and believability
- Positive self-concept
- Good interviewing skills
- Good listening and verbal skills
- Flexibility under stress
- Positive belief in the power of verbal persuasion
- Compromise and bargaining skills
- Good health/physical condition
- Be able to communicate with persons from a variety of socio-economic backgrounds

*Some preference may be given to Spanish speaking individuals. An applicant is not required to live in the team area to apply.

Tryouts: The tryout process is made up of four steps. They are:

1. Selection Board Presentation - The applicant will provide a two to three minute oral presentation on why they want to be a member of the Crisis Negotiation Team.
2. Oral Interview – The applicant will be asked questions regarding crisis negotiation and provide an oral response.
3. Negotiation scenario evaluation – The applicant will be evaluated during a negotiation scenario where they will role-play as a negotiator.
4. Rank or der scoring – An overall rank score will be tallied, based on the applicants performance in Steps 1 through 3.

Selection: At the completion of the process, the pool of applicants will be reviewed and approved by a selection committee comprised of the Command Staff, Special Operations Commander and the CNT Commander.



SWAT/CNT

If for any reason information is brought to the attention of any CNT member about an applicant, such as psychological problems, inability to handle stress, inability to work as a team, problems relating to their current assignment or other negative factors, should be brought to the attention of any member of the selection committee. If verified, the information may be used as grounds for removing an applicant from the application list or denying their acceptance to become a member of CNT.

Removal: The Crisis Negotiation Team is a totally volunteer assignment that does not receive additional compensation. Any member failing to meet and maintain acceptable standards or any member that creates a negative impact on the team based on their actions or inability to perform assigned tasks may be asked to leave the Team if after their deficiencies have been identified the member does not improve to an acceptable level of performance.

SWAT/CNT Standards: Once accepted and assigned to the ASP SWAT/CNT, all members, regardless of rank or position, should maintain acceptable standards of performance in their primary work assignment. Failure to meet the acceptable standards will result in the member being placed in a temporary, non-deployable status until readiness is verified by the respective Commander.

SWAT/CNT Records: The ASP SWAT/CNT Commanders are responsible for documenting training and activations. Copies of all training activity records should be forwarded for retention in the Training Section.



CYBER CRIMES

Overview: The proliferation and use of computers and digital devices coupled with the ease of use and anonymity that the Internet provides dictates that special agents of the ASP be organized, trained, and equipped to conduct cyber investigations in all matters regardless of case type. Accordingly, the ASP also has a responsibility to prevent criminals, sexual predators, and others intent on malicious destruction from using the Internet and on-line services to steal from, defraud, and otherwise victimize citizens, businesses, and communities.

To avoid duplication of effort, policy areas specifically addressed elsewhere in this manual will not be dealt with here, except concerning issues specific and unique to cyber crime investigations. This policy applies to other agency task force officers assigned to ASP or under ASP operational control.

Workspace and Equipment: Investigative and forensic computers and software shall be reserved for exclusive use by a agency designated personnel. When possible, undercover computers, software, and online accounts should be purchased covertly. No personally owned equipment shall be used in investigations and all software shall be properly acquired and licensed.

Absent exigent or unforeseen circumstances, all online investigations should be conducted in government workspace as designated by ASP. Exceptions shall be approved in advance by an ASP supervisor.

Case Predication and Prioritization: Case predication and prioritization shall follow the criteria described in the Criminal Investigation Division Procedures Manual. During the priority level assignment phase of case initiation, the following guidelines should be considered in cases specifically involving Internet child exploitation:

1. A child is at immediate risk of victimization.
2. A child is vulnerable to victimization by a known offender.
3. A known suspect is aggressively soliciting a child or children.
4. Manufacturers, distributors or possessors of images that appear to be home photography with domiciled children.
5. Aggressive, high-volume child pornography manufacturers or distributors who either are commercial distributors, repeat offenders, or specialize in sadistic images.



CYBER CRIMES

6. Manufacturers, distributors and solicitors involved in high-volume trafficking or belong to an organized child pornography ring that operates as a criminal conspiracy.
7. Distributors, solicitors and possessors of images of child pornography.
8. Any other form of child victimization.

Assuming the initial information is deemed credible, case priority determination should begin with an assessment of victim risk and then consideration of other factors such as jurisdiction and known offender behavioral characteristics.

Undercover Operations: Carefully managed undercover operations conducted by well-trained officers are among the most effective techniques available to law enforcement for addressing a number of cyber offenses, especially child exploitation. Undercover operations, when executed and documented properly, collect virtually unassailable evidence regarding a suspect's predilection to exploit children.

ASP personnel shall not electronically upload, transmit, or forward pornographic or sexually explicit images.

Other than photographs of law enforcement officers who have provided their informed written consent, no actual human images shall be uploaded, transmitted, or forwarded by ASP personnel.

During online dialogue, undercover officers should allow the investigative target to set the tone, pace, and subject matter of the online conversation. Image transfers shall be initiated by the target.

All instances of undercover online activity should be recorded and documented in the case file. Any departures from this policy due to unusual circumstances shall be documented in the relevant case file and reviewed by an ASP supervisor.

Special Evidence Handling: Evidence procedures should adhere to the Property and Evidence Control policy. Additionally, the following guidelines should be considered:

Only authorized personnel who have completed or are in the process of completing a nationally recognized qualifying program of digital forensics procedures, tools, and best practices are authorized to conduct forensic examinations of computers and related evidence as determined by the Internet Crimes Against Children (ICAC) Commander.



CYBER CRIMES

Images depicting the sexual abuse or exploitation of children are considered illegal contraband in the same sense as narcotics or dangerous drugs and should be safeguarded accordingly. Absent a court order specifically ordering otherwise, evidence containing child pornography shall not be released to any defendant or representative thereof.

When providing evidence containing child pornography to another law enforcement agency, such evidence must be hand-delivered, digitally protected, or sent via a delivery service which tracks the shipment. All electronic deliveries must be encrypted using at least a 32-bit version of the Blowfish algorithm or equivalent as a minimum digital protection measure.

Information Sharing: Conventional boundaries are virtually meaningless in the electronic world of the Internet and the usual constraints of time, place, and distance lose relevance. These factors increase the possibility of police agencies targeting one another, investigating the same subject, or inadvertently disrupting an ongoing investigation.

To foster coordination, collaboration, and communication with other agencies, each case agent must contribute basic case information on all active investigations (local, interstate, reactive and proactive) pertaining to Internet child exploitation to the ICAC national database, as designated by the state ICAC Commander. Current deconfliction and identification services are provided by the National Center for Missing and Exploited Children (NCMEC). Images in all cases under investigation by ASP will be submitted by the case agent/forensic specialist to NCMEC for deconfliction and inclusion in the national Child Victim Identification Program (CVIP) in accordance with current NCMEC guidelines. This information should be submitted at the earliest practical opportunity.

If any common target is identified, the initiating case agent is responsible for contacting the other law enforcement agency targeting the suspect. Additionally, the case agent should also consider contacting other local, state, and federal agencies, which may be involved in similar investigations.

Notification: The ICAC Commander should be notified in all cases involving Internet child exploitation. The ICAC Commander is tasked with the observation, documentation, and periodic review of all related activity to ensure that ASP activities comply with both agency and ICAC standards. Basic case information should be submitted to the ICAC Commander at the time of case initiation to be included in the state database. Additionally, a monthly activity report for the previous month should be completed by each special agent assigned ICAC duties and submitted through the chain of command to the Division Commander no later than the end of the first work week of the following month. The Division Commander should forward the report to the ICAC Commander.



CYBER CRIMES

Community Educations and Crime Prevention: Prevention education activities are a critical component of ASP cyber crimes investigations and are the shared responsibility of all assigned personnel. All ASP activities so engaged should foster awareness and provide practical, relevant guidance to children, parents, educators, librarians, and other individuals concerned about child safety issues in their geographical area of the state.

Presentations to school staff, parents, and community groups are excellent ways to promote awareness. These presentations shall not depict identifiable victims not otherwise in the public domain; nor shall they use pornographic or sexually explicit images. Presenters shall not discuss confidential investigative techniques.

ASP personnel may not endorse any product or service. While appearing at public presentations, ASP personnel may indicate a preference for a product or service, but said personnel should indicate adequate alternatives to avoid an implicit endorsement.

External and News Communications: Public written or verbal external statements and communications relating to prosecutions, crime alerts or other matters concerning ASP cyber crime operations should not include information regarding confidential investigative techniques and should be coordinated (when applicable) with other task force partners, Federal law enforcement agencies, and State and local agencies involved in the investigation consistent with sound information management and media relations practices.



CANINE DEPLOYMENT

Request for Canine Team Deployment: To request a canine team deployment an officer should contact a canine handler. The handler should notify a supervisor.

Explosive Detector Canine Deployment: An explosive detection trained canine team may be used in accordance with current law to:

- Assist in the search for explosives during the execution of a search warrant;
- Sniff vehicles, buildings, bags, and any other articles deemed necessary; or
- Conduct sniffs, with supervisor approval, on property where the owner/responsible party has requested or approved the sniff.

Suspect(s) Location or Apprehension Deployment: A canine team may be used to locate and/or apprehend a suspect if the canine handler reasonably believes that the individual has either committed or is about to commit any offense and if any of the following conditions exist:

- There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any officer, or the handler;
- The individual is physically resisting arrest and the use of a canine reasonably appears to be necessary to overcome such resistance;
- The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of the officers or the public; or
- It is recognized that situations may arise which do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use the canine in view of the totality of the circumstances.

Absent the presence of one or more of the above conditions, mere flight from pursuing officers should not serve as good cause for the use of a canine to apprehend an individual.

Narcotics Detector Canine Deployment: A narcotic detection trained canine team may be used in accordance with current law to:

- Assist in the search for narcotics during the execution of a search warrant;
- Sniff vehicles, buildings, bags, and any other articles deemed necessary;



CANINE DEPLOYMENT

- Conduct sniffs, with supervisor approval, on property where the owner/responsible party has requested or approved the sniff (i.e. schools, detention centers, hotel/motel parking lots etc).

Narcotics Sniff of Motor Vehicles: A canine sniff of a vehicle is not considered a search. The following guidelines should assist you in determining whether or not to use a detector canine.

- Must conduct a lawful stop.
- You are able to articulate reasonable suspicion (i.e. suspicious travel plans, discrepancies in travel itinerary, nervousness, criminal history, etc.) Refusal to allow a search **cannot** be part of your reasonable suspicion.
- The stop should take no longer than the time needed to obtain license/criminal history/registration check and run computer checks. This includes traffic citations or warnings. If in the process of a traffic stop an officer observes evidence of other crime's which warrants continued investigation or lawful arrest is made, you need not be concerned with time limitations.

Do not advise the suspects that the canine is en-route to attempt to gain consent. When told the canine is en-route, the stop becomes a seizure and you must have reasonable suspicion to detain the vehicle.

When there is probable cause to search the vehicle, the canine is not needed to search the entire vehicle or its contents (i.e. odor of narcotics, plain view, etc.). If any drugs are found, you do not need the canine to respond.

When a canine is requested, officers should: avoid entering the vehicle and moving or searching items within; remove occupants from vehicle and have them stand away from their vehicle in a safe location, away from traffic; and if occupants leave windows down, doors, trunk, or hood open, leave them open unless instructed by the handler to close them.

Checkpoints: Canines may be used at checkpoints but officers must be able to articulate reasonable suspicion to deploy the canine.

Residential Searches: Residences may be sniffed in conjunction with the execution of a search warrant. Canines are not permitted to sniff the exterior of a residence for narcotic odor at random.



CANINE DEPLOYMENT

Parking Lots: A canine may sniff a public parking lot. A semi-private parking lot may be sniffed with owner/agent consent.

Hotels and Apartments: Hotels and apartments may be sniffed with management consent. Only places in an area that everyone has access to (i.e. sidewalks, walkways, hallways, etc.) may be sniffed. A warrant or consent must be obtained prior to a search.

Schools: Schools may be sniffed when requested by the schools administration. All areas of the school may be sniffed including lockers and vehicles in the parking lot. Students should not be present.

Tracking and Evidence Recovery: Police canines may be used to track missing persons or suspects, or to locate evidence that is reasonably be expected to have been abandoned or hidden in a specified open area. Officers should not attempt to locate the article prior to the canine entering the search area.

Crowd Control: Canine teams may respond as backup but may not deploy the canine for crowd control at peaceful demonstrations.

Requests for Public Demonstrations: A Troop/Company Commander should approve all public requests for a canine team.

Reporting and Testimony: An officer should not attempt to write a report or testify in court about the canine alert. The handler is responsible for writing a detection report and testifying about the canine alert.



FLAG COURTESY

Purpose: To establish guidelines for displaying the national and state flags and to establish guidelines for proper flag courtesy.

Discussion: The Arkansas State Police is a paramilitary organization. While in public, members are expected to conduct themselves in a military manner when coming in contact with the national flag. It is the intent of this policy that each member of this department respect certain time-honored traditions and courtesies that are paid to the national flag.

Approach of Colors: Officers in uniform with a hat on should, upon the approach of the national colors, face the flag and render the military salute. Officers in uniform without a hat on should, upon the approach of the national colors, face the flag and hold their hat over their heart. If in civilian clothes, officers should remove their headdress and hold it over their heart. If not in uniform and without head covering, officers should stand at attention until the flag has passed. These courtesies should be done when the colors are within six paces of an officer. The courtesies should be held until the colors have been carried six paces beyond an officer.

National Anthem: At the first note of the National Anthem, officers covered and in uniform should stand at attention, face the flag, salute, holding the salute until the last note of the music. At the first note of the National Anthem, officers not covered and in uniform should stand at attention, face the flag, and hold their hat over their heart until the last note of the music. If in civilian clothes and covered, officers should stand holding their headdress over their heart until the last note of music. If in civilian clothes and not covered, officers should stand at attention with their right hand over their heart.

During formal raising or lowering of the national colors, the same courtesies should be extended as during the playing of the National Anthem.

Flag Display: The national and state flag should be displayed at all buildings from sunrise to sunset on days when weather permits. Exposure to severe winds, rains, sleet and snow which may cause damage to the flag is cause for not displaying the flag. The following guidelines should be followed when displaying the national or state flag:

- The U.S. flag should always be hoisted briskly and lowered ceremoniously.
- The U.S. flag may be displayed 24 hours-a-day if properly illuminated.
- The U.S. flag should never touch anything beneath it, i.e. ground, floor, water, merchandise, etc.



FLAG COURTESY

- The U.S. flag should never be fastened, displayed, used or stored in a manner which could permit it to be easily torn, soiled, or damaged in any way.
- When the U.S. flag is in such a condition that it is no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning privately.
- When other flags are flown from the same halyard, the U.S. flag should always be at the peak.
- When flown at half-staff, the U.S. flag should be first hoisted to the peak for a moment and then lowered to the half-staff position. The U.S. flag should be again raised to the peak before it is lowered for the day.
- On Memorial Day the U.S. flag should be half-staffed until noon. At noon on Memorial Day, the flag should be raised to the top of the flag pole.
- When the U.S. flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.



FIREARMS

General Guidelines: The use of firearms by officers shall be consistent with the provisions of the Use of Force policy, firearms training and this policy.

Definitions:

Approved Firearms – Firearms owned by the Arkansas State Police or by ASP officers (personally owned) that ASP officers have been authorized to carry while on duty in accordance with this policy. See **Approved Firearms** section of this policy.

Assigned Firearms – Firearms (handgun, shotgun, rifle, etc.) owned by the Arkansas State Police and issued to an ASP officer.

Personally Owned Firearms – Firearms owned by ASP officers.

Primary Weapon – The assigned handgun that an officer is required to carry when on duty.

Approved Firearms: An agency firearms instructor shall inspect firearms carried by officers. The ASP Firearms Officer shall approve and keep records of the firearms carried by officers while on duty. The ASP Firearms Officer should maintain a list of approved personally owned firearms for use by officers. The training section should maintain records of firearms training and qualification.

While on duty, all officers in uniform should carry their primary weapon. The primary weapon should be fully loaded.

CID officers should carry an assigned handgun while on duty as a primary weapon unless approved by the Division Commander in consultation with the ASP Firearms Officer to ensure the personally owned weapon is an approved firearm.

Other non-uniformed/plain clothed officers may carry an approved personally owned handgun while on duty in place of carrying their primary weapon if approved by their respective commander (approval by a commander is not necessary for the Director) and they meet the requirements outlined below.

Request to Carry Personally Owned Firearm: An officer who wishes to carry a personally owned firearm on duty must first submit a 'Request To Carry Personally Owned Weapon Form' ([ASP 188](#)). The ASP 188 must be approved by the chain of command to the Director and shall be maintained on file by the ASP Firearms Officer.



FIREARMS

Officers may carry personally owned firearms while on duty provided that:

- The firearm is carried only as a secondary (back-up) weapon when wearing the ASP uniform or when assigned to CID (other non-uniformed may use the personally owned weapon as a primary weapon);
- Officers have met the annual qualification requirement standard with the firearm; and
- The personally owned firearm is approved by the ASP Firearms Officer and the Director for carry on duty.

Security of Firearms: It is the obligation of each officer to ensure the safe storage and handling of firearms at all times. Officers shall ensure the safe storage of his or her assigned and personally owned firearm(s). Every precaution should be taken to ensure that unauthorized persons do not access assigned or approved firearms.

Firearms Security in Vehicles: Officers shall secure firearms at all times. If an employee gives an inmate or a non-employee complete control or access to an Arkansas State Police vehicle (such as valet parking, service in an auto shop, etc.) the employee shall remove and/or secure all firearms.

Vehicles must be locked to be considered properly secured. Officers shall make reasonable attempts to ensure that assigned or approved firearms will not be left unattended in any vehicle (state-owned or personally-owned) unless the firearm is secured in accordance with one of the options below:

1. Locked in the vehicle's trunk; or
2. Locked in an ASP-issued or approved vehicle storage cabinet, or
3. Secured in a locked department-issued or department-approved gun rack (rifles/shotguns).

Officers securing firearms in the trunk of a vehicle shall make all reasonable efforts to park the vehicle in close proximity to the officer's location and in such a manner that the vehicle is within the officer's sight or is parked in a well-lit, heavily traveled area if out of the officer's sight.

If the state-owned or personally-owned vehicle has no trunk, officers must secure any firearms inside the vehicle, out of plain view, in locked compartments when possible.



FIREARMS

Officers must secure and lock rifles and shotguns in department-issued or department-approved gun racks in a locked vehicle when the vehicle is unattended and the rifle or shotgun will be in plain view inside the vehicle. (Does not apply to routine patrol or traffic stops.)

Repairs, Damage, Loss/Theft, and Maintenance: Repairs, adjustments, and alterations of assigned firearms shall only be made by the ASP Firearms Officer or his/her designee.

Officers are responsible for the proper operation and condition of all firearms issued to or carried by them and for all issued or approved gun racks, safes, etc.

Officers should report any lost, stolen, damaged or non-working firearms in accordance with the Rules of Conduct policy ([GEN SEC 3](#)) section, “Employees Responsible for Property and Equipment” and the Equipment, Accounting and Inventory policy ([GEN SEC 13](#)) section, “Lost, Stolen or Damaged Equipment.” Commanders should immediately report any lost, stolen or damaged firearms through the chain of command to the Director.

In accordance with GEN SEC 3, if a supervisor believes that an employee acted with reckless disregard or deliberate indifference with assigned or approved firearms causing damage, loss, or theft, a complaint should be filed with the Office of Professional Standards and investigated in accordance with the ASP Disciplinary Matters Policy ([LE SEC 4](#)).

Ammunition: The department issues duty and practice ammunition for required firearms training for assigned firearms. Officers who have a firearm caliber other than those issued by the department are required to purchase their own department-approved ammunition.

Duty ammunition should not be used for practice unless authorized by the ASP Firearms Officer or his/her designee.

Defective Firearms: Defective firearms shall be brought to the immediate attention of a supervisor. If a firearm is defective, it should be sent to the ASP Firearms Officer, unloaded, with an attached memorandum describing the problem. The memorandum, firearm, magazines and any misfired cartridges should be sent at the same time. Any cartridges sent should be in a sealed envelope that is labeled to identify the contents. If a live cartridge is jammed in the firearm, the firearm should be labeled with an appropriate warning and transported with extreme caution.

Training and Qualification: Before authorization to carry an approved firearm, officers shall demonstrate their proficiency with qualification standards established by the department.



FIREARMS

Officers are required to participate in firearms training exercises as established by the department. It is the responsibility of the Troop/Company/Section and Division Commanders to ensure that the officers under their command participate in required qualifications and training.

Officers who fail to meet the qualification standard shall be required to undergo additional training until the officer is able to meet the department's qualification standard. Should an officer repeatedly fail to qualify after receiving additional training, the officer will be evaluated to determine the officer's fitness for duty. Failure to qualify annually, in accordance with the regulations of the Arkansas Commission on Law Enforcement Standards and Training, is grounds for decertification as an Arkansas Law Enforcement Officer.

Troop Conducted Electrical Weapon (CEW) Coordinators are required to download/check the CEWs and provide CEW training at least once quarterly. During quarterly firearms training, the Troop CEW Coordinators should check the CEW unit to ensure that the time and date settings are accurate. All officers shall bring their CEW to quarterly firearms training. The Troop CEW Coordinator will record the date and time mechanism verification, or any malfunction, on the CEW Log ([ASP 241](#)). Prior to returning the CEW to the officer, the Troop CEW Coordinator will verify that the date and time setting is correct. (See Use of Conducted Electrical Weapons policy in [LE SEC 12](#) for additional information.)

Destruction of Animals: Officers may destroy an animal in the manner and under the circumstances set forth below:

- As an act of self-defense;
- To protect another person from the possibility of injury; or
- When the animal is so badly injured that humanity requires its immediate relief from further suffering and (1) the officer has the owner's permission to destroy the animal; or (2) the owner cannot be located for the purpose of obtaining such permission.

Officers should complete an incident report to document the use of a firearm to destroy an animal in self-defense or to protect another person from injury. Officers should complete a memorandum ([ASP 46](#)) to document the destruction of an animal for humane reasons.

Intentional Discharge of a Firearm: Any time an officer is involved in an intentional discharge of a firearm, the Reporting and Investigation of Use of Force policy ([LE SEC 11](#)) shall apply.



FIREARMS

On Duty Accidental Discharge of a Firearm: Any time an officer accidentally discharges a firearm on duty, the supervisor should be notified immediately. The supervisor should respond to the scene when possible. **A supervisor shall respond to all accidental discharges that result in an injury or death.** The supervisor shall notify the Troop, Section, or Company Commander. The respective Commander will arrange for drug/alcohol testing of the officer involved if necessary, as prescribed in Critical Incident Testing in the Drug and Alcohol Free Workplace policy ([GEN SEC 4](#)) and contact the Division Commander.

Off Duty Accidental Discharge of a Firearm: Any time an officer accidentally discharges a firearm off duty that results in damage to property, physical injury or death, he/she should notify the appropriate local law enforcement agency and his/her supervisor immediately. The supervisor should respond to the scene when possible. **A supervisor shall respond to all accidental discharges that result in an injury or death.** The supervisor shall notify the Troop, Section, or Company Commander. The respective Commander will arrange for drug/alcohol testing of the officer involved if necessary as prescribed in Critical Incident Testing in the Drug and Alcohol Free Workplace policy ([GEN SEC 4](#)) and contact the Division Commander.

Any time an officer accidentally discharges an issued or approved firearm off duty that does not result in damage to property, physical injury, or death, the officer should notify his/her supervisor of the incident. The supervisor will evaluate the report and notify the Troop, Section or Company Commander.

Investigation of Accidental Discharge That Results in Physical Injury or Death: If physical injury or death results from the accidental discharge of a firearm, the Criminal Investigation Division and the Office of Professional Standards will be responsible for conducting the investigation.

Investigation of Accidental Discharge of an Issued or Approved Firearm With No Physical Injury or No Death: If an investigation is deemed necessary by the respective Commander, in consultation with the Division Commander, the investigation will be assigned to a Sergeant or higher ranking officer to ensure that an investigation is completed that includes:

- the circumstances surrounding event;
- video and or audio recordings;
- detailed interviews of involved persons or witnesses; and



FIREARMS

- any other supporting documentation or evidence.

The investigation should be forwarded to the Division Commander for review and final determination.

Training Recommendations: If there is a suspected weapon malfunction in an accidental discharge, the Division Commander will supply copies of all necessary investigatory material, the weapon, and ammunition to the ASP Firearms Officer for review and inspection (barring any evidentiary requirement). Following the inspection of the weapon, the ASP Firearms Officer shall determine if the weapon is safe to return to service and will supply a written report/memorandum with his/her conclusions regarding the weapon with any training recommendations to the Division Commander.

Division Commanders may require officers involved in an accidental discharge to undergo remedial training as necessary. Remedial training shall be completed by the ASP Firearms Officer or his/her designee and documented in the officer's official training file. A copy should be sent to OPS for the official investigative file.

Documentation and Retention of Records: All administrative records of investigations and copies of any resulting corrective action or discipline related to accidental discharges of firearms shall be forwarded to the Office of Professional Standards for retention.



FIREARMS INVENTORY

General Information: All firearms not assigned to an officer are collected and held in the armory vault. The only exception is certain firearms used in SWAT operations which are assigned to and secured by the SWAT Commander for emergency use.

For purposes of this policy, the term “firearm(s)” includes handguns, shotguns, rifles, machine guns, SWAT firearms, specialty firearms, and any other firearm belonging to the ASP.

Division Commanders should take whatever steps necessary to ensure audit issues concerning firearms receive the highest priority from their Commanders.

All firearms will be issued by the State Firearms Officer or his designee in conjunction with the Asset Management Unit.

Firearm Distribution Procedure: The State Firearms Officer is responsible for cleaning, inspecting and certifying the functionality of all Arkansas State Police firearms before they are issued to an officer.

Prior to the reassignment or award of a firearm, the firearm must be sent to the ASP Armory. At the armory, the State Firearms Officer should inspect the firearm, clean the firearm, tag the firearm (if necessary) and certify the functionality of the firearm. After this is complete, the firearm may be issued, reassigned, or awarded in conjunction with the Asset Management Unit.

Temporary Relief from Employment: When an officer is temporarily relieved from duty, his/her firearm should be returned to the ASP and securely stored at the Troop, Company, or Section level. If the firearm(s) needs to be stored for thirty (30) days or longer, it should be sent to the armory. An ASP-202F should be completed when the firearm is returned to the ASP and immediately forwarded to the Asset Management Unit.

This requirement does not apply to temporary administrative leave involving deadly physical force investigations.

SWAT Firearms: SWAT firearms are inventoried as described in the Firearm Distribution Procedure above. Certain firearms, as approved by the Division Commander, may be assigned to the SWAT Commander for emergency use.



Small Unmanned Aircraft Systems (sUAS)

I. Purpose

This policy establishes the authorized use and operational guidelines for Small Unmanned Aircraft Systems (sUAS) used by Department employees. This policy is designed to minimize risk to people, property, and aircraft during the operation of the sUAS while continuing to safeguard the right to privacy of all persons.

II. Definitions

- A. **sUAS Commander:** The Commander assigned responsibility for oversight of a specific department-owned sUAS or Commander assigned to a team that utilizes a department-owned sUAS.
- B. **sUAS Team:** Department members assigned to an sUAS and are properly trained as a Pilot in Command, Visual Observer, or Controller in accordance with this policy.
- C. **Pilot in Command (PIC):** The individual responsible for the overall flight operations for a specific mission. The PIC must have his/her Federal Aviation Administration (FAA) Part 107 Certification. The PIC has the final authority and responsibility over the flight mission.
- D. **Visual Observer (VO):** The individual(s) trained to maintain the line-of-sight and 360 degree hazard awareness around the sUAS at all times and assist the PIC in carrying out all duties required for the safe operation of the sUAS. The VO is required for all practice and mission flights with the sUAS. The FAA Part 107 Certification is not required for the visual observer.
- E. **Controller:** The individual trained to manipulate the controller or remote. The FAA Part 107 Certification is not required if under the direct supervision of a PIC.
- F. **Defined Incident Perimeter:** A defined perimeter to be determined based on the scope of the operation and a defined operational ceiling at or below 400 feet Above Ground Level (AGL).
- G. **Certificate of Authorization (COA):** COA is an authorization issued by the Federal Aviation Administration (FAA) to a public operator for a specific sUAS. After a complete application is submitted, the FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the sUAS can operate safely with other airspace users.



Small Unmanned Aircraft Systems (sUAS)

- H. Unmanned Aircraft System / Vehicle (UAS/UAV):** An aircraft without a human pilot on board. Its flight is controlled either autonomously by computers in the vehicle or under the remote control of a pilot on the ground or in another vehicle.
- I. Night Flight:** Flight of an sUAS that occurs between the hours of one half hour after sunset and one half hour before sunrise. The time of sunset and sunrise are determined by the National Oceanic and Atmospheric Administration (NOAA).

III. Operations

- A. Pre-Flight Briefing:** A briefing led by the PIC prior to aircraft launch, which includes, but is not limited to:
 - 1. Review of the mission's goals and expected outcomes
 - 2. Review of current and forecasted weather conditions
 - 3. Review of current Notice to Airmen (NoTAMs) and Temporary Flight Restrictions (TFRs) that have been issued for the proposed flight area
 - 4. Identification of mission limitations and safety issues such as battery charge, GPS strength, and potential for radio interference
 - 5. Review of proposed flight area, including maximum ceiling and floor
 - 6. Review of communication procedures between PIC, Visual Observer, and other personnel used to support the mission. Including verifying cell phone numbers used to communicate with Air Traffic Control in the event of a fly-away or other flight emergency
 - 7. Review of emergency/contingency procedures including aircraft system failure, flight termination, divert, and lost link procedures
 - 8. Execution of a pre-flight check utilizing the approved checklist
- B. Visual Flight Rules (VFR):** All flights with the sUAS shall be conducted under VFR conditions and at an altitude below 400' AGL. VFR is established as a 3-mile visibility and a cloud ceiling of 1,000 feet for day operations and 5-mile visibility with a cloud ceiling of 2,000 feet for night operations.



Small Unmanned Aircraft Systems (sUAS)

C. Approved Uses/Missions

1. Generally, the following missions will be considered for approval:
 - a. Aiding in search and rescue operations
 - b. Crime scene photography
 - c. Accident reconstruction
 - d. Hazmat scene deployment
 - e. Major disaster scenes
 - f. Storm damage
 - g. Fire scenes
 - h. Civil disturbance/unrest
 - i. Tactical situations involving the ASP SWAT Team.
2. Other missions may be approved by an Incident Commander in consultation with a sUAS Commander (Ex: ERT Commander, Air Support Unit Commander, Special Operations Coordinator), or a Highway Patrol Division Commander or his or her designee, if those missions are necessary to preserve the health, safety, and welfare of people or property within the state of Arkansas.
3. Once a mission is approved, the sUAS Commander will assign a PIC, a Visual Observer and/or a controller to the mission.
4. All missions will be flown in accordance with FAA regulations 14 CFR Parts 61 and 91 and current FAA National Policy regarding sUAS Operational Approval.

D. Aircraft: A COA is on file with the Highway Patrol Division that includes coverage for all sUAS for the Department.

E. Maintenance: sUAS maintenance is the responsibility of the sUAS Commander in accordance to manufacturer recommendations. The sUAS Commander will assign a member of the sUAS Team to monitor the maintenance and firmware updates. If anything other than routine maintenance is performed, a test flight shall be conducted and documented.



Small Unmanned Aircraft Systems (sUAS)

- F. Payloads:** The Remote Pilot in Command shall approve any payload used on a sUAS. Weapons and dispersal payloads shall not be used.
- G. Pilot Requirement:** All pilots assigned to sUAS operations shall have, at minimum, a Part 107 Certification.
- H. Flight Conditions**
1. The PIC is responsible for obtaining a current weather report from a reliable weather service. All flights should be conducted at or below 400 feet (AGL), unless otherwise noted in the COA, approved by FAA. All aircraft operations should be conducted within line-of-sight of the PIC or Observer such that the Pilot or Observer may detect and avoid hazards such as aircraft and property.
 2. Flight operations shall be conducted during daylight hours unless the necessity of the mission requires flying at night. Night flight is authorized in the ASP COA when the aircraft is equipped with navigation lights.
 3. The aircraft will not be operated in sustained winds greater than 21 knots (24mph), or in adverse weather that would affect the line of sight and VFR weather minimum requirements.
- I. Observer/Controller Participation in Flight Missions:** An Observer is required for all training and mission flights of the sUAS.
- J. Pre-flight Briefing:** Both the Pilot and Observer must participate in the pre-flight briefing.

IV. Training Requirements

A. Pilot Requirements

1. Initial Training: All pilots selected to fly law enforcement missions shall be properly trained by a certified flight instructor or through an ASP-approved course. The pilots will have a current working knowledge of the airspace intended for operations, Air Traffic Control communication requirements, specific sUAS aerodynamic factors, and the ability to obtain and interpret weather information. All pilots shall be familiar and proficient with the role and functions of an observer.



Small Unmanned Aircraft Systems (sUAS)

2. Proficiency Training

- a. In order to maintain proficiency, all pilots should conduct at least one training flight to include one take-off and landing every other month. Training flights shall be documented in Aircraft Logs along with the Aircraft Mission Flight Log (MFL).
 - b. Pilot proficiency training is not limited to actual pilot or observer skills, but also includes knowledge of all pertinent sUAS related matters and understanding of current COA guidelines. Members who do not have documented training or flight time for the preceding 90 days shall demonstrate proficiency before performing pilot or observer duties during a mission. Any pilot that does not have documented training or flight time for 180 days or more shall be retrained by a certified sUAS pilot. This training shall include a minimum of one hour of ground instruction and flight time, including making three take-offs and landings to demonstrate proficiency.
 - c. Failure to maintain and prove proficiency will result in removal from sUAS operations.
3. Annual Training: Each pilot must attend in-service training once a year to include updated industry standards, field exercises, and a review of current case law governing the use of sUAS as designated by the sUAS Commander.
 4. Pilot Mission Eligibility: All pilots must be able to show proficiency in specific core competencies in all sUAS controls and operating systems in accordance with FAA and COA regulations before being approved to fly missions. All pilots must have a minimum of three qualifying sUAS flights to include take-offs and landings in the preceding 90 days to be eligible to fly sUAS missions.

B. **Controller/Observer Requirements**

1. Initial Training: sUAS Observers and Controllers shall meet all conditions of the most recent COA issued by the FAA. Observers and Controllers will have a current working knowledge of the airspace intended for operations, Air Traffic Control phraseology and communication requirements, specific sUAS aerodynamic factors, and the ability to obtain and interpret weather information. The Visual Observer will receive specific training on relevant regulations (14 CFR Part 91), such as the obligation to see and avoid other aircraft and the ability to identify position for purposes of relaying position reports to the PIC.



Small Unmanned Aircraft Systems (sUAS)

2. Annual Training: Each Observer and Controller must attend in-service training once a year to include updated industry standards and field exercises, as well as a review of current case law governing the use of sUAS as designated by the Special Operations Coordinator or the sUAS Commander.

V. Accident/Incident Notification and Investigation

1. All in flight accidents/incidents involving fatalities, injuries, property damage, and fly-aways shall be reported to the appropriate Highway Patrol Division Commander.
2. FAA regulations require the FAA to be notified within 24 hours. Notification should be completed as soon as possible. The PIC is responsible for making the appropriate notification to the FAA.
3. An Incident Report shall be completed detailing the accident/incident.

VI. Documentation and Data Retention

A. Documentation of Flight Time and Incident Reporting:

1. sUAS Forms
 - a. All sUAS monthly training and mission flights shall be documented by completing an sUAS Flight Report ([ASP 301](#)), a Pre-Flight Checklist ([ASP 301A](#)), and the Daily Flight Log ([ASP 300](#)).
 - b. All other non-mission or monthly training flights shall be documented on the ASP 300. (Example: Quick flight to check a battery/equipment)
 - c. ASP 301s and ASP 301As should be forwarded to the Division Commander or his/her designee for review upon completion of the training or mission.
 - d. A copy of the ASP 300 should be forwarded to the Division Commander on a quarterly basis for review.
 - e. The Division Commander or designee may use the Master Flight Log ([ASP 300A](#)) to keep a running total of all training and missions for all sUAS under his/her command.



Small Unmanned Aircraft Systems (sUAS)

2. Retention of sUAS Forms

- a. The original [ASP 300](#) shall be maintained by the sUAS Commander or designee for a period of five (5) years.
- b. The [ASP 300A](#) may be maintained by the Division Commander and is designed to be tracking tool but is not a requirement. If used, the form should be maintained by the Division Commander for a period of five (5) years.
- c. The [ASP 301](#) and [ASP 301A](#) forms shall be maintained by the Division Commander or designee for a period of five (5) years.

B. Digital Data Retention

1. All original digitally recorded media of a critical incident should be downloaded as soon as practical and shall be retained for a minimum of four (4) years.
2. All original digitally recorded media of non-critical events or training should be downloaded as soon as practical and shall be retained for a minimum of one (1) year.
3. After the applicable time has expired, the original digitally recorded media should be erased unless there is pending litigation against the department or a department member and that litigation is related to the flight. If a lawsuit has been initiated, no original digitally recorded media shall be erased without the written approval of the Director.



AUTOMATED LICENSE PLATE READERS

The purpose of this policy is to provide officers with guidelines for the operation and use of Automated License Plate Readers (ALPR).

The ALPR system utilizes cameras to capture images of vehicle license plates that are compared against ACIC/NCIC records of stolen or wanted vehicles, vehicles associated with Morgan Nick/AMBER alerts, missing children, wanted subjects or other criteria.

A "Hit" is an alert, by visual and/or audible signal, of a potential match between data on the files obtained from ACIC/NCIC and a license plate scanned by the ALPR. Any hit provided by an ALPR system is informational and advisory in nature and requires further verification before law enforcement action is taken.

Positive hits should be recorded on an ASP 999. The ASP 999 should be included with monthly reports. The supervisor is responsible for forwarding ASP 999s to the ALPR coordinator monthly.

Authorized users of ASP ALPR systems are limited to current ASP employees who are legally authorized to review criminal history data. Personnel shall not operate an ALPR, use data captured by an ALPR, or off-load or replicate image data files from an ALPR for any reason other than assigned law enforcement purposes.

It is the responsibility of the ALPR user to download current informational data files from ACIC/NCIC prior to the deployment of the ALPR. Emergency information, i.e., Morgan Nick/Amber alerts, suspect information, etc, may be manually entered into the ALPR with the approval of the supervisor.

Each ALPR will be assigned a dedicated flash drive. The purpose of the dedicated flash drive is for transferring informational data files from ACIC/NCIC to the ALPR. No other files should be saved on the dedicated flash drive.

The image data files maintained within the ALPR will be stored at the discretion of the Director. Image data files captured will only be maintained for an open/active criminal investigation.

An operator should not attempt to modify the ALPR. The installation or removal of an ALPR in a patrol unit should be scheduled by appointment at the ASP Install Shop.

Patrol Units equipped with an ALPR should not utilize automatic car washing facilities. Damage to ALPR equipment should be immediately reported to a supervisor and documented on a memorandum.



PHYSICAL FITNESS AND WELLNESS

Purpose: The purpose of this policy is to establish a departmental physical fitness and wellness program designed to improve and maintain the physical readiness and health of ASP commissioned personnel.

Policy: To ensure minimum levels of physical fitness, commissioned officers will be assessed at least annually to determine their physical ability levels. Participation in both the ASP Physical Fitness Training Program and the ASP Wellness Program are mandatory for commissioned officers.

Any person seeking reinstatement as a commissioned officer, upon the Director's approval to proceed with the reinstatement request, must pass the minimum requirements of the physical fitness assessment.

Physician's approval: Prior to participating in the annual physical fitness assessment, officers are required to have a physical examination by a physician. The physician will complete an [ASP 236](#) indicating his/her approval concerning the officer's physical ability to perform the fitness assessment. Physician examinations must be administered within a twelve-month period prior to the physical fitness assessment. Officers should bring their completed ASP 236 to their scheduled annual physical fitness assessment for placement in their medical file. Inability to comply with the physical fitness and wellness policy may require referral to the department physician for review and may result in a Fitness for Duty evaluation.

Medical waiver: An officer who believes he/she is medically unable to participate in strenuous exercise or has suffered a temporary injury should submit a written medical waiver from a physician to his/her immediate supervisor. The Troop/Company/Section Commander will forward the waiver to the Division Commander for review. The Division Commander will respond through the chain of command whether or not the medical waiver is granted. If the Division Commander disapproves the medical waiver, the waiver may be referred to the department physician and may require additional evaluation and/or a Fitness for Duty evaluation.

If there is a short-term medical/physical reason the officer cannot participate in the physical assessment, the assessment will be rescheduled for when the officer has recovered from the illness or injury. If an officer is unable to attempt the assessment on the re-scheduled date due to injury or illness, the officer should notify his/her immediate supervisor and provide the reason he/she is unable to perform the physical fitness assessment and request an alternative date.



PHYSICAL FITNESS AND WELLNESS

In the event an officer sustains an injury during the annual physical fitness assessment, the officer should immediately notify the test administrator. The injury should be documented on the physical fitness assessment form and the officer should follow the agency notification procedures for an on duty injury under the Workers' Compensation Claim Reporting Process. A second physical fitness assessment will be scheduled for the officer.

Assessment: An officer's level of physical fitness will be determined by his/her performance during the physical fitness assessment. All portions of the assessment must be completed in succession for the assessment to be valid. If an officer is injured during a portion of the assessment, upon rescheduling the test, the officer must repeat the assessment in its entirety. A participant who fails to achieve the requirements of the annual physical fitness assessment will be required to retest within six months.

Physical fitness assessment events: Fitness assessments will consist of the elements listed below. Assessments which do not meet the standards below, or are not performed within the required time for timed events, will be considered failing. Officers who fail the assessment will be subject to retesting at least biannually until passing standards in all events are achieved.

- A. First three elements completed consecutively for time:
 - 1. Six laps on a rectangular course, equaling 320 yards (each lap includes a 5-foot horizontal leap, running up and down a ramp with a 30-degree incline/decline, and hurdling two 18-inch obstacles).
 - 2. Six repetitions of pulling, followed immediately by six repetitions of pushing the Physical Control Simulator in a 180-degree arc with 80 pounds of resistance.
 - 3. Ten burpees, alternating five to chest and five to back, interspersed with nine vaults over a 3-foot vault-rail.
- B. Torso Bag Carry is not timed, but must be completed without stopping
 - 1. 100-pound torso bag carry for a total of 50 feet
 - 2. Torso bag must be kept above knee level with arms bent



ATHLETIC EVENTS - SECURITY

Purpose: To establish a protocol for Arkansas State Troopers and their commanders with regard to assignments associated with state athletic events and travel.

Athletic Events (security): Troop Commanders receiving requests from colleges or universities for security assignments at athletic events should evaluate the request and the availability of personnel as prescribed by Arkansas Code Annotated § 12-8-109 (see below) and confer with the Division Commander.

Arkansas Code Annotated §12-8-109

a. The Department of Arkansas State Police shall provide police protection commensurate with available personnel and resources of the state police which are not required for other activities, benefiting any statewide function sponsored or conducted by;

- (1) a state agency, board or commission*
- (2) A state supported college or university,*
- (3) A private nonprofit association or organization on public property or*
- (4) Statewide athletic events under the auspices of the public schools or similar activity.*

Duty assignments will be limited to on-duty personnel.

State Police personnel will not receive any compensation (pay or other items in lieu of assigned services) other than regular on-duty State Police salary and personnel will adhere to all state laws and department policies. Officers are prohibited from accepting any item that would be a violation of state laws.

The Arkansas State Police will not contract security services or accept gratuities from guest athletic teams.

During game day operations Troopers will be authorized to wear the appropriate Arkansas State Police uniform.

State Police personnel should limit their involvement in these assignments to law enforcement security duties only and avoid any activity that may present an appearance of being a part of the athletic team.



ATHLETIC EVENTS - SECURITY

Use of State Police vehicles for transportation of athletic team staff or team members is prohibited unless during the course of their duties associated with the assignment a State Trooper reasonably believes it may become necessary to provide an additional level of security or emergency transportation.

Out of State Travel: The Director has the sole discretion whether to authorize or deny such requests and each request should be routed to the Division Commander.

Upon authorization from the Director, the Division Commander will instruct the Troop Commander in the Troop where the college or university is located to identify and select a supervisor who will travel with the team. Should scheduling conflicts arise in the Troop where the school is located, the Division Commander may confer with other Troop Commanders in an effort to fill the assignment.

Unless there are exigent circumstances, Troop Commanders should not be considered for the out of state travel/team assignment.

While in attendance of non-game day activities, the Troopers should be attired in appropriate civilian business-casual clothing which does not exhibit any team logo. Troopers will be armed (covered) and carrying appropriate law enforcement identification.

Prior to arrival at the assigned out-of-state location, Troopers and their supervisors should consult with the host state law enforcement agency regarding the Arkansas assignment.

Travel expenses, meals and lodging incurred by State Police personnel must be paid for by the college/university requesting security.

Department vehicles will not be taken out of state in support of team security.



EMERGENCY RESPONSE TEAM

I. Policy

The Arkansas State Police Emergency Response Team (ERT) will strive to effectively manage crowds during protests, demonstrations, civil disturbances, and riots to prevent loss of life, injury, or property damage and minimize disruption to persons who are uninvolved, or assist in the stabilization and security during the aftermath of natural and manmade disasters. Officers encountering such incidents shall adhere to this policy to protect life, property, and the exercise of First Amendment rights.

II. Purpose

- A. At the request of law enforcement agencies throughout the State of Arkansas, the ERT may provide tactical responses to civil disturbances, protests, and riot situations that could require the tactical abilities of the ASP when requesting agencies have exhausted their manpower and equipment capabilities. The ERT will provide tactical assistance to requesting agencies that lack the equipment and trained personnel required to adequately respond to situations that require a tactical response. The ERT may provide assistance to affected ASP troops and other law enforcement agencies in situations of natural and manmade disasters. The ERT may be utilized during planned events for security purposes.
- B. It shall be the policy of the Arkansas State Police to adopt FEMA's Field Force Operations PER-200 Manual, which includes the Mobile Field Force Formations and Commands as they relate to civil disturbances, protests, and riot control.

III. Definitions:

- A. *Civil Disturbance*: A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.
- B. *Demonstration*: A lawful assembly of persons organized primarily to engage in First Amendment activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful demonstrations can devolve into civil disturbances that necessitate enforcement action.
- C. *Crowd Control*: Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparations for multiple arrests.
- D. *Crowd Management*: Techniques used to manage lawful assemblies before, during, and after the event to maintain their lawful status through event planning, pre-event contact with group leaders, information gathering, personnel training, and other means.



EMERGENCY RESPONSE TEAM

- E. Irritant Agents:** Irritant Agents are designed and intended to render a distracting or incapacitating reaction. These agents include Oleoresin Capsicum (OC), Orthochlorobenzalmalononitrile (CS), and smoke.
- F. Less Lethal Impact Projectiles:** Projectiles designed and intended to deliver non-penetrating impact energy from safer than contact range. These may include direct fire or non-direct skip-fired rounds. The latter are projectiles that are discharged toward the ground in front of a target, theoretically delivering the energy to the subject following contact with the ground.

IV. ERT Function and Duty

The administration, supervision, and control of the ERT will be the responsibility of the ERT Commander. When activated and deployed to an incident, supervision and control of the ERT will be the responsibility of the ERT Commander or the Platoon Leader in the absence of the ERT Commander.

V. Activation Requests and Approval

When a request for the ERT is received from a law enforcement agency, the request should be routed from the Troop/Company Commander to the on call Highway Patrol Division Commander. After the Highway Patrol Division Commander approves or denies the activation request, the Division Commander will contact the Deputy Director. If the Deputy Director cannot be reached within a reasonable period, the Division Commander will contact the Director. The Highway Patrol Division Commander will contact the ERT Commander for activation when a request is approved.

VI. Requests for Small Unmanned Aircraft System (sUAS) Missions/Use

All ERT sUAS mission requests shall be authorized in conjunction with the Incident Commander and the ERT Commander. Refer to the sUAS policy ([LE SEC 27](#)) for sUAS missions.

VII. Procedure when the Emergency Response Team Commander has received a request for the ERT

The ERT Commander, or designee, begins by gathering pertinent information including, but not limited to:

- A.** Agency requesting ERT
- B.** Nature of Request: Civil Disturbance, Protest, Riot, Natural or Manmade Disaster, etc.
- C.** Location(s) of incident
- D.** Agencies involved and number of law enforcement officers involved
- E.** Approximate number of protesters involved



EMERGENCY RESPONSE TEAM

- F. Approximate size of the disaster affected area
- G. Incident Commander
- H. ASP members involved

VIII. Team Activation Procedures:

- A. When the ERT Activation or on standby status is authorized, the ERT Commander should contact the Troop A Communications Center. Troop A Communications will then initiate the team activation (to include all Command Staff) by:
 - 1. Text Messages
 - 2. E-Mail
 - 3. Phone Messages
- B. The message to the team members should include:
 - 1. That the team has been activated or is on standby
 - 2. The location of the call and staging area (members should respond to the staging area unless otherwise directed)
 - 3. Nature of the call (civil disorder, protest, riot, natural or manmade disaster assistance, etc.)
- C. As soon as practical, team members should notify their respective chain of command, providing brief details and nature of the call.
- D. When the ERT is activated, priority should be given to the ERT callout unless, after consultation with the affected Division Commander, another Level One critical incident takes priority. See Chain of Command policy, [LE Section 2](#).

IX. Incident Command:

- A. It will be the responsibility of the ASP Incident Commander for the ERT callout to keep his/her Division Commander informed of the situation as required by policy (Level One reporting).
- B. When the ERT is dispatched to the scene of a field operations matter, the ERT Commander, or designee, should report to the Incident Commander. The Incident Commander should remain responsible for the successful completion of the operation. The ERT Commander, or designee, will retain command of the ERT, have the discretion to decline to execute an operational plan approved by the Incident Commander, or abort a tactical operation that is in progress. See Chain of Command policy.



EMERGENCY RESPONSE TEAM

- C.** In riot situations, the on-scene ERT Commander should coordinate with requesting and other on-scene law enforcement personnel to implement a plan to control areas surrounding the riot areas. Special consideration needs to be given to the protection of law enforcement vehicles and equipment. Transport vehicles need to be in the staging area in cases of mass arrests.
- D.** A staging area for the media should be established at a location that is safe and away from the actual incident scene. If any information is released from the Public Information Officer, it should be with the approval from the Incident Commander only after consultation with the ERT Commander.
- E.** An Incident Action Plan (IAP) shall be drafted using Incident Command System (ICS) forms prior to any action by the ERT if possible. The IAP shall be followed as closely as possible. The IAP will be used for review after each ERT deployment in conjunction with After Action Plans for future IAPs.

X. Organization:

The ERT will have the following organizational structure.

- A.** ERT Commander
- B.** Platoon Leader
- C.** Five (5) Squad Leaders
- D.** Five (5) ten (10) member Squads
- E.** Two (2) Training members
- F.** One (1) Logistics member

XI. Minimum ERT team qualifications:

- A.** Members must be self-motivated and capable of performing numerous tasks and duties simultaneously with little or no supervision. Members must also be willing to perform in less than desirable conditions where the operational periods may be extended beyond the normal work schedule. ERT Members must be in good physical condition. Each ERT member must be proficient in and be able to assemble and sustain team formations during civil disturbances, protests, and riots. Each member is required to be exposed to irritant gases as part of training for the ERT.
- B.** Members of the ERT team must successfully complete the following FEMA Incident Command Courses:
 - 1. ICS-100;
 - 2. ICS-200;



EMERGENCY RESPONSE TEAM

- 3. ICS-300;
 - 4. ICS-700;
 - 5. ICS-800; and
 - 6. FEMA Field Force Operations (FFO).
- C.** Grenadiers (trained to administer less lethal rounds, OC, CS, and smoke) and extraction team members will be selected for additional duties. Extraction team members must successfully complete the FEMA Field Force Extraction (FFE) Course. Grenadiers must successfully pass training courses established by ERT procedures.
- D.** Supervisors must successfully complete the FEMA Field Force Command and Planning (FFC) Course.
- E.** Each member of the ERT must participate in a minimum of eighty percent (80%) of training and callouts annually. Training will be scheduled quarterly. The amount of training days will vary. This training will include; Riot Formations, Mass Arrest Procedures, Arrest Teams, Extraction Procedures, Reviews of Case Law, etc. At the conclusion of each training session, a roster will be forwarded to Administrative Services Division and a certificate of completion will be recorded in each ERT member's personnel file.

XII. Selection of ERT Members:

Members of the ERT will be comprised of Trooper, Trooper First Class, and Corporals who have completed the FEMA Field Force Operations training course. Membership of the team will last at least three (3) years unless other recommendations from the command staff apply. After that time period, members will be selected from recommendations from troop commanders from their respective troops.

XIII. ERT Leaders:

The ERT Squad Leaders shall have the responsibility to ensure that all ERT equipment is in a state of operational readiness to include:

- A.** Gas masks and filters;
- B.** Chemical agents and delivery systems;
- C.** Special weapons and ammunition;
- D.** Riot shields;
- E.** Riot helmets;
- F.** Protective Vests; and
- G.** Any other related equipment.



EMERGENCY RESPONSE TEAM

XIV. On-Scene Procedures:

Situations in any civil disturbance will vary and each incident may be handled differently. In all cases of civil unrest when the ERT is deployed, the FEMA Field Force Operations Manual and ASP ERT Procedures shall be used.

XV. After Action Reports:

- A.** After Action Reports shall include a comprehensive analysis and account for all ERT activities during each ERT activation. The report will outline in a sequential/chronological order, the critical analysis of the ERT's involvement and include recommendations for increased proficiency.
- B.** It shall be the responsibility of the ERT Platoon Leader or on-scene ERT Squad Leader to have the After Action Report ([ASP 245](#)) completed within ten (10) calendar days following de-activation.
- C.** After the original ASP 245 has been reviewed and approved by the command staff, it shall be forwarded to and retained by the Highway Patrol Administration Division.



PEPPERBALL SYSTEM

I. General Guidelines

When authorized, ASP Commissioned officers who have successfully completed the PepperBall Operator Certification or PepperBall Instructor Certification course may use PepperBall Systems issued by ASP consistent with the provisions of their training and the Use of Force policy ([LE SEC 10](#)).

II. Description of PepperBall System

- A. A PepperBall System consists of a compressed air (or carbon dioxide) launching device that delivers .68 caliber projectiles filled with (but not limited to):
 - 1. Water;
 - 2. Dye marker;
 - 3. A solid core; or
 - 4. A powdered or liquid 5% Pelargonic Acid Vanillylamide (PAVA) and/or chlorobenzylidene malononitrile (or CS, also commonly known as tear gas).
- B. The PAVA and/or CS projectiles bust on impact and release the powder or liquid that is intended to subdue suspects by inflaming the mucous membrane in the nose, lungs, and respiratory tract (resulting in coughing, shortness of breath and involuntary closing of the eyes).
- C. Water and dye marking projectiles are intended to foster (pain) compliance for orders given by peace officers, or to mark and identify individuals for arrest.
- D. The PepperBall System, when equipped with Glass Breaking rounds, is intended for use on vehicles, against structures, or for disabling street lamps.
- E. The PepperBall System is considered non-deadly force by its manufacturer; however, officers should be cognizant that serious injury is possible, such as when a person is shot in the eye.

III. Training and Qualification

- A. Officers shall complete an initial certification and annual re-certification conducted by ASP PepperBall Instructors in order to use the PepperBall System.
- B. PepperBall Instructors are required to re-certify every two years.



PEPPERBALL SYSTEM

- C. ASP PepperBall Instructors are responsible for forwarding all training documentation to the Training Section for retention.

IV. Requirements

- A. Launching systems will only be serviced and repaired by authority of the ASP PepperBall Instructors.
- B. Launcher air systems will only be refilled by ASP-issued equipment as authorized by the ASP PepperBall Instructors.
- C. No “paint ball” equipment, accessories, or ammunition will be used with the system.

V. Post Deployment

- A. When feasible, qualified medical personnel will check all persons struck with PepperBall System projectiles. Eye or throat injuries may need to be examined at the emergency room.
- B. If PAVA and/or CS PepperBalls are deployed, decontamination shall be consistent with the ASP Decontamination Guidelines ([ASP 15](#)).

VI. Notification

Deployment or accidental discharge of the PepperBall System requires immediate notification to the officer’s supervisor.

VII. Reporting

- A. Deployment of the PepperBall System will be documented on the ASP Use of Force Report ([ASP-22](#)), in accordance with the Reporting and Investigating Use of Force policy ([LE SEC 11](#)) unless used for breaking glass or disabling street lamps.
- B. Rounds used for the purpose of breaking glass or disabling street lamps, will be documented on a memorandum and forwarded through the chain of command to the Highway Patrol Administration section.
- C. If the PepperBall System is deployed for unlawful assembly or riot control, it may be impossible to identify all individuals who were affected by a deployment of the system. In such cases, officers will only be required to document that affected individuals were marked for arrest to aid in their apprehension.



LONG RANGE ACOUSTICAL DEVICE (LRAD)

I. Purpose

The purpose of this order is to establish guidelines for the deployment and use of the Long Range Acoustical Device (LRAD).

II. Policy

It is the policy of the Arkansas State Police to deploy and use the LRAD to maximize the safety of all individuals involved in an incident.

III. Definition

LRAD – An acoustic hailing device used to send messages and warning tones over longer distances or at higher volume than normal loudspeakers. LRAD systems are used for long-range communications in a variety of applications including non-lethal, non-kinetic crowd control.

IV. Procedure

A. General

1. The LRAD should only be used by officers trained in its deployment and used in a manner consistent with Department policy and training.
2. Officers shall document all use of the LRAD system when utilized in an incident, including annual training, by completing an E.R.T. After Action Report ([ASP 245](#)).
3. When the LRAD warning tone is used as less lethal force on a subject, officers shall document the force on a Use of Force report form ([ASP 22](#)), in accordance with the Use of Force ([LE SEC 10](#)) and Reporting and Investigating Use of Force ([LE SEC 11](#)) policies.

B. Communication

1. The LRAD may be used to issue dispersal orders during crowd and riot control situations or to address the public in the event of:
 - a. civil emergencies;
 - b. natural disasters;
 - c. evacuations; or



LONG RANGE ACOUSTICAL DEVICE (LRAD)

- d. police incidents (e.g., missing persons, perimeters for wanted suspects/K9 deployments, etc.).
- 2. When possible, a prerecorded message should be used to make announcements.
- 3. When the use of a prerecorded message is not applicable, or when additional information is necessary, the LRAD's handheld microphone or the remote headset may be used.

C. Warning Deterrent Tone

- 1. The LRAD Warning tone is a safe deterrent for use in civil disturbances, with hostile crowds, and with individuals or groups.
- 2. The warning tone should only be used when authorized by an ASP Deputy Director or the Director in consultation with the incident commander.
- 3. When authorized for use in the field, the warning tone should only be used:
 - a. for a time period in accordance with certification training;
 - b. to gain immediate attention of persons, vessels or other vehicles;
 - c. as a distraction;
 - d. as needed during SWAT operations; or
 - e. for other reasons as determined by the incident commander in consultation with a Deputy Director or the Director.
- 4. All officers in the immediate proximity of the LRAD should wear ear protection when in use.
- 5. Advance notification should be provided to perimeter officers before activating the warning tone.



CIVILIAN POLICIES – TABLE OF CONTENTS

Chain of Command	CIV-SEC 1
Position Vacancies	CIV-SEC 2
~~Fair Labor Standards~~ (Administratively Repealed – See GEN SEC – 18)	~~CIV-SEC 3~~
Appropriate Dress	CIV-SEC 4
Uniform Standards	CIV-SEC 5
Disciplinary Matters.....	CIV-SEC 6
Secondary Employment	CIV-SEC 7



CHAIN OF COMMAND

General Guidelines: The line of supervision/chain of command is critical to the efficient operation of the Arkansas State Police. Employees should follow the line of supervision, hereafter referred to as chain of command, in connection with both operational and administrative matters.

Supervisory personnel are responsible for the activities of personnel under their immediate control.

Conduct: Employees should not engage in conduct that constitutes insubordination. See the General Manual, Rules of Conduct policy for more information on insubordination.

Communications with Command Staff: The Arkansas State Police encourages the free exchange of ideas and suggestions from employees for change and/or improvement. Employees should feel comfortable expressing any constructive ideas and/or suggestions to the Director, Deputy Director, and Division Commanders (hereinafter referred to as the "Command Staff"). Such ideas and suggestions should be consistent with the Arkansas State Police Mission Statement and may be communicated to a member of the Command Staff either in person, via e-mail, or by mail.

Employees should not directly bring matters to the attention of the Command Staff that would ordinarily be handled through the chain of command. Examples of such matters include, but are not limited to, requests for a new vehicle, requests for special training, and requests or complaints concerning operational matters that are ordinarily handled by field supervisors.

The rank structure for commissioned personnel is as follows:

- Colonel-Director
- Lieutenant Colonel-Deputy Director
- Major
- Captain
- Lieutenant
- Sergeant
- Corporal
- Trooper First Class
- Trooper
- Trainee
- Recruit



POSITION VACANCIES

General: The Arkansas State Police strives to administer fair and equitable practices with respect to filling position vacancies. These processes will either result in a hire, transfer, promotion or demotion in accordance with applicable laws and in compliance with the policies of the Department of Finance and Administration, Office of Personnel Management (OPM).

Position Vacancies: A Position Advertisement Request Form (ASP 7) approved by the appropriate Division Commander should be submitted to the Human Resources Section for each vacant position to be advertised. This document must justify the need for the position to be filled and the consequences if the position is left vacant.

The Administrative Services Division, Human Resources Section will be responsible for the electronic advertisement of all vacancies. Commanders and Supervisors should ensure that the advertisement is posted to provide reasonable notice to employees. It is the employee's responsibility to routinely check their e-mail and/or postings for position vacancies.

Applicants for vacant positions are responsible for ensuring that their packet is properly transmitted and received by the Human Resources Section within the allotted time. Applications may be hand delivered, mailed, faxed or e-mailed. Late or lost applications will not be considered without proof of delivery. An applicant applying for more than one position must submit a separate application for each position.

Once a qualified applicant has been selected, all pertinent documentation accompanied by a memo reflecting the chosen applicant will be forwarded to the Human Resources Section.

Current Employees: Upon selection current ASP employees will receive a letter from the Director advising them of their selection and reporting instructions.

Outside Applicants: An outside applicant being considered for a vacant position that has passed a background investigation will receive a conditional offer of hire letter from the Human Resources Section. This letter will be sent certified mail and will alert the applicant to take a pre-employment drug screen and other information required by state law, as well as their expected rate of pay.

The drug testing coordinator will receive and forward drug test results to Human Resources. Upon acceptable results, Human Resources will contact the applicable section to verify a date of hire. Human Resources will create and submit a hire letter with appropriate instructions for the applicant.



APPROPRIATE DRESS

Purpose: This policy sets forth appropriate dress requirements for civilian employees who are not in uniform.

Non-Uniformed Employees: Division Commanders will determine the appropriate attire suitable to a specific occasion or duty within the listed parameters:

Business Casual is defined as:

- Men: Collared shirt and slacks (without jacket or necktie).
- Women: Similar to above, including slacks or skirt with blouse or sweater.

Business Dress Attire is defined as:

- Men: Business suit or sport coat and slacks with collared shirt and necktie.
- Women: Suit (including business pantsuit), dress, or blazer with skirt or tailored slacks.

Casual, but appropriate attire is authorized on Fridays and other days that are designated by the Director.

Employees who have doubt about the propriety of their attire should err on the side of dressing more formally and/or consult their immediate supervisor. Clothing with cartoons, pictures, or items that display obscene gestures or offensive language that promote political beliefs, that ridicule or belittle any person or group because of race, color, religion, national origin, age, sex, disability or genetic information, or that contain derogatory comments about the workplace should not be worn.

Inappropriate casual wear (i.e. t-shirts, sweat suits, warm-ups, overalls, clothing deemed inappropriate by supervisor, etc.) is not acceptable office attire and should not be worn during business hours.

Clothes should fit properly and undergarments should not be visible. Employees should keep their hair cut and groomed in accordance with generally accepted business styles. No decoration(s) should be worn in the hair. Female employees may wear conservative hair clips or pins matching the color of the hair.



APPROPRIATE DRESS

Piercing: When employees are on duty, they should not wear piercings in a visible area, other than conservative earrings for each ear lobe for females.

Tattoos: Tattoos should not be visible while on duty with the Arkansas State Police.

Responsibility of Supervisory Personnel: Supervisors should set the standard for the personal appearance of the personnel under their supervision.

Any employee who is inappropriately dressed should be advised and appropriate action taken.



UNIFORM STANDARDS

Purpose: This policy sets forth the uniform specifications and appearance standards for telecommunication operators and supervisors, driver license examiners, and commercial driver license examiners while in uniform.

Uniforms Generally: Telecommunication, driver license examiners, and commercial driver license examiners should wear uniforms as specified by the Uniform Committee and approved by the Highway Patrol Division Commander. All employees should maintain their uniforms in good repair and in a neat, clean condition.

Off Duty Uniform Use: Employees should not wear Arkansas State Police uniforms or any portion of the uniform while off duty (this requirement does not apply to meal breaks or traveling to or from work) or under suspension for any cause.

When in uniform, employees should:

- Wear the complete uniform, including all uniform items required for that particular uniform, as specified in the Uniform Manual.
- Wear a uniform that is properly fitted.
- Begin their shift in a clean, neatly-pressed uniform with their boots and brass highly polished.
- Not wear any jackets, other clothing or accessories with a uniform that are not authorized in the Uniform Manual.
- Not wear any uniform clothing or accessories that are in poor condition.
- Not wear personal earphones, headsets, microphones, Bluetooth cell phones, or similar devices.
- Not clip cell phones or pagers on epaulet.

Replacement of Worn or Damaged Uniforms: If an employee's uniform has become worn or damaged, the employee may submit a memorandum to their immediate supervisor for the purchase of a replacement. It should be the decision of the respective Commander as to whether or not a uniform or uniform item will be replaced by the ASP. All replacement uniforms or uniform items should be selected and be in accordance with the official list found in the Uniform Manual.



UNIFORM STANDARDS

ASP will replace uniforms or uniform items due to normal use or exigent circumstances. Replacement is limited to the authorized replacement amount, unless the cause for replacement is an exigent circumstance.

ASP will not replace uniforms or uniform items solely on basis of weight gain/loss.

The Director reserves the right to approve or deny requests for uniforms or uniform item replacement on a case-by-case basis.

Once a replacement uniform or uniform item is received by the employee, he or she should turn the previous unserviceable uniform or uniform item in to his/her Commander. Serviceable uniform items turned in by retired or terminated employees should be forwarded by Commanders and stored at Little Rock Headquarters in a designated storage room for selection and purchase by employees.

Commanders should destroy all uniforms and uniform items that are considered non-serviceable. Documentation of destruction should include name of the employee, description of the item, date of destruction, and should be forwarded to the appropriate Division Commander for filing.

Uniform Replacement Budgets: Fiscal Sections should track costs and amounts spent on uniforms for each fiscal year. TR-1's received should be reviewed and denied by Fiscal once the employee's uniform purchase meets the maximum allowed during the fiscal year, unless in the case of an exigent circumstance.

Maximum Reimbursement Allowed: The maximum reimbursement allowed for each uniformed employee will be determined at the beginning of each fiscal year. The funds may be used to pay replacement costs for uniform items issued, required or authorized by the Arkansas State Police.

Repository: Commanders may allow employees to seek uniforms or uniform items from the repository at the employee's request as an alternative to purchasing a new item. The department will continue to maintain a repository of all serviceable used uniform items which are available for employees to purchase at a reduced cost.

The Administrative Services Division Commander should maintain a price list of used uniform and uniform items. Employees should make payment in full for any items purchased at the ASP Fiscal Office cashier's window.



UNIFORM STANDARDS

How to Request a Uniform: If an employee believes his/her uniform, or an item on the uniform is in need of replacement, the employee should bring the matter to the attention of his/her immediate supervisor using a memorandum.

The employee's immediate supervisor should present this information to his/her respective Commander. Only the Commander may authorize the purchase of a uniform or uniform item.

If the Commander believes the uniform or uniform item is in need of replacement or repair, the Commander should authorize the purchase by signing his/her approval on the memorandum.

The employee should then purchase the pre-approved uniform or uniform item that meets official ASP specifications. Once the uniform or uniform item is purchased with the employee's own funds, the employee should send the following to their Division Commander for reimbursement:

1. Memorandum with Commander's signed approval;
2. Receipt showing the item(s) purchased or repaired; and
3. Completed TR-1 Form.

Once approved by the Division Commander, fiscal should reimburse the employee for the cost of the uniform or uniform item.

Required and Optional Uniforms: The required and optional ASP uniforms for all employees are:

- Class A uniform – Required dress uniform from October 16 to April 14
- Class B uniform – Required dress uniform from April 15 to October 15

Employees who have questions concerning approved uniform clothing and accessories should refer to the Uniform Manual.

Responsibility of Supervisory Personnel: Supervisors should set the standard for the personal appearance of the personnel under their command. Accordingly, supervisors should meet a higher standard of personal appearance than the standard against which their subordinates are measured.



UNIFORM STANDARDS

Supervisory personnel should strictly enforce the uniform requirements of this policy and the Uniform Manual. When necessary, supervisors are authorized to retrieve from their subordinates any uniform clothing or accessories which are in such poor condition that they are no longer presentable. All such clothing and other uniform items should be delivered to the employee's Division Commander with an explanatory memorandum.

Tattoos: Tattoos shall not be visible while in ASP uniform.

Piercing: When employees are on duty, they shall not wear piercings in a visible area, other than conservative earrings for females.



DISCIPLINARY MATTERS

I. Basis for Discipline

- A. Employees are required to familiarize themselves with all ASP policies and procedures and all applicable laws that govern their conduct. Employees are also required to follow ASP policies and procedures and applicable laws. When in doubt about the meaning or intent of a policy or procedural requirement, or an applicable law, employees should seek guidance from their immediate supervisor.
- B. Supervisors are required to enforce ASP policy. A supervisor's failure or unwillingness to enforce ASP policy is, in and of itself, a violation of policy and may subject the supervisor to discipline.
- C. Routine corrective action by a supervisor not resulting in disciplinary action is a primary duty of the supervisor and is not a complaint.
- D. Any disciplinary action that rises to a letter of reprimand or above remains a permanent part of the employee's personnel file.
- E. All newly hired ASP employees shall serve a six-month probationary period, during which time any employee may be terminated with or without cause without following the disciplinary procedures outlined below.

II. Definitions

For purposes of this policy, the following definitions apply:

- A. **"Misconduct"** refers to an allegation of an act, omission, or substantial evidence that an employee has violated an ASP policy or procedure, a local, state, or federal law, or a lawful order issued by the Department.
- B. **"Complaint"** refers to an allegation of misconduct or information that ASP employee may have violated an ASP policy or procedure, a local, state, or federal law, or a lawful order issued by the Department.



DISCIPLINARY MATTERS

- C. **“Commander”** refers to Troop, Company, Section, or Area Commander or the applicable Supervisor designated by the ASP Organizational Chart. See <http://asp.arkansas.gov/divisions>.
- D. **“Supervisory Misconduct Investigation”** refers to an investigation conducted by an employee’s supervisor in consultation with the chain-of-command that is not likely to rise to a disposition resulting in a letter of reprimand, disciplinary transfer, suspension, demotion, or termination. **Supervisory misconduct investigations are not subject to review by a Complaint Review Board (CRB).**
- E. **“Departmental Misconduct Investigation”** refers to an investigation conducted by Office of Professional Standards (OPS) where the disposition may result in a letter of reprimand, disciplinary transfer, suspension, demotion, or termination. **Only departmental misconduct investigations will be submitted to a CRB.**
- F. **“Written Notification”** refers to notification by e-mail, fax, or letter.

III. General Information

- A. The Arkansas State Police shall accept, investigate, and take appropriate action with respect to all complaints (as defined under “Complaints” above) without bias or regard to an employee’s rank, status, gender, race, religion, nationality, etc. The Arkansas State Police should accept complaints of misconduct regardless of the means by which the complaint is communicated. Employees should not discourage, either directly or indirectly, any person from making a misconduct complaint.
- B. Employees are required to promptly report misconduct by another ASP employee to that employee’s supervisor. Regardless of the source, employees shall report all alleged misconduct to their immediate supervisors, whenever they have reasonable grounds to suspect that another employee has violated an ASP policy or procedure, a local, state, or federal law, or a lawful order issued by the Department.
- C. Employees are required to promptly report their own misconduct to their immediate supervisor.
- D. Employees shall not intentionally conceal their own, or another employee’s misconduct.



DISCIPLINARY MATTERS

IV. Receiving Complaints

- A. The employee's Commander should notify OPS of all complaints to obtain a Control Number. The Commander shall also notify OPS whether the complaint will be designated as a supervisory or departmental investigation as determined by the chain of command in accordance with the procedures outlined in section X. of this policy, **Determination of Supervisory and Departmental Misconduct Investigations and Review Procedures**. The control number will be recorded on the ASP 50 and in OPS records.
- B. If OPS receives a complaint on an employee, it may be forwarded to the Commander for action in accordance with this policy.
- C. All complaints should be documented on a Complaint and Tracking Form ([ASP 50](#)). The complainant should complete the ASP 50. If the complainant is unwilling or unable to complete the form, the Commander or designee, should complete the ASP 50 using whatever information is available to document the complaint, noting the source of the information, the manner in which the complaint was received, and the date and time of the initial complaint.
- D. The ASP misconduct investigation policies and procedures exist solely to allow the Director to execute supervision and control for the purposes of discipline and proper management of this Department, as required by Ark. Code Ann. § 12-8-104(f)(1). A complainant has no right to status updates, desired results, or records that are not otherwise subject to the Arkansas Freedom of Information Act (FOIA). However, the complainant will be provided notification of disposition upon final resolution of a misconduct investigation. OPS will provide a notification of disposition to complainants in all investigations.

V. Notification of Misconduct Investigation

At an appropriate point in the complaint process, the named employee's Commander should notify the affected employee in writing (unless notification would hinder the investigation) of the matter under investigation through use of the Complaint Investigation Notification form ([ASP 239](#)). In all investigations, the employee should be notified within a reasonable time before he/she is interviewed. The notice should include the following: (1) that the Arkansas



DISCIPLINARY MATTERS

State Police has received a complaint of misconduct against the employee; (2) the general nature of the complaint; (3) the source of the complaint (unless identity/disclosure could compromise personal safety); (4) that the complaint is being investigated in accordance with this policy; and (5) that the employee will receive written notice of the final disposition of the complaint.

VI. Investigation Process

- A.** When related to the misconduct investigation, employees who are the subject of an investigation may be required to: (1) submit to medical, psychological, and laboratory collections and examinations at the agency's expense; (2) submit financial disclosure statements or bank records; (3) provide telephone records; (4) submit to or provide photographs; (5) appear in a live line-up; and/or (6) take a polygraph examination. In the course of a misconduct investigation, the Director shall issue a written authorization prior to all medical, psychological, and laboratory collections and examinations (except for random drug tests), financial disclosures, line-ups, or polygraph examinations.
- B.** Employees who are the subject of a non-criminal misconduct investigation may be interviewed concerning the allegations of the complaint before the investigation is concluded. All misconduct investigation interviews should be recorded. The recording should be preserved for future reference. Employees do not have the right to counsel during such interviews.
- C.** Employees who are the subject of a misconduct investigation should be given the appropriate "Garrity Warning" when, in the discretion of the investigating officer and in consultation with the Director and ASP General Counsel, the circumstances justify the use of such warnings prior to compelling a statement. When given, the Garrity warning should be read to the employee, documented on a Garrity Warning Form ([ASP 48](#)), and signed by the investigating officer. A named employee who receives the Garrity warning is required to sign an acknowledgement that the employee has received and understands the nature and effect of the warning.
- D.** If OPS is conducting the investigation, OPS should keep the named employee's Commander advised of the status of the investigation.



DISCIPLINARY MATTERS

- E. The named employee's Commander or designee should periodically provide the named employee with a verbal status update of the investigation. The status update should not include any details or the results of any part of the investigation. If a named employee has any questions throughout this process, the employee's Commander or his/her designee may be contacted. Until a final disposition of the matter has been entered, employees are prohibited from discussing a complaint with anyone other than the assigned investigator(s), the employee's designated representative or the employee's personal attorney.
- F. Upon the conclusion of all **supervisory misconduct investigations**, the Commander shall prepare a **Supervisory Investigation Report** ([ASP 252](#)) that includes written factual findings and conclusions with specific references and application to each policy and/or law violation investigated.
- G. Upon the conclusion of all **departmental misconduct investigations**, OPS shall prepare an investigation summary that includes written factual findings without conclusions.
- H. All investigations, supervisory or departmental, shall thoroughly review relevant and available information, including the conduct and performance of employees who are the subject of the complaint. **Additionally, if the investigation reveals the employee's supervisor was negligent, the Commander/Section Supervisor/Deputy Director may request a misconduct investigation into neglect of duty by the employee's respective supervisor by filing an [ASP 50](#).**
- I. All investigations shall be concluded by using one (1) of the following dispositions:
 - 1. **Sustained** – There is a preponderance of evidence to prove allegations. Preponderance of the evidence is defined as the stronger evidence, however slight the edge;
 - 2. **Not Sustained** – Insufficient evidence to either prove or disprove allegations;
 - 3. **Exonerated** – The incident occurred but was lawful and/or not a policy violation;
or
 - 4. **Unfounded** – Allegation is false or not factual or the employee was not involved.



DISCIPLINARY MATTERS

- J.** If an employee resigns or retires before the conclusion of a supervisory or departmental misconduct investigation, a disposition shall still be determined in accordance with this policy. However, there will be no determination of a specific disciplinary action for sustained complaints, and the investigation will be designated as administratively closed by the Director. Such investigations without a disciplinary action will be exempt from disclosure under the Arkansas Freedom of Information Act (FOIA).
- K.** A former employee is not eligible for re-hire if they retire or resign before the conclusion of a supervisory or departmental misconduct investigation.
- L.** Employees who receive a written disciplinary or performance-based reprimand (Letter of Reprimand or higher) during the performance review period are not eligible for a merit pay increase.

VII. Immediate Relief from Duty

- A.** Upon the receipt of a complaint of serious misconduct, the named employee's Commander should have the discretion to immediately relieve the employee from duty, with full pay and benefits, pending further review of that decision through the chain of command to the Director. Commanders should have the same discretion and authority when they reasonably believe that an employee under their command is physically or psychologically unfit for duty. In all cases when an employee is relieved from duty, the Commander should promptly document the administrative action in writing and deliver a copy to the named employee, the appropriate Division Commander, and the Human Resources Section in Little Rock. All state issued property and equipment will be collected and stored at the employee's headquarters. Upon collection, a property receipt ([ASP 202](#)) should be completed and maintained at the employee's headquarters. A copy of the receipt should be given to the named employee.
- B.** Employees on administrative leave due to a misconduct complaint should be available during normal business hours (Monday through Friday, 8:00a.m.-5:00p.m.). The employee must provide contact information to their supervisor where they can be reached during normal business hours. If the employee fails to be readily available while on administrative leave, he/she will be subject to further disciplinary action.



DISCIPLINARY MATTERS

- C. While on administrative leave due to a misconduct complaint, the employee shall not work for another employer during those hours for which he/she is obligated to and compensated by the Department, unless approved by the Director in writing.

VIII. Prohibited Acts during Misconduct Investigations and Disciplinary Proceedings

- A. Employees who are the subject of a pending misconduct investigation and related proceedings should not (1) communicate or encourage other persons to communicate with the Director or any Arkansas State Police Commissioner concerning the matter; (2) directly or indirectly attempt to influence a witness who has knowledge of the matter under investigation; or (3) directly or indirectly attempt to influence the investigation, review process, or the disposition of the matter by contacting an elected official or anyone else in an attempt to influence the outcome of the investigation. Such conduct shall subject the employee to additional investigation and disciplinary action.
- B. Employees who are actual or potential witnesses in a misconduct investigation or related proceedings should not discuss the matter with any person other than the employee's personal attorney or the employee's Commander, unless the employee is given permission to do so by the employee's Commander and the assigned investigating employee. Such conduct shall subject the employee to additional investigation and disciplinary action.

IX. Office of Professional Standards (OPS) Responsibilities

- A. The Office of Professional Standards (OPS) is responsible for all departmental investigations and may conduct supervisory investigations upon request of a Deputy Director or the Director. Upon the completion of a supervisory investigation by OPS, and following a review for accuracy and completeness by the Deputy Director of Administrative Operations, OPS shall deliver the original case file to the named employee's Commander. The file will include an investigative summary and findings of fact without a recommendation. Thereafter, the matter will be reviewed in accordance with the procedures set forth below.
- B. OPS should collect and maintain a record of all supervisory and departmental complaints against ASP employees. OPS should maintain such records in a secure location. Such



DISCIPLINARY MATTERS

records and the accompanying documents, materials, and case files should be stored separately from personnel records.

- C. OPS should report directly to the Deputy Director of Administrative Operations and shall keep the Deputy Director of Administrative Operations informed of complaints of misconduct, the status of, and the disposition of all misconduct investigations. The Deputy Director of Administrative Operations is responsible for keeping the Director apprised of investigative activity/complaints assigned to or monitored by OPS. The Director may require these responsibilities and roles be performed by designees as necessary.
 - D. With respect to a complaint against an employee that involves alleged corruption or criminal misconduct, the named employee's Commander shall immediately notify OPS, who shall assume primary responsibility for investigating the complaint. In such cases, OPS should immediately inform the Deputy Director, or designee, of the nature of the complaint and any preliminary information provided by the complainant in support of the allegation. In turn, the Deputy Director, or designee, should promptly brief the Director concerning the nature of the complaint and preliminary information.
 - E. OPS shall submit an Annual Report to the Director for review by January 31 summarizing all investigations, to include the reason and length of investigations (date received by OPS to final date of disposition/determination by the Director), disciplinary actions, and appeals in the preceding year. The Annual Report shall include all final dispositions.
- X. Determination of Supervisory and Departmental Misconduct Investigations and Review Procedures**

(See **Appendix A – Civilian Disciplinary Process Flowchart**)



DISCIPLINARY MATTERS

A. Supervisory Misconduct Investigations

1. If a complaint of misconduct appears on its face to be inconsequential, the employee's Commander shall consult with the Division Commander and Deputy Director (or Director as applicable) for authorization to investigate and resolve the complaint with a supervisory investigation. For example, an employee's first avoidable crash while driving a state vehicle should be addressed by supervisory investigation, unless there is physical injury, gross negligence, extensive vehicle damage, death, or other mitigating circumstances requiring a departmental investigation. Other examples of complaints typically addressed with a supervisory investigation include, but are not limited to, personality conflicts, driver's license testing issues, and employee rudeness. The determination should be documented on a Complaint Investigation Determination or Request for Upgrade form ([ASP 253](#)).
2. When initially reviewing a complaint to determine whether a supervisory investigation is appropriate, the Commander, Division Commander, and Deputy Director (or Director as applicable) shall consider the following factors:
 - a. Whether the complaint alleges a violation of ASP policy, local, state or federal law, or lawful order issued by the Department;
 - b. The reliability of the source of the complaint and motives of the person making the complaint;
 - c. Time elapsed since the allegations occurred;
 - d. The potential disciplinary consequences if the complaint is founded; and
 - e. Any other aggravating or mitigating circumstances surrounding the complaint.
3. After consultation with the chain of command, if it is determined that the complaint will be handled with a supervisory investigation, the employee's Commander will submit an [ASP 253](#) through the chain of command and will notify OPS to inform them how the investigation will be designated.



DISCIPLINARY MATTERS

4. OPS may conduct the supervisory misconduct investigation upon the request of the Director or a Deputy Director.
5. The Commander bears responsibility to ensure that the complaint is thoroughly investigated. If the complaint is founded, discipline not rising to a letter of reprimand, suspension, demotion, transfer or termination should be administered by the Commander after consultation with the Division Commander and Deputy Director (or Director as applicable) for consistency.
6. **No disciplinary action in a supervisory misconduct investigation is a final action until review and approval by the Director.**
7. The Commander should forward all documentation, including disciplinary action (if applicable) and ASP forms, through the chain of command to the Director for review. Upon review, if the Director determines the complaint and disciplinary action failed to adequately address an allegation of misconduct, the investigation shall be forwarded to OPS for a departmental misconduct investigation with a revised control number designation.
8. Following the review, the Director will forward the file to OPS for tracking and retention purposes.
9. An employee's Commander may determine that a supervisory investigation should be upgraded to a departmental investigation at any time based on information and evidence, following consultation with the Division Commander and Deputy Director (or Director as applicable). Upon determination that the investigation should be upgraded, the Deputy Director/Director shall provide written notification to OPS ([ASP 253](#)) that the investigation was upgraded to a departmental investigation. The notification shall include the reason(s) why the complaint investigation was upgraded.

B. Departmental Misconduct Investigation

1. If it is determined by the employee's Commander and Division Commander in consultation with the Deputy Director (or Director as applicable) that the complaint



DISCIPLINARY MATTERS

should be handled as a departmental investigation, the Commander should forward all documentation to OPS for investigation.

2. At the conclusion of a departmental investigation and upon receipt of the investigative file, the Deputy Director of Administrative Operations, or designee, should review the file for accuracy and completeness. If necessary, the file should be returned for correction and/or additional investigation and documentation.
3. If the file is accurate and complete, the Deputy Director of Administrative Operations, or designee, will arrange for a Complaint Review Board (CRB) to be convened.

C. Complaint Review Board

1. **Complaint Review Board Composition:** The CRB will be comprised of three members consisting of at least one Commissioned Officer. The Senior Commissioned Officer (measured by length of time in rank) will chair the CRB.
2. **Complaint Review Board Procedure:** The CRB will conduct a hearing, which shall be recorded. The named employee should be given reasonable notice of the meeting of the CRB and should be granted the right to inspect the investigative case file, or portions thereof, prior to the hearing. Commanders should provide the employee with the sealed copy of the file upon receipt and prior to the hearing. The Director may limit the named employee from reviewing and copying sensitive or irrelevant information prior to submission of the investigation file to the CRB. The CRB will also be limited from reviewing the designated sensitive or irrelevant information. The designated sensitive or irrelevant information shall not be used as a basis for a final administrative decision by the Director.
3. The employee must submit in writing the name of his or her designated representative or personal attorney to the CRB Chair if applicable.
4. OPS will make a copy of the investigative case file prior to the hearing (without sensitive or irrelevant information restricted by the Director, when applicable) for each member of the CRB and the named employee. No other copies of the investigative file are permitted. Prior to the Director's final administrative decision,



DISCIPLINARY MATTERS

any review of an investigative case file by anyone other than the CRB, the named employee, and the named employee's personal attorney or designated representative is prohibited unless approved by the Director in consultation with the ASP General Counsel. Following conclusion of the CRB, the chairperson of the CRB is responsible to ensure all copies of departmental investigative files (including the employee's copy) are returned to OPS for destruction.

5. Witnesses may be called by either party and the named employee has the right to be present during the testimony of all witnesses. If the named employee wishes to call ASP employees as witnesses before the CRB, the employee may request in writing that arrangements be made for such employees to attend the meeting. Such written request shall include a brief description of the expected testimony of witnesses and relevancy to the allegations of misconduct. The decision to make such arrangements for the employee's request shall be within the discretion of the Chair of the CRB. The named employee, or his/her designated representative, will have an opportunity to present his/her explanation of the conduct and present other relevant evidence. The Chair will decide the relevancy of the evidence. A complainant does not have the right to appear before the CRB, and the hearing is not open to the public under the Arkansas Freedom of Information Act or otherwise.
6. At the conclusion of the CRB's hearing, the Chair, or his/her designee, will prepare written factual finding(s) and conclusions supporting the majority's finding(s) that the complaint was sustained, not sustained, exonerated, or unfounded as defined above, with specific references to any applicable ASP policies or laws that were violated by the employee.
7. The written findings of the CRB will be delivered to the Deputy Director of Administrative Operations for review. The Deputy Director's review should be noted in the case file.
8. The Deputy Director of Administrative Operations will then refer the matter to the Director without recommendation for a final decision and disposition of the matter.



DISCIPLINARY MATTERS

9. The findings of the CRB are not binding upon the Director and the Director may find additional violations of policy or overrule the findings of the CRB as specified in the final written disciplinary decision.

D. Exclusiveness of Appeal Procedures

Written disciplinary actions may be appealed to the State Employee Grievance Appeal Panel (SEGAP), as appropriate.

XI. Corrective Action Based on Performance

- A.** Performance deficiencies should be addressed as soon as possible, and with increasingly greater sanctions for repeated offenses. While such progressive corrective measures are the preferred method of corrective action for performance deficiencies, certain situations may require disciplinary action up to and including termination for a first offense, dependent on the facts and circumstances of each incident. The progressive corrective measures are intended to address performance deficiencies observed or brought to the attention of an employee's supervisor, but do not give rise to departmental misconduct investigations outlined above. Unless circumstances dictate otherwise, the measures are:
1. Additional training and/or counseling;
 2. Verbal warning; or
 3. Written warning.
- B.** If these measures are unsuccessful in correcting the employee's performance, the employee's Commander should initiate the departmental misconduct investigation process outlined above by submitting an [ASP 50](#). Accelerated progression in this procedure, including letters of reprimand, suspension, disciplinary transfer, and termination of employment may be taken if multiple infractions or infractions of a critical or severe nature occur. Supervisors are not required to follow the above order of progression and are not limited to the above steps, when the circumstances surrounding the behavior or conduct dictate otherwise.



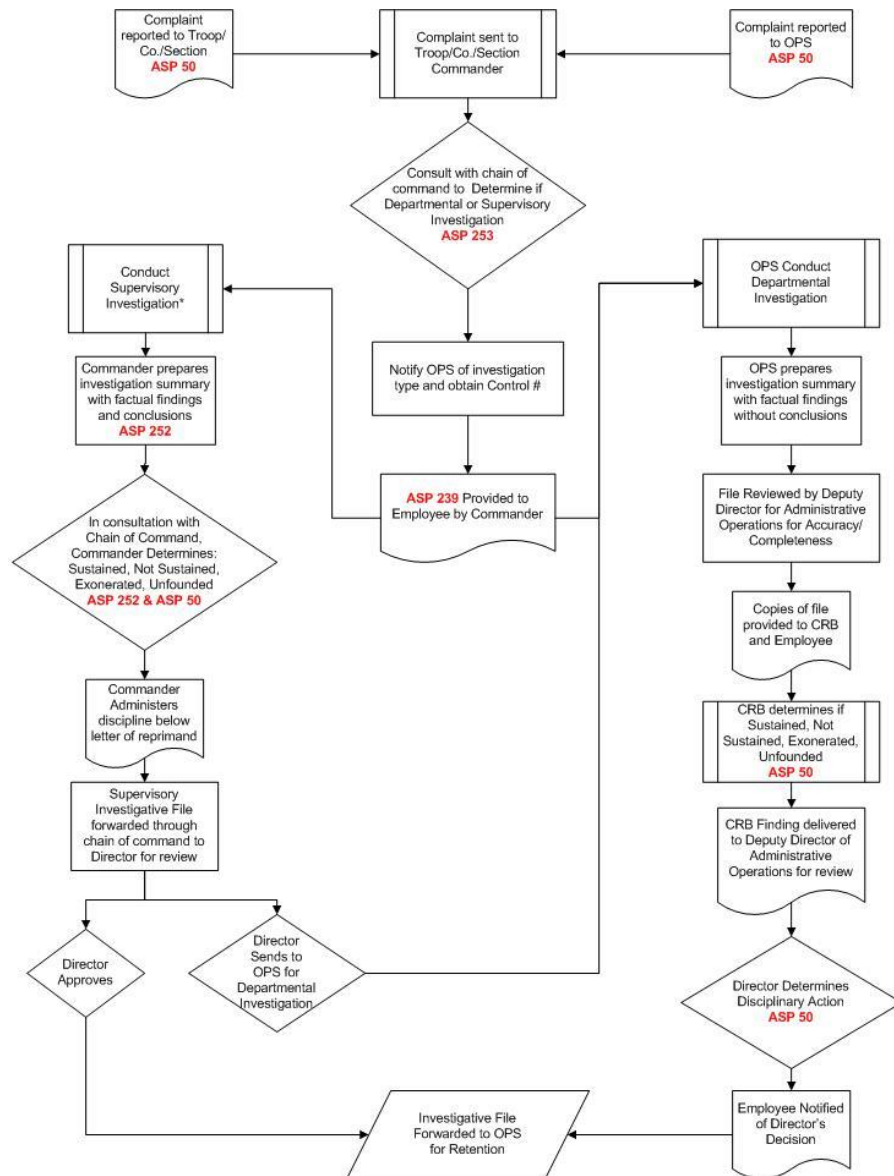
DISCIPLINARY MATTERS

- C.** When conducting any type of corrective action, the employee's supervisor should document the details and circumstances of the incident(s) on which the corrective action is based. The documentation should include the date the corrective action took place, persons present, name of the person conducting the corrective action, and any statements made by the subject employee that have a bearing on the employee's performance or behavior. The employee should be notified that the corrective action will be documented but will be used only for purposes of recording the incident unless misconduct or inappropriate behavior is repeated.
- D.** A copy of documentation regarding corrective action should be maintained by the employee's supervisor. If the employee changes assignment, the employee's supervisor should send the documentation to the employee's new supervisor. The documentation should not be destroyed. If the employee becomes the subject of a departmental investigation, the documentation should be forwarded to the Office of Professional Standards.
- E.** Nothing contained in this policy should preclude the Director from making transfers, assignments, or reassignments pursuant to Ark. Code Ann. §12-8-104(h)(1).



DISCIPLINARY MATTERS

Appendix A – Civilian Disciplinary Process Flowchart



*At any point in a supervisory investigation the commander may request an upgrade to a departmental investigation through the chain of command by completing and submitting an **ASP 253**. A Deputy Director or the Director shall provide written notification to OPS regarding investigation upgrades with reasons for the upgrade.



DEPARTMENT PROCEDURES & DIRECTIVES – TABLE OF CONTENTS

DEPARTMENT PROCEDURES

Criminal Investigations Division	CID PROC – SEC 1
Crimes Against Children Division.....	CACD PROC – SEC 2
Highway Patrol Division.....	HP PROC – SEC 3
Canine Procedures	K9 PROC – SEC 4
Property and Evidence Procedures	PROP/EVID PROC – SEC 5
Radio Procedure.....	RAD PROC – SEC 6
Air Support Unit Operations Manual.....	AIR SUPPORT – SEC 7
Rules and Regulations for Towing	TOW PROC – SEC 8
Explosive Entries	SWAT PROC – SEC 9
Fire Investigations and Bomb Squad	FIRE MARSHAL & ARSON PROC – SEC 10
Honor Guard and Funeral Procedures.....	HON GUARD PROC – SEC 11
Arkansas AMBER Alert Plan	SEC 12

DIRECTIVES

Bio-Fuels.....	NUMBER – 09-01
Naloxone Administration.....	NUMBER – 2017-001



CID OPERATIONS MANUAL

TABLE OF CONTENTS

SPECIAL AGENT SELECTION	1
FIELD TRAINING FOR NEW AGENTS	1
Field Training Officers	1
Field Training Period.....	1
Field Training Documentation.....	2
Core Training.....	2
TWENTY-FOUR (24) HOUR COVERAGE	3
Subject to Call	3
Annual Duty Roster	3
CASE ASSIGNMENT AND PRIORITY	3
Purpose	3
Case Assignment	4
Review of Ongoing Investigations	6
CASE FILE MANAGEMENT.....	6
Definition.....	6
Case Investigation Files.....	6
Case Initiation Report.....	6
Assist Other Agency (A/O) Report	6
File Maintenance	7
Closed Files	8
CASE STATUS CLASSIFICATION	8
Types of Case Classification	8
Open Cases.....	8



Criminal Investigation Division

CID OPERATIONS MANUAL

Pending Prosecutor Review/Adjudication:	9
Cold Case	9
Closed Cases	9
RMS EXAMPLES.....	10
Special Agent Notes	10
Crime Scene Search.....	13
Execution of Search Warrant.....	17
Interview of Victim	22
Interview of Witness.....	25
Interview of Suspect	28
Intelligence Report	31
Case Initiation Report.....	35
ASP 2A	38
Disposition of Evidence.....	40
Crime Scene Photographs.....	43
Crime Scene Diagram.....	46
Agency/Officer Assist	51
PURGING FILES	55
PROSECUTION REPORTS.....	55
When to Prepare a Prosecution Report.....	55
Contents of Prosecution Reports	55
RECORDED STATEMENTS.....	56
When to Record Statements	56
Maintenance and Summary of Recordings.....	57
CRIMINAL INVESTIGATION CHECKLIST	57



Criminal Investigation Division

CID OPERATIONS MANUAL

INFORMATION DEVELOPMENT.....	58
Sources of Information	58
- Interviews.....	58
- Interrogation.....	58
- Collection, preservation, and use of physical evidence	59
- Surveillance.....	59
- Local utility companies.....	59
- Public records.....	59
- Confidential informants	59
- Other sources of information	59
PROCESSING CRIME SCENES.....	59
Purpose	59
Latent Prints.....	59
Fingerprinting Suspects	60
SUBMITTING SAMPLES TO A FORENSIC LABORATORY.....	61
Evidence Collection and Submission	61
Submission of Known Source Substances.....	61
CRIME SCENE SEARCH REPORTS AND DIAGRAMS	62
Crime Scene Search Report.....	62
Crime Scene Diagrams	62
CRIME SCENE PHOTOGRAPHY AND VIDEO RECORDING	62
Evidence Location and Scale.....	62
Crime Scene Photography and Reports	63
Crime Scene Video	63
Maintenance.....	63



Criminal Investigation Division

CID OPERATIONS MANUAL

CRIME SCENE PROCESSING EQUIPMENT	64
Crime Scene Equipment	64
TASK FORCE OPERATIONS.....	64
Purpose	64
Types of Offenses or Activities	64
Task Force Agreement/MOU	65
POLYGRAPH EXAMINATIONS	66
Purpose	66
Definitions	66
Polygraph Examiner Requirements	66
Polygraph Examinations	67
Preparing for Administration.....	67
Conducting Polygraph Examinations	69
Examination Rooms	71
Polygraph Examiner Testing Requirements	71
Scoring of Polygraph Results	72
Pre-Employment Polygraph Examinations	73
Report Requirements	74
Admissibility of Polygraph Evidence.....	75
Polygraph Examiner Code of Ethics	75
SURVEILLANCE OPERATIONS	77
Surveillance Operations Plan.....	77
Surveillance and Undercover Equipment	78
VICE, DRUGS AND ORGANIZED CRIME	79
Receiving, Processing, and Investigating Vice, Drugs, and Organized Crime Complaints	79



Criminal Investigation Division

CID OPERATIONS MANUAL

Security and Confidentiality	79
UNDERCOVER OPERATIONS.....	80
Undercover Operations Plan.....	80
Background Investigation.....	81
Operational Guidelines	81
Use of Illegal Drugs.....	82
REVERSE UNDERCOVER OPERATIONS.....	82
Definitions	82
Pre-Approval by Division Commander.....	83
Reverse Undercover Operations Plan.....	83
Communication with Prosecuting Attorney and Other Law Enforcement.....	84
Assisting other Agencies	84
Improper Use of Reverse Undercover Operations	84
CONFIDENTIAL INFORMANTS	84
Use of Confidential Informants	84
Approval of CIs	86
Juvenile Informants	86
Opposite Gender Informants	87
Informants in Relationships with Suspects.....	87
Documentation.....	87
CI Association with the Arkansas State Police	88
Termination of CI Relationship.....	89
Payments to Informants	89
Identity of an Informant.....	90
CONFIDENTIAL BUY FUND PROCEDURES.....	90



Criminal Investigation Division

CID OPERATIONS MANUAL

Expenditure Limits	90
Use of Confidential Buy Funds	91
Audit of Expenditures.....	92
Possession Limits	92
TACTICAL OPERATIONS	93
Definitions	93
Tactical Operations Planning Considerations.....	93
Assisting Other Agencies	94
CLANDESTINE LABORATORY INVESTIGATIONS	95
Purpose	95
Training Requirements for Clandestine Laboratory Technicians.....	96
Equipment Provided to Clandestine Laboratory Technicians	96
Clandestine Laboratory Response Levels.....	97
Level One Laboratories.....	97
Level Two Laboratories.....	97
Level Three Laboratories.....	98
Chemists	100
Supervisor	100
Clandestine Laboratory Tactical Operations Procedures	101
Decontamination.....	103
Documentation.....	104
Disposal	105
Arkansas Meth Waste Pod Program.....	105
Meth Lab Waste.....	106
Meth Pod Certified Officers	106



Criminal Investigation Division

CID OPERATIONS MANUAL

Meth Pod Supervisors.....	107
Meth Pod Program Coordinator	108
SPECIAL INVESTIGATIONS	109
Special Investigations Unit.....	109
REFERRALS TO THE CRIMES AGAINST CHILDREN DIVISION.....	110
Time Mandates	110
Procedure	110
CYBERCRIME	111
Overview	111
Workspace and Equipment.....	111
Case Predication and Prioritization	112
National Center for Missing and Exploited Children (NCMEC) Cybertip Prioritization.....	113
Priority 1 (P1) Cybertip.....	113
Priority 2 (P2) Cybertip.....	113
Electronic Service Provider (E) Cybertip	113
Priority 3 (P3) Cybertip.....	113
Undercover Operations	114
Special Evidence Handling.....	116
Information Sharing.....	116
Supervision	117
Personnel Selection.....	117
Community Education and Crime Prevention.....	117
Mental Health	118
Media Relations and Releases	118
ASP DIGITAL FORENSIC LAB PROCEDURES	119



Criminal Investigation Division

CID OPERATIONS MANUAL

Purpose	119
Applicable Definitions.....	119
ASP Personnel	119
Digital Forensic Examinations.....	119
Digital Forensic Examiner	119
Digital Forensic Supervisor	119
Process	119
Training	120
Documentation and Tracking of Training	121
Equipment.....	121
Software.....	122
Examination Requests	122
Digital Forensic Examination Queue	123
Documentation Required for Digital Forensic Examination.....	123
Mobile Device Forensic Examiner Duties.....	123
Return of Original Evidence	124
Reporting	124
Peer Review of Case Files	124
INVENTORY AND AUDITS	125
Annual Inventory and Audits	125
Supervisor Show-Downs	125
Penalties.....	125



Criminal Investigation Division

CID OPERATIONS MANUAL

SPECIAL AGENT SELECTION

Criminal Investigation Division Special Agents should possess a strong desire to investigate and assist in the prosecution of felony crimes. Officers who apply for Special Agent assignments are carefully screened prior to transfer to non-supervisory positions.

The Criminal Investigation Division Commander should review all applications for transfer to Special Agent positions and:

1. Conduct interviews of all qualified applicants.
2. Review written work samples of the applicant.
3. Review crash reports, incident reports, and affidavits prepared by the applicant.

The Division Commander will then give his/her recommendation to the director. No transfers to Special Agent positions should be made without the prior written approval of the director.

Nothing contained herein prevents the director from assigning officers to the Criminal Investigation Division when the needs of the agency justify such transfers.

FIELD TRAINING FOR NEW AGENTS

Field Training Officers: Company Commanders, with the approval of the Division Commander, are required to designate at least two (2) Special Agents from each company as field training officers (FTO). Qualified Special Agents within the company and/or division should introduce the new Special Agent to various aspects of CID. The training will be monitored by the Special Agent's immediate supervisor. Training should be reviewed by the Company Commander on a monthly basis over the agent's first year in CID.

Field Training Period: At the discretion of the Company Commander, new Special Agents are assigned to a CID field-training officer for a minimum of thirty (30)-ninety (90) days after initial assignment to the division.



Criminal Investigation Division

CID OPERATIONS MANUAL

Field Training Documentation: The Field Training Officer (FTO) will document the training of a newly assigned Special Agent in the CID FTO booklet as the training is completed. The training will consist of “hands on” and/or classroom training. In addition to completing the CID FTO booklet, the FTO will document the Special Agent’s training and progress in a weekly memorandum that will be forwarded to the Area Supervisor and copied to the Company Commander for review.

At the completion of the field-training period, the FTO will summarize the Special Agent’s training, the types of investigations the Special Agent has conducted and the performance of the Special Agent during the field-training period. The FTO will recommend the Special Agent be released from the field-training program or make recommendations for additional training that may need to be completed by the Special Agent. This summary will be submitted in memorandum form to the Area Supervisor and copied to the Company Commander for review. A copy of all field-training reports should be retained at company headquarters and the original maintained in the Special Agent’s training file.

After six months, the Company Commander, after consultation with the Special Agent’s supervisor and FTO, will prepare a memorandum detailing the Special Agent’s progress during the field training program and submit the memorandum to the Division Commander for review. The Division Commander, in consultation with the Company Commander, will make the final decision if the Special Agent is released from, or will continue in, the field-training program.

Core Training: At a minimum, new Special Agents should receive what is considered core training to include, but not limited to:

1. Reid Interview and Interrogation Techniques.
2. Crime Scene processing.
3. Crime Scene digital photography.
4. Death investigations.
5. Shooting scene investigations, etc.



Criminal Investigation Division

CID OPERATIONS MANUAL

TWENTY-FOUR (24) HOUR COVERAGE

Subject to Call: Special Agents are subject-to-call for their assigned areas from the end of a regular workday until the beginning of the next regular day, effective Monday through Friday of each week. If Special Agents are unavailable for calls in their assigned areas, the immediate supervisor should be notified. The immediate supervisor should assign a Special Agent to respond to the call. If the immediate supervisor is not available, the Company Commander should make the necessary personnel assignment.

Annual Duty Roster: Company Commanders should publish a subject-to-call duty roster annually for their company to identify the Special Agent responsible for taking Criminal Investigation Division calls on weekends and/or holidays. A copy of the duty roster should be provided to the communications center at each troop headquarters within the Criminal Investigation Division Company and to the Criminal Investigation Division commander.

Special Agents should be provided a copy of the annual subject-to-call duty roster and be responsible for calls during their specified subject-to-call time. Special Agents may trade subject-to-call schedules with other Special Agents with prior approval of the Company Commander or his/her designee.

The company supervisor, or the Special Agent causing the change in the duty subject-to-call roster, should notify all affected troop headquarters and the Division Commander before the change becomes effective.

CASE ASSIGNMENT AND PRIORITY

Purpose: The complex and diverse nature of criminal investigations, increasing demand for investigative assistance, and limited personnel requires that Company Commanders evaluate investigations conducted by the Criminal Investigation Division to permit supervisors to manage the caseload of Special Agents more efficiently. Criminal Investigation Division personnel should consult the responsible prosecuting attorney whenever possible.



Criminal Investigation Division

CID OPERATIONS MANUAL

Case Assignment: The initial assignment of cases to Special Agents is the responsibility of the sergeant, subject to review by the Company Commander. The Company Commander has final authority concerning the assignment of cases to Criminal Investigation Division personnel.

In assigning and reassigning cases, Company Commanders should consider how efficient management of resources could significantly benefit the quality of criminal investigations. New cases should not be randomly assigned to Special Agents without consideration of the nature, complexity, urgency, importance of the case, and the experience level of the available Special Agents.

The assignment of an investigation depends on the nature of the crime to be investigated, the source of the referral, the solvability of the crime, and any other subjective factors applicable to the particular case.

Special Agents are required to notify a supervisor and obtain approval from the Company Commander any time an investigation is referred for federal prosecution.

An example of this is a case referred by a public official or a local law enforcement agency that lacks the resources to investigate the matter. Cases involving recent crimes with information that originates from a reliable source, and that appear to be solvable with further investigation, should be given higher priority than cases involving “stale” crimes. Stale crimes may be based on unreliable information, and appear to be unsolvable under the circumstances known at the time of the initial assignment.

- Higher priority cases (division should give more attention to these cases) include, but are not limited to:
 - Homicides
 - Kidnappings
 - Armed robberies
 - Rapes
 - Aggravated assaults
 - Illegal drug distribution conspiracies



Criminal Investigation Division

CID OPERATIONS MANUAL

- Manufacture and/or high level distribution of illegal drugs
 - Crimes against children
 - Internet crimes against children
 - Bombings and/or arson of occupied structures that result in injuries
 - Fugitive matters
 - Attempts or threats against schools or public facilities
 - Crimes or threats against public officials.
- Crimes of a lesser priority will be evaluated by the Company Commander and include, but are not limited to:
 - Theft/burglary
 - Embezzlements
 - Fire investigations with property damage of \$100,000.00 or more and/or loss of life
 - Bombing with property damage
 - Car theft ring/chop shop operation
 - Computer fraud
 - Criminal possession of explosives
 - Theft by receiving
 - Threatening a fire or bombing
 - Criminal mischief
 - Terroristic threatening/stalking
 - Any cases assigned by Arkansas State Police headquarters regarding public corruption
 - Other narcotics offenses.

All inactive or dormant cases, and any unsolved homicide or other serious crime within a company should be reviewed annually by the Company Commander. As time and personnel permits, depending on the amount of leads, these cases should be actively investigated.

Nothing in this policy prevents a Special Agent from taking a call for assistance directly from another agency, a member of the public, and/or self-initiating an investigation. A Special Agent who receives a call, self-initiates an investigation, or refers an investigation to another law



Criminal Investigation Division

CID OPERATIONS MANUAL

enforcement agency for investigation should notify his/her immediate supervisor within twenty-four (24) hours.

Review of Ongoing Investigations: When a Special Agent is promoted, transferred, terminated, or retires, or the Special Agent is removed from Criminal Investigation Division duties for extended training or other reasons, a supervisor will review and reassign the cases to another Special Agent for investigation.

CASE FILE MANAGEMENT

Definition: The term “Case Agent” as used in this policy, is defined as the Special Agent who is assigned a case number for an investigation and who is ultimately responsible for the overall investigation.

Case Investigation Files: All Criminal Investigation Division case files should be prepared and maintained in the Records Management System (RMS) in accordance with established policy. See RMS Examples section of this manual and the CID Directives for specific instructions regarding the RMS.

Case Initiation Report: The Case Agent will prepare a Case Initiation Report at the time a case number is assigned. The required information should be entered on the Case Initiation Report. Entries for the majority of the required fields on the form are self-explanatory. Information not available at the time the Case Initiation Report is opened should be added as soon as possible.

The Case Initiation Report should be submitted within five (5) working days and all other reports should be submitted within twenty (20) working days from the date the investigative activity occurred, unless the Company Commander authorizes otherwise.

Assist Other Agency (A/O) Report: When the Special Agent’s actions do not justify opening a criminal case, an Assist Other Agency (A/O) report should be completed. The A/O should be used to document the investigative actions and account for the time expended supporting other officers or agencies responsible for an investigation.



Criminal Investigation Division

CID OPERATIONS MANUAL

In Arkansas State Police initiated investigations, the appropriate “Requesting Agency” should be selected from the dropdown box in the events section of the Case Initiation Report. Appropriate selections include “CID Administration” or “Self-Initiated,” depending on the source of the investigation.

“ASP Money Spent” should only include monies spent for evidence and information.

The “Case Status” section of the Case Initiation Report should be completed by selecting the appropriate case status.

- Properly select and complete all required fields denoted by a red arrow; and in compliance with the Case Initiation Directive ([2017-003](#)).

Final Review: At the conclusion of the investigation, the Special Agent will enter a final disposition in the RMS. The Company Commander, or his/her designee, will then indicate in writing his/her approval to close the case in the synopsis section of the Case Initiation Report.

File Maintenance: All investigative actions should be documented in the RMS. All original documents should be scanned into the RMS. Documents too large to upload will be maintained by the Special Agent and documented in the RMS. The Case Agent should maintain the original documents until all investigative leads have been exhausted or the investigation is closed by final disposition. Once the case becomes inactive, the case file should be reviewed and approved by the Case Agent’s immediate supervisor and forwarded to the Company Commander for closure.

Every July, supervisors will conduct case file audits to verify that the case file contains all required documents, field notes, recordings, or other documentation which has been prepared or collected in the investigation, or which may be used as evidence in the prosecution of the case. The supervisor will document the case file audit as a Task in the RMS. The Case Agent is responsible for ensuring that the official case file is complete, in accordance with the CID Directives.



Criminal Investigation Division

CID OPERATIONS MANUAL

All Special Agents should record, in writing, any significant events and information that may need to be recalled and/or further documented during the investigation or prosecution of a case. Pertinent investigative information, recorded in any manner, should be considered and treated as part of the official Arkansas State Police case file.

Each January, the Company Commander should personally review all open case files. This mandatory case review may include a scheduled, face-to-face, in-depth discussion with the Special Agent(s) assigned to each case. These reviews should provide the Company Commander insight into the Special Agent's performance, and enable the Company Commander to ensure that the caseload of the CID Company is managed efficiently and effectively. This review also ensures the thoroughness, accuracy, and promptness of criminal investigations.

Closed Files: Within sixty (60) days of a case being closed, all electronic storage media, photographs, field notes, or similar items shall be forwarded to the Division File Room at Little Rock Headquarters. The envelope containing such items shall be sealed with tamper-proof evidence tape and the envelope clearly marked identifying the contents and the respective file number.

When a case file is submitted to the Division File Room, the case number(s) will be listed on a 'Supplemental Receipt For Evidence/Property Form' ([ASP 2A](#)). A signature will be obtained on the ASP 2A from the person receiving the file in the Division Office. If multiple cases are being submitted to the file room at the same date and time, all of the case numbers may be listed on the same ASP 2A.

CASE STATUS CLASSIFICATION

Types of Case Classification: Cases should be maintained in one of the following administrative classifications in the RMS: Open, Pending Prosecutor Review/Adjudication, Cold Case, or Closed.

Open Cases: Cases are classified as open when investigative activity is ongoing and activity is being appropriately documented. Status of active cases should be updated at least every 120 days.



Criminal Investigation Division

CID OPERATIONS MANUAL

Pending Prosecutor Review/Adjudication: Cases are so classified when the prosecutor is actively evaluating the case for judicial action or prosecution/judicial action is forthcoming.

Cold Case: Any case whose probative investigative leads have been exhausted. These cases primarily focus on unresolved death and missing person cases.

Closed Cases: Subject to the provisions set forth in the next paragraph, cases should be classified as Closed when one of the following occurs:

- All investigative activity has been terminated;
- The prosecutor has decided that no judicial action will be taken;
- In certain situations when an excessive delay in completing the prosecution occurs that exceeds the statute of limitations;
- When a thorough investigation reveals no evidence of the commission of a crime; or
- A final judicial disposition has been rendered. If a case is appealed, the Case Agent should consult with the respective Prosecuting Attorney to determine whether the case file should remain in an Open status or Closed. A Special Agent's Notes narrative report should be completed that documents the Prosecuting Attorney's input regarding the closing of the respective case.

When investigative action has documented that a criminal act occurred, and a suspect has been identified, cases should **not** be closed until the prosecutor has reviewed the file and has made a determination that judicial action will not be pursued.

When a case is closed, the effective date should be entered on the Case Initiation Report.

With supervisory approval, a closed case may be re-opened and the investigative activity resumed if new information is developed or received.



Criminal Investigation Division

CID OPERATIONS MANUAL

RMS EXAMPLES

The following pages include the reports and forms built in the RMS with corresponding examples.

Special Agent Notes

This report includes only the account of the Special Agent's activities and observations relevant to the investigation that are not covered in specific reports. The report is due for supervisor review and approval within twenty (20) working days of the performed action. A template for Special Agent Notes is located in the Investigative Supplement section of the RMS.

Interviews are not reported as Special Agent Notes. There may be instances where Special Agents will document comments made by persons (informants, etc.) during the course of the investigation that are included in the report. A reference should be made that the full information is contained in the appropriate report (i.e., Complete information is contained in the Interview of Witness – Smith report submitted to this file.)

The Special Agent Notes should reflect activity or occurrences noted in a chronological order and include a brief description of the reason for the note. Should a subsequent Special Agent Notes be required for the file, the RMS report 'Description' field should describe the contents of the report.

Examples:

Special Agents Notes – Recovered Bank Receipts

Special Agent Notes – Delivery of Investigative File to Prosecutor

Special Agent Notes – Pretrial Conference



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police
INVESTIGATIVE SUPPLEMENT 2016-0915/20
Report Date: 01/25/2017

Primary Information	
Description:	Special Agent Notes
Dissemination Code:	HIDDEN
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	01/25/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Record Status Information	
Record Origination Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Record Origination Date:	01/25/2017 09:26
Last Update Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Last Update Date:	01/25/2017 09:36

Reporting LEO	Date	Supervisor	Date
Lafferty, David (CID Admin / Arkansas State Police)	1/25/2017	Lafferty, David (CID Admin / Arkansas State Police)	1/25/2017

Narrative begins on the following page.

01/25/2017 09:37:12

Page 1 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL

**ARKANSAS STATE POLICE****Criminal Investigation Division****SPECIAL AGENT NOTES**

On Wednesday, January 11, 2017 at approximately 2:00 P.M., I met with Investigator Jim Bob Smith at the Anywhere County Sheriff's Office. Investigator Smith had obtained a subpoena from 18th East District Deputy Prosecutor Larry Lawyer for us to obtain the cash register tapes dated Thursday, December 29, 2016 from the Happy Donut Shop, 123 Anywhere Street, Anywhere, Arkansas.

Investigator Smith and I traveled to the Happy Donut Shop and at 2:30 P.M., we met with employee Ima Cashier. Ms. Cashier said that the cash register tapes for that date were destroyed after the business prepared their end of month December reports.

Complete information obtained from Ms. Cashier is submitted to this file in an Interview of Witness report.

Case #: 2016-0915	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	Internet / Chat Room

Page 1

**Criminal Investigation Division**

CID OPERATIONS MANUAL

Crime Scene Search

This report is written utilizing the Crime Scene Search template within the RMS. The report is due for supervisor review and approval within twenty (20) working days of the performed action. The report should be created for every crime where the description of the crime scene is construed to be relevant to the continuation of the investigation and/or the trial of the suspect.

If the search is not conducted by the Arkansas State Police Criminal Investigation Division in a PRIMARY investigation, a reference should be made in a Special Agent Note report indicating what agency conducted the search. In a SECONDARY investigation, fully describing the aspects of the investigation that ASP CID was requested to conduct will suffice.

The Crime Scene Search report format should be as follows:

1. The time and date the search was conducted; the identity of the search authority used to conduct the search (i.e. Consent, Search Warrant, Open Field Search, etc.); and listing by name and department all persons involved in conducting the search. If non-law enforcement personnel are present during the search, (i.e., a locksmith to open a locked safe), the identity of those person(s) and their purpose for being at the scene should be described.
2. Identify the specific location of the search and its relationship to the nearest town or community. In the event of a location having a mailing address, the address will usually suffice. If the area is rural, directions and mileages from the nearest, fixed identifiable point may be used. In the event of an open field search, Global Positioning Satellite readings may be used to describe the location, along with a general description of the mileage and directions to the nearest town, township or other fixed identifying location.
3. The specific description of the areas searched in a narrative form.
4. The listing of all items of evidence seized by evidence number, physical description of the items, the exact location found referenced to measurements or specific description, how the evidence was packaged and marked, the identity of the person locating the item and by whom the item was retained as evidence.
5. Documentation of the date and time that the search was completed.

**Criminal Investigation Division**

CID OPERATIONS MANUAL

Arkansas State Police
INVESTIGATIVE SUPPLEMENT 2016-0915/21
Report Date: 01/25/2017

Primary Information	
Description:	Crime Scene Search
Dissemination Code:	HIDDEN
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	01/25/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Record Status Information	
Record Origination Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Record Origination Date:	01/25/2017 14:09
Last Update Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Last Update Date:	01/25/2017 15:52

Reporting LEO	Date	Supervisor	Date
Lafferty, David (CID Admin / Arkansas State Police)	1/25/2017	Lafferty, David (CID Admin / Arkansas State Police)	1/25/2017

Narrative begins on the following page.

01/25/2017 15:52:53

Page 1 of 4



Criminal Investigation Division

CID OPERATIONS MANUAL

**ARKANSAS STATE POLICE****Criminal Investigation Division****CRIME SCENE SEARCH**

This Crime Scene Search was conducted on Saturday, December 24, 2016, beginning at 5:30 P.M. The search occurred after obtaining a search warrant issued by Anywhere County Circuit Judge John Smith. A copy of the affidavit, search warrant and return are attached to this report.

The officers conducting this search were:

Senior Special Agent George Goforth - Arkansas State Police

Special Agent Larry Lavine - Arkansas State Police

Sergeant Harvey Wallace - Arkansas State Police

Investigator Albert Grubbs - Pulaski County Sheriff's Office

Field Investigator Susan DeLong - Arkansas State Medical Examiner's Office, who arrived at 6:25 P.M.

The search occurred at the residence located at 1515 West Seventh Street, Little Rock, Arkansas.

The residence is described as a single story, single family, wood frame dwelling painted white, said residence consisting of a total of five (5) rooms. The specific area searched was the bedroom located in the northwest corner of the dwelling. This bedroom is reached by traveling through a common hallway that leads from the living room, past two other bedrooms, and a full bathroom. The bedroom measures 13 feet, 6 inches along the west wall by 14 feet along the north wall. The entry door into the bedroom is located on the south wall, three (3) feet west of the east wall. The bedroom area is depicted on a Crime Scene Diagram report submitted to this file.

No other portion of the residence appeared to have been disturbed, other than the northwest bedroom. A survey of the entire dwelling reveals no sign of forced entry. The bedroom is furnished with a round bed in the center of the room, and a single four drawer chest located on the south wall. The appearance of the room indicates a struggle, there is a broken lamp on the floor in front of the four drawer chest and the bedspread and bed sheets are pulled off the bed and lying on the right side of the bed. Female clothing is located lying on top of the bedding.

Lying on the circular bed is the nude body of Janice J. Doe, white female, date of birth 01/27/1979. The mattress has a large area underneath Ms. Doe that is saturated with what appears to be blood.

Lying on the floor beside the bed on the south side is a large knife with a quantity of what appears to be blood on the handle and blade. The knife was located by Investigator Grubbs and measured three (3) feet from the south bedroom wall and four (4) feet from the east bedroom wall. Lying on the floor near the entry door is one pair of white, Fruit of the Loom, men's jockey shorts, size 38. The shorts were found against the south wall, three (3) feet south of the bedroom entry door facing.

Ms. Doe was lying face down on the mattress with her legs spread at an approximate 45 degree angle. Her arms were outstretched to either side of her body. When the body was turned onto her back, Ms. Doe had what appeared to be

Case #: 2016-0915	Agent: Lafferty, David
Report Date: 01/25/2017	Internet / Chat Room

**Criminal Investigation Division**

CID OPERATIONS MANUAL

Crime Scene Search

six (6) puncture wounds in her chest. Blood covered Ms. Doe's face, chest and abdomen. Ms. Doe's hands were bagged prior to her removal from the scene to preserve evidence.

The scene was photographed by Special Agent Lavine, Sergeant Wallace recorded the measurements obtained before the collection of evidence. I acted as evidence custodian for the collected evidence.

The following items of evidence were seized during this Crime Scene Search:

GGG E-1: The body of Janice J. Doe, white female, 01/27/1979. The body was placed into a body bag by Medical Investigator (ME) DeLong for transportation to the Arkansas State Crime Lab.

GGG E-2: A butcher knife consisting of a black wooden handle and a blade length of approximately nine (9) inches. The knife was placed in a cardboard evidence box and the box sealed. The box was marked with the evidence number, date, case number and my initials. The evidence item is retained by me pending submission to the State Crime Laboratory.

GGG E-3: A one (1) foot square piece of the mattress cover removed from the circular bed mattress. The same was obtained from underneath the area of the Ms. Doe's body after she was removed from the bed. The sample was air dried, then placed in a paper evidence sack and the sack sealed. The sack was marked with the evidence number, date, case number and my initials. The evidence item is retained by me pending submission to the State Crime Laboratory.

GGG E-4: One (1) pair of white Fruit of the Loom size 38 jockey shorts. The shorts were placed in a paper evidence sack and the sack sealed. The sack was marked with the evidence number, date, case number and my initials. The evidence item is retained by me pending submission to the State Crime Laboratory.

GGG E-5 (Continue until all items of evidence seized are listed)

The search concluded at 9:28 P.M. on Saturday, December 24, 2017. The search warrant return information was completed by me and the warrant returned to the Anywhere County Circuit Court on Tuesday, December 27, 2016.

Case #: 2016-0915	Agent: Lafferty, David
Report Date: 01/25/2017	Internet / Chat Room

Page 2

**Criminal Investigation Division**

CID OPERATIONS MANUAL

Execution of Search Warrant

This report is written utilizing the 'Execution of Search Warrant' template within the RMS. The report should be used in the event a search warrant is executed that does not result in a Crime Scene Search. If the search warrant is part of a Crime Scene Search, the details concerning the execution of the warrant should be described within that report. The report is due for supervisor review and approval within twenty (20) working days of the performed action. The required content of the report is as follows:

1. The time, date, location of issuance, identity of the issuing judicial authority and who received the search warrant from the Court.
2. The time, date and to whom the search warrant was served, along with the specific location of the place served. If within an incorporated city, the street address will usually suffice. If the area is rural, directions and mileages from the nearest, fixed identifiable point may be used. In the event of an open field search, Global Positioning Satellite readings may be used to describe the location, along with a general description of the mileage and directions to the nearest town, township or other fixed identifying location. Included within this section is the method of entry into a building or secured area. This could be by forced entry, access allowed by the person in apparent control of the premises, or similar occurrence. The beginning and end times of the search will be documented in this paragraph.
3. A listing of the persons involved in the search by rank, name and department, along with each person's specific assignment during this search. If the presence of a non-law enforcement person is required to successfully or safely execute the warrant, that person should be fully identified by name and their purpose for being present.
4. A list of the evidence items that were seized, their location, identity of the discovering officer and the disposition of the evidence.



Criminal Investigation Division

CID OPERATIONS MANUAL

5. The date, time and the witness of the inventory of items seized and to whom the inventory/receipt was given or the location that the inventory/receipt was left at the premises.
6. Documentation of the date and time the Affidavit, Search Warrant and Search Warrant Return have been returned to the Court. These documents should be attached to the Execution of Search Warrant slash report.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police

INVESTIGATIVE SUPPLEMENT 2016-0915/22

Report Date: 01/26/2017

Primary Information	
Description:	Execution of Search Warrant Report
Dissemination Code:	CHAIN OF COMMAND
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	01/26/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Record Status Information	
Record Origination Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Record Origination Date:	01/26/2017 08:27
Last Update Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Last Update Date:	01/26/2017 09:52

Reporting LEO	Date	Supervisor	Date
Lafferty, David (CID Admin / Arkansas State Police)	1/26/2017	Lafferty, David (CID Admin / Arkansas State Police)	1/26/2017

Narrative begins on the following page.

01/26/2017 09:58:26

Page 1 of 3



Criminal Investigation Division

CID OPERATIONS MANUAL

**ARKANSAS STATE POLICE****Criminal Investigation Division****EXECUTION OF SEARCH WARRANT**

This search warrant was issued by 20th Judicial District Circuit Judge Roy Bean on Thursday, November 10, 2016 at 2:31 P.M. The search warrant was received by Jefferson County Sheriff's Office Investigator Harvey Jones at the time of issuance.

The search warrant was executed on Tuesday, November 10, 2016 at 4:46 P.M. at the residence of Johnny Ringo, 1515 Magnolia, Pine Bluff, Arkansas. Entry was gained into the residence by me knocking on the front door and announcing "State Police, we have a search warrant." The sound of person(s) moving inside the residence and a flushing commode could be heard coming from inside the residence. At this time, Jefferson County Sheriff's Office Sergeant James Bond used his shoulder to force open the front door of the residence. After entering the residence, the lone occupant inside, Johnny Ringo, was found lying underneath a bed in the southwest bedroom. Mr. Ringo was arrested on an outstanding arrest warrant and transported from the scene by the Jefferson County Sheriff Deputy Bobby Smith. Deputy Smith did not take part in the execution of the search warrant. After the residence was secured, the search began at 4:48 P.M. and was concluded at 6:25 P.M. Mr. Ringo's mother, Faye Ray, had arrived at the residence at 6:05 P.M. and she took custody of the residence at the conclusion of the search.

The officers executing this search warrant were:

1. Special Agent John Smith, Arkansas State Police
2. Investigator Harvey Jones, Jefferson County Sheriff's Office
3. Sergeant James Bond, Jefferson County Sheriff's Office
4. Mr. Larry Keylock, Owner of Keylock Locksmith, to assist with opening a locked safe inside the residence.

I acted as evidence custodian. Investigator Jones photographed all evidence items as they were located. Sergeant Bond assisted with collecting and packaging the items of evidence.

The following items of evidence were seized as evidence during the execution of this search warrant:

JJS E-1: A green ten (10) gallon garbage bag containing approximately five (5) pounds of suspected marijuana. The item was found by me underneath the bed Mr. Ringo was lying under in the southwest bedroom. I placed the item in a cardboard box and sealed the box. The box was marked with the evidence number, date, case number and my initials.

JJS E-2: One (1) quart plastic zip lock bag containing approximately three (3) ounces of a white powder substance. The item was located by Investigator Jones in the bottom drawer of the night stand in the northeast corner of the southwest bedroom. I placed the item in a paper evidence sack and the sack sealed. The sack was marked with the evidence number, date, case number and my initials.

Case #: 2016-0915/22	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	Internet / Chat Room



CID OPERATIONS MANUAL

<<CaseReport.BriefDescription>>

JJS E-3: (Continue until all items of evidence are listed).

I prepared the return information and a copy of the return, along with the search warrant, were left lying on the living room coffee table. I returned the Affidavit, Search Warrant and Search Warrant Return to Judge Bear's Court on Monday, November 14, 2016 at 9:15 A.M. The search warrant documents are submitted to this report.

Case #: 2016-0915	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	Internet / Chat Room

Page 2



Criminal Investigation Division

CID OPERATIONS MANUAL

Interview of Victim

This report is written utilizing the Interview of Victim template within the RMS. The report is due for supervisor review and approval within twenty (20) working days of the performed action. This report must be written using the first person voice. Agents should guard against switching voice between first, second and third person within the report. Special Agents should make every effort to record the interview and have another law enforcement officer present during the interview when practical.

The body of the report contains the following:

1. The date, time, location the interview occurred, the identity of the person(s) conducting the interview and any witnesses present.
2. The victim's statement information.

The report format will vary dependent upon the method utilized to document the statement. A synopsis of every interview is required in a narrative report. This synopsis should not be a verbatim recitation of the interview, but should focus on the critical information provided by the victim that is relevant to the matter under investigation. A synopsis provides critical case information in the event the entire statement is lost or damaged.

1. If the victim's statement is handwritten, a complete, legible statement is prepared by the interviewing Special Agent and signed by the victim, any witnesses present and the Agent. A synopsis of the interview should be prepared on a narrative report and a copy of the entire statement attached to the Interview of Victim report.
2. If the victim's statement is electronically recorded, a synopsis of the interview should be prepared on a narrative report and the electronic record attached to the Interview of Victim report. If the electronic record is too large to upload into the RMS, the interview should be stored using a suitable storage medium (CD, DVD, etc.) and the storage method documented within the narrative report. In the event that a transcript of the entire interview will be prepared, a synopsis of the interview should be written in the narrative report and the completed transcript attached to the report.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police
INVESTIGATIVE SUPPLEMENT 2016-0915/23
 Report Date: 01/26/2017

Primary Information	
Description:	Interview of Victim
Dissemination Code:	HIDDEN
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	01/26/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Record Status Information	
Record Origination Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Record Origination Date:	01/26/2017 13:23
Last Update Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Last Update Date:	01/26/2017 13:39

Reporting LEO	Date	Supervisor	Date
Lafferty, David (CID Admin / Arkansas State Police)	1/26/2017	Lafferty, David (CID Admin / Arkansas State Police)	1/26/2017

Narrative begins on the following page.



CID OPERATIONS MANUAL



ARKANSAS STATE POLICE

Criminal Investigation Division

INTERVIEW OF VICTIM

I interviewed Sarah Robinson, the victim in this investigation, at 10:34 A.M. on Friday, January 6, 2017 at the Anywhere Police Department in Anywhere, Arkansas. Sergeant Bill Watson with the Anywhere Police Department was present and witnessed the entire interview.

(Handwritten Statement Interview)

Ms. Robinson provided a handwritten statement during her interview. Ms. Robinson has reviewed the statement, made corrections, initialed those corrections, and signed the statement. Sergeant Watson and I both signed the statement as witnesses. The complete statement is attached to this report. The following is a synopsis of the information Ms. Robinson provided.

"I was attacked in my kitchen by Stephen Jones".... (rest of pertinent information follows).

(Recorded Statement Interview)

Ms. Robinson provided an audio recorded statement during her interview. A copy of the recording and a transcript of the interview are attached to this report. The following is a synopsis of the information Ms. Robinson provided.

"I was attacked in my kitchen by Stephen Jones"... (rest of pertinent information follows).

Case #: 2016-0915	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	Internet / Chat Room



CID OPERATIONS MANUAL

Interview of Witness

This report is written utilizing the Interview of Witness template within the RMS. The report is due for supervisor review and approval within twenty (20) working days of the performed action. This report must be written using the first person voice. Agents should guard against switching voice between first, second and third person within the report. Special Agents should make every effort to record the interview and have another law enforcement officer present during the interview when practical.

The body of the report contains the following:

1. The date, time, location the interview occurred, the identity of the person(s) conducting the interview and any witnesses present.
2. The witness statement information.

The report format will vary dependent upon the method utilized to document the statement. A synopsis of every interview is required in a narrative report. This synopsis should not be a verbatim recitation of the interview, but should focus on the critical information provided by the witness that is relevant to the matter under investigation. A synopsis provides critical case information in the event the entire statement is lost or damaged.

1. If the witness statement is handwritten, a complete, legible statement is prepared by the interviewing Special Agent and signed by the witness, any witnesses present and the Agent. A synopsis of the interview should be prepared on a narrative report and a copy of the entire statement attached to the Interview of Witness report.
2. If the witness statement is electronically recorded, a synopsis of the interview should be prepared on a narrative report and the electronic record attached to the Interview of Witness report. If the electronic record is too large to upload into the RMS, the interview should be stored using a suitable storage medium (CD, DVD, etc.) and the storage method documented within the narrative report. In the event that a transcript of the entire interview will be prepared, a synopsis of the interview should be written in the narrative report and the completed transcript attached to the report.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police

INVESTIGATIVE SUPPLEMENT 2016-0915/24

Report Date: 01/26/2017

Primary Information	
Description:	Interview of Witness
Dissemination Code:	HIDDEN
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	01/26/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Record Status Information	
Record Origination Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Record Origination Date:	01/26/2017 13:55
Last Update Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Last Update Date:	01/26/2017 14:02

Reporting LEO	Date	Supervisor	Date
Lafferty, David (CID Admin / Arkansas State Police)	1/26/2017	Lafferty, David (CID Admin / Arkansas State Police)	1/26/2017

Narrative begins on the following page.

01/26/2017 14:07:07

Page 1 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL



ARKANSAS STATE POLICE

Criminal Investigation Division

INTERVIEW OF WITNESS

I interviewed John Smith, a witness in this investigation, at 11:05 A.M. on Friday, January 6, 2017 at the Anywhere Police Department in Anywhere, Arkansas. Sergeant Bill Watson with the Anywhere Police Department was present and witnessed the entire interview.

(Handwritten Statement Interview)

Mr. Smith provided a handwritten statement during his interview. Mr. Smith has reviewed the statement, made corrections, initialed those corrections, and signed the statement. Sergeant Watson and I both signed the statement as witnesses. The complete statement is attached to this report. The following is a synopsis of the information Mr. Smith provided.

"I saw Stephen Jones...." (rest of pertinent information follows).

(Recorded Statement Interview)

Mr. Smith provided an audio recorded statement during her interview. A copy of the recording and a transcript of the interview are attached to this report. The following is a synopsis of the information Mr. Smith provided.

"I saw Stephen Jones..." (rest of pertinent information follows).

Case #: 2016-0915	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	Internet / Chat Room



CID OPERATIONS MANUAL

Interview of Suspect

This report is written utilizing the Interview of Suspect template within the RMS. The report is due for supervisor review and approval within twenty (20) working days of the performed action. This report must be written using the first person voice. Agents should guard against switching voice between first, second and third person within the report.

In compliance with Court rulings, Interviews of Suspects should be electronically recorded. Video recording is preferred, if available. If extraordinary circumstances exist and no recording is possible, a complete description of those circumstances must be documented within the Interview of Suspect report. The interview process should be recorded from the beginning until completed.

The body of the report contains the following:

1. The date, time, location the interview occurred, the identity of the person(s) conducting the interview and any witnesses present.
2. A confirmation statement that the suspect's Miranda Warnings were read to him/her as set out in the Miranda Rights Form ([ASP 116](#)) and his/her responses recorded on the form. The ASP 116 form MUST be attached to the Interview of Suspect report.
3. The completion time of the interview process must be documented at the conclusion of the report.

A synopsis of the suspect interview is required in a narrative report. The synopsis should not be a verbatim recitation of the interview, but should focus on the critical information provided by the suspect that is relevant to the matter under investigation. A synopsis provides critical case information in the event the statement is lost or damaged.

The electronically recorded interview should be attached to the Interview of Suspect report. If the electronic record is too large to upload into the RMS, the interview should be stored using a suitable storage medium (CD, DVD, etc.) and the storage method documented within the narrative report. In the event a transcript of the entire interview will be prepared, a synopsis of the interview should be written in the narrative report and the completed transcript attached to the report.

**Criminal Investigation Division**

CID OPERATIONS MANUAL

Arkansas State Police

INVESTIGATIVE SUPPLEMENT 2016-0915/25

Report Date: 01/26/2017

Primary Information	
Description:	Interview of Suspect
Dissemination Code:	HIDDEN
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	01/26/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Record Status Information	
Record Origination Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Record Origination Date:	01/26/2017 14:59
Last Update Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Last Update Date:	01/26/2017 15:07

Reporting LEO	Date	Supervisor	Date
Lafferty, David (CID Admin / Arkansas State Police)	1/26/2017	Lafferty, David (CID Admin / Arkansas State Police)	1/26/2017

Narrative begins on the following page.

01/26/2017 15:07:22

Page 1 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL



ARKANSAS STATE POLICE

Criminal Investigation Division

INTERVIEW OF SUSPECT

I interviewed John Q. Adams on Monday, January 9, 2017 at the Anytown County Sheriff's Office, Anytown, Arkansas. The interview began at 6:08 P.M. and was witnessed by Lieutenant Zane Jackson, Anytown County Sheriff's Office. The interview was video recorded and a copy of the video will be transferred to a DVD to become a part of this file.

Mr. Adams was advised of his rights as per the ASP-116 form. His responses were recorded on that form and Mr. Adams initialed his responses. After reviewing and signing the rights waiver, Mr. Adams provided a detailed statement. The following is a synopsis of the interview.

"Yeah, I killed Alex Thompson.... (rest of the information follows).

The interview concluded at 7:15 P.M. the same date.

Case #: 2016-0915	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	Internet / Chat Room



CID OPERATIONS MANUAL

Intelligence Report

This report is written utilizing the INTELLIGENCE report type within the RMS. The report is due for supervisor review and approval within twenty (20) working days of the performed action. The Intelligence Report is used to report all information concerning crimes or criminal activity that is not developed to the point of creating an investigative case file. By default, the Intelligence Report is set to the CHAIN OF COMMAND dissemination. The dissemination level should not be changed from CHAIN OF COMMAND without the prior approval of a supervisor. Due to the sometimes-sensitive information within these reports, an Intelligence Report should never be set for System Wide Access.

Intelligence Report case numbers are created by selecting the letter “I” under case numbers and having the system create the sequential number by clicking ‘add’. The use of the letter “I” case number prefix is restricted to Intelligence Reports. All criminal investigative files should select the ASP-(year) case number prefix.

When additional information is received that pertains to a previous Intelligent Report, the new information should be added to the existing Intel file as a supplemental report. A new Intelligence Report should not be created each time additional information is received involving the same subject.

After a supervisor reviews and approves the Intelligence Report, a message should be sent to the Headquarters CID Criminal Analyst, advising him/her of the Intelligence Report number for further processing.

The identity of the source, source reliability and content evaluation information will be completed in the Primary Information drop down boxes in the report.

All identifiable persons, vehicles, and telephone numbers will be listed in Core Entities and related to the respective Intelligence Report. Established criminal or subversive organizations, (Outlaw Motorcycle Gangs, White Supremacist Groups, etc.) should be related in Core Entities when entering a member of one of those groups.

**Criminal Investigation Division**

CID OPERATIONS MANUAL

The first paragraph of the narrative report should point out any previous dissemination of the information contained in the report and place any restrictions on future dissemination of the information.

The second paragraph should set out the date the information was received, from what source, and how the information was received.

The third and any subsequent paragraphs should relate the information obtained, as well as any verification of the information reported, the source of the verification, and any action planned based on the information, if any.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police
INTELLIGENCE 2016-0915/28
Report Date: 01/30/2017

Primary Information	
Description:	COMMERCIAL BURGLARY, PULASKI COUNTY
Source Of Info:	ASP CI # 231
Source Reliability:	Usually Reliable
Dissemination Code:	HIDDEN
Content Evaluation:	Partially Confirmed
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	01/30/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Agency Reference Numbers	
<u>Agency</u>	<u>Case/File Number</u>
Arkansas State Police	IT-00001

Record Status Information	
Record Origination Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Record Origination Date:	01/30/2017 13:23
Last Update Operator:	Lafferty, David (CID Admin / Arkansas State Police)
Last Update Date:	01/30/2017 13:57

Reporting LEO	Date	Supervisor	Date
Lafferty, David (CID Admin / Arkansas State Police)	1/30/2017	Lafferty, David (CID Admin / Arkansas State Police)	1/30/2017

Narrative begins on the following page.

01/30/2017 13:58:07

Page 1 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL

**ARKANSAS STATE POLICE****Criminal Investigation Division****SPECIAL AGENT NOTES**

The following information has been verbally disseminated to the Pulaski County Sheriff's Office CID Division, the Grant County Sheriff's Office and the Little Rock Police Department Intelligence Unit by me on Wednesday, January 4, 2017. Further dissemination is restricted to a CID Supervisor's approval.

The following information was provided to me by ASP C.I. 231 during a meeting that occurred on Monday, January 2, 2017.

C.I. 231 said that James Madison, a white male, DOB 08/23/1967, who resides in Sherwood, Arkansas. Madison is entered into Core Entities within this report. Madison had a conversation with the C.I. on Saturday, December 31, 2016, during which Madison said that he had burglarized three (3) Safeway stores in the Little Rock area. Madison did not tell the C.I. which stores were burglarized and Madison did not say if he acted alone or if he had others assist him in the burglaries. Madison did tell the C.I. that the only items he took was cases of beer, as much beer as his van could carry. Madison said that he sold the beer to a bootlegger using the street name of "Slick" in Grant County. Madison asked the C.I. to assist with a future grocery store burglary, the time and location not yet determined.

Grant County Sheriff's Office Lieutenant Byrd determined from his records that "Slick" is a known street name for Brad Stanton of Sheridan, Arkansas. Stanton is entered into Core Entities within this report. Lieutenant Byrd said that Stanton has seven (7) previous convictions within Grant County for unlawful alcohol sales.

A review of the Little Rock Police Department Crime reports confirm there have been three (3) burglaries of Safeway stores in Little Rock within the past six (6) months. In each instance, entry was gained by forcing open an overhead door on the loading dock. In each burglary, the only item taken was cases of beer and cigarettes.

C.I. 231 is to notify me if and when additional contact is made with Madison concerning a future burglary so a surveillance may be established on the location.

Further information will be submitted to this or a related file.

Case #: 2016-0915	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	Internet / Chat Room

Page 1

**Criminal Investigation Division**

CID OPERATIONS MANUAL

Case Initiation Report

The Case Initiation Report is the first report prepared when creating a case file. This report is due for supervisor review/approval within five (5) working days of the date the investigation began. The report should be prepared within the guidelines as described by CID Directive [2017-003](#).

Frequently, some information is unknown or unavailable at the time the Case Initiation Report is originally prepared. In these instances, Special Agents, with their supervisor's approval, may submit the report using REVIEW status instead of APPROVAL status. This will allow the Special Agent to add the additional information to the report as the information becomes available. Should an Special Agent receive additional information after the report is approved, a supervisor should be contacted and requested to unlock the report to allow the additional information be added and the report resubmitted for approval.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police
CASE INITIATION REPORT ASP-2017-0405
Report Date: 03/31/2017

Primary Information	
Description:	TEST CASE CAPITAL MURDER,PULASKI, DOE (V)
Occurrence From:	03/30/2017 23:00
Occurrence To:	03/31/2017 08:00
Source Of Call:	SUPERVISOR
Business Area Name:	ARKANSAS STATE POLICE
Dissemination Code:	SYSTEM WIDE ACCESS
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Backup LEO:	Battle, Corwin (COMPANY C / Arkansas State Police)
Approval Status:	Approved
Approved Date:	03/31/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Response Information	
Time Call Received:	03/31/2017 08:01
Time Dispatched:	03/31/2017 08:04
Time Arrived:	03/31/2017 08:10
Time Completed:	03/31/2017 09:56

Weapons			
Weapon Type	Weapon Sub-Type	Firearm Finish	Caliber
WEAPON - FIREARM	---	BLUE/BLACK	.45 SEMI-AUTOMATIC PISTOL

Address #1 - OCCURRED #1 - 1 STATE POLICE PLAZA DR	
Primary Information	
Address:	1 STATE POLICE PLAZA DR Arkansas State Police Headquarters, LITTLE ROCK, ARKANSAS 72209 , UNITED STATES
Description:	Arkansas Commission On Law Enforcement Standards & Training
COMPANY:	Company A
TROOP:	Troop A

Offenses				
Offense Type	Offense	Attempted/Committed	Statute	UCR Class
FELONY	CAPITAL MURDER	COMMITTED	5-10-101	09A

Analysis Information	
Sick Or Injured:	YES
Sick Or Injured Type:	FATAL INJURY
Sick Or Injured Treated By:	EMS/FIRE RESCUE
Sick Or Injured Transport By:	MEDICAL EXAMINERS OFFICE
Sick Or Injured Transport To:	MEDICAL EXAMINERS OFFICE

04/10/2017 13:40:03

Page 1 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police
CASE INITIATION REPORT ASP-2017-0405
Report Date: 03/31/2017

Analysis Information - Continued

Cargo Theft:	NO
Alarm:	NO
Location Type:	GOV'T/PUBLIC BL
Forced Entry:	NOT APPLICABLE
Occupany Code:	OCCUPIED
Alcohol Related:	UNKNOWN
Drug Related:	YES
Drug Activity:	SELL
Drug Type:	METHAMPHETAMINE
Drug Quantity:	32
Drug Unit Of Measure:	GRAM(S)
Drug Value:	3200
Aggravated Assault:	NARC REL ARGUMT
Hate Crime:	NO
Sex Crime:	NO
Juvenile Crime:	NO
Domestic Violence:	NO
Senior Abuse:	NO
Child Abuse:	NO
Gang Related:	NO
School Zone:	NO
Public Housing:	NO
Apparent Motive:	DRUG ARGUMENT
Offense Unique Detail:	HOMICIDE
Body Disposal:	RELEASED TO MEDICAL EXAMINER
Signature Act:	NO
Security Type:	PHOTO/CAMERA

Event #1 - CONDUCT HOMIDICE INVESTIGATION

Event Information

Date: 03/31/2017 08:01
Description: CONDUCT HOMIDICE INVESTIGATION
Type: GOVERNMENTAL AGENCY REQUEST
Observed By: Lafferty, David (CID Admin / Arkansas State Police)

Synopsis

On Friday, March 31, 2017 at 8:04 A.M., I was notified by Captain M.A. Hollingsworth that a homicide occurred in the rear parking lot at Arkansas State Police Headquarters in Little Rock, Arkansas. I was assigned as lead agent in the investigation.

04/10/2017 13:40:03

Page 2 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL

ASP 2A

The Supplemental Receipt for Evidence/Property Form ([ASP 2A](#)) is to be completed on the transfer of evidence and/or any non-state owned property, and/or monies between a member of the Arkansas State Police and any other member or non-member.

Monies transferred should be in a sealed envelope or container.

Evidence submitted to the Arkansas State Crime Laboratory will utilize a Crime Lab Submission Form in lieu of an ASP 2A.

A copy of the receipt will be scanned and added to the case file within the RMS.



Criminal Investigation Division

CID OPERATIONS MANUAL



ARKANSAS STATE POLICE

ASP-2 A
(Rev. 10/14)

Supplemental Receipt For Evidence/Property Form

Collecting Officer: _____ Rank: _____ Badge #: _____
(First/MI/Last Name)

Date of Confiscation: _____ Time: _____ ☐ AM ☐ PM Location: _____
(Month/Day/Year)

Description Of Items Transferred

Transferred From: _____ Date: _____
Signature (Rank/First/MI/Last Name/Badge #) (Month/Day/Year)

Transferred To: _____ Date: _____
Signature (Rank/First/MI/Last Name/Badge #) (Month/Day/Year)

Transferred From: _____ Date: _____
Signature (Rank/First/MI/Last Name/Badge #) (Month/Day/Year)

Transferred To: _____ Date: _____
Signature (Rank/First/MI/Last Name/Badge #) (Month/Day/Year)

Case File/Incident Number: _____

If currency is transferred, Date: _____
Witnessing Officer: _____
Signature (Rank/First/MI/Last Name/Badge #) (Month/Day/Year)

USE ADDITIONAL PAGE IF NECESSARY



Criminal Investigation Division

CID OPERATIONS MANUAL

Disposition of Evidence

This report is written utilizing the Disposition of Evidence template within the RMS. The report is due for supervisor review and approval within twenty (20) working days of the performed action. This report sets out what Special Agents do with any seized property or evidence. The property section of the RMS does not take the place of the Disposition of Evidence report. All evidence must be documented in a narrative report.

The first paragraph sets out the date, time and to whom the property/evidence was released. If any property/evidence is retained by the Special Agent in its entirety, then those details should be stated in the first paragraph.

Subsequent paragraphs are used for each property/evidence item and that items disposition, listed by number and description.

Any time that property/evidence is shown as released to the State Crime Lab; a copy of the Lab Submission sheet must be uploaded into the RMS. The report should conform to the requirements CID Directive [2017-012](#), Other Agency Reports.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police
INVESTIGATIVE SUPPLEMENT ASP-2017-0405/2
Report Date: 04/10/2017

Primary Information

Description:	Disposition of Evidence
Dissemination Code:	HIDDEN
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	04/10/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Narrative begins on the following page.

04/10/2017 14:07:54

Page 1 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL

**ARKANSAS STATE POLICE****Criminal Investigation Division****DISPOSITION OF EVIDENCE**

The evidence items seized in the Execution of Search Warrant on the residence of James Ringo, 1515 Magnolia, Pine Bluff, Arkansas, were retained by me until the following disposition was made.

The following items were transported to the State Crime Lab on April 6, 2017 and submitted for analysis.

JJS E-1: A green ten (10) gallon garbage bag containing approximately five (5) pounds of suspected marijuana.

JJS E-2: A one (1) quart plastic zip lock bag containing approximately three (3) ounces of a white powder substance.

The following evidence items were retained in evidence by me in my evidence locker at State Police Headquarters.

JJS E-3: A shoe box containing records of telephone tolls.

The following evidence items were transferred to Prosecuting Attorney James J. Doright on April 6, 2017.

JJS E-4: \$ 5,560 in U.S. Currency consisting of fifty-five (55) \$100 bills and six (6) \$ 10 bills.

Case #: ASP-2017-0405/2	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	HOMICIDE

Page 1

**Criminal Investigation Division**

CID OPERATIONS MANUAL

Crime Scene Photographs

This report is written utilizing the Photograph Log template within the RMS. The report is due for supervisor review and approval within twenty (20) working days of the performed action. Each photograph will be described as per CID Directive [2017-008](#), Naming Attachments.

The first paragraph describes the date, time and the identity of the person taking the photographs. The report is prepared listing each photograph by assigned number and a description of what the photograph depicts. Photographs should not be deleted, if an unusable image is recorded, the photograph should be described as an unusable image.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police
INVESTIGATIVE SUPPLEMENT ASP-2017-0405/3
Report Date: 04/10/2017

Primary Information	
Description:	CRIME SCENE PHOTOGRAPHS
Occurrence From:	04/06/2017 13:00
Occurrence To:	04/06/2017 14:10
Dissemination Code:	HIDDEN
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	04/10/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Narrative begins on the following page.

04/10/2017 14:28:59

Page 1 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL



ARKANSAS STATE POLICE

Criminal Investigation Division

PHOTOGRAPHY LOG

The following is a list of Crime Scene Photographs made by me on April 6, 2017 at 1515 West Seventh Street in Little Rock, Arkansas.

DEL P-1: The photograph depicts evidence item JJS E-1, a Marlin lever action .30-.30 rifle found on the living room floor.

DEL P-2: The photograph depicts the exterior view of the front door of the residence.

DEL P-3: Etc.

Case #: ASP-2017-0405/3	Agent: Lafferty, David
Report Date: 04/10/2017	HOMICIDE

Page 1



Criminal Investigation Division

CID OPERATIONS MANUAL

Crime Scene Diagram

This report is written utilizing the Blank Form with the ASP Header template within the RMS. The report is due for supervisor review and approval within twenty (20) working days of the performed action.

The diagram is a graphic representation of the scene as reported in the Crime Scene Search or Execution of Search Warrant report. The diagram shows the location of all evidence and the physical layout of all areas relevant to the prosecution of the case. The diagram is not a substitute for photographs, but shows the relativity that photographs may not depict.

The diagrams are named based on the function they serve. Agents may use as many diagrams as necessary to illustrate the scene.

- General Scene Diagram:** Illustrates the various buildings, landmarks, roads, trails, ditches, etc., and their relation to the exact area searched.
- Exterior Diagram:** Illustrates the location of all evidence found outside the exterior walls of the building involved in the crime and illustrates the location of all evidence at the scene.
- Entry Diagram:** Illustrates the location of entry and the location of all evidence preserved that is related to the entry of the building.
- Interior Diagram:** Illustrates the location of all evidence found inside the walls of the involved building, except specified areas of concentrates search that reveals various evidence items.
- Specific Item Diagram:** Illustrates the location of the specific item and the area immediately adjacent to it.
- Exit Diagram:** Illustrates the location of the exit used by the suspects from the involved building and the location of all evidence preserved at that area.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police

INVESTIGATIVE SUPPLEMENT ASP-2017-0405/4

Report Date: 04/10/2017

Primary Information

Description:	CRIME SCENE DIAGRAMS
Dissemination Code:	CHAIN OF COMMAND
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	04/10/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)

Narrative begins on the following page.

04/10/2017 15:12:26

Page 1 of 4



Criminal Investigation Division

CID OPERATIONS MANUAL



ARKANSAS STATE POLICE

Criminal Investigation Division

Interior Diagram

Not To Scale



Case #: ASP-2017-0405	Agent: Lafferty, David
Report Date: 04/10/2017	HOMICIDE

Page 1

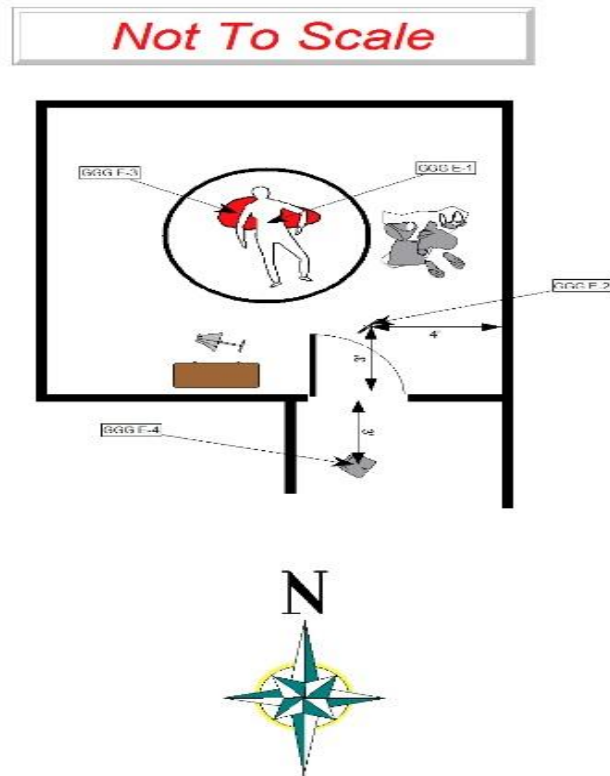


Criminal Investigation Division

CID OPERATIONS MANUAL

CRIME SCENE DIAGRAMS

Specific Item Diagram



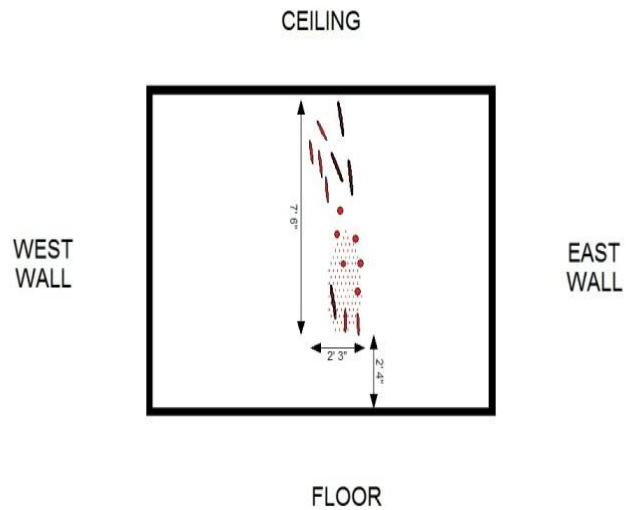
Case #: ASP-2017-0405	Agent: Lafferty, David
Report Date: 04/10/2017	HOMICIDE



CID OPERATIONS MANUAL

CRIME SCENE DIAGRAMS

Specific Item Diagram



Case #: ASP-2017-0405	Agent: Lafferty, David
Report Date: 04/10/2017	HOMICIDE

Page 3



Criminal Investigation Division

CID OPERATIONS MANUAL

Agency/Officer Assist

The AGENCY / OFFICER ASSIST (A/O) report is prepared when a Special Agent fulfills **ONE (1)** specific request in a criminal investigation instead of the Special Agent conducting a full investigation.

Examples are: conducting a courtesy interview for another agency; conducting a forensic exam of electronic devices for an agency; conducting a Crime Scene Search for an agency; taking photographs for Highway Patrol at a crash scene. If a Special Agent is unsure if the request is appropriate to open an A/O, a supervisor should be consulted.

If the request involves more than one (1) investigative task, either a Primary or Secondary Investigation should be initiated as appropriate.

Should a case be opened as an A/O, and later there are additional requests for investigative actions concerning the same matter, the case should be modified by changing from an A/O report to a Primary or Secondary investigation, as appropriate.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police
Case Master Report ASP-TRAINING-2017-0042
Date Initiated 10/24/2017

Primary Information

DIVISION:	CID ADMINISTRATION
COMPANY:	CID Admin
Lead LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Type Of Case:	AGENCY/OFFICER ASSIST
Case Sub Type:	ROBBERY
Case Description:	REQUEST FROM BAY CITY PD TO INTERVIEW ADC INMATE CONCERNING AN ARMED ROBBERY

Case Status

Case Status:	OPEN
Case Status Date:	10/24/2017
Case Referral Code:	POLICE DEPARTMENT
Case Referral Date:	10/24/2017
Case Referral Accept:	YES
Referral Case Number:	2017-83475
Dissemination:	CHAIN OF COMMAND

10/24/2017 09:15:48

Page 1 of 1



Criminal Investigation Division

CID OPERATIONS MANUAL

<i>Arkansas State Police</i> ASSIST OFFICER REPORT ASP-TRAINING-2017-0042 Report Date: 10/24/2017	
Primary Information	
Description:	ARMED ROBBERY, MATOGORDA COUNTY, TX, DOE (S)
Source Of Info:	BAY CITY, TX POLICE DEPARTMENT
Reporting LEO:	Lafferty, David (CID Admin / Arkansas State Police)
Approval Status:	Approved
Approved Date:	10/24/2017
Approved By:	Lafferty, David (CID Admin / Arkansas State Police)
Synopsis	
The Bay City, Texas Police Department requested that John Doe be interviewed as a witness in connection with an armed robbery investigation that agency is conducting that occurred on January 2, 2017. Doe is an inmate at the Arkansas Department of Corrections, Ouachita River Unit in Malvern, Arkansas.	
Address #1 - OCCURRED #1 - 2201 AVENUE H	
Primary Information	
Address:	2201 AVENUE H, BAY CITY, TEXAS 77414 , UNITED STATES
Subject #1 - WITNESS #1 - Doe, John	
Primary Information	
Subject Name:	Doe, John
Record Type:	PERSON
Bio:	WHITE, MALE
Juvenile:	NO
Narrative begins on the following page.	
10/24/2017 09:15:49	Page 1 of 2



Criminal Investigation Division

CID OPERATIONS MANUAL



ARKANSAS STATE POLICE

Criminal Investigation Division

INTERVIEW OF WITNESS

I interviewed inmate John Doe on Tuesday, October 24, 2017 at 9:05 A.M. at the request of the Bay City, Texas Police Department. The interview was to ascertain if Mr. Doe's possessed information concerning an armed robbery that occurred in Bay City before inmate Doe's incarceration. The interview was audio recorded and a copy of the interview will be sent to the Bay City Police Department. Inmate Doe related the following information.

"I don't know anything about that armed robbery. I was staying with my girlfriend in El Campo, Texas at that time and as not around Bay City. Julie Smith is my girlfriend, she is in jail now in Matagorda County, she can tell you I wasn't around there."

The interview concluded at 9:15 A.M.

Case #: ASP-TRAINING-2017-0042	Agent: Lafferty, David
Report Date: <<CaseReport.ReportDate[Date]>>	ROBBERY



CID OPERATIONS MANUAL

PURGING FILES

The system administrator will purge intelligence files in accordance with appropriate guidelines.

PROSECUTION REPORTS

When to Prepare a Prosecution Report: A prosecution report should be prepared and forwarded to the prosecuting attorney when the case has been completed and an allegation or indication of a crime exists. When cases are submitted to the prosecutor for a charging decision, the Case Agent will obtain a signed receipt from the prosecutor or representative receiving the case file. The Case Agent will load a scanned copy of the receipt into the RMS. A prosecution report does not have to be prepared if: (a) the prosecuting attorney does not desire a report and an immediate supervisor concurs; or (b) a criminal case is initiated for the sole purpose of establishing the reliability of a source of information.

A prosecution report is ordinarily prepared after an investigation is completed. Special Agents should also furnish a prosecution report, upon supervisory approval, in the following situations:

- When requested by the prosecuting attorney;
- When the prosecuting attorney initiates plea bargaining;
- When the prosecuting attorney presents the investigation to a grand jury;
- When a prosecutorial opinion is requested from the prosecuting attorney; or
- When requested by an Arkansas State Police supervisor at any time during the investigation.

Contents of Prosecution Reports: The prosecution report consists of a copy of the completed case file and an investigation summary. The investigation summary should include a narrative overview of the material aspects of the investigation presented in chronological order with



Criminal Investigation Division

CID OPERATIONS MANUAL

references to important evidence that was gathered during the investigation. The investigation summary should allow the prosecuting attorney to understand the nature of the case, the manner in which the investigation was conducted, and the results of the investigation.

A prosecution report is a typed report containing the complete results of a criminal investigation prepared by a Special Agent. The report is used in the prosecution of a criminal offense.

When the prosecuting attorney has indicated a prosecution report is needed, the details of the investigation, as described below, should be forwarded to the prosecuting attorney with a transmittal letter identifying the particular case. The details of the investigation will include copies of all pertinent Case Reports, copies of all scientific reports, and copies of all technical reports.

Only one prosecution report should be prepared in each criminal case that is to be prosecuted. If a prosecuting attorney or Arkansas State Police supervisor requests additional investigation after reviewing the prosecution report, the Case Agent should provide the information and prepare additional pages of the report for appropriate sections such as witnesses and evidence.

If additional reports have been developed after the prosecution report has been submitted to the prosecuting attorney, the Case Agent should submit the additional reports with a cover letter to the prosecutor's office.

RECORDED STATEMENTS

When to Record Statements: Special Agents should recognize that some interviews/interrogations are critical to the successful prosecution of the case. The Special Agent should attempt to identify critical witnesses or those witnesses possessing information that they might later recant. For those critical interviews, Special Agents may utilize recorded live interviews. Examples of critical interviews include those of hostile witnesses, victims, and eyewitnesses. However, a Special Agent may record any statement the Special Agent deems necessary. All interviews of child victims should be audio and/or video recorded, if possible. Special Agents shall record all suspect interviews.



Criminal Investigation Division

CID OPERATIONS MANUAL

All interviews conducted by Special Agents in which the person being interviewed has been placed under oath by a prosecuting attorney or other judicial officer should be recorded in their entirety so that a true and permanent record of the testimony will be maintained.

Maintenance and Summary of Recordings: Recordings containing live interviews should be treated as evidence and maintained in the RMS, or by the Special Agent. Special Agents may have recordings transcribed at a later date; however, Special Agents should prepare a narrative synopsis of all interviews.

A recording should be made and maintained by the Special Agent regardless of any other recording method used by others present. In such cases, the Special Agent should prepare a summary of the information obtained. The summary and the recording should be made a part of the case file.

CRIMINAL INVESTIGATION CHECKLIST

Basic Investigation Checklist: The purpose of any investigation is to ensure the timely arrest and conviction of suspects. Keeping in mind that every criminal investigation is slightly different due to the circumstances surrounding the case and that each Special Agent has the discretion to pursue an investigation in the manner of that Special Agent's choosing. The following list of tasks provides a basic checklist for any investigation:

- Interview witnesses, victims, and/or suspects;
- Conduct appropriate crime scene searches;
- Collect physical evidence at crime scenes as appropriate;
- Process and analyze all evidence retrieved at crime scenes;
- Review and analyze reports of preliminary investigations;
- Record and review information obtained during follow-up investigations;
- Review departmental records (if any) for additional leads;
- Seek additional information from other sources (other Arkansas State Police officers, informants, other agencies, community contacts);
- Disseminate information as appropriate;
- Plan, organize, and conduct searches and surveillances as appropriate;

**Criminal Investigation Division**

CID OPERATIONS MANUAL

- Recover stolen property;
- Notify the county coroner and the State Medical Examiner's Office in all homicides and suspicious deaths;
- Review results of crime laboratory examinations;
- Conduct criminal history checks on all suspects;
- Plan, organize, and obtain search/arrest warrants;
- Identify and apprehend the suspect;
- Identify associates of the suspect;
- Determine if the suspect may have committed other crimes;
- Assist the prosecuting attorney's office in preparing the case for prosecution;
- When cases are submitted to the prosecutor for a charging decision, the Case Agent will obtain a signed receipt from the prosecutor or representative receiving the case file. The Case Agent will place the receipt in the case file; and
- Attend court/testify.

INFORMATION DEVELOPMENT

Sources of Information: Information development is crucial to any successful criminal investigation. Knowing how and where to obtain the information is equally important. Information can be obtained from many different sources including, but not limited to, the following examples:

- Interviews – Talk with witnesses and victims to obtain information about suspects, the location of the crime, and the events leading to the crime. Interviews may also be conducted with possible suspects or known suspects prior to moving to the accusatory (interrogation) stage. This type of interview provides investigators additional information to use during the interrogation stage.
- Interrogation – Interrogations are accusatory in nature. This phase of the investigation is designed to elicit an admission of guilt from the guilty party as well as obtaining corroborating evidence to support physical evidence and statements of witnesses or co-defendants.



Criminal Investigation Division

CID OPERATIONS MANUAL

- Collection, preservation, and use of physical evidence – May yield invaluable and conclusive information to identify or exclude suspects and determine the events leading up to the crime.
- Surveillance – Useful in obtaining information concerning the identities and/or the activities of subjects.
- Local utility companies – Often a source of information and may include but are not limited to water, electric, phone, and cable.
- Public records – Records maintained at the county courthouse or city hall can be useful in various types of investigations.
- Confidential informants – The use of confidential informants can be crucial to an investigation but should be pursued with caution.
- Other sources of information – Sources that are available to the Special Agent through various computer databases subscribed to by the Office of Investigative Support. Through the Special Agent's resourcefulness and creativity, the list of information sources becomes unlimited.

PROCESSING CRIME SCENES

Purpose: It is reasonable to assume, unless gloves were worn, that the suspect's fingerprints were left at the scene. The science of fingerprint identification is one of the most effective means of positively identifying individuals. Along with DNA evidence, fingerprint evidence is one of the best-known methods of definitely establishing the connection of a suspect to a crime. It is necessary to establish guidelines ensuring that suspects are fingerprinted, that crime scenes and evidence are properly processed for fingerprints, and that fingerprint evidence is preserved.

Latent Prints: Special Agents are required to carry in their assigned Arkansas State Police vehicle the equipment needed to properly process most crime scenes encountered (black powder, brush,



Criminal Investigation Division

CID OPERATIONS MANUAL

lifting tape, card, etc.) The Latent Prints Section of the State Crime Laboratory may handle specialized processing.

Special Agents should evaluate the scene to identify areas and objects that should be processed for latent prints. It is essential that locations be safeguarded where latent impressions may be found until a complete search can be made.

Once an area or object has been processed and latent prints have been developed, the Special Agent should preserve the prints by lifting the prints or photographing them.

In some situations, the Special Agent may determine that a crime laboratory technician should process an area or item. In those instances, the Special Agent should determine whether to call the technician to the scene or to transport the item to the State Crime Laboratory for processing. If it becomes necessary to transport an item to the lab, it is the responsibility of the Special Agent to ensure that the item is properly packaged.

To preserve the integrity of the chain of custody, each card containing a latent print lift is to be marked with the location of the print lift, time and date, evidence number, case number, and the initials of the Special Agent lifting the print.

Each card containing a print lift should remain in the custody of the Special Agent until the card is delivered to the Latent Prints Section of the State Crime Laboratory for analysis. Another law enforcement officer may deliver the card to the State Crime Laboratory if the proper chain-of-custody is observed and documented.

It is the responsibility of the Special Agent to maintain the chain of custody of the latent print lift until it reaches the courtroom.

Fingerprinting Suspects: It is the policy of the Arkansas State Police that all adults, certain juveniles charged with “Class A” misdemeanors, and all felonies will be fingerprinted when arrested. Fingerprinting may be performed by the booking agency and submitted by that agency



Criminal Investigation Division

CID OPERATIONS MANUAL

to the appropriate entities. The fingerprinting of juveniles should comply with A.C.A. § 9-27-320(a).

SUBMITTING SAMPLES TO A FORENSIC LABORATORY

Evidence Collection and Submission: When crime laboratory examiners/technicians are not used at a crime scene, the Special Agent in charge of the case, the Case Agent, or the Case Agent's designee are responsible for submitting evidence that requires processing to the State Crime Laboratory as soon as possible.

The proper collection and packaging of evidence should be guided by the State Crime Laboratory's guidelines, which are available online at the below website link:

<http://www.crimelab.arkansas.gov/education-training>

A State Crime Laboratory Submission sheet should be submitted with all evidence to be examined/analyzed by the lab. The form should be completed in full including the type of analysis requested on each piece of evidence submitted. This form is considered an essential link in the chain of custody, should be maintained in the case file, and a copy should be scanned and loaded into the RMS.

It is the responsibility of the State Crime Laboratory to provide a written report of all laboratory results. It is the responsibility of the Case Agent to ensure that these written reports are received, scanned and loaded into the RMS

Submission of Known Source Substances: Materials and substances should be collected from a known source when possible for submission to the State Crime Laboratory for comparison with physical evidence collected. These materials and substances are sometimes referred to as "control samples."

A significant degree of the value of laboratory examinations relies on the identification of substances and comparison of these materials from known sources. This is especially true in the study of hairs, fibers, fabrics, paint, glass, wood, soil, and tool marks.



Criminal Investigation Division

CID OPERATIONS MANUAL

CRIME SCENE SEARCH REPORTS AND DIAGRAMS

Crime Scene Search Report: A crime scene search report should be conducted in every case where the description of the scene is relevant to the successful prosecution of the suspect or where there may be a need to recreate the scene at a later date. The crime scene search should be reported on the Crime Scene Search template in the RMS in the format described in the in this manual.

If the crime scene search is conducted by an agency other than the Arkansas State Police, a copy of that agency's crime scene search report should be uploaded into the RMS.

Crime Scene Diagrams: Crime scene diagrams are used for the production of diagrams of crime scene searches where the Special Agent has either searched or inspected.

The diagram is a graphic representation of the scene as reported in the crime scene search. It shows the location of all evidence and the physical layout of all areas relevant to the prosecution of the case. The diagram should be reported on a Crime Scene Search Diagram in the format described in this manual.

Some scenes may require both a general and specific crime scene diagram.

CRIME SCENE PHOTOGRAPHY AND VIDEO RECORDING

Evidence Location and Scale: When a crime scene is to be photographed or video recorded, the photographs and/or video should be completed before the removal of any evidence to depict the location of evidence at the scene properly.

If the size of objects or their distances from other objects is important, a scale should be placed in the picture area in order to show relative measurement. A scale should be included when photos are taken of a latent print so that the photos may be reproduced on a one-to-one scale for better comparison. In the event of a major case where no photographs/video recording of evidence is obtained, the Case Agent should prepare a Crime Scene Photograph report to be included in the case file explaining the reasons for that lack of photographic/video evidence.



Criminal Investigation Division

CID OPERATIONS MANUAL

Crime Scene Photography and Reports: Crime scene photographs should be taken at every crime scene to document the location of evidence, the condition of the scene, and to assist in reconstructing the scene at a later date. The Crime Scene Photograph Report should be documented in the RMS on a “Photography Log” template. The photograph log should be prepared in accordance with CID Directive [2017-008](#).

Digital photographs of the scene of a crime should be preserved on an accepted storage device, which will be made a permanent part of the investigative case file.

When a Special Agent is requested by highway patrol personnel to take photographs of an accident scene or the vehicles involved, the Special Agent should open an AO and deliver a copy of that report to the officer investigating the accident.

Crime Scene Video: Crime scenes may be videoed; however, video should be used to supplement and not as a substitute for still photographs.

Recorded video should encompass the entire crime scene, include individual objects, and should be recorded by a properly trained person.

An “audio lead” should be recorded at the beginning of the video recording stating the case title, e.g., Homicide, John Doe, 8:00PM, 12-15-2018, Lincoln County, Arkansas.

Once an audio lead is made, a plug should be inserted in the microphone jack of the video camera or the microphone should otherwise be disabled to avoid recording comments or conversations of other persons at the crime scene.

If the video camera is equipped with a time and date mode, it should be activated during recording.

Maintenance: The photographs should be uploaded and maintained in the RMS, subject to file size limitations for presentation in court. If the digital media exceeds file size limitations, the media should be stored on an acceptable external storage device and maintained by the Special Agent, until the file is closed. When the file is closed, the external storage device will be forwarded to the CID file room in Little Rock.



Criminal Investigation Division

CID OPERATIONS MANUAL

CRIME SCENE PROCESSING EQUIPMENT

Crime Scene Equipment: All commissioned personnel assigned to the Criminal Investigation Division should be issued evidence collection materials to facilitate the immediate processing of crime scenes. These materials at a minimum should include:

- Camera;
- Photo scales;
- Tripod;
- Measuring devices (electronic or tape);
- Paper and plastic evidence bags (various sizes);
- Crime scene protection tape;
- Monofilament tape;
- Latent print kits;
- Evidence tape;
- Evidence markers; and
- Protective gloves.

Special Agents may supplement the state-owned crime scene equipment with any other equipment deemed necessary to process the crime scene.

TASK FORCE OPERATIONS

Purpose: The purpose of an investigative task force is to provide adequate resources and personnel for the investigation of certain major criminal offenses or other criminal activities, which typically involve more than one jurisdiction or criminal activity.

The ultimate goal of an investigative task force is to reduce crime and apprehend criminals through complete, proficient criminal investigations, and cooperative efforts with other criminal justice agencies.

Types of Offenses or Activities: An investigative task force would typically be used in the following types of investigations:



Criminal Investigation Division

CID OPERATIONS MANUAL

- Homicides;
- Missing persons involving suspected major criminal offenses;
- Illegal drug trafficking, manufacturing, or distribution;
- Auto theft and related crimes; or
- Criminal activities of organized crime networks.

A task force may involve criminal investigations of ongoing activities and may activate for an extended period.

Only the director may authorize an agency-initiated task force or a request for Arkansas State Police participation in a task force.

Task Force Agreement/MOU: If the director approves Arkansas State Police participation in an investigative task force, a written agreement or memorandum of understanding should be drafted and signed by the chief officer of each participating agency before task force operations begin. At a minimum, this agreement should:

- Clearly identify the mission of the task force or purpose of the investigation.
- Define the general and specific responsibilities of each participating agency and resolve any jurisdictional issues.
- Clearly state under whose authority the task force will operate.
- Provide an organizational structure that outlines to whom each task force member is accountable, and who will be in charge of day-to-day operations.
- Set a schedule for meetings of designated representatives from the member agencies.
- Specify funding sources and establish an accounting system (if necessary) which should include a ledger system to account for money transactions, documentation of all receipts and expenditures, auditing of funds and accounting procedures by designated agency or official, regular supervisory oversight of financial activities, restrictions on the use of certain funds and disposition of funds or property received through forfeiture, and disposition of funds and property at the conclusion of task force operations.



Criminal Investigation Division

CID OPERATIONS MANUAL

- Establish accountability of the task force and each member by designating specific policies and procedures to be followed including evidence handling, property management, informant handling, and summary activity reports to each member agency.
- Evaluate results of the task force operations on a regular basis in order to assess the efficiency of the task force and methods of operation.

POLYGRAPH EXAMINATIONS

Purpose: It is the purpose of this policy to provide Special Agents and polygraph examiners with procedures for the use and administration of polygraph examinations.

The polygraph examination is a valuable investigative aid when used in conjunction with, but not as a substitute for, a thorough investigation. The polygraph may be used, consistent with this policy, to verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with the Arkansas State Police; and assist in the conduct of internal Arkansas State Police investigations, among other authorized purposes.

Polygraph examiners assigned to companies shall be under the direct supervision of a sergeant within their assigned area.

Definitions: “Polygraph” means an instrument that records certain physiological changes in a person undergoing questioning in an effort to obtain truth or deception. A polygraph simultaneously records a minimum of respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

Polygraph Examiner Requirements: Only Arkansas State Police polygraph examiners should conduct polygraph examinations for the department unless the affected Division Commander authorizes the use of an outsider examiner.



Criminal Investigation Division

CID OPERATIONS MANUAL

No member of Arkansas State Police should administer polygraph examinations with an expired polygraph license. Each examiner is responsible for renewing their polygraph license. Notice of expiration of individual polygraph licenses will not be given by the department.

An examiner should not express bias in any manner or render an opinion concerning the truthfulness of the examinee prior to the completion of testing and until after all data suitable for analysis has been analyzed.

Polygraph Examinations: Polygraph examinations should be consistent with federal and state law and Arkansas State Police policy.

Case Agents are authorized to approve the administration of polygraph examinations in connection with a criminal investigation.

Office of Professional Standards investigators should obtain approval from the Director in conjunction with the General Counsel before the administration of a polygraph examination of an employee during an internal investigation.

Members of Arkansas State Police should not become involved in quality control issues on polygraph examinations administered by another agency unless approved by the Company Commander in consultation with the polygraph coordinator.

Preparing for Administration: The polygraph examination is an excellent aid to law enforcement investigations; however, it should not be considered a substitute or a short cut to an investigation. The final results of the polygraph examination are based in great measure upon the thoroughness of the investigation prior to administering the examination. An examiner should not agree to administer a polygraph examination for a case that has not been thoroughly investigated.

A polygraph examination may be conducted on suspects, victims, and witnesses. All records and physical evidence should accompany the subject to the examination, if necessary.



CID OPERATIONS MANUAL

The requesting officer is responsible for providing the examiner with all pertinent information concerning the case for review before a polygraph examination. This includes, but is not limited to:

- Information obtained in the investigation that supports and justifies the use of the polygraph;
- Copies of crime/offense reports and investigative reports;
- Evidence available to and withheld from the subject;
- Background information on the subject to be examined, to include criminal record and possible motivation;
- Any statements made by the subject, complainants and witnesses to include alibis; and
- Any relevant information concerning the case.

If the Case Agent does not provide sufficient data, the examiner has the right to refuse to test the subject.

Each examiner is encouraged to contact another experienced polygraph examiner or the polygraph coordinator in serious criminal cases before proceeding with the examination.

The Case Agent for the investigation or an officer knowledgeable about the case should be immediately available to the polygraph examiner during the examination to furnish information about the case if necessary.

The polygraph examiner is solely responsible for authorizing any persons inside the examination or observation rooms.



Criminal Investigation Division

CID OPERATIONS MANUAL

Officers should not attempt to explain procedures that will be used in the examination but should advise subjects that procedures will be explained fully by the examiner. Subjects may be advised of the following:

- The examination is voluntary, unless otherwise provided by this policy in cases of internal investigations;
- The results of the examination are not acceptable in a court of law unless all parties agree in advance; and
- The results of the polygraph examination, taken alone, do not provide substantiation for a criminal charge.

Should the subject arrive late, or cancel the appointment, the requesting officer should immediately notify the polygraph examiner.

Conducting Polygraph Examinations: The examiner should obtain the consent of the subject prior to testing. A Polygraph Examination Release form ([ASP 58](#)) should be signed by the examinee before testing. **This requirement does not apply to polygraph examinations due to an internal investigation.**

The examiner should obtain written authorization from the parent or guardian of the individual under the age of eighteen (18). Written consent should be a permanent part of the file. Juveniles charged as **adults** may be administered a polygraph examination without parental consent.

No test should be performed on a person sixteen (16) years old or younger without prior approval of the Company Commander in consultation with the polygraph coordinator if necessary.

In accordance with A.C.A. § 12-12-106, no test should be performed on a sexual assault victim.



Criminal Investigation Division

CID OPERATIONS MANUAL

Where appropriate, the examiner should read Miranda rights to the subject and explain the voluntary nature of the test. Where required, the examiner should obtain a signed consent prior to administering the examination as well as a signed waiver of Miranda rights.

An examination should cease immediately if requested by the subject.

Prior to the test, the examiner should explain the polygraph procedure to the subject and prepare him/her for the examination. The examiner is responsible for preparing all questions used in the examination. Prior to the examination, each test question should be reviewed with the person being tested.

The polygraph examiner should make such inquiries of the subject's health, medical history and/or use of medications as necessary to determine his/her ability to take the examination. Polygraph examinations should not be conducted on any person whom the examiner reasonably believes to be physically or emotionally unsuitable for testing. This may include but is not limited to:

- Individuals with heart conditions whose doctor advises against the polygraph examination;
- Women who are pregnant; and
- Individuals taking certain types of medication that may interfere with test results.

When in doubt, the examiner may seek guidance from medical or psychological professionals and/or request the examinee to obtain a medical certificate from an appropriate health care provider. Under no circumstance should the Special Agent or polygraph examiner advise the subject not to take prescription medication.

An examiner should not conduct a polygraph examination upon a subject if it is felt for any reason that an unbiased examination cannot be given or the subject cannot respond due to any of the following conditions:

- It is apparent that the subject is mentally or physically fatigued;



Criminal Investigation Division

CID OPERATIONS MANUAL

- The subject is emotionally upset or under the influence of alcohol, narcotics, drugs, stimulants, sedatives, tranquilizer, or hallucinogens;
- The subject has a mental disorder that causes the individual to lose contact with reality or which could reasonably result in violence during the examination; or
- The subject is experiencing physical discomfort or has a disability or defect that could cause an abnormal physiological reaction.

Examination Rooms: Tests and interviews should be conducted in a clean, neat environment free of audible and visual distractions that would interfere with the ability of the subject to focus on the issues being addressed appropriately. The examination site should be relatively free from outside noise and distraction.

Prior to the examination, an examiner should dedicate sufficient time to identify the issues and any potential problems in any area of testing.

Examiners should be neat and well groomed, and dressed in a manner consistent with standards of the professional business community. Duty uniforms, badges and other emblems of authority should not be worn. This does not include departmental identification cards, where required. Service weapons may be worn if required, but should not be openly displayed.

Polygraph Examiner Testing Requirements: A polygraph examiner should use a validated testing technique. A stimulation test/acquaintance test should be conducted prior to all examinations. Polygraph examiners should use only standardized polygraph question formats for the particular test being performed.

Questions should be asked with clarity and distinctiveness. Sufficient time should be spent to ensure the examinee recognizes and understands each question. Attempts by the examinee to rationalize should be neutralized by a pretest discussion in which the examinee demonstrates he or she understands the test questions to have the same meaning as the examiner. Questions should



Criminal Investigation Division

CID OPERATIONS MANUAL

be asked in a form that would prevent a reasonable person, facing a significant issue, from successfully engaging in a rationalization process to avoid culpability.

Questions used in the assessment of truth and deception should be preceded and followed by time intervals of not less than twenty (20) seconds. When approved validated research supports the use of another time interval, that time span prevails.

Examiners should collect a sufficient number of charts to acquire sufficient data for proper evaluation in conformance with a validated testing technique.

Nothing in these standards is intended to prevent the use of new or invalidated testing techniques for purposes of research. Standardized chart markings, recognized and utilized within the polygraph profession, should be employed.

Each examiner is encouraged to obtain a copy of the Department of Defense Polygraph Institute rules on test data analysis and question formulation regardless of the polygraph school they attended.

The results of a Computer Voice Stress Analysis should not be accepted by the Arkansas State Police for determining truth or deception.

Scoring of Polygraph Results: Examiners should employ quantitative or numerical scoring for all examinations. Examinations shall be hand-scored and a copy saved to the Polygraph Server within five (5) business days. Examiner notes of the test evaluation should have sufficient clarity and precision so that another examiner could read them. Until the exam has been adequately and sufficiently analyzed, examiners should not disclose the results of the examination.

An examiner, subject to a quality control evaluation of a case, should fully disclose all relevant information regarding the case under review. Any doubts as to relevancy should be resolved through disclosure.



Criminal Investigation Division

CID OPERATIONS MANUAL

The examiner should independently interpret the chart tracings and render an opinion on findings that includes, but is not limited to, one of the following conclusions based on the physiological responses noted to relevant questions:

- No Significant Reactions/Responses (NSR);
- Significant Reactions/Responses (SR); or
- No Opinion (NO) or Inconclusive (INC).

A professional opinion that an examinee was deceptive, based on physiological data, should only result from a specific issue test.

Examiners should render a report that the applicant was Purposefully Non-Cooperative (PNC) whenever an applicant is determined to be attempting to alter their physiological response data.

An examiner should not re-test any person previously tested by another examiner on the same issue, without approval from the Company Commander in consultation with the polygraph coordinator if necessary.

Pre-Employment Polygraph Examinations: The polygraph examiner should review all relevant applicant-screening reports, applicant personal history summaries and any prior polygraph examination reports prepared by the Arkansas State Police before conducting the examination. Polygraph examinations should not be used as the sole determinant of suitability for employment.

Polygraph Equipment Requirements: The polygraph examiner is responsible for the maintenance, safekeeping, and integrity of the polygraph equipment. Any problems with polygraph equipment should be forwarded to the polygraph coordinator as soon as possible.

Polygraph examinations should be conducted with instrumentation provided by ASP that meet the specifications of the American Polygraph Association. The instrumentation should record, at a minimum, the following channels or components during testing:



Criminal Investigation Division

CID OPERATIONS MANUAL

- Respiration patterns recorded by pneumograph components. Thoracic and abdominal patterns should be recorded separately, using two pneumograph components.
- Electrodermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue.
- Cardiograph to record pulse rate, pulse amplitude, and relative blood pressure changes.
- Photoelectric Plethysmograph (PLE Clip) used to record/measure the rapidly occurring relative changes in pulse blood volume.
- A motion sensor.

Physiological recording during each test should be continuous and of sufficient amplitude to be easily readable by the examiner and any reviewing examiner. Pneumograph and cardiograph tracings over one-half inch in amplitude are considered of sufficient size to be easily readable.

Examiners should use a polygraph instrument that is properly functioning, maintained and calibrated according to the manufacturer's specifications. In the absence of manufacturer's recommendations, examiners should semi-annually record a chart demonstrating correct functioning of the instrument and maintain that chart on the Polygraph Server for at least five (5) years. Units shall be calibrated whenever the instrument is moved to a different location. Calibration charts and/or maintenance logs should be maintained at the instrument's location or with case files. Compliance with state and federal law is required.

Report Requirements: Polygraph examiners should submit a monthly polygraph report on the form titled Yearly Polygraph Report ([ASP 506](#)) to their Company Commander. A copy will be forwarded by the Division Commander to the polygraph coordinator.

When requested by the Company Commander each examiner should prepare a CD with all the exams completed during each period.



Criminal Investigation Division

CID OPERATIONS MANUAL

The polygraph examiner should maintain copies of each polygraph report, polygraph charts and all related documents on the Polygraph Server, for a period of at least five (5) years.

The results of all pre-employment screening examinations and related forms will be maintained by the training section. The collection of polygraph data for the pre-employment screening examinations will be maintained by the polygraph examiner on the Polygraph Server.

Admissibility of Polygraph Evidence: The results of a polygraph exam are inadmissible in court. The only exception to this rule occurs when all parties stipulate to the admissibility of the polygraph results in writing.

Since the investigating officer and the polygraph examiner have advised the suspect of his/her rights prior to the examination, all subsequent admissions and confessions obtained before, during, or after the examination are admissible in court.

Polygraph Examiner Code of Ethics: Polygraph examiners should abide by the following code of ethics:

Rights of Examinees: A polygraph examiner should respect the rights and dignity of all persons to whom they administer polygraph examinations.

Standards for Rendering Polygraph Decisions: A polygraph examiner should not render a conclusive diagnosis when the physiological records lack sufficient quality and clarity. This may include, but is not limited to, excessively distorted recordings possibly due to manipulations by the examinee, recordings with insufficient responsivity, or recordings with tracing amplitudes less than those generally accepted by the profession.

Post-Examination Notification of Results: A polygraph examiner should afford each examinee a reasonable opportunity to explain physiological reactions to relevant questions in the recordings. There are three exceptions:



Criminal Investigation Division

CID OPERATIONS MANUAL

1. When an attorney requests that no post-examination interview be conducted and requests for the examination results to only be released to the attorney representing the examinee;
2. When the examination is being conducted by court order which stipulates that no post-examination interview is to be conducted; or
3. Instances of operational necessity.

Restrictions on Rendering Opinions: A polygraph examiner should not provide any report or opinion regarding the medical or psychological condition of the examinee for which the member is not professionally qualified to make. This does not preclude the examiner from describing the appearance or behavior of the examinee. Polygraph outcome decisions should be restricted to only those based on polygraph data.

Restrictions on Examinations: A polygraph examiner should not conduct a polygraph examination when there is reason to believe the examination is intended to circumvent or defy the law.

Standards of Reporting: A polygraph examiner should not knowingly submit or permit employees to submit a misleading or false polygraph examination report. Each polygraph report should be a factual, impartial, and objective account of information developed during the examination and the examiner's professional conclusion based on analysis of the polygraph data.

Release of Non-relevant Information: A polygraph examiner should not disclose to any person any irrelevant personal information gained during the course of a polygraph examination, which has no connection to the relevant issue and which may embarrass or tend to embarrass the examinee, except where such disclosure is required by law.

Restrictions on Examination Issues: A polygraph examiner should not include in any polygraph examination questions intended to inquire into or develop information on activities, affiliation, or beliefs on religion, politics, race, color, national origin, age, sex, disability or genetic information except where there is relevancy to a specific investigation.



Criminal Investigation Division

CID OPERATIONS MANUAL

SURVEILLANCE OPERATIONS

Surveillance Operations Plan: Surveillance operations are often necessary to successfully identify and arrest those involved in illegal activities. Effective planning and careful execution is essential to successful surveillance operations. Surveillance operations being conducted or coordinated by Arkansas State Police personnel should be in accordance with an operational plan.

The first line supervisor has the responsibility to oversee the preparation of the operational plan and brief those assigned to participate. Routine operations may be conducted without an operational plan upon approval of the Company Commander. The operational plan should be prepared utilizing the Tactical Operations Plan ([ASP 131](#)) format, which should be made a part of the criminal case file. The plan should be approved by the Company Commander and discussed with the appropriate Division Commander. In such cases, the provisions listed below should be reviewed and considered by personnel conducting the operation.

The plan should include, at a minimum, provisions for the following:

- Identifying crimes and victims;
- Identifying probable suspects and their habits, associates, vehicles, methods of operation, or any other pertinent information;
- Familiarizing the Special Agent/Trooper with the neighborhood or target area;
- Determining operational procedures for observations or arrests;
- Providing Special Agents/Troopers with expense funds;
- Establishing means for routine and emergency communications;
- Selecting equipment or vehicles;



Criminal Investigation Division

CID OPERATIONS MANUAL

- Providing relief;
- Determining legal ramifications;
- ASP Surveillance activity should be recorded on a 'Special Agents Notes' report in the RMS using the narrative form.

Surveillance and Undercover Equipment: Every company should maintain the following equipment for its Special Agents' use in surveillance and/or undercover operations:

- Night vision devices;
- Audio transmitters and receivers;
- Digital recorders;
- Video recorders;
- Pole cameras;
- Trackers
- Cameras and telephoto lenses;
- Scanners; and
- Surveillance vehicles.

A company inventory officer, designated by the Company Commander, should maintain a company inventory record and document to whom equipment is checked out to and when it is returned back to inventory.



Criminal Investigation Division

CID OPERATIONS MANUAL

Equipment should be returned at the completion of the assignment unless the supervisor approves the Special Agent retaining the equipment for other investigations.

In accordance with the Rules of Conduct policy ([GEN SEC 3](#)), Special Agents are responsible for all property and equipment issued to them.

Any malfunctioning equipment should be forwarded to the division office at Little Rock Headquarters accompanied by a memorandum describing the malfunction.

In the event that any equipment is lost, stolen, or damaged while in a Special Agent's possession, the following procedures should be followed:

- The Special Agent responsible for the equipment should immediately notify the Company Commander verbally. A written report outlining details should be forwarded through the chain of command to the Division Commander within five (5) working days.
- If stolen, a theft report should be completed and all identifiers entered into NCIC.

VICE, DRUGS AND ORGANIZED CRIME

Receiving, Processing, and Investigating Vice, Drugs, and Organized Crime Complaints: Arkansas State Police does not have a specific statutory responsibility to investigate vice, drugs, and organized crime. However, all complaints, regardless of the nature of the criminal activity, shall be received and processed in accordance with the department's reporting and investigation procedures contained herein under [Special Investigations](#) of this manual.

Security and Confidentiality: Records and investigative reports relating to active, long-term, covert vice, drugs, and organized crime investigations should be securely maintained.

All intelligence files, including those on vice, drugs, sovereign citizen groups and organized crime-related matters, should be separately maintained and stored in the RMS. Access to such files should be limited only to personnel authorized by the Division Commander.



Criminal Investigation Division

CID OPERATIONS MANUAL

UNDERCOVER OPERATIONS

Undercover Operations Plan: Undercover operations are often necessary to successfully identify and arrest those involved in illegal activities. Effective planning and careful execution are essential to successful undercover operations. Therefore, undercover operations conducted or coordinated by Arkansas State Police personnel should be in accordance with a written plan. The first line supervisor should oversee the preparation of the operational plan and brief those assigned to participate. When the planned operation includes the need for an undercover police officer, it is essential that each operation be individually planned with high emphasis on the safety of the undercover officer. Routine, short-term operations may be conducted without an operations plan upon approval of the Company Commander.

Plans prepared for long term or high-risk undercover operations should be approved by the Company Commander and the Division Commander.

The operational plan should include, at a minimum, include:

- Identifying suspects;
- Making contacts with suspects;
- Identifying the neighborhood or target area where Special Agents will work;
- Supplying Special Agents with false identity and necessary credentials;
- Maintaining confidentiality of Special Agents' false identity;
- Providing Special Agents with expense funds;
- Supplying Special Agents with equipment;
- Establishing a means for routine and emergency communications;



Criminal Investigation Division

CID OPERATIONS MANUAL

- Determining legal ramifications;
- Providing guidelines for arrest;
- Providing backup security for Special Agents; and
- Providing for close supervision.

A Company Commander should be assigned the specific responsibility of planning and coordinating the operation.

Background Investigation: The background investigation for an undercover operation should ordinarily include consideration of the following:

- Determine targets and type of activity, e.g., large-scale distributor, mid-level dealers, or street dealers and environment;
- Determine the identity of suspects/targets prior to beginning the operation, if possible;
- Special emphasis should be placed on determining whether targets are prone to violence by obtaining criminal records or a history of the use of firearms or other violent acts;
- Determine whether the desired goal may be reached by use of a confidential source of information without using a police officer; and
- If the request is from a sheriff or police chief, a supervisor should respond and thoroughly review the matter with members of the requesting agency to determine the extent of the problem, type of undercover officer needed, probable length of the operation, the backup support planned, and if a specific race or gender of undercover officer is needed.

Operational Guidelines: Special Agents assigned to undercover operations should be required to have back-up surveillance in the area; and



Criminal Investigation Division

CID OPERATIONS MANUAL

- The officer or confidential informant should be required to wear either a body transmitter or recorder to document events for evidentiary or intelligence purposes.

Exceptions to the foregoing requirements should be cleared with the supervising Company Commander or designated supervisor.

Use of Illegal Drugs: *Under no circumstances may a Special Agent smoke, inhale, inject, or otherwise consume illegal drugs unless there is a threat to the Special Agent's life. Any Special Agent placed in a life threatening situation requiring that the Special Agent take illegal drugs should leave the scene as soon as possible and notify the Special Agent's company supervisor, Company Commander, or Division Commander. In such instances, a thorough investigation may be conducted at the direction of the Division Commander to ascertain the circumstances under which the officer used illegal drugs.*

REVERSE UNDERCOVER OPERATIONS

Definitions: For the purposes of this policy, the following terms are defined:

“Reverse undercover operation” means an operation in which an officer poses as a seller of drugs rather than a buyer or as a provider of other criminal services, e.g., murder for hire, receiving stolen property/“fence” operations, etc.

“Major Trafficker/Trafficking Organization” means an illicit business enterprise composed of one or more members whose assets normally permit procurement of the following minimum quantities of contraband in a single transaction:

- Methamphetamine/cocaine/heroin [one-half (1/2) pound] or the manufacture of Methamphetamine/cocaine/heroin/LSD or so called “Designer Drugs.”
- Marijuana [fifty (50) pounds] or the manufacture of Marijuana.



Criminal Investigation Division

CID OPERATIONS MANUAL

- All other substances: Decisions should be based on the type/schedule substance involved, street availability, and potential for abuse/harm.

“Peripheral suspect” means an individual who is insulated from direct involvement in criminal acts, but whose financial or other support facilitates the continuation of criminal acts and/or is involved in some form of organized criminal activity and who derives some portion of the individual’s assets, income, or livelihood from the illicit drug trade.

“Public trust suspect” means an individual who has been given a position of trust, which may be in government or in some other public capacity, who violates that trust through the illicit sale, possession, or distribution of controlled substances and/or components necessary for the manufacture of such substances. In cases involving public trust suspects, the minimum quantities listed above do not apply.

Pre-Approval by Division Commander: No Arkansas State Police employee should be involved in a reverse undercover operation until approval is obtained through the chain of command by the Division Commander. Requests for approval should be made in writing and include whether the investigation is targeted against a major trafficker/trafficking organization, its members, a significant peripheral suspect, or a public trust suspect.

Reverse Undercover Operations Plan: A reverse undercover operations plan should be reduced to writing and approved by the Company Commander. The written plan should specify the operation and the methods that will be used to achieve the objective(s) of the operation. Specifically, the written plan should include, but may not be limited to:

- The time, date, and place of the proposed transaction;
- Security measures including the use of specialized equipment which will be employed to protect covert officers, the contraband, and to ensure the apprehension of the suspect(s); and



Criminal Investigation Division

CID OPERATIONS MANUAL

- The type, quantity, and quality of the contraband needed and the nature of its intended use, i.e., sample, testing, etc., and the identity of the source of the contraband to be used in the operation. *Seized contraband should not be used for such an operation when judicial proceedings are still pending involving that particular contraband. All contraband used in such operations should be handled as evidence and all required evidence-handling procedures should be followed and properly documented.*

Communication with Prosecuting Attorney and Other Law Enforcement: The prosecuting attorney who would ultimately be responsible for the prosecution of such cases should be thoroughly briefed and allowed input prior to any such operation.

The Case Agent should attempt to contact other law enforcement agencies, including the federal Drug Enforcement Administration, to ensure that two undercover officers and/or informants are not unknowingly dealing with one another as buyers/sellers. The Division Commander may waive this requirement if the Case Agent can articulate specific facts that would indicate such notification could substantially jeopardize the success of the operation and/or the safety of covert officers.

Assisting other Agencies: Nothing contained in this policy prohibits an Arkansas State Police officer from assisting another law enforcement agency in a reverse undercover operation initiated by that agency. In lieu of the written information set out above, the Special Agent should contact and verbally brief the Special Agent's immediate supervisor. The Special Agent's commander may verbally grant or deny permission for the Special Agent to participate in the other agency's operation.

Improper Use of Reverse Undercover Operations: A reverse undercover operation should *not* be initiated solely for seizing assets.

CONFIDENTIAL INFORMANTS

Use of Confidential Informants: Special Agents may use Confidential Informants (CIs), also known as cooperating individuals, in their criminal investigations. An individual may want to cooperate with law enforcement for a variety of reasons, including, but not limited to the following:



Criminal Investigation Division

CID OPERATIONS MANUAL

- A citizen who knows about criminal activity, is not involved in that activity nor associated with the criminal element, and wants to assist law enforcement in stopping the criminal activity; or
- A subject with a criminal record normally cooperates with the police for one of the following reasons:
 - Consideration of pending criminal cases;
 - Money;
 - Revenge;
 - Elimination of competition;
 - Fame;
 - Information (double agent); or
 - Protection.

To protect the Special Agent and the integrity of the case, the Special Agent should consider the following when dealing with any CI, regardless of the individual's reason for cooperating with law enforcement:

- A subject with a criminal record is usually of the same caliber as the targets of the operation.
- When initially meeting a CI, the Special Agent should be accompanied by or kept under surveillance by another law enforcement officer.
- One of the greatest dangers facing law enforcement officers in the use of CIs is developing a close personal relationship with the CI. Fraternizing with a CI in an unofficial capacity will jeopardize the objectivity and the integrity of the officer, the Arkansas State Police, and the investigation, and is strictly prohibited.
- The Special Agent should not initiate or participate in any sexual relations with a CI.



Criminal Investigation Division

CID OPERATIONS MANUAL

- Special Agents should not engage in any financial dealings with a CI other than those directly related to the case under investigation and those documented as confidential fund expenditures.
- Special Agents should not accept gifts or gratuities from a CI.
- Under all circumstances, Special Agents should maintain strict control of CIs.

Approval of CIs: The officer's immediate supervisor or Company Commander should approve all Arkansas State Police informants that will be compensated. The following persons require approval by both the Company Commander and Division Commander before being used as an ASP informant, confidential or otherwise:

- Persons who have been convicted of violent or sexual crimes or have an extensive criminal history;
- Persons on parole. Parolees should be approved by the Arkansas Parole Board before being used;
- Persons on probation. Their probation officer and/or the circuit judge who sentenced them should approve probationers;
- Persons who are mentally or emotionally unstable; or
- Drug abusers.

Juvenile Informants: Juveniles should not be used as informants, except under exigent circumstances, and after consultation with the assigned prosecutor. If a juvenile is to be used, written approval should be obtained from the juvenile's parent or legal guardian.



Criminal Investigation Division

CID OPERATIONS MANUAL

Opposite Gender Informants: The Special Agent's immediate supervisor or Company Commander should approve requests for an opposite gender CI. The Special Agent should have a witness in any face-to-face meetings with an opposite gender informant.

Whenever a body search of the opposite gender informant is necessary, the Special Agent should arrange for the search to be performed by another officer of the informant's gender.

Unless there is an extreme emergency, the Special Agent should avoid physical contact with an opposite gender informant.

Any complaints by opposite gender informants, or any known facts of impropriety between the Special Agent and the opposite gender informant, should be documented and forwarded to the officer's immediate supervisor or Company Commander.

Informants in Relationships with Suspects: Informants involved in personal relationships with suspects should be handled with the utmost caution. Oftentimes these individuals have gained personal knowledge of the illegal activity while in a relationship with the perpetrator. Special Agents should consider the possibility that these individuals are willing to act as an informant to gain knowledge of law enforcement investigations and the identities of undercover Special Agents and vehicles. CIs may agree to cooperate while angry with the person about whom they are willing to provide information, but Special Agents should realize this anger may be transitory and the informant may switch allegiances in mid-investigation.

Documentation: Special Agents should obtain a confidential informant number from the CID Division office for each compensated CI. The following should be complete before a CI number may be approved:

- A Description of Subject form ([ASP 6B](#)) should be completed:
- A Cooperating Individual Statement of Conditions form ([ASP 127](#)) should be completed and reviewed with the CI.



Criminal Investigation Division

CID OPERATIONS MANUAL

- Other documentation required to obtain a CI number includes, but may not be limited to:
 - A recent photograph of the CI;
 - One complete and legible set of fingerprints on a standard FBI Criminal Fingerprint Card (Form FD-249). The cards should be fully completed by the officer and signed by the CI. In the “Charge” field, the officer should place the notation “Criminal Inquiry Only”. The officer should complete an NCIC/ACIC criminal history check to be placed in the CI’s file. The print card should be forwarded to the Arkansas State Police ID Bureau for an AFIS search. It is imperative that the name of the submitting officer be clearly indicated to ascertain that the officer receives any necessary replies. If the CI has a criminal history and fingerprints on file, it is not necessary to fingerprint the CI;
 - It is important to obtain names and addresses of the CI’s close relatives to facilitate locating the CI for future court appearances; and
 - A copy of the new CI file should be routed to the officer’s supervisor to verify the accuracy and content of the information provided.

The CI’s file should be retained at the division office in Little Rock in a secure location. Authorized personnel may obtain access to CI files through the CID Division Commander.

All guidelines with informants should be thoroughly reviewed and signed by the CI prior to initiation of the investigation.

Special Agents should record all work done by a CI and all information received from the CI. This may be done within a case file or intelligence report.

CI Association with the Arkansas State Police: Special Agents should explain to CIs that they are not employees of the Arkansas State Police and that their limited association with the Arkansas State Police:



Criminal Investigation Division

CID OPERATIONS MANUAL

- Does not entitle the CI to any official law enforcement authority or afford the CI any special privileges;
- Does not relieve the CI of the responsibility to pay taxes on compensation derived from the CI's informant activity;
- Does not authorize the CI to carry a weapon; and
- Does not permit the CI to operate ASP vehicles without the approval of the Division or Company Commander.

Termination of CI Relationship: A Special Agent may sever the relationship with the CI for several reasons. These reasons may include, but are not limited to the following:

- The CI becomes unreliable;
- The CI lacks productivity;
- The CI relocates;
- The CI is arrested;
- The CI's identity has been revealed as an Arkansas State Police informant;
- The CI knowingly jeopardizes the safety of an officer;
- The CI knowingly misidentifies a defendant; or
- The CI is charged with a violent action.

Payments to Informants: Records of payments to CIs should be kept in strict compliance with Arkansas State Police policy and the guidelines established by the Division of Legislative Audit.



Criminal Investigation Division

CID OPERATIONS MANUAL

All payments made to Arkansas State Police CIs should be documented on a Confidential Fund Debit Report Form ([ASP 132](#)), with the CI number and the CI's signature clearly visible. Special Agents should make every effort to ensure that another law enforcement officer witnesses these payments. If another law enforcement officer is unavailable to witness a payment, a Request for No Witness Signature Approval Form ([ASP 132A](#)) should be substituted to justify the lack of a witness.

Advance payments should not be made to CIs without the approval of the Special Agent's Company Commander

See [Confidential Buy Fund Procedures](#) contained in this manual.

Agreements with CIs: The respective county prosecuting attorney or the assistant U.S. Attorney prosecuting the case should approve the terms of all agreements with the CI.

The officer should not agree to any consideration of charges pending against a CI without prior approval of the prosecuting attorney or U.S. Attorney.

Identity of an Informant: The identity of an informant should be concealed from the suspect, whenever possible.

When a Special Agent desires to protect the identity of a CI throughout court proceedings, that desire should be communicated to the prosecuting attorney or U.S. Attorney early in the investigation. If a judge determines that a CI is a material witness, the CI's identity must be revealed or the case will be dismissed. The Special Agent should consult with the prosecutor to prevent wasting time and money on investigative activities that will not be prosecutable.

CONFIDENTIAL BUY FUND PROCEDURES

Expenditure Limits: All confidential buy fund transactions should be subject to the following requirements:



Criminal Investigation Division

CID OPERATIONS MANUAL

- The Special Agent, when conducting an official investigation, has authority to make expenditures up to \$500 related to the investigation, whether one time or cumulative;
- The Company Commander may authorize approval for expenditures in excess of \$500 but less than \$2,000, whether one time or cumulative in the same investigation;
- The Division Commander may authorize expenditures in excess of \$2,000 but less than \$5,000, whether one time or cumulative in the same investigation; and
- The Division Commander, with the director's approval, may authorize expenditures exceeding \$5,000.

The guidelines for payments to informants are as follows:

- The Special Agent may authorize payments up to \$100;
- The Company Commander may authorize payments in excess of \$100 but less than \$500; and
- The Division Commander may authorize payments in excess of \$500.

Use of Confidential Buy Funds: Confidential buy funds **should not** be used for unauthorized purposes or co-mingled with a Special Agent's personal money. Special Agents shall not borrow money from an outside agency, or loan ASP confidential buy funds to an outside agency, with the expectation of repayment of the funds.

This policy applies to law enforcement officials from other agencies assigned to a task force utilizing the Arkansas State Police confidential buy funds.

In all instances when the cumulative cost of an investigation exceeds \$30,000 for a drug purchase, payments to the CI and related investigative expenses, i.e., rent, motel, informant automobile repairs, informant meals, etc., should be approved by the Division Commander. Anticipated or



Criminal Investigation Division

CID OPERATIONS MANUAL

actual “winnings” in gambling cases should not be deducted from the above sums for the purpose of circumventing the requirement to seek approval from the designated lines of supervision.

Audit of Expenditures: Confidential Fund Debit Report forms ([ASP 132](#)) should be carefully checked for accuracy, completeness, and propriety of the expenditures through the chain of command to the Company Commander for approval then forwarded to the division office in Little Rock for filing. All required receipts should be checked and compared with expenditures set forth on the ASP 132. The Expenditure of “Buy” Money Monthly Report forms ([ASP 29](#)) should be checked and expenditures for purchase of evidence compared with corresponding costs claimed on the ASP 132.

Special Agents should not possess confidential buy funds for extended periods unless specifically required for undercover operations. Company Commanders approving the ASP 29 should review the justification for funds when there has been no activity reported on the ASP 29 for one hundred eighty (180) days. The approving commander’s initials and date on the ASP 29 may document continued justification with the notation “retention justified.” If a Company Commander or supervisor determines that it is appropriate to confirm the cash on hand during review of the monthly reports, a cash count should be performed.

At least once every month, the Company Commander or his/her designee should conduct a mandatory audit of all confidential buy fund money being held by Special Agents. A written report of all audits should be forwarded to the Division Commander. The Special Agent’s supervisor or higher command may request an accounting of confidential buy fund money from a Special Agent at any time when deemed necessary.

Possession Limits: Special Agents are authorized to possess up to \$2,000 in confidential buy fund money. Company Commanders, with justification from the Special Agent, may authorize the Special Agent to possess up to \$3,000 in confidential buy fund money. The Division Commander, with justification from the Company Commander, may authorize the Special Agent to possess up to \$6,000 in confidential buy fund money. Special Agents assigned to a task force, with the authorization of the Division Commander, may exceed the limits set forth in this procedure. The Company Commander should review the justification monthly.



Criminal Investigation Division

CID OPERATIONS MANUAL

TACTICAL OPERATIONS

Definitions: For the purpose of this policy, “tactical operations” means the lawful invasion of a building or locality by law enforcement for making apprehensions and/or the recovery of evidence.

Tactical Operations Planning Considerations: The following issues should generally be addressed and/or considered prior to beginning a criminal investigation tactical operation:

- Determine what offenses have been committed in violation of specific Arkansas statutes;
- Coordinate with the prosecuting attorney or deputy prosecuting attorney with prosecutorial responsibility for the particular area involved;
- Determine if search and/or arrest warrants are needed and plan for executing those warrants;
- If the planned operation would be considered “major” in nature, e.g., requiring large numbers of personnel, extended time periods, or high risk tactical concerns, the Case Agent should obtain authorization through the chain of command to commence such an operation;
- Ensure that all officers to be involved are familiar with the details and objectives of the operation including, but not limited to:
 - Identification of suspects and how contact will be made;
 - Identification of target house(s), structure(s), and/or area(s);
 - Observation or surveillance required;
 - High-risk entry required;
 - Use of force considerations;



Criminal Investigation Division

CID OPERATIONS MANUAL

- How arrests will be carried out;
- Back-up and perimeter security.
- Inform involved personnel of the proper uniform and/or type of clothing to be worn and any special equipment, vehicles, or other items needed for the operation. Visible uniforms and marked vehicles should be used in a conspicuous role, when possible;
- Inform involved personnel of the communication channels/frequencies to be used for operation traffic and emergency situations, including requests for medical assistance;
- Request and coordinate assistance from local and other state and/or federal agencies as appropriate;
- Plans for requesting emergency medical and/or fire service assistance if needed;
- Special Agents should complete a Tactical Operations Plan ([ASP 131](#)) for all pre-planned Arkansas State Police tactical operations when deemed necessary by a supervisor.

Assisting Other Agencies: Arkansas State Police personnel are often asked to assist in tactical - type operations planned by other agencies. In such cases, Arkansas State Police personnel should make every effort to review the other agency's plan thoroughly, prior to becoming involved, so that the officer(s) can reasonably be assured that all appropriate areas of concern have been addressed. Should there be any questions or concerns not addressed and the situation cannot be resolved, the involved Special Agent should contact his/her immediate supervisor to voice those concerns and to determine whether or not there should be Arkansas State Police involvement in the operation.



Criminal Investigation Division

CID OPERATIONS MANUAL

CLANDESTINE LABORATORY INVESTIGATIONS

Purpose: Concern for officer safety during investigation, seizure, and disposal of clandestine drug laboratories has resulted in the establishment of operational safety standards, based on exposure and potential dangerous elements at the lab sites.

All Arkansas State Police personnel assigned to investigate, seize, dismantle, and/or participate in the cleanup of clandestine drug labs should be trained as certified clandestine drug laboratory technicians and should be equipped with a self-contained breathing apparatus (SCBA), an air purifying respirator (APR), protective suits, gloves, boots, first aid kits, and other necessary equipment to safely perform this task.

Every company should have two site safety officers available for assignment at Level One clandestine laboratory sites.

Hazards of Clandestine Labs: All personnel should exercise extreme caution when approaching or working in the area of a suspected clandestine laboratory.

Clandestine laboratories producing illicit drugs are frequently operated with little or no safety precautions. Immediate dangers include fire, explosion, inhalation of harmful fumes, and skin contact with dangerous chemicals. Without adequate training and protection, exposure to chemicals found in such laboratories can cause cumulative, damaging effects to the body.

Arkansas State Police personnel should exercise the following general precautions while awaiting the arrival of trained personnel to effect control of a suspected clandestine laboratory:

- Maintain a safe distance from the suspected laboratory and avoid being downwind and downgrade from the area;
- Exercise caution when making a custodial arrest of a suspect in a vehicle or structure containing a suspected clandestine laboratory. Officers should be especially mindful of the potential results of discharging a firearm in the vehicle or structure;



Criminal Investigation Division

CID OPERATIONS MANUAL

- Officers should not attempt to identify, smell, taste, or touch chemicals or unknown substances found at a suspected clandestine laboratory;
- Officers should refrain from eating, drinking, smoking, chewing gum or tobacco, or placing their hands to their faces while in a suspected clandestine laboratory area;
- Officers should wash hands, face, and exposed skin upon leaving the clandestine laboratory area.

Training Requirements for Clandestine Laboratory Technicians: All officers selected to become clandestine laboratory technicians are required to undergo and pass a medical screening, conducted by a qualified physician, which meets the standards and requirements of the Drug Enforcement Administration. The physician should conclude that the officer is fit to undergo such training, as well as participate in all aspects of investigating clandestine drug laboratories. Participants will complete a forty-hour (40) Clandestine Laboratory Technician Certification Course approved by the Occupational Safety and Health Administration (OSHA), the Drug Enforcement Administration (DEA), and the Environmental Protection Agency (EPA).

Certified clandestine laboratory technicians are required to have an annual medical screening and participate in re-certification training as required by OSHA and DEA.

Equipment Provided to Clandestine Laboratory Technicians: Necessary equipment to be provided to officers for investigating, containing, sampling, decontaminating, and disposing of clandestine laboratories includes the following:

- Oxygen level indicators;
- Air monitoring devices;
- Protective clothing, protective suits, boots, gloves, goggles, masks, etc.;
- APRs and SCBAs;



Criminal Investigation Division

CID OPERATIONS MANUAL

- Sample taking equipment;
- Decontamination equipment for decontamination of victims, suspects and officers; and
- Vehicles and trailers to be used for transportation of clandestine laboratory investigative equipment.

Clandestine Laboratory Response Levels:

Level One Laboratories:

Laboratories that are actively involved in a chemical process that uses, but is not limited to the use of, anhydrous ammonia, ether, sodium metal, red phosphorus, various acids, solvents, and lye. Level One Laboratories are considered to be actively “cooking” at the time of response. A Level One response should include the assignment of two two-person laboratory technician teams, using full protective equipment including SCBAs, APRs, protective suits, goggles, gloves, boots, first aid kits, and other equipment necessary to contain, investigate, sample, and oversee the clean-up of the site.

A site safety officer should respond to all Level One labs and a chemist from the State Crime Laboratory should be present for sample collection. All chemicals and laboratory equipment should be disposed of in accordance with state and federal laws.

Level Two Laboratories:

Level Two labs are those that involve any chemical process not considered highly explosive or corrosive. An example of a Level Two lab would be the soaking of pills. A Level Two response for Arkansas State Police personnel includes assignment of at least one certified lab technician, with all protective equipment available for use if needed. Additional certified lab officers would respond if the lab site required additional manpower, or if the chemical exposure justified. A site safety officer should be notified and be available to respond based on the description of the lab



Criminal Investigation Division

CID OPERATIONS MANUAL

site as provided by an on-scene certified lab technician. The site safety officer or the on-site lab technician should determine the need for a chemist, after evaluating information about the contents, stage, and site condition from an on-site certified lab technician.

Level Three Laboratories:

Level Three laboratories are commonly known as “box labs” or containers and items that are considered lab components only and containing no chemical process. A Level Three response includes notification of a site safety officer. Level Three labs may be handled by non-certified investigators so long as the components are sealed/contained without spillage or leakage, and would not present a danger to the investigators. If chemical exposure is evident, a certified lab technician should be requested and dispatched, with protective equipment. No chemist is required unless the lab technician requires the assistance of a chemist for dismantling, sampling, or disposal.

All chemicals, glassware, equipment, cans, tanks, etc. seized at any Level Three site should be transported, stored, or disposed as required by state and federal law.

*Identification and Assignment of Personnel: **The Case Agent is responsible for:***

- Development of the criminal investigation;
- Preparation of investigative reports;
- Coordination with Site Safety Officer/Clandestine Laboratory Technician;
- Coordination and filing with prosecuting attorney/U. S. Attorney’s Office;
- Coordinating and assisting Site Safety Officer/Clandestine Laboratory Technician and other agencies (fire department, local law enforcement);
- Developing a tactical operations plan;



Criminal Investigation Division

CID OPERATIONS MANUAL

- Duty assignments for tactical operations/investigation teams; and
- Assisting Site Safety Officer/Clandestine Laboratory Technician and/or chemist with the appraisal and processing of evidence, as necessary.

The site safety officer should attend the DEA or DOJ clandestine laboratory investigation and safety school or equivalent training recognized and accepted by DEA or DOJ. Training should include hazard communication, respirator and SCBA protection, personal protective equipment, confined space entry requirements, and illness/injury prevention.

Case Agents should contact certified clandestine laboratory officers and/or site safety officers as required. The site safety officer may be relieved of the lab site if the lab is identified as a Level Two or Three lab, posing minimal hazard. The site safety officer's primary responsibility is ascertaining site safety. The site safety officer may also be the Case Agent only after fulfilling all safety responsibilities.

The site safety officers have complete authority to control access at the site, regardless of rank.

The site safety officer is responsible for:

- Ensuring that adequate supplies of disposable personal protective equipment are available;
- Ensuring that proper personal protective equipment is being used based on the conditions at the clandestine laboratory site;
- Designating appropriate decontamination zones, as necessary;
- Ensuring proper decontamination of officers clothing and disposal, as necessary;
- Ensuring proper decontamination of suspects and victims, as necessary;



Criminal Investigation Division

CID OPERATIONS MANUAL

- Ensuring completion of specific report forms by each member of the team, and completion of H.A.R.P. form, Exposure Report and all other applicable forms;
- Restricting access to the laboratory scene to certified laboratory technicians and/or chemists.

Chemists: The State Crime Laboratory may be called on at any time to provide guidance and assistance in the investigation of a clandestine laboratory. Nothing in this policy is intended to conflict with investigative policies established by the State Crime Laboratory.

Chemists may be requested to assist with the followin:

- Appraisal of site health and safety hazards, recommendation of the necessary safety procedures to be employed, and disposal methods;
- Providing technical support to the Case Agent and the hazardous waste disposal company to ensure proper disposal of hazardous items and chemicals;
- The collection of chemical samples, analysis, and providing expert opinions.

Supervisor: The CID or highway patrol supervisor is ultimately responsible for the actions of the officers under the supervisor's command.

When the supervisor receives notification of a clandestine laboratory investigation, either from dispatch or from an officer under their command, the supervisor should request the assistance of a clandestine laboratory technician for an assessment of the lab and the required level of response.

For Level One and Two laboratory sites, the supervisor should ensure that officers contain the lab site and exercise proper safety precautions until a certified laboratory technician arrives on the scene. It may not be necessary for a laboratory technician to respond to a Level Three laboratory.

The supervisor is responsible for ascertaining that a site safety officer is on scene at all Level One laboratory sites and that a site safety officer has been notified if the laboratory is determined to be a Level Two or Level Three laboratory site.



Criminal Investigation Division

CID OPERATIONS MANUAL

Clandestine Laboratory Tactical Operations Procedures: The tactical operations of a clandestine laboratory should be conducted in the following four stages:

1. The Planning Stage

A tactical operations plan may not be necessary in all clandestine laboratory investigations. When the clandestine laboratory site is abandoned, has been secured, and the suspects arrested and/or removed from the scene, no tactical operations plan is required.

The Case Agent should develop a tactical operations plan that will be reviewed by the supervisor and the site safety officers prior to briefing and execution. Assisting and/or involved agencies and/or divisions, which may include the State Crime Laboratory, local law enforcement, and fire departments, should be notified.

The communication center responsible for the tactical operations area should be notified prior to the tactical operations and provided necessary information in case of emergency.

The Case Agent is responsible for briefing all tactical operations participants and make team assignments.

The site safety officer is responsible for inspecting all personal protective equipment.

2. Entry Stage

The responsibilities of officers participating in a clandestine tactical operation include, but are not limited to, securing the scene, arresting and removing suspects and other persons from the scene to a non-contaminated area, and decontaminating the area.

Participants should observe the following as minimum safety equipment for personal protection:

- Eye protection/goggles or a face shield;
- Ballistic vest;



Criminal Investigation Division

CID OPERATIONS MANUAL

- Flashlight;
- Handcuffs;
- Weapons including ASP baton and OC spray;
- Radio;
- Nitrile gloves;
- Air purifying respirator (APR), if the seizure of a clandestine laboratory is anticipated; and
- Other equipment as deemed necessary by the Case Agent/site safety officer or as required by Arkansas State Police policy.

3. Assessment Stage

The assessment team consists of a Case Agent and/or a site safety officer. A chemist from the State Crime Laboratory can be used to replace one of the members of the assessment team, usually the site safety officer.

Only officers who have received DEA or DOJ clandestine laboratory or equivalent OSHA training in the use of SCBAs may use them.

If SCBAs are used, officers should enter the lab in pairs. For Level One laboratories, a minimum of two officers in SCBA should be available outside the site in case of emergency.

SCBAs and confined space equipment should be worn when working in attics, crawl spaces, underground areas, and other enclosed spaces. The site safety officer should determine the level of personal protective equipment.

An appraisal of the site and implementation of safety procedures including ventilation of the site, decelerating/accelerating the chemical process, assessing environmental hazards and potential risks for exposure, slip/trip, fire, explosive and corrosive hazards should be conducted during this stage.



CID OPERATIONS MANUAL

4. Processing stage

After the assessment stage is completed, the Case Agent's primary responsibility is to ensure that the lab is properly handled, although chemists, certified laboratory technicians, or site safety officers when those persons have been requested may conduct evidence and/or chemical processing.

The Case Agent is responsible for the collection of non-chemical-related evidence and the clandestine laboratory team should assist with the collection, processing, and fingerprinting of evidence.

The Case Agent, in cooperation with the State Crime Laboratory personnel, should prepare the necessary reports and documentation referencing samples of the chemicals and hazardous materials as required for prosecution.

Decontamination: Proper decontamination of all officers, suspects, victims, and equipment is the responsibility of the site safety officer throughout all stages of clandestine laboratory investigation. The lab certified officer should coordinate with the hazardous waste contractor to ensure that proper site cleanup is performed.

Decontamination of personal equipment, including APRs, SCBAs, goggles, and other non-disposable items is the responsibility of the individual officer. All equipment should be decontaminated prior to leaving the lab scene.

Suspects are to be decontaminated prior to transporting. Transporting officers should be advised of any suspects who may have been previously contaminated. It should be noted in the remark section of the booking application form when suspects have been decontaminated.

When anyone is transported by ambulance, the ambulance crew should be notified that the person might have been contaminated.



Criminal Investigation Division

CID OPERATIONS MANUAL

The clandestine laboratory site should be posted to warn that hazardous chemicals might be present at the site.

Documentation: *All personnel who enter a clandestine laboratory should complete and submit a Chemical Exposure Report. The original report should be forwarded to the clandestine laboratory coordinator, for placement in the permanent, confidential medical file maintained on the exposed employee.*

The **Case Agent** is responsible for completing the following:

- All criminal reports;
- Tactical operations plan;
- Affidavit for arrest;
- Arrest warrant;
- All other required documents for investigation and prosecution;
- Coordinate with the Site Safety Officer that an EPIC Report is completed.

The **site safety officer** is responsible for:

- Hazardous Assessment and Recognition Plan (H.A.R.P); and
- Chemical Exposure Report from all personnel who entered the site.

The **Case Agent, certified laboratory technician or site safety officer** is responsible for:

- Ensuring that the property owner is notified by certified mail of the existence of a clandestine laboratory on the property;



Criminal Investigation Division

CID OPERATIONS MANUAL

- Ensuring that a placard or notice is posted on the property advising that the property has been used in a clandestine drug laboratory, contaminants have been found, and that said property poses a danger of being contaminated; and
- Ensuring that Arkansas Department of Environmental Quality (ADEQ) has been notified of the specific location and the identity of the property owner of any Level I or Level II clandestine laboratory by forwarding a copy of the certified letter sent to the property owner.

Disposal: Disposal is the final consideration in a clandestine laboratory investigation site. The site safety officer, certified laboratory technician, or Case Agent determines the appropriate response level and the need to contact State Crime Laboratory, chemist, or the CID Company Meth Pod Coordinator.

The Case Agent has the discretion of determining the items to seize for prosecution.

Arkansas Meth Waste Pod Program: Clandestine drug laboratory sites that are responded to by law enforcement officers are often contaminated with hazardous waste. This hazardous waste can pose serious risks as it can cause explosions, chemical fires, and harmful releases into the environment as well as serious health risks. It is understood that when law enforcement agencies seize clandestine drug laboratories, the agencies and officers are then responsible for the waste to include the hazardous waste and its proper cleanup and disposal according to all federal, state, and local laws and regulations.

This program was devised as a solution to the difficulty and cost of managing and disposing of hazardous meth lab waste found, seized, and removed from clandestine drug laboratories in the state of Arkansas. The hazardous waste will be stored in the meth pod until DEA contractors are dispatched to the meth pods to pick-up, remove, and properly dispose of the meth lab waste.

The program consists of seven pods located in the following locations: Little Rock, Hope, Monticello, Mountain Home, Jonesboro, Russellville, and Fayetteville. The pods are intended to be a temporary storage facility for meth lab waste that requires destruction by a certified hazardous waste contractor. Each pod will be secured in a fenced area located at a facility with a twenty-four



Criminal Investigation Division

CID OPERATIONS MANUAL

hour law enforcement or security presence. The pods will be available for use by pod certified officers from any police agency who has entered into a Memorandum of Understanding with the Arkansas State Police. The pods will be serviced on a regular basis by a DEA certified hazardous waste contractor.

Meth Lab Waste: Meth lab waste should be considered as items seized or collected which are not considered by the Case Agent as evidence. These seized items can be classified as hazardous and non-hazardous. Only hazardous waste should be transported to and stored in the meth pods. Meth Pod Certified Officers will be trained to recognize hazardous waste that should be deposited in the meth pods by chemists at the Arkansas State Crime Lab. Meth Pod Certified Officers should consult with the crime lab chemists if there is a question as to which types of waste should be deposited in the meth pods and which types of waste can be disposed of in another manner. Only waste from clandestine labs or discarded waste that is presumed to be from a clandestine drug lab will be deposited in the meth pods. **Illegal drugs or finished product should be considered as evidence and not permitted to be deposited in the meth pods. No evidence of any kind will be stored in the meth pods. The meth pods are intended for drug lab hazardous waste only.**

Meth Pod Certified Officers: Officers who have completed an approved forty-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) Methamphetamine Certification Course and a sixteen-hour Meth Lab Waste Packaging and Handling Course instructed by chemists at the Arkansas State Crime Lab. Periodic, refresher or additional training may be required. Pod Certified Officers should consult with the CID Company Pod Coordinator, CID Pod Program Coordinator, Site Safety Officer or Crime Lab Chemist with questions related to meth lab waste and the pod program. **Any officer who has not successfully completed these two courses is not meth pod certified, and will not be permitted to transport to or deposit meth lab waste in the Arkansas Meth Container Program Pods.** The Meth Pod Certified Officers are responsible for the following:

- Should contact the Meth Pod Supervisor as soon as practical to him/her know that he/she has hazardous waste that will need to be transported to and stored in the meth pod.



Criminal Investigation Division

CID OPERATIONS MANUAL

- Identify, neutralize, package and transport hazardous meth lab waste to one of the meth pods per program standards as well as federal and state laws rules and regulations.
- Properly package waste in approved five-gallon buckets, which are provided.
- Properly label buckets of waste with the case number and contents.
- Attach appropriate warning and shipping labels to the buckets.
- Properly complete the meth lab waste shipping paper and deposit the original at the meth pod site.
- **Properly complete and submit EPIC form for meth lab reporting.**

Meth Pod Supervisors: Each Arkansas State Police CID Company Commander will assign a Meth Pod Certified Officer to be the Meth Pod Supervisor for each meth pod located in the company. The Meth Pod Coordinators are responsible for the following:

- Serve as the operator for the meth pod they are assigned to and will have the authorization to accept or decline meth lab waste delivered to the pod.
- Ensure all officers depositing waste in the pod are meth pod certified and represent an agency, which has previously entered into a memorandum of understanding to participate in the program.
- Monitor the pod site on a regular basis to ensure that it is in good operating condition and adequate supplies are available for the operation of the program.
- Ensure the proper paperwork is being submitted by officers and collected by the contractor at the pod site.



Criminal Investigation Division

CID OPERATIONS MANUAL

- Coordinate on a regular basis, with local police and fire departments related to the contingency plan and planning for hazardous material cleanup at the pod site.
- Ensure the local fire department is provided an up-to-date contingency plan to be retained by the fire department in case of emergency.
- Maintain a file box at the local agency hosting the meth pod which contains MOU's, contingency plans, blank shipping papers, a key to the pod for emergencies, and any other items deemed appropriate.
- Contact the Pod Program Coordinator when the pod needs to be serviced by the DEA hazardous waste contractor or if there are issues that need to be taken care of by the Pod Program Coordinator.
- Ensure that meth pod certified officers complete EPIC reporting for each meth lab investigated.
- Ensure each pod is inspected twice yearly, with one of the inspections conducted during the annual Company inventory.

Meth Pod Program Coordinator: A program coordinator will be assigned by the CID Division Commander. The Pod Program Coordinator is responsible for the following:

- Communicate and assist the Meth Pod Supervisors.
- Serve as the point of contact for the DEA and the DEA hazardous waste contractor.
- Communicate with the DEA point of contact on a weekly basis as to which pods contain waste, which needs to be picked up by the contractor.



Criminal Investigation Division

CID OPERATIONS MANUAL

SPECIAL INVESTIGATIONS

Arkansas State Police personnel may be called upon to investigate other public organizations or public officials in the course of a criminal investigation. The following rules apply:

- When a criminal investigation begins to focus on a public official or organization, the Special Agent should immediately notify his/her immediate supervisor of that fact. That supervisor should ensure that the information is promptly relayed up the chain of command. The Special Agent will be instructed how to proceed;
- When a member of the public or a public official contacts a Special Agent or supervisor with a complaint against a public official or law enforcement agency, the complainant should be directed to contact the appropriate prosecuting attorney with the complaint. The prosecuting attorney may then initiate a written request, with his/her intent to prosecute, through the CID Division Commander for the Arkansas State Police investigate the complaint; and
- In reviewing a request for an investigation of a public official and prior to approval of such request, several factors should be considered including, but not limited to, any ongoing civil or criminal litigation involving the complainant and the public official.

Nothing contained herein should be construed as a means of circumventing an investigation of public officials.

Special Investigations Unit: The Special Investigation Unit (SIU) is supervised by a Sergeant who reports to the Division Commander. The SIU is responsible for investigating state-level white-collar crime and public corruption cases in the state of Arkansas. The SIU may be used to investigate any major case assigned by the Division Commander. Special Agents assigned to a federal task force will also be assigned to the SIU.



Criminal Investigation Division

CID OPERATIONS MANUAL

REFERRALS TO THE CRIMES AGAINST CHILDREN DIVISION

Time Mandates: The Arkansas Child Maltreatment Act (A.C.A. § 12-18-101, *et seq.*) mandates under A.C.A. § 12-18-602 that all investigations shall begin within (72) hours of notification of suspected child maltreatment or notification of a child death. This statute further states the following concerning investigations that must begin within twenty-four (24) hours:

- (2) However, the investigation shall begin within twenty-four (24) hours if:
 - (A) The allegation is severe maltreatment, excluding an allegation of:
 - (i) Sexual abuse if the most recent allegation of sexual abuse was more than one (1) year ago or the alleged victim does not currently have contact with the alleged offender;
 - (ii) Abandonment and the child is in a facility; or
 - (iii) Cuts, welts, bruises, or suffocation if the most recent allegation was more than one (1) year ago and the alleged victim is in the custody of the Department of Human Services;
 - (B) The allegation is that a child has been subjected to neglect as defined in § 12-18-103(14)(B); or
 - (C) A child has died suddenly and unexpectedly.

The purpose is to ensure the safety of the child and other children in the home from additional injury or harm. The Arkansas Child Maltreatment Act mandates certain investigative activities be complete within thirty (30) days of the receipt of the allegation.

The Arkansas State Police, through agreements pursuant to Act 1240 of 1997, assumed these mandated timeframes. The timeframes should not impact criminal investigations beyond certain investigative activity being coordinated and completed to ensure compliance with the Arkansas Child Maltreatment Act.

Procedure: When a member of the Arkansas State Police receives an allegation of child maltreatment as defined in the Child Maltreatment Act, that member should, as soon as practical, report the allegation to the Child Abuse Hotline, 1-800-482-5964.

**Criminal Investigation Division**

CID OPERATIONS MANUAL

The Child Abuse Hotline accepts reports, under the Arkansas Child Maltreatment Act, that meet the criteria of child maltreatment and neglect. The Child Abuse Hotline should forward the allegation to the investigative section(s) of the Crimes Against Children Division through established protocols. A CID Special Agent may retain primary responsibility for the investigation, coordinating with the Crimes Against Children Division.

Nothing in this policy prohibits members of the CID and the Crimes Against Children Division from working jointly in the investigation of a crime against a child. CID Special Agents should share their investigative reports regarding those criminal investigations in which CACD has a parallel maltreatment investigation, preferably by emailing investigative reports to the assigned CACD investigator in a timely fashion. CID Special Agents who may be unclear as to whether the alleged conduct in their criminal investigation meets the criteria of the child maltreatment as per the maltreatment act are encouraged to contact CACD personnel for guidance.

CYBERCRIME

Overview: The proliferation and use of computers and digital devices coupled with the ease of use and anonymity that the Internet provides dictates that Special Agents be organized, trained, and equipped to conduct cyber investigations in all matters regardless of case type.

This policy concerns issues specific and unique to cybercrime investigations. This chapter applies to other agency task force officers assigned to Arkansas State Police or under Arkansas State Police operational control.

Workspace and Equipment: Arkansas State Police investigative and forensic computers and software should be reserved for exclusive use by agency-designated personnel. When possible, undercover computers, software, and online accounts should be purchased covertly. No personally owned equipment should be used in investigations and all software should be properly acquired and licensed.



Criminal Investigation Division

CID OPERATIONS MANUAL

Absent exigent or unforeseen circumstances, all online investigations should be conducted in government workspace as designated by the Arkansas State Police. Exceptions should be approved in advance by the Arkansas State Police CID Division Commander.

Case Predication and Prioritization: Case predication and prioritization should follow the criteria described in the Case Assignment and Priority policy. During the priority level assignment phase of case initiation, the following guidelines should be considered in cases specifically involving Internet child exploitation:

- A child is at immediate risk of victimization.
- A child is vulnerable to victimization by a known offender.
- A known suspect is aggressively soliciting a child or children.
- Manufacturers, distributors or possessors of images that appear to be home photography with domiciled children.
- Aggressive, high-volume child pornography manufacturers or distributors who are commercial distributors, repeat offenders, or specialize in sadistic images.
- Manufacturers, distributors and solicitors involved in high-volume trafficking or belong to an organized child pornography ring that operates as a criminal conspiracy.
- Distributors, solicitors and possessors of images of child pornography.
- Any other form of child victimization.

Assuming the initial information is deemed credible, case priority determination should begin with an assessment of victim risk and then consideration of other factors such as jurisdiction and known offender behavioral characteristics.



Criminal Investigation Division

CID OPERATIONS MANUAL

National Center for Missing and Exploited Children (NCMEC) Cybertip Prioritization:

ASP policy addresses case prioritization regarding most case types, however, child exploitation cases have a separate prioritization system set forth by the National Center for Missing and Exploited Children (NEMEC). As the ASP receives complaints from NCMEC, they will have already been assigned a priority level. The levels are described below:

Priority 1 (P1) Cybertip: A P1 status means that there is imminent danger to the child victim. These reports may be made by an Electronic Service Provider (ESP) or a member of the public.

Priority 2 (P2) Cybertip: A P2 status means that the child victim is planning to travel to meet the reported user or the reported user is making plans to meet with the child. It could also mean that the reported user made comments regarding sexually abusing a child and appeared to have direct access to a child. These reports may be made by an Electronic Service Provider (ESP) or a member of the public.

Electronic Service Provider (E) Cybertip: An E status means that an Electronic Service Provider (ESP) has made the report to NCMEC. An example of an ESP is Facebook, Dropbox, Instagram, or Microsoft. NCMEC's analysts have the authority to escalate a report from an "E" to a Priority 1 or 2.

Priority 3 (P3) Cybertip: A P3 status means that the report was made by a member of the public by calling the Cybertipline or making a report on line at www.missingkids.com or the Internet Criminal Complaint Center (IC3) at www.ic3.gov. NCMEC analysts also have the authority to escalate a P3 to a P1 or P2.

These NCMEC priority levels are assigned by a NCMEC Analyst and do not dictate the ASP Prioritization of the Cybertip. Due diligence should be exercised in the assessment of the Cybertip with the urgency dictated by the presence of imminent danger to a child or the public. Cybertips are sent to ASP from NCMEC, and are reviewed by the ICAC Commander or his/her designee. If the Cybertip necessitates immediate action the ICAC Commander or his/her designee will contact the CID Company Commander of jurisdiction to provide that Commander with the Cybertip

**Criminal Investigation Division**

CID OPERATIONS MANUAL

information to pursue immediate investigative action. At his or her discretion, the ICAC Commander may assign any Cybertip to an appropriate ICAC Affiliate Agency for investigation in the event that such an assignment is more reasonable.

All Cybertips will be assigned to ASP Personnel or ICAC Affiliate Agencies through the appropriate chain of command by use of the ICAC Data System (IDS). All ASP Personnel assigned a Cybertip for investigative action through IDS will concurrently be assigned a task in the RMS containing the information from the Cybertip. The Special Agent will convert the task to a case in the RMS that is subject to the normal ASP reporting guidelines. Once the investigation is completed, the results of the investigation will be noted in IDS referenced by an ASP case file number and closed in IDS.

Child Abuse Material (CAM) is often associated with child exploitation investigations. These CAM's are sensitive and evidentiary in nature and should be considered as such. The CAM should only be viewed by those responsible for the investigation and prosecution of the case unless otherwise directed by the appropriate judicial official. The CAM should be stored on media suitable for the CAM as dictated by the data size of the media. The storage media should be clearly marked with evidence tape, labeled as CAM and/or contraband, and stored in a secure evidence storage location and disposed of at the conclusion of the case. The CAM material should not be uploaded to RMS or transmitted via email.

Agents should be cognizant of the fact that any child exploitation investigation initiated as the result of a Cybertip or undercover investigation are subject to the mandates of the Arkansas Child Maltreatment Act (A.C.A. § 12-18-101, *et seq.*) and should be reported to the Child Abuse Hotline accordingly.

Undercover Operations: Carefully managed undercover operations conducted by well-trained officers are among the most effective techniques available to law enforcement for addressing a number of cyber offenses, especially child exploitation. Undercover operations, when executed and documented properly, collect virtually unassailable evidence regarding a suspect's predilection to exploit children.



Criminal Investigation Division

CID OPERATIONS MANUAL

Arkansas State Police personnel should not electronically upload, transmit, or forward pornographic or sexually explicit images.

Other than photographs of law enforcement officers who have provided their informed written consent, no actual human images should be uploaded, transmitted, or forwarded at any time or used during an undercover investigation by Arkansas State Police personnel. At no time should random images be selected from the internet, websites, or social media sites to be used as a representative of the undercover investigator or as an avatar.

All instances of undercover online activity should be recorded and documented in the case file. Any departures from this policy due to unusual circumstances should be documented in the relevant case file and reviewed by an Arkansas State Police supervisor.

If personnel determine during the course of an internet investigation that the crime occurred outside their area of responsibility, the investigator will upload the case materials to IDS and notify the ICAC Commander. The ICAC Commander will make a determination as to whether the investigation will be transferred to another jurisdiction.

Undercover investigations should only be conducted on equipment specifically designated for such investigations and approved by the ICAC Commander. Computers issued by the ASP IT Section should not be used for such investigations. Access to the internet to conduct undercover investigations should be specifically designated independent access points that are configured for these types of investigations. The ASP computer network, personal or public Wi-Fi should not be used for internet access to conduct undercover investigations. The ASP issued cellular “hotspot” may be used in these investigations. Agents should always verify the registry of the IP address prior to conducting an undercover internet investigation to ensure that the IP address is not registered to a government entity.

If during internet-based investigation the situation necessitates the need for ASP Personnel to assume the on-line identity of a victim or the subject of an investigation, the Special Agent should complete a Consent to Assume Online Presence form ([ASP 243](#)). If the identity of the person being assumed is a minor, parental consent is required and shall be documented on the ASP 243.



CID OPERATIONS MANUAL

Special Evidence Handling: Evidence procedures should adhere to the Property and Evidence Control policy located in the Law Enforcement Operations Manual. Additionally, the following guidelines should be considered:

- Only authorized personnel who have completed or are in the process of completing a nationally recognized qualifying program of digital forensics procedures, tools, and best practices, can conduct forensic examinations of computers and related evidence.
- Images depicting the sexual abuse or exploitation of children are considered illegal contraband in the same sense as narcotics and dangerous drugs and should be safeguarded accordingly. Absent a court order specifically ordering otherwise, evidence containing child pornography should not be released to any defendant or representative thereof.
- When providing evidence containing child pornography to another law enforcement agency, such evidence should be hand-delivered, digitally protected, or sent via a delivery service, which tracks the shipment. All electronic deliveries should be encrypted.

Information Sharing: Conventional boundaries are virtually meaningless in the electronic world of the Internet and the usual constraints of time, place, and distance lose their relevance. These factors increase the possibility of police agencies targeting one another, investigating the same subject, or inadvertently disrupting an ongoing investigation.

To foster coordination, collaboration, and communication with other agencies, each Case Agent should contribute basic case information on all active investigations (local, interstate, reactive and proactive) pertaining to Internet child exploitation to the Internet Crimes Against Children (ICAC) national database, as designated by the state ICAC coordinator. Current deconfliction and identification services are provided by the National Center for Missing and Exploited Children (NCMEC). All child exploitation images in all cases under investigation by Arkansas State Police will be submitted by the Case Agent/forensic specialist to NCMEC for inclusion in the national Child Victim Identification Program (CVIP). This information should be submitted at the earliest practical opportunity in accordance with the current guidelines established by NCMEC.



Criminal Investigation Division

CID OPERATIONS MANUAL

Supervision: The CID Division Commander should ensure that Arkansas State Police activities comply with both agency and ICAC standards.

Every Special Agent is required to submit a monthly report entitled “Performance Measures” detailing their ICAC-related activities for the month. This report is accessed through IDS and should be submitted by the 10th day of the month for the preceding month of reported activity (i.e. activity for the month of January is to be reported in IDS on or before February 10th).

Personnel Selection: All Arkansas State Police commanders should evaluate prospective candidates for cyber investigations based on a work history that indicates prior investigative experience, court testimony skills, and ability to handle sensitive information prudently. These considerations are in addition to other critical areas of personnel selection as outlined in the Special Agent Selection policy of this manual. Since the bulk of cyber investigations involve the sexual exploitation and abuse of children, a genuine interest in the protection of children should be absolute.

All Special Agents designated to conduct ICAC Investigations, or who use ICAC related equipment, shall be familiar with and adhere to the ICAC Investigative Standards as promulgated by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Community Education and Crime Prevention: Prevention education activities are a critical component of Arkansas State Police cybercrimes investigations and are the shared responsibility of all assigned personnel. All Arkansas State Police activities so engaged should foster awareness and provide practical, relevant guidance to children, parents, educators, librarians, and other individuals concerned about child safety issues in their geographical area of the state.

Presentations to school staff, parents, and community groups are excellent ways to promote awareness. These presentations should not depict identifiable victims not otherwise in the public domain; nor should they use pornographic or sexually explicit images. Presenters should not discuss confidential investigative techniques.



Criminal Investigation Division

CID OPERATIONS MANUAL

ASP Personnel who engage in community outreach presentations regarding technology facilitated crimes against children, human trafficking or sex trafficking should notify their immediate supervisor of the event in a timely manner to allow adequate time for their supervisor to forward the notification through the chain of command to the CID Division Commander.

Mental Health: Employees exposed to CAM in the workplace may face unique challenges that differ from other personnel within an agency. Personnel can develop acute stress disorder (ASD) and secondary traumatic stress disorder (STSD) due to viewing the graphic CAMs. Supervisors should monitor their personnel who are subjected to viewing CAMs for negative effects. Some of the indicators identified by Supporting Heroes In Mental Health Foundational Training (SHIFT) include:

- Burnout – Feeling overwhelmed, interpersonal problems at work or home, sudden health problems, substance abuse, feeling unmotivated
- Compassion Fatigue – the gradual lessening of compassion for co-workers, family members, even victims
- Vicarious Trauma – negative changes that happen over time because of witnessing suffering of other people, and need. Over a prolonged period of time the exposed individual may feel as if he/she is unable to utilize the same coping mechanisms that they once relied on to assist them with the effects of trauma

Personnel identified who may have be traumatized from viewing CAMs should be meet with their supervisor and develop a course of action to minimize their exposure the CAM including possible referral to the Employee Assistance Program (EAP).

Media Relations and Releases: Media releases relating to prosecutions, crime alerts or other matters concerning Arkansas State Police cybercrime operations should not include information regarding confidential investigative techniques. Media releases should be coordinated (when applicable) with other task force partners, federal law enforcement agencies, state agencies and



Criminal Investigation Division

CID OPERATIONS MANUAL

local agencies involved in the investigation consistent with sound information management and media relations practices.

ASP DIGITAL FORENSIC LAB PROCEDURES

Purpose: To establish guidelines regarding Arkansas State Police (ASP) digital forensic examinations. These guidelines will ensure that all ASP digital forensic examinations are conducted in a manner that maximizes personnel and resources while ensuring conformity with all applicable laws and current best practices.

Applicable Definitions:

ASP Personnel: Includes either sworn or contracted civilian personnel who are affiliated with the ASP individually or via their respective agencies.

Digital Forensic Examinations: Includes any form of acquisition, preview, examination, or other visual, physical or software analysis of digital devices or media.

Digital Forensic Examiner: Includes either sworn or contracted civilian personnel who are affiliated with the ASP individually or via their respective agencies, and have received formal/nationally recognized training in the forensic examination of digital evidence/best practices and have been assigned to engage in the digital forensic examination of digital evidence by the ASP CID Division Commander.

Digital Forensic Supervisor: Includes either sworn or contracted civilian personnel from the ASP who is responsible for the daily supervision of the ASP digital forensic laboratory or personnel.

Process: Only specifically designated ASP personnel shall conduct ASP digital forensic operations. Private citizens shall not be asked to conduct any form of forensic examination nor shall they be authorized to act as Arkansas State Police digital forensic examiners at any time.



Criminal Investigation Division

CID OPERATIONS MANUAL

One of the cornerstones of computer forensic process is the analysis of digital media. The following procedures shall serve as a general framework/guideline for the forensic analysis of digital media. It is understood that circumstances may arise that necessitate deviation from these guidelines; however, any deviation should be documented.

Training: ASP Digital Forensic Examiners will be formally trained by approved sources based on experience and the discretion of the CID Division Commander. At a minimum, prior to engaging in unsupervised digital forensic examinations, digital forensic examiners should attend the following introductory training courses:

- Generic computer data recovery course
- Vendor-specific forensic software training (e.g., Guidance Software's EnCase, AccessData's Forensic Toolkit, etc.)

Newly assigned digital forensic examiners who have not attended the vendor specific software training may engage in digital forensic examination while under the direct supervision of trained examiners. The supervision should consist of visual supervision of forensic efforts, review of forensic findings and additional directions.

- Intermediate/advanced and supplemental training: There are additional digital forensic examination and associated training opportunities available. ASP will ensure that digital forensic examiners maintain professional competence in the various disciplines associated with their individual areas of focus (e.g. examination of digital devices, network forensics, cellular telephone forensics, etc.) to ensure they follow best practices for digital forensics.
- ASP will seek out various nationally recognized trainings including various conferences (e.g. ICAC, High Tech Crime Investigators Association (HTCIA), Mobile Forensics World, etc.), intermediate and advanced forensic trainings (e.g. those provided by Digital Intelligence/Access Data, SEARCH, United States Secret Service, NW3C, etc.), child sexual exploitation related trainings (e.g. those provided by Fox Valley Technical College, ICAC, SEARCH, etc.).



Criminal Investigation Division

CID OPERATIONS MANUAL

ASP does not mandate digital forensic examiners to obtain specific certifications; however, ASP will work towards ensuring that all examiners maintain training in their particular area of expertise with an emphasis on the hardware and software utilized by ASP.

Documentation and Tracking of Training: ASP personnel who are designated as forensic examiners shall maintain individual training records and court expert witness certifications. Examiners shall furnish copies of their certifications to the Forensic Lab Supervisor for inclusion in the examiner's training file maintained within the forensic lab section.

Any certificate and agenda provided to ICAC personnel during attendance at a formal training (either as a student or as an instructor) shall be documented as noted above and maintained by the forensic supervisor.

Personnel may be required to produce this documentation upon request for legal proceedings.

Equipment: Digital forensic examination equipment purchased and/or assigned by the ASP shall be used for legitimate ASP business. ASP personnel shall have no expectation of privacy in the equipment supplied to them/purchased via task force funds. Equipment shall be subject to recall and inspection by the ASP CID Division Commander or designee at his/her discretion. Additionally, any equipment utilized for ASP operations may be subject to discovery via legal proceedings.

Equipment purchased with ICAC Task Force funds remains the property of the ICAC Task Force and may be deployed, recalled or directed for use at the discretion of the ICAC Commander. Items purchased by the ICAC Task Force and issued by the Task Force Commander should not be re-assigned without approval. If a piece of equipment is no longer adequate or operational, the ICAC Commander shall be notified and a decision regarding disposition will be made. ASP equipment and software shall be reserved for the exclusive use by designated personnel. No personally owned equipment shall be used for digital forensic operations.

Any digital forensic equipment should be tested/validated regularly, updated (e.g. firmware updates) and hardware write-blocking devices should be tested prior to use to ensure proper



Criminal Investigation Division

CID OPERATIONS MANUAL

operation. Additionally, all equipment shall be adequately maintained and any abuse, loss, damage or other equipment related issues should be reported to the ICAC Commander immediately.

Software: Arkansas State Police digital forensic examiners will primarily utilize commercially available/recognized forensic analysis software (e.g. EnCase, FTK, Axiom etc.). All software utilized by digital forensic examiners shall be properly acquired and licensed.

Due to constant changes in technology, examiners may seek to utilize non-commercial and/or open-source software to supplement the commercially available software referenced above for forensic analysis. Any non-commercial and/or open-source software utilized by ASP examiners during analysis should be tested and validated for forensic use by existing ASP examiners. A review of such software should be conducted by existing ASP examiners. Validation may consist of independent testing/documentation of results, cross-referencing against original evidence/media and/or comparison to results obtained via the commercially available/recognized forensic analysis software.

Examination Requests: A digital forensic examination or cellular device examination may be requested by the Case Agent. To make the request, the Case Agent or his/her designee shall complete a Digital Evidence Analysis Request Form ([ASP 242](#)) which should accompany the evidence submission. The Case Agent should contact the Forensic Lab Supervisor to determine the location, date and time for the submission.

The case investigator/requesting party will be contacted by a forensic examiner and given notice of their position in the queue and anticipated examination dates. The digital forensic coordinator or his/her designee will then coordinate the specific details of the examination (e.g. delivery of evidence, necessary documentation, etc.) with the investigator, which may include the request for additional investigative information.

Only sworn law enforcement personnel and/or other individuals approved by the ASP Division Commander or ICAC Commander are authorized to submit digital items for forensic examination. Additionally, examination requests should be related to a criminal investigation unless authorized by the ASP CID Division Commander.



Criminal Investigation Division

CID OPERATIONS MANUAL

Digital Forensic Examination Queue: When requests for digital forensic examinations are submitted, they are reviewed and placed into the digital forensic examination queue. The forensic examination queue shall be maintained by the Forensic Lab Supervisor. The placement in the queue is based on the receipt date and time. In situations that require an expedited examination due to such factors as the imminent danger of child, the Forensic Lab Supervisor may reorder the queue to accommodate the need. Any special conditions regarding forensic examinations should be directed to the Forensic Lab Supervisor.

Documentation Required for Digital Forensic Examination: Forensic examiners should be provided copies of the following prior to acceptance of evidence for examination:

- Legal Authorization for search (i.e. Copy of entire search warrant/consent form)
- Chain of Custody form(s) [ASP 2A](#)
- Copy of complete evidence list (list of all evidence being delivered to include make/model/serial numbers)
- Copy of affidavit(s) and investigative reports(s)
- When electronic evidence is seized, the investigator should make every effort to obtain the passcodes, passwords and encryption keys to the evidence prior to seizure through investigative and interview techniques. This information should be contained on the CID Digital Evidence Analysis Request Form ([ASP 242](#)).

Mobile Device Forensic Examiner Duties: Each examiner who conducts forensic examinations of mobile devices – including, but not limited to, cell phones, digital cameras, and Global Positioning System (GPS) devices – shall do so in accordance with training and certification requirements established for the hardware and/or software being utilized. Examiners will engage in various digital forensic examination efforts and techniques as learned through training and experience, and as dictated by individual cases and/or types of media examined. In the event that commercial software and or hardware is used in the examination of a mobile device (e.g., Cellebrite, XRY, Axiom) the examiner should possess training and certification in the use of the



Criminal Investigation Division

CID OPERATIONS MANUAL

equipment or conduct the examination under the supervision of personnel who do possess the proper training or certification.

Return of Original Evidence: The ASP laboratory is not designed as a long-term evidence storage facility and is equipped to maintain original evidence for only brief periods. Generally, once a forensic image of the evidence has been acquired and the forensic process is complete, ASP Laboratory personnel should package the original evidence in a secure manner and facilitate the return of the evidence to the original Case Agent.

If the original evidence is found to contain contraband (e.g. child pornography), the original evidence will be marked as such and notification will be made to the Case Agent. The Case Agent will be solely responsible for custody, care and security of original evidence.

Reporting: Forensic reports should be generated using RMS and submitted for a peer review process prior to final approval by the Forensic Lab Supervisor. If the forensic examination was requested by ASP personnel in conjunction with an existing investigation, the examination report will be uploaded to RMS as a supplemental report to the Case Agent's case file. In the event that there is not an existing ASP case pertaining to the examination, the forensic examiner will open an agency assist (AO) case file to report the forensic examination.

Peer Review of Case Files: The peer review process is designed to ensure that ASP forensic lab personnel have conducted a comprehensive forensic examination and have provided documentation of the pertinent information. This process requires that the members of the ASP digital forensic lab to conduct an overall review of each examiner's forensic efforts and final reporting. Peer review may consist of ASP examiners conducting an overall review of the forensic analysis, the results obtained and/or the final documentation. Peer review occurs at the completion of the forensic analysis and may include recommendations for additional analysis efforts and/or reporting suggestions. All peer reviewed final reports must be approved by the Digital Forensic Supervisor.



Criminal Investigation Division

CID OPERATIONS MANUAL

INVENTORY AND AUDITS

Annual Inventory and Audits: Company Commanders shall ensure that an annual audit and inventory of all assigned equipment (this includes but is not limited to any undercover items i.e. under cover driver's licenses, license plates, etc.) is completed for each employee in their command. This annual inventory should be completed in conjunction with the Fiscal Section annual audit.

Supervisor Show-Downs: Employees may be required to perform a "show down" by a supervisor in their chain of command at any time. This show down includes any issued property or evidence in their possession. Supervisors should be cognizant of ongoing operations (i.e. undercover buys) that may affect the ability of the employee to perform a show down of such items.

Penalties: Employees who are unable to produce assigned property or evidence in their possession in accordance with this procedure may be subject to disciplinary action up to and including termination in accordance with the appropriate Disciplinary Matters Policy ([CIV SEC 6](#) for Civilians and [LE SEC 4](#) for Special Agents).



Criminal Investigation Division



MEMORANDUM

TO: CID Personnel

FROM: Major Mark Hollingsworth

RE: CID Reporting Directives

DATE: May 2, 2018

Included with this memorandum you will find the updated CID Reporting Directives regarding standards for the Records Management System (RMS). All CID Reporting Directives included with this memorandum are effective immediately. Additional or updated CID Reporting Directives will be issued as the need arises. It is incumbent on Special Agents to capture every detail for assigned cases to ensure accurate, complete and concise reporting.

A directive is defined as something intended to guide, govern or influence. The intent with the attached directives is to serve as the Division guidelines and governance for how case information will be entered and tracked in the RMS. Any suggestions, comments or questions should be directed through the chain of command for review.

The CID Reporting Directives are intended to ensure that all reports entered in the RMS are standardized across the Division. This will allow for seamless review of casework for supervisors and straightforward transitions for case reassignment to new agents when necessary.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	001	Effective Date: February 1, 2017
	Purpose of Investigations and Case Reports		

Purpose of Investigations

The purpose of an investigation is to preserve all evidence to (1) determine if a crime was committed, (2) identify the suspect(s), and (3) ensure that an accurate, complete, factual, and unbiased report is provided to the prosecutor with sufficient evidence and information to clearly indicate that all elements of a criminal act are present for an effective prosecution.

Purpose of Case Reports

The purpose of every Case Report is to record all findings of the investigator in a standard format designed to simplify the presentation of the investigative activity for each case. All areas of the investigation must be properly reported to ensure that the prosecutor has the benefit of the full investigation. Arkansas State Police Special Agents have a responsibility to ensure that a complete report is submitted for every phase of an investigation.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	002	Effective Date: February 1, 2017
	Basic Formatting		

Basic Formatting

Below is the required Basic Formatting required for records entered into the RMS:

1. Bookman Old Style, 12 point font
2. Margins will be justified.
3. With the exception of all narrative and synopsis reports, all text in the RMS will be upper case (capital letters).
4. All narratives will be written in the first person format.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	003	Effective Date: February 1, 2017
	Case Initiation Report		Revised July 1, 2017

Case Initiation Report

The **Case Initiation Report** will be the first report completed by the agent in the RMS and will include a narrative detailing how the agent became involved to include the time and date of the request, the specific request made, and the agency and official that made the request. This narrative will be included in the synopsis block of the report.

Occurred Location

The address and county where the crime occurred is a required section in the **Case Initiation Report**. Failure to include this information results in a validation error when the report is submitted for review or approval. In addition, previous cases opened will result in this same error message if the address and county were not included when the report was originally written. Supervisors may see this error when reviewing a case for final closure. The address field and county information will have to be updated in these old cases. Note some validation errors occur due to the agent selecting residential, business or some other option for the address. The system is looking for **OCCURRED** and that choice must be selected in the relationship drop down box. Should a physical address not exist, (such as a crime occurring in an open field, an incident occurring along a highway, or a similar location), a GPS reading or milepost measurement documenting the location may be entered into the description field, along with the name of the nearest township, community or city. In Cyber Crime cases, the address and County where the crime occurred may not be initially obvious until the receipt of Subpoena/Search Warrant legal process. In those instances, the offenders IP address should be entered for the address and the location the IP address resolves to be entered for the County. Both items will be updated when the offender's exact location is determined.

Case Type and Case Subtype

Case type and Case Subtype are required in the initial screen when pulling a case number. Failure to include this information results in incomplete data when generating activity reports for the Company/Division. Supervisors should ensure this information is included when reviewing/approving reports. Should the agent and supervisor be unable to locate the appropriate case subtype for the type of investigation, a system administrator should be contacted. The subtype may be entered in the system under a different name or a new subtype may need to be added into the system. Agents should always select the appropriate PRIMARY or SECONDARY Investigation, and then select the specific type of case using the Case Subtype field.

Officer Involved Shootings

It is critical that ASP CID be able to track Officer Involved Shooting (OIS) investigations. A new section has been added in the **Case Initiation Report** under the Event Type column that will allow OIS case tracking. When preparing the report, the agent should select the OFFICER INVOLVED SHOOTING option in the drop down box. The following boxes of Occurred COMPANY; Occurred TROOP; Occurred State; Occurred County and Occurred City (if applicable) should also be completed.

In Custody Death

In the event that a person dies during law enforcement action that does not involve a firearm, or there is an inmate death at a jail or other correctional facility, the agent should select the **In Custody Death** option in the event drop down box of the **Case Initiation Report**. The subsequent drop down boxes should be completed as described in the Officer Involved Shooting section listed above.

Death Investigations

Death Investigations should use the subtype that matches the standards used by the Medical Examiner's Office for Manner of Death, (ACCIDENTAL DEATH, HOMICIDE, SUICIDE, etc.). If the manner of death is pending in the case, the case subtype of UNDETERMINED DEATH should be selected. Once a determination is made by the Medical Examiner's Office, the case report should be updated to the matching classification. In the rare case where the Medical Examiner cannot make a determination, the subtype may remain UNDETERMINED DEATH. The specifics as to the degree of homicide will be fully described in the Brief Description section of the report. A subtype of NEGLIGENT HOMICIDE, although not a determination used by the Medical Examiner's Office, is available for those cases assisting the Highway Patrol Division with fatal traffic collisions involving a criminal act.

Offense Type ASP INVESTIGATION

The Offense field will be completed to represent the crime(s) that are under investigation. Each crime, beginning with the most serious offense, should be entered as a separate offense in the RMS. In those instances where an investigation is conducted and a crime is not involved, (i.e., suicide, accidental death, natural death, etc.), an offense category of ASP INVESTIGATION exists within the RMS. Selection of the ASP INVESTIGATION offense is limited to usage in those instances where a crime has not occurred and therefore an applicable offense does not exist.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	004	Effective Date: February 1, 2017
	Original Documents/Submitting Items to Division File Room		
	Revised Date:	January 22, 2020	

Original Documents

Original documents will be scanned into the RMS as an attachment. The Special Agent responsible for the document(s) will maintain the original document(s) for court purposes and up to five (5) years following the adjudication or closing of the case. The original documents will be maintained at the Company level upon closing or adjudication of the case. Original documents in unresolved and open cases will be retained in the case file jacket at the Company level until the case is closed or adjudicated.

Division File Room

When submitting electronic media, photographs or similar items to the Division File Room at Little Rock Headquarters, the envelope containing such items shall be sealed with tape and the envelope clearly marked identifying the contents and the respective file number.

When a case file is submitted to the Division File Room, the case number(s) will be listed on an [ASP 2A](#) receipt and a signature obtained from the person receiving the file in the Division Office. If multiple cases are being submitted to the file room on the same date and time, each case must be listed separately on an individual [ASP 2A](#).

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	005	Effective Date: February 1, 2017
	Case Description		

Case Description

The **Case Description** will at a minimum, list the type of investigation, county of occurrence and victim's last name. For example, a death investigation in Johnson County, with the victim's last name of Smith would be listed as DEATH INVESTIGATION, JOHNSON COUNTY, SMITH (V). Narcotics related cases would include the offense, county of occurrence, and suspect's last name. For example, a methamphetamine delivery case would be listed as DELIVERY OF A CONTROLLED SUBSTANCE/METHAMPHETAMINE, JOHNSON COUNTY, SMITH (S). The offense or type of investigation will be spelled out and not abbreviated.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	006	Effective Date: February 1, 2017
	Case Summaries		
	Revised Date:	January 22, 2020	

Case Summaries

A case summary will be completed that summarizes the investigation chronologically, from the point the agent became involved in the investigation through the time the case file or prosecution report is provided to the respective Prosecutor's Office for review.

Agents have two (2) options when preparing this report.

Upon completion of the investigation and prior to the submission of the file to the Prosecutor for review, the agent will prepare a case summary describing the actions in the case as described above.

Alternately, the agent may elect to prepare a 'running summary' where the case summary report is continually updated as the investigation progresses.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	007	Effective Date: February 1, 2017
	Narrative Templates		
	Revised Date:	January 22, 2020	

Narrative Templates

Narrative templates will be utilized when completing a narrative report in the RMS. The following templates have been approved and added to the RMS:

1. Interview of Suspect
2. Interview of Victim
3. Interview of Witness
4. Execution of Search Warrant
5. Crime Scene Search
6. Photograph Log
7. Disposition of Evidence
8. Investigative Summary
9. Case Status Report
10. Final Disposition
11. Special Agent's Notes
12. Blank form with ASP header
13. Background – Interview of Applicant
14. Background – Interview of Family Member
15. Background – Interview of Character Reference
16. Background – Interview of Employer
17. Background – Interview of Co-Worker
18. Background – Interview of Neighbor
19. Background – Interview of Department Member
20. Background – Pre-Employment Polygraph Interview
21. Background – Standards Form

The Special Agent's Notes template may be used to document any activity not specifically covered in the other templates such as documenting a narcotics purchase/transaction, surveillance, etc.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	008	Effective Date: February 1, 2017
	Naming Attachments		
	Revised Date:	January 22, 2020	

Naming Attachments

When **naming attachments** that involve the use of an ASP form, the attachment will be named using the ASP form number followed by a descriptor such as the first initial and last name of a suspect or relevant property description. An example would be as follows: ASP-116 J SMITH or ASP-28B JONES RESIDENCE.

When naming photographs, the special agent will use his/her first, middle and last initials followed by the letter "P" and the number of the respective photograph. An example would be as follows: JAS-P1, JAS-P2, JAS-P3, etc. A description of the photograph will follow the name of the photograph. For example, JAS-P1 depicts the front or north entrance to the victim's residence.

When auto-renaming a large number of photographs, the photograph number is surrounded by parentheses, i.e. JAS-P(1), JAS-P(2). These parentheses are added by the computer system and are acceptable within the report and/or photograph attachments.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	009	Effective Date: February 1, 2017
	Reporting Procedures		Revised July 1, 2017

Deleted Reports

Investigative or other case related reports will not be deleted from the system. If a report number is issued in error, a notation will be made in the synopsis section of the respective report explaining the report was issued in error. The report will remain part of the investigative file.

Rejecting Reports

Under ordinary circumstances, supervisors should not reject reports within the RMS. If there is an error within a report or additional information needs to be added by the responsible agent, the report should be returned to the agent for review. The supervisor should discuss the needed corrections with the agent in person, by telephone or other personal contact that will ensure the agent understands what information needs to be corrected or added.

Tasks

Tasks may be utilized for ONE (1) specific job function. For example, An Agent delivers evidence to the Crime Lab for a local agency when ASP CID is not involved in the investigation.

Agency/Officer Assist

A case category is established titled Agency/Officer Assist (A/O). If an agent receives a request to assist another agency, or a member of this Department from another Division, and a SINGLE request is involved, the agent may select the A/O category instead of opening a primary or secondary investigation. Examples would be a request to conduct an interview for another agency when ASP CID is not otherwise involved in the investigation, or to take photographs of a crash scene in support of the Highway Patrol Division. Identified subjects, locations and other identifiers ordinarily entered into Core Entities as part of a primary or secondary investigation should also be entered for the A/O report. All narrative templates are available for use with the A/O report. Upon completion of the reporting of the job assignment, a supervisor within the RMS may close the A/O report.

Arkansas Department of Corrections (ADC) Referrals

When a case is initiated on an **Arkansas Department of Correction (ADC) Referrals**, the ADC referral number should be entered into the Agency Reference Number box. If the referral involves a Sexual Assault PREA investigation, the word PREA should be entered after the referral number for easier tracking of these requests. If the investigation is declined, a Task should be created, selecting the type ADC REFERRAL. The ADC referral number should be entered into the narrative section of the report, along with the reason the investigation was declined.

ASP Highway Patrol (HP) Division Assists

When initiating an investigation assisting the **ASP Highway Patrol Division**, the applicable crash report number or incident number should be entered into the Agency Reference Number box. This will allow for easier data retrieval.

CACD Referrals

When a case is initiated on a **Crimes Against Children Division (CACD) Referral**, the CACD referral number should be entered into the Agency Reference Number box.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	010	Effective Date: February 1, 2017
	Status Report/File Audits		Revised 07/01/2017; 06/01/2018; 03/27/2019

Status Reports/File Audits

Special Agents will complete a **Status Report** every one hundred twenty (120) days for cases in Open or Pending Prosecutor Review/Adjudication status, or whenever a significant event affecting the investigation occurs. A significant event would include, but not be limited to an arrest, plea, the outcome of a suppression or other relevant hearing, or any event that significantly affects the status of the investigation. The status report narrative should clearly reflect the case status, i.e., Open, Active Investigation; Open, Pending Prosecutor Review, or Open, Pending Circuit Court. The narrative report should also include a statement documenting the date of the next anticipated update within one hundred twenty (120) days, i.e., “A status report will be submitted on or before September 25, 2017, or upon a significant action in this case.”

At the beginning of each calendar month, all Division Personnel will run the **“Agent No Case Status Report (120 Days)”** or the **“No Case Status Report (Over 120 Days) – For Supervision”** query, as appropriate within the RMS to identify any of their cases which have not had a status report submitted to their files within the previous one hundred twenty (120) days. Agents will then update their investigative files within the next seven (7) working days. Agents may optionally run this query at any time during the calendar month to check and update the status of their cases. **If the RMS automatically generates and sends this report to Division personnel, agents and supervisors are relieved of the responsibility of manually running the report.**

On the tenth (10th) day of each calendar month, Company Supervisors will review the **“No Case Status Report (Over 120 Days) – For Supervision”** report for their Company to identify any cases that have not had reports submitted within the previous one hundred twenty (120) days. Supervisors will then contact the respective agents to ensure the file is updated within three (3) working days.

On the fifteenth day (15th) day of each calendar month, Division Supervisors will review the **“No Case Status Report (Over 120 Days) – For Supervision”** report to identify any cases Division Wide that have not had reports submitted within the previous one hundred twenty (120) days. Company Supervisors will be notified of any cases to ensure the file is updated within two (2) working days.

File Audits

Area Supervisors will be required to review all open cases during July of each calendar year to ensure all required reports are submitted to the file. The supervisor review should be completed within sixty (60) days. Any discrepancies will be documented as a Task, with the results of the audit being documented in a narrative format. Special Agents will have thirty (30) days to make needed corrections identified during the case file audit.

Sergeants will review all OPEN cases before the case is closed by the Company Commander. After completing the review of the case, the Company Commander will make a notation in the Synopsis block of the Case Initiation Report stating he/she has reviewed the case, following by the date of the review and his/her initials.

Company Commanders will review all OPEN and COLD CASES in January of each year. The Commander review should be completed within sixty (60) days. The synopsis field of the field will be used to document the date of the review. A case in COLD CASE status will be updated when new investigative activity is conducted in connection with the case.

The case status are limited to OPEN, CLOSED, COLD CASE or PENDING PROSECUTOR REVIEW/ADJUDICATION.

COLD CASE Defined

A **COLD CASE** is defined as any case whose probative investigative leads have been exhausted. These cases primarily focus on unresolved death and missing person cases.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	011	Effective Date: February 1, 2017
	Investigations Declined		

Investigations Declined

Any time a request for an investigation is declined at the Division level, the Division Commander or designee will document the information related to the request in a Task. The Task will include a brief narrative in the synopsis block of the report, describing the nature of the request, the agency and official making the request and the reason the investigation was declined.

If the request is declined at the Company level, the Company Commander or designee will document the information related to the request in a Task. The Task will include a brief narrative in the synopsis block of the report, describing the nature of the request, the agency and official making the request and the reason the investigation was declined.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	012	Effective Date: February 1, 2017
	Other Agency Reports		

Other Agency Reports

When a report from another agency is uploaded into the RMS, (laboratory submission and result reports, offense reports, etc) the synopsis field in the investigative supplement should be used to describe the contents of the attachment. A separate narrative within the report is not required.

Example – Synopsis Field: On August 2, 2016, I received incident report # 2016-SC-034 from Investigator Bob Jones of the Jones County Sheriff's Department (JCSD). The two (2) page report is computer generated, self-explanatory and is attached to this file.

Example – Synopsis Field: On August 2, 2016, I received a report of Laboratory Analysis from the Arkansas State Crime Laboratory regarding this investigation. The report, dated July 29, 2016, states in part that no latent prints were developed on evidence item MAH E-2. The three (3) page report is computer generated, self-explanatory and is attached to this file.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	013	Effective Date: December 26, 2018
	ASP-75A Instructions		

Effective with the December 2018 monthly reports, a new [ASP-75A](#) will be implemented and new procedures followed in preparing monthly reports.

On the first working day of the month, the Company/Section Administration will run the following reports in the RMS to record the case/task activity of their agents and Company/Section for the previous calendar month. The reports should be printed in color and submitted to the Little Rock Division office in the monthly report packet. The required RMS reports are:

1. Cases by Company
2. Company Case Statistics
3. Company Tip/Task Statistics

All Company/Section agents and supervisors will continue to prepare and submit an ASP-75A and the Company/Section Administration will continue to submit an overall ASP-75A that lists the activity of their Company/Section for the previous month. EASE is the official timekeeping system for the Department, so there is no longer a section on the ASP-75A to record daily hours. Each employee may access their EASE account for the previous month to determine the hours to enter under Time Categories (Annual Leave, Holiday, Regular Hours Worked, Comp Time Earned, etc.).

As with the previous ASP-75A, the new report has a check section to ensure that the working hours recorded under Time Categories match the hours under Investigations, Administration, and Special Assignment.

The new form is modified in the narcotics area for other drugs. As opposed to listing other drugs, amount and value on the back of the report, there is now a notes section at the bottom of the revised ASP-75A to list that information. Agents may also list any specific training, court, special assignments, or other information that may need to be recorded in the notes section on the monthly report. The remarks section on the Vehicle Expense Report should be limited to fleet vehicle information.

	Arkansas State Police		
	Criminal Investigation Division		
	CID Directive	014	Effective Date: May 3, 2019
	FARO SCANNERS		

Equipment

The Arkansas State Police Criminal Investigation Division (ASP/CID) shall maintain FARO FOCUS S70 Laser Scanners. It shall be the responsibility of the agent utilizing the instruments to inspect the units and keep the batteries charged. Any identified problems or issues should be immediately reported to the Company Commander and, via the Chain of Command, to the ASP/CID Division Office. The instruments should be stored in a safe, secured, and climate controlled environment. The instruments are assigned by CID Company, not to an individual agent. The respective Company Commander is responsible for maintaining a log that is subject to audit to record the agent with possession of the instrument at all times.

Training

An agent shall be certified in the utilization of the FARO FOCUS S70 Laser Scanner prior to using the scanner in an investigation.

Usage

The usage of the FARO FOCUS S70 Laser Scanner will be based on the availability, reasonableness, weather conditions, safety, and practicality. In general, the instrument would appropriately be used in major investigations such as homicides and related death investigations, officer involved shootings, in-custody deaths, and violent crime investigations. Use of the equipment would generally not be appropriate in property crime investigations and for crimes involving misdemeanor offenses. Usage of the instruments outside of a major investigation will be at the discretion of the Company Commander, after consultation with the ASP/CID Division office.

Documentation

Utilization of a FARO FOCUS S70 Laser Scanner in an investigation shall require written documentation in the ASP/CID Report Management System (RMS). The original instrument scans shall be downloaded and saved onto the processing laptop computer.

A COPY of the original instrument scans will be created, and the agent will then process the COPY of the scan data to a finished product. During the processing, the agent shall note the changes before every save. At a minimum, the agent shall save and notate revisions entitled 'pre-registration', 'post-registration', and 'final product'. After completion of the final product, the agent shall download the scan data, saving all revisions from the original to the final product. This information shall be saved onto digital media and submitted as evidence in the investigative file.

Scan file naming convention

When setting up the instrument to scan, the agent should name the file with the case number, date, scan start time (in 24-hour format), and the agent's initials. An example is provided below:

ASP20199999_05022019_1620_DMM

Should more than one (1) scanner be utilized in scanning a scene, each agent would use the case number, date, scan start time, and his or her own initials for the scans they produce.

Maintenance

FARO Laser Scanners shall be maintained and calibrated in accordance with the manufacturer's recommendations. The maintenance and calibration documents will be maintained in the ASP/CID Division office, with a copy of the calibration records provided to remain with each scanner.



Crimes Against Children Division Procedure Manual



ROLE AND RESPONSIBILITY OF THE CRIMES AGAINST CHILDREN DIVISION

Creation: Act 1240 of 1997 authorizes the Arkansas State Police to create the Crimes Against Children Division to conduct investigations into severe child maltreatment as defined by the Child Maltreatment Act and the interagency agreement and to administer the child abuse hotline. The division is empowered by Governor's Proclamation EO-97-08 and a contractual agreement with the Department of Human Services.

The interagency agreement between the Department of Human Services and the Arkansas State Police requires that the Crimes Against Children Division comply with all applicable state and federal laws and regulations which include, but are not limited to, the Juvenile Code, the Child Maltreatment Act, the Child Abuse Prevention and Treatment Act, the Adoptions and Safe Families Act, and state law concerning the Crimes Against Children Division.

Organization: The Crimes Against Children Division is comprised of the Child Abuse Hotline Section and the Investigation Section. The Hotline operates 24 hours a day and seven days a week with a toll free number for reporting child maltreatment (800-482-5964). The Investigation Section is comprised of nine multi-county areas throughout Arkansas and is staffed with investigators responsible for conducting investigations of severe maltreatment as well as working with law enforcement to prosecute crimes against children.

Oversight: The House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth conducts reviews and evaluations with the assistance of six ex-officio members. These bodies review the administration of the child abuse hotline, the conduct of child abuse investigations, interagency cooperation in regard to the allocation of responsibility for various types of child abuse investigations, and service delivery to children and families. The oversight system utilizes the same criteria by which the Division of Child and Family Services, Department of Human Services has been measured. The Crimes Against Children Division submits reports quarterly or as determined by the House subcommittee and the Senate committee.



USE OF FORCE/CONFRONTATIONAL SITUATIONS

Firearms: Civilians assigned to investigative duties shall not possess any firearm or other weapons while in a duty status or if off duty, on any state-owned property, unless allowed by law.

Personal Safety: Personal safety of the investigative personnel in the performance of their duties is of the utmost importance to the Crimes Against Children Division and the Arkansas State Police. Civilian investigators should make arrangements to be accompanied by law enforcement when there is reason to believe that a danger of personal injury exists in a face-to-face contact with a party during an investigation.

Employees should make every effort to extract themselves, as early as practicable, from a potentially dangerous situation. Nothing in this policy prohibits the use of physical force as a defensive measure to affect the employee's retreat from attack; however, employees should attempt retreat prior to the necessity for physical defensive measures, and should only use as much force as necessary for the particular situation.

Reporting Physical Threats, Assaults, and Injuries: Any physical threat, assault, or injury should be reported immediately to the local law enforcement agency having jurisdiction. The employee's immediate supervisor should be notified immediately after the local law enforcement agency has been notified.

The employee's supervisor should forward the information to the division commander by telephone. It is the division commander's responsibility to coordinate with local law enforcement any appropriate enforcement action as the result of the physical threat, assault, or injury.

Departmental Inquiries: The Crimes Against Children Division should cause an investigation, in accordance with the Disciplinary Policy in the Civilian Policy Manual, into any duty-related incident involving the use of any force by or against a civilian investigative employee. The purpose of the investigation is to determine:

- Training which may have prevented the incident;
- Considerations the division and agency may entertain which would prevent further similar incidents; and
- Existence of any misconduct on the part of the employee involved.



HOTLINE

Uniform Protocol: All suspected child abuse and neglect shall be reported to the Child Abuse Hotline. The Crimes Against Children Division, through agreement with the Department of Human Services (DHS), maintains an around the clock statewide intake process for accepting reports of alleged child maltreatment. A uniform protocol is used for screening child maltreatment allegations (PUB-357) and the Arkansas State Police/DHS Agreement is used for prioritizing and assigning all allegations of child maltreatment.

Intake Procedure: A child abuse hotline operator shall receive and record all allegations of maltreatment. The operator shall attempt to secure all appropriate information requested in each screen within the referral section of the Children's Reporting and Information System (CHRIS).

The hotline operator will take a snapshot of the report using the Referral Snapshot icon on the CHRIS toolbar, prioritize the report by keying the Referral Acceptance Screen, conduct a search for prior reports when feasible based on the backlog of calls, and use the Child Maltreatment Act and Protocol (PUB-357) as a guide.

The reporter of the allegation shall be told whether or not the allegation is valid and will be accepted for investigation. If the allegation does not meet the criteria for the definition of maltreatment, the hotline operator may refer the caller to the appropriate law enforcement or licensing agency. The report must then be prioritized according to the Agreement and transmitted to either DCFS or CACD for investigation along with any pertinent Central Registry information. The Hotline will provide telephone notification of all priority one reports received after business hours, weekends and holidays.

Request for Clearance of a Report: If DCFS or CACD believes a registered report is inappropriate for investigation, the Child Abuse Hotline must be notified by email and at least one of the following reasons cited:

- The allegations (if true) would not constitute child maltreatment as defined in the Child Maltreatment Act or
- The same incident involving identical alleged offender(s) and alleged victim(s) has previously been investigated in Arkansas.

The hotline administrator or supervisor will determine whether or not to screen out the report and notify the appropriate staff if the report is screened out. Determination shall be made and the appropriate staff notified by email within two hours of the receipt of the request for review during regular business hours.



HOTLINE

If the report is screened out mandated reporters must also be notified within 48 hours.

Purpose: The purpose of the investigation is to determine the truth. This is done through the gathering of evidence and statements taken as required in the Child Maltreatment Act. The immediate issue is the safety of the alleged victim child and any other children accessible to the alleged offender.

Receipt of Report: All reports of child maltreatment shall be reported to the Child Abuse Hotline. If an allegation is received from a source other than the Child Abuse Hotline, the recipient of the allegation shall immediately make a report to the Hotline.

INVESTIGATIONS

When a report is received from the Hotline and assigned by the area supervisor, the investigator shall:

1. Review the report.
2. Contact the reporter for any additional information and/or to clarify information in the report.
3. Notify the appropriate local law enforcement agency and prosecuting attorney according to the Child Maltreatment Act
4. Notify the appropriate licensing agent.
5. Make all other notifications in accordance with the Child Maltreatment Act
6. Initiate the investigation within the legal time frame by interviewing/ observing the alleged victim outside the presence of the alleged offender or any representative of or attorney for the alleged offender. If there is **ANY** concern for the safety of the alleged victim child or any other child, interview the non-offending parent and request a safety response by DCFS. Complete the Health and Safety Checklist Screen in CHRIS for each child as soon as possible, but within 48 hours of the initiation.
7. Document the initial contact, including an accurate and thorough summary of the contact, in the victim interview screen of CHRIS within 48 hours of the contact.



INVESTIGATIONS

8. Document the contact with the alleged victim was done outside of the presence of the alleged offender in CHRIS within 48 hours of the contact.
9. Proceed with the investigation as outlined in the Child Maltreatment Act; the ASP/DCFS Agreement and other approved protocol.
10. Make every reasonable effort to complete the requirements in the Child Maltreatment Act and close the investigation within 45 days.

Some investigations may not be closed in 45 days. Investigators are responsible to advise supervisors of these situations and the reasons the investigation will not be completed in 45 days. The supervisor will approve up to a 15 day extension that meets the guidelines for the 60 day extension rule. If the request does not meet the 60 day extension guidelines the supervisor will deny the request for extension. Quality of an investigation will not be sacrificed to meet the 45 day requirement. Child Safety shall have been addressed at the initiation of the investigation.

Severe Maltreatment

Allegations: Local law enforcement shall be notified immediately if the report contains an allegation of severe maltreatment. The investigation shall be initiated in cooperation with law enforcement agencies and the prosecuting attorney. A Notice of Child Maltreatment Allegation to the Prosecuting Attorney form shall be sent to the prosecuting attorney within five (5) days unless he/she has provided a written statement advising otherwise. Contact with local law enforcement shall be documented as a collateral interview, to include the name of the person contacted and a summary of the conversation. During the contact with local law enforcement, the CACD investigator shall inform the law enforcement officer that a civil investigation will be completed according to the Child Maltreatment Act. The CACD investigator shall ask if local law enforcement will be conducting a criminal investigation. The CACD investigator shall ask the local law enforcement officer if he/she wants to accompany the CACD investigator during the initiation of the investigation which must be initiated immediately if children appear to be at risk. Any local law enforcement officer who offers to handle the civil investigation must be informed that any person conducting the civil investigation, including local law enforcement officers, are required to comply with all requirements mandated by the Child Maltreatment Act, including time frames to complete and required interviews and findings. If local law enforcement conducts a criminal investigation, the CACD investigator shall work in cooperation with law enforcement, ensuring to the extent possible without compromising the criminal investigation, interviews and time frames are met as required by the Child Maltreatment



INVESTIGATIONS

Act. If local law enforcement request that the CACD investigator not conduct witness interviews or otherwise not comply with requirements in the Child Maltreatment Act, the CACD investigator shall promptly contact his/her supervisor, who shall notify a supervising attorney in the Office of Chief Counsel.

Timeframe: Priority I Investigations: shall begin within *24-hours* of receipt of the report. Priority II Investigations: shall begin within *72-hours* of receipt of the report. Investigations shall begin immediately upon receipt of a report if, based on the information provided, it appears that any children may be at risk of harm.

Interviews: The alleged victim child must be interviewed outside the presence of the alleged offender or any representative or attorney for the alleged offender. The investigation can be initiated by a local law enforcement officer if law enforcement responds before the hotline is called and if the law enforcement officer can communicate to the CACD investigator an assessment on whether the alleged offender had access to children and whether or not children are at risk such that children need to be protected. Otherwise a CACD investigator or a trained forensic interviewer shall interview the alleged victim in order for the investigation to be considered initiated. The interview shall be face-to-face. If the interview is conducted by Crimes Against Children Division, it shall be recorded.

If the age or abilities of the child preclude an interview, the investigation shall include observation of the victim child. If the investigator is unable to interview or observe the child, the investigation is considered initiated after reasonable diligence to obtain such interview or observation is made and documented.

Examples of reasonable diligence include, but are not limited to, the following acts:

1. Making unannounced visits to the child's home at different times of the day.
2. Contacting the reporter again if the child cannot be located.
3. Visiting the child's school or daycare or any other place the child is said to be.
4. Contacting appropriate DHS Staff and requesting research of the Arkansas Client Eligibility System (ACES) and any other files to ascertain information if attempts to locate the child have failed.



INVESTIGATIONS

5. Sending certified letter to the location given by the reporter, if attempts to locate the child have failed.

All of these efforts shall be exhausted in order to establish reasonable diligence.

Evaluation of Harm: Risk factors that may contribute to immediate or threatened harm or re-injury to the child must be identified. If the child's safety is in question, the investigator shall interview the non-offending parent and immediately notify the DCFS family service worker or county supervisor to request a safety response. The Crimes Against Children Division investigator shall not conduct the safety response/assessment of a child or be involved in any issue of removal, release or placement of any child. The CACD investigator shall not be involved in any issue regarding a safety plan. If there is any question about or concern regarding the safety or well-being of the child(ren) in the custodial home/placement the CACD investigator shall contact DCFS. If DCFS does not respond, a supervisor shall immediately be contacted. *The Uniform Operating Procedure (Appendix 11) between DCFS and Crimes Against Children Division shall be followed.* Also, safety response/assessments by DCFS are not to be considered initiation of the investigation.

The investigation shall seek to ascertain all information required in the Child Abuse Reporting Act.

Parent Interview: The investigation shall include face-to-face interviews with the PRFC's. If neither parent is the alleged offender, the investigation shall also include a face-to-face interview with the alleged offender. Both custodial and non-custodial parents shall be interviewed unless parental rights have been terminated.

Other Interviews: The investigation shall include an interview with any other relevant persons to include medical personnel, school personnel, other family members, or anyone having knowledge or information regarding the incident or any knowledge of the parties that would assist in the investigation. Collateral contacts are a valuable resource in the investigative process and are mandatory.

Investigation Development: The investigation may include a medical examination, radiology procedures, photographs, a psychological or psychiatric examination, and any evidentiary items that substantiate or negate any statements made by any party to the investigation. This information will be entered in CHRIS and the paper documents will be placed in the hard copy file excluding ACIC information.



INVESTIGATIONS

The polygraph or Voice Stress Analysis examination should not be the sole basis for a determination in a Child Maltreatment Investigation. These examinations are to be considered investigative tools providing direction in the investigative process.

Child Protective Services Caretaker's Guide: The names, addresses, age, sex, race, and social security numbers of the child, parents, and alleged offenders should be included in the investigation. A *Child Protective Services: A Caretaker's Guide* (PUB-052) shall be given to the family and the alleged offender, its contents explained and documented in CHRIS.

Health and Safety Assessment: The Health and Safety Checklist Screen must be completed for each child in the family before the investigation may be closed. This Screen was developed in order to meet the mandates of the Adoptions and Safe Families Act. Information to complete this checklist will be gathered during the interviews. Checking "yes" or "no" to the questions on the screen identify the presence or absence of any risk factors. This screen is to be completed relative to the situation as it existed upon initiation of the investigation. An explanation should be documented for each safety factor identified as a concern. The safety response screen must be completed by DCFS before an investigation can be closed if any safety factor is keyed "yes". The DCFS family service worker assigned as secondary or the DCFS supervisor shall be notified by telephone or email when the Health and Safety Checklist Screen is completed. Please refer to the Uniform Operating Procedure between DCFS and Crimes Against Children Division.

Determination: Upon completion of the investigation, The Crimes Against Children Division shall determine if the allegations are:

- Unsubstantiated: When the allegation is not supported by a preponderance of the evidence;
- True: When the allegation is supported by a preponderance of the evidence, an admission by the persons responsible, or an adjudication of dependency-neglect; or
- Inactive: In the event the investigation cannot be completed, an investigation may go into inactive status. If a family was located initially, but later moved and may be located later, or the investigation was started (but enough information could not be gathered to finish) the investigation may go into inactive status. A report will remain on inactive status for up to one (1) year before being screened out. The investigator will retain the hard file and track for any change or completion.



INVESTIGATIONS

Possibility of Felony Charges: If at any point during the investigation there appears to be the possibility of felony criminal charges, the investigator shall immediately notify the supervisor. The supervisor will review available information and, if local law enforcement has declined to investigate, refer the investigation to the Arkansas State Police, Criminal Investigation Division as per Act 1466 of 2005 and CACD/CID Protocol.

Supervisor Responsibility: Supervisors are responsible for monitoring the workload of each investigator in their area. This includes the review and approval of each investigation. Investigators are to request approval for closure upon completion of the investigation. Once the supervisor approves the closure, required notices are to be completed and sent to the supervisor immediately. The supervisor will review the hard file and mail notices on unsubstantiated cases. Immediately upon completion of the review the supervisor will send the hard file to Arkansas State Police headquarters in Little Rock. Notices on true cases will be sent with the hard file and mailed by the appropriate area secretary. It is imperative that there is no delay in this action. The law requires that these notices be sent within 10 days of case closure.

Evidentiary Concerns: All information gathered during the investigative process shall be included as part of the investigative file, regardless of the impact on any administrative or judicial proceeding. This shall include information and evidence discovered after the investigation has been “closed”.

Should such information or evidence be discovered after some decisive action has been taken, that information or evidence shall be provided to the appropriate legal counsel representing Crimes Against Children Division in the issue and/or the prosecuting attorney.

Audio recordings, video recordings and photographs made by Crimes Against Children Division investigators in conjunction with the investigative process are considered evidence items. These items, to include are the responsibility of the investigator who shall ensure their storage, integrity, and security.

Special attention and consideration should be given to the transport and storage of any magnetically recorded materials to ensure they are not damaged by electrical equipment or wiring due to magnetic fields generated by such devices.



APPEALS/CENTRAL REGISTRY

Appeal of True Finding: If the person named as an offender of a true report does not agree with the findings, he or she may request an administrative hearing to appeal the finding within thirty (30) days of receipt of the Child Maltreatment Determination Notification form.

Requests should include a copy of the CACD-312 and be mailed to:

Appeals and Hearings Officer
Box 1437, Slot 1001
Little Rock, AR 72203

Juvenile offenders are entitled to an automatic appeal and no request is necessary.

Administrative Hearing Statement: When the investigator receives notice of the request for a hearing, an Administrative Hearing Statement shall be prepared within five (5) working days and sent to the area secretary who will forward the required information to the appropriate individuals. The statement shall contain a summary of the allegation, a summary of the investigation and the decision, and a list of the witnesses to be subpoenaed for the hearing.

Legal Representation: The OCC, will issue the subpoenas under the authority of Ark. Code Ann. §§ 20-76-201 & 12-12-513. The OCC attorney will be Crimes Against Children Division's legal representative in all appeals and hearings when the offender is represented by counsel and may provide assistance in case preparation even if the offender does not have an attorney.

Reproduction of Video recordings, audio recordings or Photographs: Video recordings, audio recordings and other similar items should be reproduced upon the request of the Central Registry, Office of Appeals and Hearings, Office of Chief Counsel, law enforcement or the prosecuting attorney, and the written record shall reflect the existence of such items.

If the offender requests a copy of these items, the cost of reproduction shall be borne by the offender. Photographs can be color copied, but the cost of copying shall be borne by the offender.

Attendance: The Crimes Against Children Division Investigator or Supervisor shall be present for all Appeals and Hearings.



APPEALS/CENTRAL REGISTRY

Maintenance of Central Registry: The Division of Children and Family Services maintains a statewide Central Registry for the collection of child maltreatment investigative reports. Reports made to the Child Abuse Hotline are confidential and may be disclosed only as provided by the Child Abuse Reporting Act. True reports shall be retained. Records of cases where the allegations are unsubstantiated should be expunged at the end of the month in which the determination was made. The Division of Children and Family Services shall make all notifications and disclosures concerning the Central Registry information except as provided for in the Child Abuse Reporting Act.

Report Request: A request for a copy of a report by the subject of the report should be in writing and include his/her name, address, and the names of the children involved, be notarized and sent to:

Arkansas Department of Human Services
Division of Children and Family Services
Central Registry Unit
P.O. Box 1437, Slot 710
Little Rock, AR 72203-1437

The Crimes Against Children Division will have ten (10) days to respond to the request for the Central Registry for copy of the investigative file.



APPEALS/CENTRAL REGISTRY

Attendance: Employees of the Crimes Against Children Division shall prepare affidavits, appear, and respond to queries in Juvenile Court proceedings. DCFS Office of Chief Counsel will notify the Investigator of the need to appear. If a child is removed from the home due to Arkansas State Police's request that DCFS conduct a safety assessment during the course of an investigation, the investigator shall prepare an affidavit either separately or jointly with DCFS stating the reasons for removal. The investigator shall appear and provide testimony at the emergency hearing, the adjudication hearing, and the disposition hearing. The Crimes Against Children Division staff shall appear without subpoena at these proceedings. The testimony of the investigator is critical in assisting the court in making a determination in dependency-neglect cases.

Notice Requirements: Should any member of the Crimes Against Children Division receive notice in any form to appear as a witness for the defense due to the performance of any task or knowledge obtained as the result of the performance of any task or duty directly related to employment with the Arkansas State Police, that employee should immediately notify the division through the chain of command. The Department of Human Services, Office of Chief Counsel representative having oversight or responsibility for the issue in contention and/or the prosecuting attorney or his/her representative in the judicial district affected shall also be notified.

False Information Prohibited: Employees are prohibited from knowingly falsifying information on any Arkansas State Police form or report; in the CHRIS system; or on any other document that relates to official Arkansas State Police business.

Knowingly falsifying any official report or document will result in disciplinary action and may result in termination of the employee.

Knowingly falsifying an investigative report or Child Abuse Hot Line report is grounds for termination.



TABLE OF CONTENTS

Speed Enforcement Equipment – Radar and LIDAR.....	1
Issuance of Citations and Warnings.....	4
DWI/DUI Arrests.....	5
Sobriety Checkpoints	6
Missing Persons	8
Stolen Vehicles and Crime Vehicles.....	9
Vehicle Stops	10
Felony Motor Vehicle Collisions.....	13
Motor Vehicle Collisions Involving Hazardous Materials	14
Push Bumpers	15
Preventive Radiological/Nuclear Detection (PRND) Program.....	18
ICP Team Selection Process.....	22



SPEED ENFORCEMENT EQUIPMENT RADAR AND LIDAR

SPEED ENFORCEMENT EQUIPMENT

The following are suggested uses of radar:

- Areas with high numbers of speed related accidents;
- Areas in which public complaints of speeding have occurred;
- Areas requiring speed violation prevention due to high number of violators;
- School zones, and
- Enforcement of speed laws as a whole.

Radar Operation Procedures: The following procedures should be followed when operating radar:

- Observed other traffic and the environment for interference;
- Visually estimated the speed, distance, and location of the target vehicle and its identification;
- Obtained a stable radar reading;
- Listened to a Doppler return audio pitch;
- Verified patrol speed when applicable (radar vs. speedometer);
- Paced the target vehicle if possible to obtain additional evidence; and
- Manually locked the radar reading if possible.
-

Field Testing and Calibration of Radar Units

Radar units should be field tested at the beginning of each shift and in each instance that the radar unit is re-powered. If the radar has dual antennas, both antennas should be checked.

The field test should include:

- Tuning fork calibration test;
- Internal circuit test; and
- Internal lamp test.



SPEED ENFORCEMENT EQUIPMENT RADAR AND LIDAR

Radar failing any field test should be removed from service.

Radar Mounting

Radar units should be mounted per manufacturer's instructions.

Radar units should not be mounted:

- On the seat between the headrests;
- Where the beam crosses the counting unit; or
- Where the beam crosses the heater/air conditioner fan; or
- Where the mounting is in the air bag deployment zone.

LIDAR (Light Detection and Ranging) Speed Enforcement

Use and operation of the LIDAR units by ASP personnel will be in accordance with the guidelines contained herein.

Operating Procedure

Officers shall perform the following tests for accuracy of the LIDAR unit at the beginning and end of each shift:

- Self test
- Display test
- Scope alignment test
- Calibration test
 - Fixed distance check
 - Internal test

Officers operating LIDAR units should ensure the unit is properly aimed at the intended target vehicle and any speed reading used for enforcement purposes against the driver of that vehicle is supported by a proper visual tracking history.



SPEED ENFORCEMENT EQUIPMENT RADAR AND LIDAR

Exposure considerations

LIDAR units are designed to meet FDA eye safety standards and are considered safe by current medical knowledge. Reasonable precautions should be taken, however, to avoid looking directly into the lens or other prolonged or unnecessary exposure to the eyes, particularly at close range or when using an optical device like binoculars or a telescope.

Equipment protection

Officers should not point a LIDAR unit directly at the sun or other high intensity light source. Members should keep LIDAR units in their carrying case or use the lens cover (if so equipped) when the units are not in use.

Radar/LIDAR Enforcement Guidelines: Officers should base Radar/LIDAR checks on their estimate of excessive speed of the target vehicle. Officers should not issue citations for speed violations based solely on Radar/LIDAR readings.

When another officer stops the violator vehicle for the Radar/LIDAR operator, the operator should confirm that the correct vehicle was stopped before enforcement action is taken.

Officers should immediately cease Radar/LIDAR operations when the unit appears to malfunction and should not attempt internal adjustments or modifications to Radar/LIDAR units. Radar/LIDAR units that malfunction should be sent to the person designated by the Deputy Director.

Radar/LIDAR Owned by Other Agencies: Where new radar/LIDAR units are purchased by another agency for use by the ASP, the assigned officer should complete and forward a Radar Information Service Request Form (ASP 10) to the Highway Patrol Office along with copies of all relevant certification papers and other pertinent information. The agency owning the radar/LIDAR unit should be responsible for repairs of the unit. In addition, a Memorandum of Agreement (MOA) should be completed between the owner of the equipment and the ASP. A copy of the MOA should be forwarded the Highway Patrol Commander.



ISSUANCE OF CITATIONS AND WARNINGS

I. Warnings

A. eCite:

Warnings should be documented through eCite. Officers shall only document warnings in eCite that are discussed with violators. Warnings shall be printed and presented to the violator.

B. When eCite is not available:

1. Document the warning on an ASP Warning of Violation form and have the violator sign the hard copy.
2. Provide the duplicate copy to the violator and retain the original copy.
3. Enter the warning information into eCite once the system returns to normal operation.

II. Citations

Officers shall comply with all Arkansas Laws and the Rules of Criminal Procedure when issuing citations. Officers shall only document/issue citations that are discussed with violators. The below instructions apply:

A. eCite:

1. Document the citation in eCite. Citations shall be printed and presented to the violator.
2. Obtain a signature on citations **when prompted to do so by eCite**. Provide a copy to the violator and **turn in the original citation with the violator's signature** to the appropriate court.
3. Ensure that the citation includes the following information:
 - a. The name and rank of the officer issuing the citation
 - b. The date the citation was issued
 - c. The municipality or county where the citation is issued
 - d. The name of the accused/violator
 - e. The alleged offense(s)
 - f. The time, place, and court of appearance.
4. Ensure that the phone number of the appropriate court, police department, or sheriff's office is clearly legible on the violator's copy of the citation.
5. Instruct the violator to call the appropriate number for information concerning the bond and/or fine for violation(s) charged.



ISSUANCE OF CITATIONS AND WARNINGS

6. Forward a copy of the citation to the appropriate court clerk in either electronic or hard copy format, **as designated by the court clerk**, as soon as possible but no less than seven (7) business days before the court date.

B. When eCite is not available:

When eCite is not available, citations should be documented on a hard copy citation and the following provisions apply:

- a. Provide the violator a hard copy of the citation. Obtain the violator's signature on the citation.
- b. Enter the citation information into eCite once the system returns to normal operation.
- c. **Check with the court clerk** to determine if the court needs the hard copy(ies), or if the only electronic record is preferred.
 - i. If requested by the court clerk, turn in the white and yellow copies to the court of jurisdiction as soon as possible, but no less than seven (7) business days prior to the court date.
 - ii. If the clerk does not need/want the white and yellow copies, those copies will be retained by the Troop Headquarters.
- d. Turn in the green copy with the officer's monthly report, and personally retain the pink copy unless otherwise directed by the court of jurisdiction.



DWI/DUI ARRESTS

DWI/DUI ARRESTS

- Ensure that appropriate applicable forms, reports, and records have been properly completed.
- If issuing the citation may unduly disrupt medical treatment of the arrestee, mail the arrestee's copy of the citation to the address appearing on their operator's license.
- Forward the seized operator's license or permit and/or appropriate forms of any person charged with DWI, DUI, or Commercial Vehicle DWI to the Office of Driver Services in the Department of Finance and Administration within seven (7) days of the arrest.
- Take custody of any blood or urine sample collected and processed as evidence in accordance with Arkansas law and state mandated procedures.



SOBRIETY CHECKPOINTS

Prior to establishing a sobriety checkpoint a supervisor or his designee should insure that:

- The supervisor, or his/her designee, should document the sobriety checkpoint plan on the Troop Special/Holiday and Sobriety Checkpoint Activity Report (ASP 20);
- All checkpoint personnel have been briefed on the procedures and make certain that they are prepared for their roles at the checkpoints;
- A “safe zone” (pull off area) is established for vehicles traveling both directions to avoid any lane blockage for prolonged periods. Marked units, with emergency lights activated, should be stationed on each side of the highway at the checkpoint area unless to do so would not be feasible. Warning signs flares, safety cones and/or similar devices may be used in combination with marked patrol vehicles.
- When selecting a checkpoint site, the safety of the officers and general public is priority.
- Locations selected will permit the safe flow of traffic through the checkpoint. Consideration will be given to posted speed limits, traffic volume and visibility.
- Sobriety Checkpoints should be conducted in locations that furnish adequate visibility for oncoming motorists in both directions. Consider visibility and other safety factors involving officers and the public when selecting a site;
- Insure sufficient warning devices are present;
- Insure the presence of uniformed officers & marked patrol vehicles to confirm the legitimacy of the checkpoint; and
- To ensure objectivity while conducting the checkpoint, every vehicle will be stopped while the checkpoint is in operation.

At the Sobriety Checkpoint an officer should:

- Allow the driver and occupants to remain inside their vehicle, unless their removal from the vehicle is necessary to insure the safety of the officers; the driver or occupant is being placed under arrest; or for other reasons deemed appropriate;



SOBRIETY CHECKPOINTS

- Advise the driver of the vehicle that they have entered an Arkansas State Police Sobriety Checkpoint;
- Check the vehicle operator's drivers license and the vehicle registration;
- Motorists suspected of being impaired or other driving violation (no D.L., drinking on highway, poss. of drugs) should be directed to move their vehicle to a pre-determined "safe zone" (pull-off area), as needed, to insure minimal inconvenience to other drivers, unless to do so would be dangerous;
- Avoid lane blockage or potential traffic backup for prolonged periods of time;
- A supervisor, or his/her designee, should be present to manage & supervise the site operation;
- To minimize the inconvenience to motorists, the on-scene supervisor may temporarily suspend the operation of the checkpoint due to traffic congestion. All vehicles will then be sent through the checkpoint, without being stopped, until the traffic congestion has been eliminated;
- If there is no compelling reason to detain the vehicle, the officers should permit the motorist to proceed and thank him/her for their cooperation.

At the conclusion of a Sobriety Checkpoint, the supervisor, or his/her designee should complete the Troop Special/Holiday and Sobriety Checkpoint Activity Report (ASP 20) to include:

- data from the checkpoint;
- The agency and identity of participating law enforcement officers at the scene; and
- Identify any unusual incidents such as safety problems or other concerns.

The Troop Special/Holiday and Sobriety Checkpoint Activity Report (ASP 20) for Sobriety Checkpoints should be maintained at Troop Headquarters.



MISSING PERSONS

For the purpose of this procedure, a person is considered missing if it is determined by the ASP that the person is endangered due to diminished mental capacity, physical disability, or suspicious circumstances. If the missing person is a juvenile, officers should adhere to criteria set forth by the Morgan Nick Amber Alert Plan.

When a missing person has been reported to a department member, a detailed description and pertinent information should be obtained and immediately reported to the local Troop Headquarters. The information should promptly be disseminated to field personnel in the area and the local CID Company Commander.



STOLEN AND CRIME VEHICLES

Stolen Vehicles, Vehicles Containing Evidence of a Crime

When officers have probable cause to believe that a vehicle is stolen, the vehicle may be impounded. This applies to both occupied and abandoned vehicles. However, in the event that a timely vehicle recovery is made and no evidence is present or no solvability factors exist, the officer can return the vehicle to its owner without the necessity of impoundment. Vehicles should be impounded when they contain evidence of a crime and impoundment is reasonably necessary to preserve the evidence or obtain more evidence. When an officer has probable cause to search a vehicle, the officer may search the vehicle at the location that the vehicle is recovered or remove the vehicle from the highway to a secure location, and conduct a search of the vehicle.



VEHICLE STOPS

Vehicle Stops Procedures: Officers should perform vehicle stops only when they have a lawful reason to do so.

Once an initial decision has been made to stop a motorist, the officer should select an area that provides reasonable safety, and provides a minimum obstruction to other vehicles and property owners.

When a location has been selected for the stop, the officer should notify the communications center of the location, a description of the vehicle, vehicle tag number, and any other pertinent information.

At the desired location, the officer should activate the emergency lights and/or siren.

Special consideration should be given when stopping an oversize or overweight vehicle. When practical, the officer should choose a location that provides enough room for the vehicle and sufficient stability to support the vehicle's weight.

Should the violator stop abruptly in the wrong lane or location, the officer should instruct the violator to move to a more suitable location unless to do so would create a greater hazard.

The officer should be alert to suspicious movements or actions of the operator and/or passengers and other traffic. Such observations, along with the location of the vehicle, should be considered when determining which side of the vehicle to approach. It is recommended that officers approach from the passenger side if practical to do so.

When approaching the vehicle, the officer should stop at a point to the rear of the front door.

When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the rear of the left or right rear door, choosing a path that will not allow the occupants to thrust the door open against the officer.

At their discretion, officers may remain near their patrol vehicle and direct the driver and/or occupant(s) to exit the vehicle and walk back to the officer's vehicle away from the flow of traffic. Officers should not remain in their patrol vehicle and signal the violator to walk back to the officer's car.

The officer or others should not stand in front of, between or behind the stopped vehicles, unless circumstances so dictate.



VEHICLE STOPS

The officer should maintain a position of tactical advantage over the violator and other occupants of the vehicle.

Officers should keep their rear emergency blue and/or amber lights activated for the duration of the stop. This requirement also applies to motorist assists and encounters with pedestrians on or near highways.

High-Risk Vehicle Stops: The following procedures should be employed when an officer initiating a vehicle stop has engaged in a pursuit of the vehicle, or has reason to suspect that the occupant(s) may be armed or dangerous:

- An officer should not individually initiate high-risk vehicle stops unless backup units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action.
- When planning to stop the suspect vehicle, the officer should notify the Communications center of the nature of the stop, vehicle information, and any other pertinent information.
- After selecting an appropriate location, the officer should signal the suspect to stop.
- Patrol vehicles should be positioned an appropriate distance behind the suspect vehicle, maximizing tactical advantage.
- Once the suspect vehicle has stopped, officers should quickly exit their vehicles and assume positions of tactical advantage.
- Only one officer should issue commands to the vehicle occupant(s).

Commands should be given to the occupant(s) of the suspect vehicle. Commands include, but are not limited to:

- Lower the window;
- Remove the ignition key and place it on the roof of the vehicle;
- Open the door from the outside, step out of the vehicle and face the front of the vehicle;
- Turn completely around stopping in a position facing toward the front of the vehicle; and



VEHICLE STOPS

- Walk backward until commanded to stop.

The suspect should be positioned for handcuffing.

Subsequent occupants should be similarly commanded until all are in position to be handcuffed and searched.

Officers should then tactically approach the suspect vehicle to inspect the vehicle interior including all compartments.

Military Personnel: Military personnel driving vehicles with official insignia displayed, while on authorized duty, shall not be restricted by municipal traffic regulations. They shall have the right of way on any street or highway through which they may pass against all, except carriers of the United States mail, fire engines, police vehicles, and hospital ambulances in the necessary performance of their respective duties (A.C.A. § 12-62-407).

Legislators: The members of the Senate and House of Representatives are not privileged from citation or arrest for any violation, misdemeanor, or felony before or during a Session under A.C.A. § 16-81-102. See also Ark. Op. Att’y Gen. No. [2003-106](#) (May 2, 2003).

Nothing contained in this section shall be so construed as to extend to cases of treason, felony, or breach of the peace or to privilege any person named from being served at any time or place specified in this section with a summons or notice to appear (A.C.A. § 16-81-102 (2)(e)).



FELONY MOTOR VEHICLE COLLISIONS

FELONY COLLISION INVESTIGATIONS

The special investigation procedures set forth below should govern the investigation of the following categories of motor vehicle collisions:

- A motor vehicle collision that results in a fatality when it appears that a surviving operator of one of the involved vehicles may have caused the collision through negligence or under other circumstances that may lead to the filing of criminal charges for causing the death of another person;
- A hit-and-run motor vehicle collision that results in personal injury to a person at the scene of the collision; or
- Any other motor vehicle collision in which a felony may have been committed.

In such cases, the officer assigned to investigate the collision should contact a supervisor. The supervisor may:

- Request that a certified collision reconstructionist respond to the scene if one is available;
- Request that the on duty CID Special Agent or the Agent subject-to-call for that area be notified and assigned to assist in the investigation to the extent necessary;



MOTOR VEHICLE COLLISIONS INVOLVING HAZARDOUS MATERIALS

Officers should promptly report to the communications center any motor vehicle collision that results in spilled or uncontained hazardous materials or any such materials that appear to be hazardous.

Upon such notification from an officer or any other reliable source, the communications center should:

- Attempt to obtain the name or type of materials involved;
- Immediately notify the on duty supervisor in the Troop, any law enforcement agency with local jurisdiction, the local fire department, and the Arkansas Department of Emergency Management (ADEM); and
- Advise all involved officers of the possibility that hazardous materials may be involved.

Officers at the scene of such a collision should take the following actions:

- Attempt to identify a hazardous material if this can be done safely. Identification of hazardous materials may be accomplished by interviews and/or by examination of placards, shipping papers, and chem-cards;
- Control access to the site at the recommended distance in accordance with the Department of Transportation's Hazardous Material Emergency Response Guidebook.
- Approach the collision scene upwind and only if necessary; and
- Suspend normal collision investigation procedures until appropriate clearance has been received from a supervisor.



PUSH BUMPERS

Purpose: The basic purpose of patrol unit push bumpers is to safely and quickly remove disabled vehicles from traffic lanes in exigent circumstances to ensure traffic movement and expedient traffic flow. This includes clearing vehicles involved in accidents, broken down vehicles, and vehicles removed after an arrest resulting in the vehicle being disabled by legal intervention. The removal of vehicles from the traffic lane should reduce traffic congestion, result in less secondary accidents and reduce the number of motorists finding illegal alternate routes to avoid traffic delays. Push bumpers are to be used as a positive tool in traffic safety. ASP officers shall assess all situations before using the push bumper.

Each ASP officer shall be trained in the use of the bumpers prior to their patrol implementation. The ASP Training Section is responsible for developing a training course and tracking mechanism to record push bumper training for officers. Records of such training shall be recorded in the officer's training file. Officers shall receive refresher training in push bumper use every five (5) years or when a revision to the training program or policy occurs.

ASP units may have a standard push bumper or a wrap around push bumper. Both styles are considered a "push bumper" for the purposes of this policy.

Push Bumper Restrictions: Officers should not attempt to move vehicles that are severely damaged and cannot easily be moved out of the traffic lane using the procedures outlined below or those that are too large for the patrol unit and are likely to cause damage to the ASP vehicle. Examples of vehicles that are too large to move using an ASP vehicle include, but are not limited to, semis, tractor-trailers, large motor homes, etc. Officers should not attempt to move vehicles with wheels that are locked up, even if the vehicle is a passenger car.

Use and Operation of Push Bumpers: While attempting to move a vehicle from a traffic lane, the officer should advise the driver and or owner of that vehicle that it is imperative that the traffic lane is cleared for safety reasons. If the vehicle has minor damage due to an accident and the patrol unit can move it safely, the ASP officer may move it to clear the traffic lane. If the vehicle is broken down due to mechanical reasons but is not restricted as outlined above, it can also be moved to clear the traffic lane.

The ASP officer shall talk with the operator of the vehicle and explain what is expected of the operator. The officer shall make sure the operator fully understands the procedures of removal and any signals that the officer will use to communicate with the operator.

To remove a vehicle from a traffic lane:

1. Talk with the operator of the vehicle and explain your intentions.



PUSH BUMPERS

2. ASP officers should explain Arkansas State Laws and Statutes pertaining to removal of vehicles from the roadway. Examples of applicable Arkansas statutes include but are not limited to:
 - a. A.C.A. § 27-50-1205. Tagging
 - b. A.C.A. § 27-51-1304. Authority to remove illegally stopped vehicles
 - c. A.C.A. § 27-53-102. Accidents involving damage only to vehicle – Removal of vehicle
3. Explain to the operator that he/she needs to remain in the vehicle, put the vehicle into neutral, lightly apply the brakes, keep the brakes applied until signaled by the officer that the ASP vehicle is starting to push, and let the ASP unit push the vehicle from the traffic lane. The operator should be instructed to bring the vehicle to a complete stop, put the vehicle in park, and engage the parking brake once the vehicle clears the traffic lane, or the officer signals to the operator to stop. Signals can be given by hand or by Public Address. **Clearly explain to the operator what signals will be used.**
4. The ASP officer shall slowly pull the ASP vehicle up to the vehicle being removed and lightly make contact with it. Officers shall not slam into or bump hard into the vehicle to be moved. Signal the operator that you are starting to push. Slowly push the vehicle from the traffic lane until it is cleared. Signal the operator to stop the vehicle. Make sure you allow some distance between the ASP vehicle and the vehicle being moved prior to signaling them to stop. Damage to both vehicles could occur if distance is not adequate. Operator's reactions will differ. ASP officers shall stay alert for other hazards while maintaining a visual of the vehicle being moved.
5. **Vehicles moved with push bumpers shall only be moved a short distance.** Under no circumstances shall an ASP officer push a vehicle to a service station or mechanic shop. The only distance permitted is that distance needed to clear the traffic lane.
6. ASP officers shall not push at a speed greater than five (5) miles per hour. A speed any greater could cause the operator to lose control. The ASP officer shall keep in mind that disabled vehicles lose power steering and power brakes.
7. Young operators or operators with little driving experience should be assisted by other officers if possible. ASP officers shall ask permission prior to entering an operator's vehicle.
8. Disabled vehicles involved in accidents should be moved in the safest manner possible. If the vehicle has lost steering and braking capabilities, the ASP officer should slowly pull up to the vehicle to be moved, attempt to push it out of the traffic lane, and stop after the lane has been cleared. If the ASP vehicle is unable to push it with minimal force, the officer should stop. Drive train damage to the ASP vehicle could occur.
9. All vehicle removals shall be video recorded if possible. Officers shall ensure that the radio log at the troop reflects such removals. It is the responsibility of the ASP officer to advise the troop communications of the removal.



PUSH BUMPERS

Damage Claims: Any time an owner or operator of a vehicle claims that damage to his/her vehicle has occurred due to the ASP officer pushing the vehicle, a supervisor should respond to the scene and inspect both vehicles. If the supervisor determines that damage has occurred, an incident report shall be completed. **In accordance with A.C.A. § 27-53-202, if damages exceed \$1000, an Arkansas Motor Vehicle Collision Report shall be completed.** All reports shall include a memorandum from the officer.

If damages occur to the ASP vehicle's push bumper, the officer shall submit a memorandum explaining how the damage occurred.

The ASP Fleet Operations Manager (FOM) shall review all claims of damage to civilian vehicles. All incident reports, crash reports and memos involving ASP vehicles equipped with push bumpers shall be reviewed and inspected by the ASP FOM for statistical purposes and for safety issues pertaining to the push bumpers.

Maintenance: As with all ASP vehicle equipment, the ASP officer is responsible for the maintenance of the assigned push bumper. If any portion of the bumper is damaged, unsecured, or unsteady, it shall be brought to the attention of the vehicle maintenance shop. Any misuse of the ASP vehicle push bumper by an ASP officer may result in disciplinary action.



PREVENTIVE RADIOLOGICAL/NUCLEAR DETECTION (PRND) PROGRAM

Purpose

The purpose of the Preventive Radiological/Nuclear Detection (PRND) program is to deter, detect, and report the hazardous handling and/or unauthorized attempts to import, possess, store, develop, or transport illicit radiological/nuclear material within the State of Arkansas that is out of regulatory control.

Primary Screening, Routine Operational Procedures

Arkansas State Police employees issued and trained to use a PRD (Personal Radiation Device) will use the equipment in accordance with ASP policies, procedures and PRND/PRD training. ASP employees will ensure the PRD issued to them is in proper working order during all operations. Employees should be properly trained in the use of the PRD before using or being issued a PRD. Employees shall respond to PRD alarm conditions in accordance with training protocols and the procedures outlined below.

A. When a radiation alarm condition is encountered during Primary Screening operations:

- 1. Immediately note the dose rate/alert level** displayed on the detector.
- 2. Verify/replicate the alarm condition**
 - a.** Resurvey with the same PRD or with another detector (e.g., confirm repeatable reading, not a spurious alarm).
 - b.** If not reproducible, continue inspection.
 - c.** Document findings in accordance with the Reporting Requirements section of this procedure (only for reproducible alarms).
- 3. Survey the area** to isolate the location of the source/highest radiation reading(s) utilizing procedures detailed during training. While conducting the survey, officers should not exceed the Primary Screening RAIN (Recognize, Avoid, Isolate, and Notify) safety threshold of 2 mrem/hr gamma, or 0-9 equivalent.
 - a.** Take note of any people, items, containers or cargoes in the immediate vicinity that may have caused the alarm to activate.



PREVENTIVE RADIOLOGICAL/NUCLEAR DETECTION (PRND) PROGRAM

- b.** If possible, separate the person of interest from the conveyance to determine the source of the alarm.
 - c.** If the source of the alarm is hidden or not in plain sight, do not attempt to open or disturb the area around the alarm.
 - d.** Look for radiation labels or placards.
 - e.** Record gamma detector readings.
- B. Initiate RAIN protocol** if PRD gamma dose rate is greater than 2 mrem/hr, 0-9 equivalent, or if PRD indicates “overload.” Any unresolved, elevated, and/or reproducible gamma reading, regardless of actual dose rate, is sufficient cause to request Secondary Screening support.
 - 1. If overload indicated on PRD**, move away from the location of the suspected radiation source until a valid rate reading of 8 or less on the PRD (less than 2 mrem/hr) is displayed. This will help ensure that personnel are not within a high radiation exposure area.
 - 2.** Radiation levels will rapidly decrease as distance is increased (Inverse Square Law of Radiation Exposure – i.e. by doubling the distance from the source, the radiation levels drop by a factor of 4). By taking a few steps back, personnel will greatly reduce their exposure.
 - 3.** An exposure rate of 2 mrem/hr is not remotely life endangering. It provides guidance for setting a control zone to exclude uninvolved persons and controls the dose to members of the public to less than 100 mrem/yr.

Note: Legitimate sources of radiation include radioactivity in consumer products including but not limited to medical patients who have received certain nuclear medicine treatments, naturally occurring radioactive material (NORM) and industrial radiation sources in commerce.

Secondary Screening, Localization and Identification of Alarm Source

When secondary screening support is needed contact the Arkansas Department of Emergency Management (ADEM) at 1-800-322-4012. ADEM will contact the appropriate authorities to assist with secondary screening.



PREVENTIVE RADIOLOGICAL/NUCLEAR DETECTION (PRND) PROGRAM

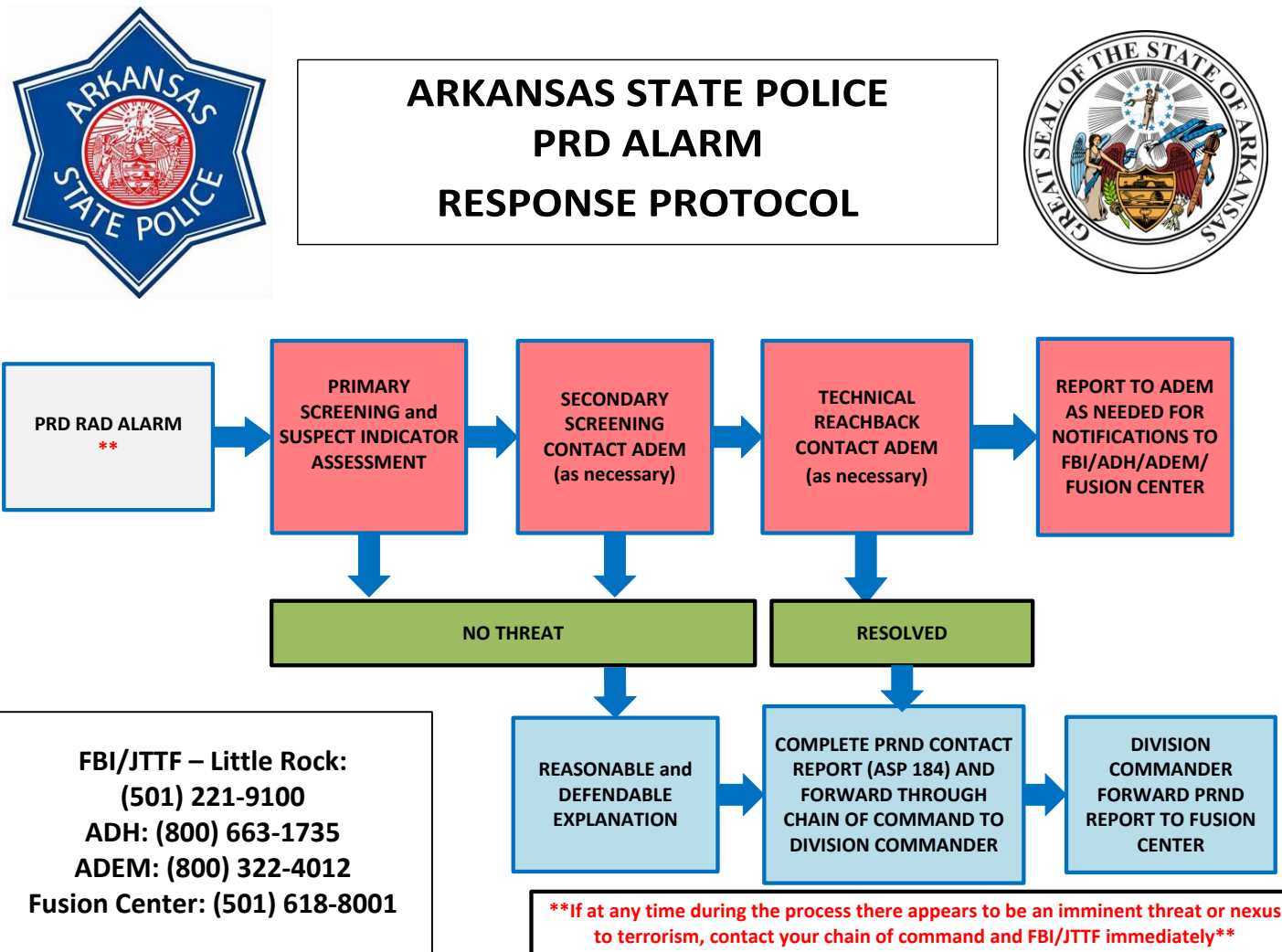
Reporting Requirements

- A. Complete a PRND Contact Report form ([ASP 184](#)) for all **reproducible** alarm conditions encountered (includes alarms resolved during the primary screening process and alarms that required a secondary screening notification to ADEM) and forward through the chain of command to the appropriate Division Commander.
- B. Division Commanders should forward a copy of all PRND reports to the Arkansas State Fusion Center.

If at any time during the process there appears to be an imminent threat or nexus to terrorism, an officer should contact his or her chain of command and the Federal Bureau of Investigation/Joint Terrorism Task Force (FBI/JTTF) immediately. The FBI/JTTF can be contacted by calling (501) 221-9100 24 hours a day/7 days a week.



PREVENTIVE RADIOLOGICAL/NUCLEAR DETECTION (PRND) PROGRAM



INTERSTATE CRIMINAL PATROL (ICP) TEAM MEMBER SELECTION

I. Purpose

The purpose of this procedure is to outline the steps for the selection of team members for the Interstate Criminal Patrol (ICP) Team.

II. Selection Criteria

A. Minimum Qualifications

1. Successfully complete ASP Division's commissioned officer probationary period.
2. Be a commissioned member of the ASP Division and have a minimum of three (3) years combined experience as a certified law enforcement officer (includes outside agencies).
3. No pending or founded complaints of racial profiling.
4. No adverse disciplinary actions (above a letter of reprimand) at the Division/Department level within the previous twelve (12) months.
5. No administrative findings of untruthfulness on record or any record of untruthfulness while under oath or during an official investigation.
6. Written approval and recommendation from the applicant's Commander (Commanders should not send a written approval/recommendation for any officer that has an adverse disciplinary action (above a letter of reprimand) in the previous twelve (12) months or an administrative finding of untruthfulness on file.)

B. Candidates should have the following attributes:

1. A willingness to go beyond the normal traffic stop and have the ability to show an exceptional past work history for criminal arrests.
2. The ability to prepare felony cases for court.
3. The ability to present testimony in state and federal court in an organized and professional manner.
4. The ability to clearly communicate thoughts and concepts verbally, in report writing, and through written affidavits.



INTERSTATE CRIMINAL PATROL (ICP) TEAM MEMBER SELECTION

5. The ability to articulate a working knowledge and understanding of search and seizure laws, including applicable case law and the Arkansas Rules of Criminal Procedure.
6. A willingness to work independently with minimal supervision.
7. A willingness to travel to other areas of the state for planned interdiction operations that may require overnight lodging for extended periods.
8. A willingness to work long and various hours including nights, weekends, and holidays on some occasions.
9. An understanding of the importance of maintaining a level of confidentiality with pending cases that are actively under investigation or those that are pending investigation.
10. A desire and ability to share information with others when appropriate and to instruct and communicate effectively with groups of other law enforcement officers.
11. A willingness and ability to speak to civic groups and schools occasionally.
12. A willingness to attend additional training pertaining to highway interdiction.

III. Selection Process

The selection process will include a review of the candidate's submitted documents (résumé, video, reports) and the oral board interview.

A. Advertisement Letter

An advertisement letter listing the criteria for ICP Team member selection and location of any openings will be sent to commissioned personnel with detailed application instructions.

B. Submit a résumé to the ICP Coordinator

1. Include two (2) sample arrest reports.
2. Include two (2) videos involving recorded searches that the candidate feels display his or her best work.



INTERSTATE CRIMINAL PATROL (ICP) TEAM MEMBER SELECTION

C. Panel Review and Oral Board Interview

The review/interview panel will consist of the following personnel who will review the submitted documents and conduct the oral board interview:

1. ICP Coordinator
2. Troop Commander for the position
3. Highway Patrol Division Commander, or designee, for the position
4. ICP member at large

IV. Requirements

A. Probation

ICP members will serve in a probationary status for one (1) year from date of appointment by the Director.

B. Removal

ICP assignments come with no additional compensation. It is considered an additional duty and temporary assignment. Team members serve at the discretion of command staff with input from the ICP Coordinator. Members are required to follow the ICP standards and to comply with the requirements of the assignment. Failure to do so may lead to dismissal from the team after being warned of any deficiencies and failing to improve to acceptable standards.



CANINE PROCEDURE MANUAL

TABLE OF CONTENTS

I.	PURPOSE	1
II.	APPLICATION AND SELECTION PROCESS FOR ASP CANINE HANDLERS	1
A.	APPLICATION	1
B.	QUARTERLY TRAINING	1
C.	PRACTICAL EVALUATION.....	1
D.	ORAL BOARD	2
E.	HANDLER SELECTION	4
III.	STANDARDS FOR CANINE SELECTION, TRAINING, AND CERTIFICATION	5
A.	CANINE SELECTION AND CERTIFICATION STANDARDS	5
B.	CANINE AND HANDLER TRAINING STANDARD	5
IV.	EXPLOSIVE DETECTOR CANINE MAINTENANCE TRAINING SAFETY	6
A.	GUIDELINES	6
B.	EXPLOSIVE DETECTOR CANINE DEPLOYMENT	7
C.	TRANSPORTATION OF EXPLOSIVES.....	8
D.	EXPLOSIVES STORAGE	8
V.	NARCOTICS AND STORAGE.....	9
A.	NARCOTICS	9
B.	STORAGE.....	9
C.	INSPECTIONS	9
D.	NARCOTICS DETECTOR CANINE DEPLOYMENT	10
VI.	PATROL CANINE DEPLOYMENT	10
A.	GUIDELINES FOR PATROL CANINE DEPLOYMENT	11
B.	CONSIDERATIONS FOR PATROL CANINE DEPLOYMENT	11
C.	PATROL CANINE WARNING AND ANNOUNCEMENTS	12
D.	PATROL CANINE BUILDING SEARCHES	13
VII.	TRACKING AND EVIDENCE RECOVERY	14
A.	PURSuing SUSPECTS	14
B.	TRACKING	14
VIII.	TACTICAL DEPLOYMENT	14
IX.	CROWD CONTROL	15
A.	PEACEFUL DEMONSTRATIONS.....	15
B.	RIOT OR UNLAWFUL ASSEMBLY	15
C.	REQUEST FOR CANINE TEAMS.....	15
X.	REQUESTS FOR PUBLIC DEMONSTRATIONS.....	15
A.	APPROVAL	15
B.	LEASHED AND MUZZLED	15
XI.	REPORTING CANINE BITES AND/OR INJURIES	16
A.	REQUIRED REPORTS/DOCUMENTATION	16
B.	CANINE MEDICAL CARE	16

CANINE PROCEDURE MANUAL

C.	EMERGENCY CANINE MEDICAL CARE	17
XII.	CANINE RETIREMENT	17
A.	PROCESS	17
B.	EUTHANIZATION	17
XIII.	RESPONSIBILITIES, TRAINING REQUIREMENTS, RECORDS AND PURCHASES.....	18
A.	CANINE COORDINATOR RESPONSIBILITIES:	18
B.	CANINE HANDLER RESPONSIBILITIES	18
C.	HANDLER AND CANINE IN-SERVICE TRAINING	19
D.	HANDLER SUPERVISOR IN-SERVICE TRAINING	19
E.	CANINE MAINTENANCE TRAINING.....	19
F.	TRAINING AND DEPLOYMENT RECORDS	20
G.	CANINE EQUIPMENT, SUPPLIES, AND PURCHASES.....	20
XIV.	DISCIPLINARY ACTION.....	21
XV.	HANDLER COMPENSATION	21
A.	ALLOWABLE ACTIVITIES.....	21
B.	ALLOTTED TIME	22
XVI.	FORMS	22
A.	CANINE ODOR TRAINING FORM/EVALUATION (ASP 229)	22
B.	PATROL DEVELOPMENT FIELD NOTES FORM (ASP 230).....	22
C.	CANINE PATROL TRAINING PERFORMANCE OBJECTIVES/EVALUATION (ASP 231)	22
D.	SNIFF TEST/FIND FIELD NOTES (ASP 232)	22
E.	K-9 ODOR PROOFING FIELD NOTES (ASP 233).....	22
F.	CANINE STATISTICS AND RECORDS REPORT (ASP 238).....	23

CANINE PROCEDURE MANUAL

I. Purpose: This procedure manual is intended to provide canine handlers with guidelines for the management and deployment of canines for a variety of operational purposes. It is not intended to cover every situation that may arise in the discharge of a handler's duties.

II. Application and Selection Process for ASP Canine Handlers

A. Application

When the Troop/Section Commander determines a need for a canine to be assigned to a Troop/Section the Commander will forward the request through the appropriate Chain of Command. Upon approval the Canine handler position will be advertised.

All applicants for the canine handler position must meet the ASP canine policy requirements to be considered for a canine handler position. Applicants will submit an ASP-46 memorandum requesting to be considered as a canine handler through their chain of command and forward a copy to the Canine Coordinator.

B. Quarterly Training

Applicants will be required to attend at least 1 quarterly canine training session prior to becoming a handler. This will allow the candidate to handle and work with canines and other handlers to give the applicant more insight into the type of work involved.

C. Practical Evaluation

1. The purpose of the field/practical evaluation is to determine the applicant's physical stamina, athletic abilities and fear of dogs. The agility course was designed to test the physical ability of the applicant to perform multiple job related tasks that they will encounter during normal canine operations. To pass the agility course the applicant must complete the entire course without stopping. There is no time limit for the completion of the course. The course will be graded as pass or fail. The applicant must pass the agility course to move forward to the oral board. If the applicant fails the physical agility test he/she will be eliminated from the process.
2. The applicant will be required to wear appropriate training attire to complete the below course:



CANINE PROCEDURE MANUAL

- a. The applicant will complete the Arkansas State Police Physical Abilities Test (ARPAT) while carrying a 50-lb. object (simulating the weight of a dog) during various parts of the course. (See [LE SEC 29](#) – Physical Fitness and Wellness policy for ARPAT information.)

Example: Carry object while walking 1 round, complete lap two without carrying object, alternating rounds of carrying object and running with no object until the required 6 laps are completed. Carry object to the Physical Control Simulator (PCS) and place in a safe location to complete the PCS. Carry object to vault station and place the object over the vault before each vault.

- b. The applicant must have a passing score on file for the ARPAT in the previous agency-wide testing cycle and have a valid [ASP 236](#) Medical Release Form on file prior to attempting the practical evaluation.
- c. Upon completion of the ARPAT, the applicant will be required to take an engagement from a trained police canine while wearing a full bite suit.

D. Oral Board

- 1. An oral examination with the Canine Coordinator and a minimum of two (2) other ASP canine handlers will be conducted.
- 2. The purpose of the oral interview board is to objectively evaluate the applicants on the following aspects:
 - a. Understanding of standard operation procedures governing the canine unit.
 - b. Judgment and decision making skills
 - c. Communication and presentation skills
 - d. Professional appearance
 - e. Problem solving ability
- 3. Questions will be uniform.



CANINE PROCEDURE MANUAL

4. Handlers are selected based on the following criteria:
- a. Overall experience
 - b. Job interest and performance (including self-initiated drug arrests)
 - c. Judgment and decision-making
 - d. Ability to work in a team environment
 - e. Interest in the Canine program and motivation
 - f. Maturity
 - g. Patience
 - h. Initiative
 - i. Flexibility
 - j. Dependability
 - k. Enthusiasm
 - l. Emotional stability
 - m. Communication skills (verbal and written)
 - n. Good physical condition
 - o. Good physical health
 - p. Should be comfortable with and have an understanding of dogs
 - q. Good interpersonal relationships with the public and other employees
 - r. Home/property suitable for canine
 - s. Knowledge of laws and ASP policy
 - t. Other ASP duties and/or non-ASP duties



CANINE PROCEDURE MANUAL

- u.** Input from supervisors and/or peers (interviews/written documentation).
- 5.** The panel will also review various reports (arrest, pursuit, use of force) and videos when available. The applicant must provide the following for review:
 - a.** A copy of the officer's résumé
 - b.** A copy of a video with the corresponding report(s) that the officer considers his/her best arrest.

E. Handler Selection

- 1.** Applicant information will be compiled and reviewed by a panel consisting of the Division Commander, the Troop/Section Commander, and the Canine Coordinator. The panel will select the handler based on the qualifications of the applicant and on the needs of the ASP.
- 2.** Handlers will be placed on an eligibility list for 2 years. Handlers may reapply, with Troop/Section Commanders approval, after the 2-year period expires.
- 3.** Current handlers that are in consideration for a canine replacement are exempt from the full selection process. However, they are required to complete the physical fitness requirements.
- 4.** Applicants are considered based on the following minimum criteria:
 - a.** Applicants should have a minimum of three (3) years of commissioned law enforcement experience and have completed their probationary period with the Arkansas State Police;
 - b.** Applicant personnel files will be reviewed for complaints or investigations resulting in disciplinary action against the candidate, with particular emphasis on use of force incidents, insubordination issues, or untruthfulness.
 - c.** Applicants should have a willingness to remain with the unit for a period of five (5) years or the expected working life of the animal;
 - d.** Applicants should reside in a single-family residence and be willing to care for and house the canine at the officer's residence;



CANINE PROCEDURE MANUAL

- e. Applicants should be non-smokers;
- f. Applicants should have a strong desire to work with canines and a willingness to care for and train the animal; and
- g. The troop/company commander should submit a written recommendation on behalf of the applicant.

III. Standards for Canine Selection, Training, and Certification

A. Canine Selection and Certification Standards

1. All Arkansas State Police detector canines should be selected based on the Polizeispurhundprufungen (PSP2/PSP4) detector canine selection test. All patrol and/or tactical deployment canines should be selected based on the Polizeischuthundprufungen (PSP1) patrol canine selection test.
2. Canines should be re-certified on an annual basis using the PSP standard. Patrol canines may substitute the PSP1 certification with the international police canine standard of DPO1, DPO2, DH, DH1 or DH2.
3. Handler protection canines may certify by demonstrating the PSP1 critical skills.
4. Any canine that fails certification should be removed from service until remedial training is conducted and the canine is re-certified by the Canine Coordinator.

B. Canine and Handler Training Standard

1. In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train an Arkansas State Police canine to any standard that is contrary to this procedure.
2. Before assignment to the field, all Arkansas State Police canine teams trained after this procedure becomes effective should be trained to the Polizeispurhundprufungen (PSP2/PSP4) standard and/or the Polizeischuthundprufungen (PSP1) standard. The canine and handler should successfully complete all department canine course requirements.



CANINE PROCEDURE MANUAL

3. Untrained canines should not be deployed in the field. Untrained handlers should not deploy a canine. Arkansas State Police canine teams should not be deployed in disciplines for which they are not trained.

IV. Explosive Detector Canine Maintenance Training Safety

A. Guidelines

The following guidelines should be followed when training explosive detector canines:

1. All training explosives should be labeled “K9 Training Aid”;
2. All explosives should be left in the containers in which they are issued;
3. No demonstrations should be conducted using live explosives;
4. Blasting caps should not be used for training;
5. No training should be conducted in an area where more than fifteen (15) people are present;
6. During training, no explosives should be placed in a private vehicle without the owner’s consent;
7. Explosive odors and pseudo-explosive materials should be replaced every six (6) months or as needed;
8. All explosives should be rotated/turned at least two (2) times per month and inspected for damage and/or crystallization;
9. If a handler finds damage or crystallization, the Arkansas State Police Explosive Ordnance Disposal team shall be contacted for instructions and/or disposal;
10. No explosives shall be mixed; and
11. No explosive training aids should be left unattended during training.



CANINE PROCEDURE MANUAL

B. Explosive Detector Canine Deployment

1. An explosive detection trained police service canine may be used in accordance with current law to:
 - a. Assist in the search for explosives during the execution of a search warrant;
 - b. Sniff vehicles, buildings, bags, and any other articles deemed necessary; or
 - c. Conduct sniffs, with supervisor approval, on property where the owner/responsible party has requested or approved the sniff.
2. All explosives detector police service canine handlers should complete an Explosive Search/Find Field Notes Form ([ASP 232](#)) for every deployment.
3. When responding to an investigative scene, the handler should be briefed with as much information as possible prior to making the decision for deployment.
4. No handler should deploy an explosive detector canine in a structure/location for a minimum of one (1) hour after a bomb threat is received.
5. Arkansas State Police Explosive Ordnance Disposal team shall be contacted to assess the situation when there is an indication by the explosive detection team(s).
6. The area of the explosive device should be evacuated a minimum of three hundred (300) feet and a sweep for secondary devices shall be conducted in the evacuation area.
7. When possible, the handler should have the canine conduct a sniff of the evacuation area prior to moving people into the evacuation area.
8. An explosive detector canine is a detection tool and should not be used as an assessment tool. Explosive detection teams do not confirm that a device is present nor deem an area free from explosives.
9. Suspect packages or devices should not be moved or sniffed by the canine team.
10. Explosive detector canine handlers should not publicly disclose the odors that their canine is trained to detect unless ordered to do so by a court or supervisor.



CANINE PROCEDURE MANUAL

C. Transportation of Explosives

The following guidelines should be followed when transporting explosives:

1. No explosive shall be transported in a private vehicle without the owner's consent;
2. The handler should consider traffic, road construction, populated areas, etc. when selecting a route;
3. An appropriate fire extinguisher shall be carried in the vehicle; and
4. No explosive training aids should be loaded, unloaded, or placed near a running vehicle.

D. Explosives Storage

The following guidelines should be followed when storing explosives:

1. All explosives issued by the Arkansas State Police shall be stored in an approved type I, II, III, or type IV storage magazine and locked with an ATF approved lock.
2. The handler shall keep a ledger for the purpose of signing in and out of high explosives. *Pseudo materials, low explosives and high explosive wrappers are exempt.* The ledger shall include handlers name, date, time, explosive type/name, location of training, purpose for signing out the explosive and handler's signature.;
3. A copy of all material safety data sheets (MSDS) should be kept in a binder and placed in the handler's vehicle;
4. The Canine Coordinator should maintain a copy of all explosive detector canine material safety data sheets;
5. In the event that there is a loss or an unavoidable destruction of an explosive material, the handler shall ensure that all residual material of the destroyed explosive material is recovered and/or immediately rendered unfit for use. The incident shall be documented using an Arkansas State Police memorandum form ([ASP 46](#)). A copy should immediately be forwarded to the Canine Coordinator.



CANINE PROCEDURE MANUAL

6. All explosives should be inspected and weighed during quarterly training by the Canine Coordinator.

V. Narcotics and Storage

A. Narcotics

1. Narcotics will be issued to canine handlers through the Canine Coordinator. The Canine Coordinator will maintain records ([ASP 138](#)) of the narcotic type, weight, date issued, issuing officers printed name and signature, and the receiving officers printed name and signature.
2. Each handler will receive one (1) ounce of marijuana, one (1) ounce of cocaine, one (1) ounce of methamphetamine, one (1) ounce of heroin, and one (1) ounce of MDMA.
3. Narcotics should be replaced annually, or as needed.

B. Storage

1. When not in actual use, all narcotics issued to the canine handler should be securely stored in an ASP locked safe. Access to the containers should be limited to appropriate supervisory personnel and canine handlers. Narcotics should not be stored in an ASP vehicle.
2. In the event there is a loss or an unavoidable destruction of a narcotic substance, the handler should ensure that all residual material of the destroyed training narcotic aid is recovered or immediately rendered unfit for use. The incident should be documented using an ASP Memorandum form ([ASP 46](#)). A copy will be forwarded to the Canine Coordinator.

C. Inspections

1. Narcotics shall be inspected randomly by the Canine Coordinator or designee at least quarterly.
2. The inspection will be documented on a Canine Odor Training Form/Evaluation ([ASP 229](#)).



CANINE PROCEDURE MANUAL

D. Narcotics Detector Canine Deployment

1. A narcotic detection trained canine may be used in accordance with current law to:
 - a. Assist in the search for narcotics during the execution of a search warrant;
 - b. Sniff vehicles, buildings, bags, and any other articles deemed necessary;
 - c. Conduct sniffs, with supervisor approval, on property where the owner/responsible party has requested or approved the sniff (i.e. schools, detention centers, hotel/motel parking lots etc).
2. A narcotic detection trained canine should not be used to sniff a person for narcotics or sniff a home, unless during the execution of a search warrant or with written consent from the owner/responsible party. Canines may be used, when requested, to assist law enforcement entities (i.e. Probation and Parole Officers, Drug Court Officials, etc.) during the execution of their duties.
3. When an Arkansas State Police canine is used to sniff facilities such as schools, the administration should advise all students/occupants to remain in the classroom/secure location until the sniff is completed and the canine has been secured. Prior to the canine entering the facility the students/occupants should be removed from any area that the staff has requested the canine sniff.
4. All narcotics canine handlers should complete the approved State Police Narcotics Sniff Test/Find Field Notes form for every deployment ([ASP 232](#)). Handlers should make every effort to video record all vehicle sniffs during traffic stops.
5. Narcotic detector canine handlers should not publicly disclose the odors that their canine is trained to detect unless ordered to do so by a court or their supervisor.

VI. Patrol Canine Deployment

The deployment of a canine for the location and/or apprehension of a suspect is considered a use of force and should be consistent with the ASP Use of Force policy and state and federal law. The patrol canine team should always be deployed to detain suspects unless exigent circumstances warrant an override or an engagement. All patrol canine deployments should be documented on a Patrol Canine Deployment Field Notes form ([ASP 230](#)). If the deployment of a police service canine results in an injury to the suspect, a Use of Force



CANINE PROCEDURE MANUAL

Report ([ASP 22](#)) and an Incident Report ([ASP 6](#)) should be completed. In all cases in which the canine apprehends a suspect, the canine should be released when control of the suspect is accomplished or the suspect has complied.

A. Guidelines for Patrol Canine Deployment

1. A canine may be used to locate and/or apprehend a suspect if the canine handler reasonably believes that the individual has either committed or is about to commit any offense, and if any of the following conditions exist:
 - a. There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any officer, or the handler;
 - b. The individual is physically resisting arrest and the use of a canine reasonably appears to be necessary to overcome such resistance;
 - c. The individual(s) is/are believed to be concealed in an area where entry by someone other than the canine would pose a threat to the safety of the officers or the public.
 - d. It is recognized that situations may arise that do not fall within the provisions set forth in this procedure. In any such case, a standard of objective reasonableness shall be used to review the decision to use the canine in view of the totality of the circumstances.
2. Absent the presence of one or more of the above conditions, mere flight from pursuing officers should not serve as good cause for the use of a canine to apprehend an individual.

B. Considerations for Patrol Canine Deployment

1. Prior to the use of a canine to search for and/or apprehend any individual, the canine handler on the scene should carefully consider all pertinent information reasonably available at the time. The information to consider should include, but is not limited to the following:
 - a. The suspects estimated age;
 - b. The severity of the suspected crime;



CANINE PROCEDURE MANUAL

- c. The potential danger to the public and/or officers at the scene if the police service canine is released;
 - d. The degree of resistance, if any, the subject has shown;
 - e. The potential for escape or flight if the canine is not utilized;
 - f. The potential for injury to the public or officers caused by the suspect if the canine is not utilized.
- 2. A canine should not be used to apprehend anyone under the influence of drugs and/or alcohol if no other crime is involved, nor the mentally disturbed if no other crime is involved.
- 3. The handler should evaluate each situation and determine if the use of a canine is feasible.
- 4. A police service canine handler shall have the ultimate authority not to deploy the canine.

C. Patrol Canine Warning and Announcements

- 1. Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth should be made prior to releasing a canine. When possible, a reasonable amount of time should be given for the suspect to comply. When searching structures, handlers should give warnings on each level of multi-level structures, at major corridors, and in complex hallways that may have inhibited the initial canine warnings prior to deployment or in any situation the handler feels it may be necessary.
- 2. The warning should include but not be limited to the following:
 - a. Identification of the handler as a police canine officer;
 - b. Orders to the suspect (i.e. come out now, stop, show me your hands now, speak to me now, etc.); and
 - c. Consequences of failure to comply (i.e. you may or will be bitten, etc).



CANINE PROCEDURE MANUAL

D. Patrol Canine Building Searches

When a canine is used for buildings or related structure searches, the following should be considered:

1. The perimeter should be secured by police personnel;
2. When possible, the building owner should be contacted to determine if tenants or others may be in the building and to ascertain the building layout;
3. When responding to structure alarms with no forced entry, the owner/responsible party should be contacted to ensure that no employees, janitors, etc. are in the structure;
4. When possible, the owner/responsible party responding to the scene should be advised to stay in their vehicle until approached by law enforcement personnel;
5. All occupants of the structure should be evacuated;
6. Attempt to have all heat and air blowing systems shut off so as not to interfere with the canines scent ability;
7. Warnings given prior to the deployment of the canine should be consistent with the guidelines for warning as stated in the Canine Handler Procedure;
8. The canine may be unleashed during building searches; however, if there is an imminent risk of injury to innocent persons in the facility the canine should be leashed;
9. When possible, the handler should attempt to maintain visual contact with the canine during structure searches;
10. Schools, churches, and structures which may have unscheduled occupancies by multiple key holders such as janitors should not be searched off leash unless there is an indication of forced entry or a known suspect.



CANINE PROCEDURE MANUAL

VII. Tracking and Evidence Recovery

Police canines may be used to track missing persons or suspects, or to locate evidence that is reasonably expected to have been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

A. Pursuing Suspects

When officers are pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a canine team should:

1. Stop and pinpoint the location where the suspect was last seen;
2. Shut off engines of vehicles in the area if possible; and
3. Avoid vehicle or foot movement in the area where the suspect or subject was last seen.

B. Tracking

1. Canines used for tracking persons should remain on a leash, when possible, of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.
2. On-scene supervisors at a track should:
 - a. Secure the perimeter of the area to be searched;
 - b. Secure the integrity of the area to be searched by keeping all personnel out of the area; and
 - c. Protect all items of clothing that will be used for scent from being handled.

VIII. Tactical Deployment

After March 1, 2004, any canine used for tactical deployment with ASP SWAT should meet the requirements of Polizeischuthundprufungen (PSP1) patrol canine prior to participation in the PSP tactical deployment canine-training course. The tactical canine team, when possible, should attend and participate in SWAT training. During deployment, the tactical



CANINE PROCEDURE MANUAL

canine should only be utilized in disciplines for which it is certified. The canine may be used on perimeter in any appropriate circumstance.

IX. Crowd Control

A. Peaceful Demonstrations

Canine teams may respond as backup but may not deploy the canine for crowd control at peaceful demonstrations.

B. Riot or Unlawful Assembly

Canine teams may be used upon approval of the on scene supervisor to protect life or property during a riot or other unlawful assembly after an order to disperse has been given. In these situations, canines should:

1. Be short leashed at all times, and
2. Not initiate any offensive action, unless to guard against imminent loss of life, serious bodily injury, or substantial property damages.

C. Request for Canine Teams

To request a canine team deployment, an officer should contact a canine handler. The handler should notify a supervisor when being called out from an off duty status.

X. Requests for Public Demonstrations

A. Approval

A troop/company commander should approve all public requests for a canine team.

B. Leashed and Muzzled

When in public areas, police service canines should be kept on a leash. Exceptions would include specific police operations for which the canines are trained. Police service canines should be muzzled when pet by citizens during demonstrations.



CANINE PROCEDURE MANUAL

XI. Reporting Canine Bites and/or Injuries

A. Required Reports/Documentation

1. If during a suspect apprehension, a bite or injury results from the use of a police service canine, the information shall be documented on a Use of Force Report ([ASP 22](#)) and an Incident Report ([ASP 6](#)). In cases of accidental canine bites, the handler shall complete an incident form ([ASP 6](#)).
2. All injuries should be color photographed prior to and after the injured person receives medical treatment. The on-duty supervisor and Canine Coordinator should be notified as soon as practical.
3. In all cases that result in an injury from the canine, an ambulance should be called to the scene for immediate treatment.
4. If the subject complains of injuries but none are visible, the area of the alleged injuries should be color photographed and the on-duty supervisor should be notified.
5. The on-scene supervisor should obtain all witness names and contact information. The supervisor should attempt to get written statements from the victim and each witness.
6. Copies of all documentation should be forwarded to the Canine Coordinator as soon as practical.
7. ASP canines should not be subject to quarantine since medical vaccinations and care are current and medical records are available.

B. Canine Medical Care

1. All non-emergency medical care should be rendered by a veterinarian of the handlers choosing, unless otherwise directed by supervisor. The handler is responsible for scheduling the veterinarian care.
2. The canine may receive a general health checkup every six (6) months.



CANINE PROCEDURE MANUAL

3. The canine should receive a blood analysis and feces analysis annually. The canine should also receive all vaccinations, heartworm medication, and parasite preventative medication. The canine's teeth should be cleaned when needed.
4. All records of medical treatment should be maintained by the handler in the canine's file. A copy of all medical treatment should be forwarded to the Canine Coordinator.
5. All bills for canine treatment shall be submitted immediately using the handler's chain of command in compliance with ASP purchasing policy.

C. Emergency Canine Medical Care

In the event of an emergency, the canine should be taken to the nearest veterinarian of the handler's choice for emergency medical treatment. The handler's immediate supervisor and the Canine Coordinator should be notified as soon as practicable when emergency care is required.

XII. Canine Retirement

A. Process

1. In the event the canine becomes medically unable to continue working, the handler is transferred to another assignment and the canine will not be retrained for another handler, or the Canine Coordinator removes the canine from service, the handler may request to retire the canine. The reason for the request should be documented on an ASP Memorandum form ([ASP 46](#)) and forwarded to the Canine Coordinator.
2. If the canine is retired, the handler may keep the canine after completing an ownership liability transfer document. If the handler chooses not to keep the canine, the canine may be retired to another person after completing an ownership liability transfer document.

B. Euthanization

No canine may be euthanized for non-medical purposes without the Director's approval with input from the Canine Coordinator.



CANINE PROCEDURE MANUAL

XIII. Responsibilities, Training Requirements, Records and Purchases

A. Canine Coordinator Responsibilities:

The Canine Coordinator coordinates the Arkansas State Police canine program. The Canine Coordinator is appointed by and reports to the highway patrol division commander. The Canine Coordinator's responsibilities include, but are not limited to, the following:

1. Conducts training, certifications, and evaluates individual canine team performance; and
2. Reviews all canine team training and deployment records to ensure all reports are accurate.

B. Canine Handler Responsibilities

Canine handler responsibilities include, but are not limited to, the following:

1. The handler should be available for call-out;
2. The handler should ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions;
3. The handler should maintain all department equipment under his/her control in a clean and serviceable condition;
4. The handlers should permit the Canine Coordinator and/or supervisors to conduct random on-site inspections of affected areas of their residence to verify that conditions and equipment conform to this procedure;
5. When off-duty, the canines should be maintained in a kennel, provided by the Arkansas State Police, at the home of his/her handler. When a canine is kenneled at a handler's home, the gate should be secured with a lock. When off-duty, the canine may be let out of the kennel but should be under the direct supervision of his/her handler;
6. The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the assigned handler utilizing proper canine to human socialization training methodology;



CANINE PROCEDURE MANUAL

7. The canine should be permitted to socialize with other animals under the direct supervision of the assigned handler utilizing proper canine to animal socialization;
8. Whenever a handler takes a vacation or extended number of days off, the handler is responsible for arranging for care and maintenance of the canine.
9. The handler should maintain a reasonable level of fitness that allows him/her to safely deploy and control his/her canine in a variety of circumstances. After January 1, 2018, any handler that is unable to pass or unable to attempt the Arkansas Physical Abilities Test (ARPAT) may be removed from canine service. All medical waivers will be evaluated to ensure that the handler will fully recover in a reasonable time to safely deploy and control his/her assigned canine. Decisions to remove the handler will be made by the appropriate Division Commander in consultation with the Troop/Section Commander and Canine Coordinator.

C. Handler and Canine In-Service Training

Canines and handlers should attend scheduled canine in-service training. Failure to attend training or to meet the department canine standards may result in the team being removed from duty. If the handler, Canine Coordinator, or supervisor feels there is the need for additional training, it should be scheduled.

D. Handler Supervisor In-Service Training

1. The handler's supervisor should attend an Arkansas State Police canine supervisor course.
2. The training includes, but not limited to, canine case law, legal updates and opinions, canine deployment and canine training information.

E. Canine Maintenance Training

1. The handler is responsible for the maintenance training of the detector and/or patrol canines. The handler should maintain canine training at all times to meet the PSP detector and/or patrol training and certification standards. Canine maintenance training should be conducted during work hours.



CANINE PROCEDURE MANUAL

2. Handlers of dual-purpose canines should receive additional monthly training time. This additional training time does not include tactical deployment canine training during the canine team SWAT training.
3. Handlers may request additional training time through their immediate supervisor.

F. Training and Deployment Records

1. All training and deployment should be documented on approved Arkansas State Police forms. The handler should maintain these records with a copy forwarded monthly to the Canine Coordinator and a designated records custodian at Little Rock headquarters. All training and deployment records should be brought to canine in-service training for inspection by the Canine Coordinator.
2. All canine training and deployment records should be maintained for three (3) years after the working life of the canine.
3. Failure to maintain and/or forward the necessary documentation as set forth in this procedure to the Canine Coordinator may result in the team being removed from canine service.

G. Canine Equipment, Supplies, and Purchases

1. The Arkansas State Police will provide:
 - a. A kennel for home storage of the canine at the residence of each handler;
 - b. Canine food;
 - c. Miscellaneous equipment such as training collars, flat collars, leashes, brushes, shampoo, deodorizer spray, quick slip muzzle, leather muzzle, Kong's, patrol equipment as needed, and narcotics rewards;
 - d. A portable kennel for temporary storage of the canine; and
 - e. Payment for veterinary services and medications.
2. Each handler's patrol vehicle should be equipped with a permanently affixed vehicle canine kennel. The kennel should be primarily constructed of aluminum



CANINE PROCEDURE MANUAL

and provide door and window guards, a non-slip rubber mat, and an aluminum spill-proof water container.

3. All bills and/or purchase card receipts for approved purchases should be submitted immediately through the handler's chain of command in compliance with the ASP purchasing policy.

XIV. Disciplinary Action

Disciplinary actions will be handled in accordance with the Disciplinary Matters policy ([LE SEC 4](#)).

XV. Handler Compensation

A. Allowable Activities

1. The following activities are compensable and working time should be allotted to complete the activities, including but not limited to:
 - a. Bathing
 - b. Brushing
 - c. Exercising
 - d. Feeding
 - e. Grooming
 - f. Cleaning of the canine's kennel or transport vehicle
 - g. Administering drugs or medicine for illness and/or transporting the canine to and from an animal hospital or veterinarian
 - h. Training the canine at home.
2. All of these activities apply to workdays as well as non-work days or when leave is taken.



CANINE PROCEDURE MANUAL

B. Allotted Time

1. Arkansas State Police canine handlers should receive one (1) hour per workday and thirty (30) minutes per non-work day, including holidays and annual leave days, for training, care and maintenance of the canine and canine equipment. This will include, but is not limited to, the activities listed above.
2. All care, maintenance and training time should be reflected on the handler's monthly report ([ASP 75](#)).

XVI. Forms

A. Canine Odor Training Form/Evaluation ([ASP 229](#))

The ASP 229 should be completed for each odor training/testing scenario. The form may be handwritten.

B. Patrol Development Field Notes Form ([ASP 230](#))

The ASP 230 should be completed when the canine is deployed. The form should be typed when possible.

C. Canine Patrol Training Performance Objectives/Evaluation ([ASP 231](#))

The ASP 231 should be used to document patrol training/testing scenarios. The form should be typed when possible.

D. Sniff Test/Find Field Notes ([ASP 232](#))

The ASP 232 should be completed by a handler when a canine is deployed for a canine sniff, regardless of whether something is found or not. The form should be typed when possible.

E. K-9 Odor Proofing Field Notes ([ASP 233](#))

The ASP 233 may be completed by the individual handler when his/her K-9 makes a significant find. The form should be typed when possible.



CANINE PROCEDURE MANUAL

F. Canine Statistics and Records Report ([ASP 238](#))

The Canine Statistics and Records Report (ASP 238) is used to recap canine team activity, medical history and expense. The canine handler should updated the canine team statistics monthly and the canine expense history report as soon as practical after the medical treatment or food is obtained.



PROPERTY AND EVIDENCE CONTROL PROCEDURES

Control Numbers: Each Communications Center will maintain a current series of control numbers for use in tracking property/evidence.

The property/evidence control numbers shall include the two-digit calendar year in which the control number is issued, followed by a five-digit control number numerically assigned by the telecommunications operator. The five-digit control number will be followed by letters designating the Division, Troop, Section, or Unit assignment of the officer primarily responsible for the collection of property and evidence.

- “HP” will indicate the Highway Patrol Division.
- CACD will indicate the Crimes Against Children Division
- “ADM” will indicate the Administrative Services Division.
- “DO” will indicate the Director’s Office and all related Sections and Units.

The next letter assigned to the control number will indicate, when applicable, the Troop or Company where the officer is assigned. (A, B, C, etc.).

The specific control number will begin with “P-00-00001” and will be issued in sequence throughout the year as control numbers are assigned by the Communications Center. At 12:00 a.m. on December 31 the new year will be indicated and the sequential numbers from the previous year will be continued.

For example, “P-00-00001-HP-H” would indicate that the collecting officer seized the property within the jurisdiction of Troop H Highway Patrol Division and that the control number was assigned by the Troop H Communications Center during the year 2000.

As soon as practical following the collection of property/evidence, officers shall contact the local Communications Center, describe the nature of the property/evidence for which a control number is requested (e.g., homicide scene evidence, narcotics, etc.), and obtain a property/evidence control number from the Telecommunications Operator.

Property/evidence control numbers will be issued in chronological sequence. When issuing a control number, the Communications Center will record the number issued (with the appropriate codes, as set forth above), the name of the collecting officer, the nature of the property/evidence for which the control number was issued, the date, time and case/incident number or ticket number.



PROPERTY AND EVIDENCE CONTROL PROCEDURES

The collecting officer will record the issued control number on a Receipt for Property/Evidence Form (ASP 2) and on all other ASP forms and documents that make reference to that particular property/evidence.

Receipt for Property/Evidence Form: When property/evidence is collected, the collecting officer, as soon as practical, should complete the Receipt for Property/Evidence Form, indicating:

- the date, time, and location of the collection of property/evidence;
- a description of the property/evidence, including serial numbers, VIN, etc., if applicable;
- the estimated value of the property/evidence;
- the reason the property/evidence was collected;
- the name and badge number of the collecting officer; and
- the name and badge number of the witnessing officer, if applicable.

When an incident/investigation involves the collection of cash in excess of \$100, one or more motor vehicles, or any item which has an estimated value in excess of \$5,000, the collecting officer shall obtain and use a separate control number for each such item of evidence. All other property/evidence collected in connection with an incident/investigation should be referenced and tracked by a single control number. Officers may use one property/evidence control number for large narcotics seizures when the seizure is related to a single incident.

Whenever an officer collects cash in any amount in excess of \$100, the collecting officer shall cause another law enforcement officer to witness a count of the cash and shall obtain the witnessing officer's signature on the Receipt for Property/Evidence Form (ASP 2). The count and witnessing of the count should be done at the scene where the cash is collected unless it is impractical to do so under the circumstances, in which case these procedures should be followed as soon as practical. On large cash seizures or in the seizure of other high value items such as jewelry, special attention should be given to documentation and storage. These items shall be stored in the appropriate troop or company safe or other secure area such as an ASP rented safety deposit box. When a cash seizure of over \$100 is transferred back to the property owner, the cash shall be counted back with a witness present. The officer will cause another law enforcement



PROPERTY AND EVIDENCE CONTROL PROCEDURES

officer to witness the count and obtain the witnessing officer's signature on the Supplemental Receipt for Property/Evidence Form (ASP 2A).

A Supplemental Receipt for Property/Evidence Form (ASP 2A) is to be used secondary to the Receipt for Property/Evidence Form (ASP 2). It will be common for numerous evidence items to be listed under the same control number on the Receipt for Property/Evidence Form. Occasions will arise when one or more items of evidence listed on the Receipt for Property/Evidence Form will need to be released for court, crime lab, or other legitimate purposes. The Supplemental Receipt for Property/Evidence Form should be completed to document the transfer of any items. The case number and control number shown on the Receipt for Property/Evidence Form should always be utilized for items transferred on the Supplemental Receipt for Property/Evidence Form. The original Supplemental Receipt for Property/Evidence Form should be attached to the original Receipt for Property/Evidence Form. One copy of the Supplemental Receipt for Property/Evidence Form should be retained by the officer releasing the evidence item(s). The second copy of the receipt should be retained by the receiving officer.

Tagging and Labeling: As soon as practical following the collection of property/evidence, officers should tag or otherwise label the property/evidence with the assigned control number or an evidence number that identifies each specific item of evidence. When possible, all non-bulky property/evidence should be sealed before being tagged or labeled.

Narcotics collected by officers should ordinarily be sealed at the scene in tamper-proof protective packaging. *Narcotics shall always be sealed in such packaging when they are received by, released by, or returned to a Property/Evidence Custodian.*

All firearms collected by officers shall be carefully unloaded and made safe before being tagged or labeled. When collecting firearms for evidence, officers should use care in preserving fingerprints and shall record the number and position of live and expended rounds in the firearm. Live and expended rounds (shell casings) should be packaged with any firearm collected as evidence. Officers should separately tag or label the firearm and the accompanying rounds of expended ammunition.

Evidence collected in connection with a criminal investigation should otherwise be collected, tagged or labeled, and sealed in accordance with the procedures set forth in the Arkansas State Crime Laboratory Evidence Collection Handbook. In tagging and/or labeling evidence, officers should use both the assigned control number and/or an evidence number for that piece of evidence. The evidence number should begin with the collecting officer's initials, the letter "E," and a sequence of numbers (beginning with 1) for all evidence collected in connection with the



PROPERTY AND EVIDENCE CONTROL PROCEDURES

incident/investigation. All evidence should be properly documented in the case file/incident report.

When dealing with hazardous materials that are collected as property/evidence, officers shall follow the applicable health and safety precautions for handling such material and may deviate from the foregoing policies to the extent necessary to protect the safety of the involved officers, third parties, and the environment.

Temporary Security for Transportation: Once an officer has completed the Receipt for Property/Evidence Form and tagged or labeled the property/evidence, the officer shall make arrangements to secure the property/evidence for transportation to:

- The nearest Troop Headquarters' Property/Evidence Room or Secure Storage Facility;
- The Property/Evidence Room or Secure Storage Facility at ASP;
- Headquarters; or
- The Arkansas State Crime Laboratory.

Whenever a collecting officer is investigating a crime in conjunction with another agency or when the officer is assisting another agency with the authorization of a supervisor, it is permissible for the other agency to take possession and maintain control of the evidence in the case. Critical evidence and high value evidence such as money or jewelry shall be maintained by the officer in a secure location that has the approval of the officer's supervisor. Evidence should not be stored in areas of common accessibility and the location of the stored evidence shall be documented on the officer's investigative case file.

Non-bulky property/evidence should be temporarily secured in the trunk of the collecting officer's ASP vehicle or the trunk of another officer's ASP vehicle. If possible, *non-bulky property/evidence* should be further secured temporarily by locking the property/evidence inside a trunk box.

Bulky property/evidence (which is too large to secure in the trunk of an ASP vehicle) and *hazardous property/evidence* (which may damage the vehicle or cause physical harm to an officer handling the material) shall be temporarily secured for transportation by the most practical and secure means available under the circumstances, e.g., wrecker, truck, etc. Under these circumstances, officers shall take reasonable precautions to ensure that the



PROPERTY AND EVIDENCE CONTROL PROCEDURES

property/evidence is not damaged, altered, destroyed, or lost during transportation to the appropriate facility.

Once secured as required by this procedure, property/evidence should not be temporarily stored at an unauthorized location.

Property/Evidence Transportation Procedure: Whenever a collecting officer gives custody and/or control of property/evidence to another officer (for transportation or otherwise), both officers should witness the transfer of property/evidence on the applicable Receipt for Property/Evidence Form.

Except in exigent circumstances, property/evidence should not be transferred to more than one relaying officer for purposes of transporting the property/evidence to an ASP Property/Evidence Room, an ASP Secure Storage Facility, or the Arkansas Crime Laboratory. Whenever property/evidence is transferred, the receiving officer should temporarily secure the property/evidence in accordance with the requirements set forth in these procedures.

Not later than 5:00 p.m. on the fifth business day (Monday through Friday, excluding holidays) following the collection of property/evidence, the collecting officer should be responsible for ensuring that the collected property/evidence is deposited and received by an authorized Property/Evidence Custodian in an authorized ASP facility or that the property/evidence is received by an authorized representative of the Arkansas State Crime Laboratory. The collecting officer may personally deliver the collected property/evidence within this time frame or the officer may relay the property/evidence through another ASP officer in accordance with the requirements set forth above. Officers may deviate from this policy only under exigent circumstances and only with the prior permission of the appropriate Division Commander, or the Division Commander's designee.

Property/Evidence Storage Procedures: The Property/Evidence Custodians at each Troop Headquarters will maintain a Property/Evidence Log (ASP 2B) for the purpose of documenting the receipt and release of stored property/evidence. The original Property/Evidence Log should be kept in the Property/Evidence Room. The Property/Evidence Log should be treated as confidential information. The Property/Evidence Custodians may keep current photocopies of the Property/Evidence Log in a secure location in their respective offices.

Collecting or Relaying Officer's Duties: Upon the collecting or receiving officer's arrival at an ASP Property/Evidence Room or an ASP Secure Storage Facility, the officer should contact the on duty or on-call Property/Evidence Custodian. The collecting or relaying officer should then



PROPERTY AND EVIDENCE CONTROL PROCEDURES

personally deliver the property/evidence to the Property/Evidence Custodian and indicate the transfer of the property/evidence on the Receipt for Property/Evidence Form.

The original Receipt for Property/Evidence Form (ASP 2) and the Supplemental Receipt for Property/Evidence Form (ASP 2A) should not be attached to the property/evidence item. The property/evidence item should be identified individually with an identification tag/sticker and separately identified on the Receipt for Property/Evidence Form or the Supplemental Receipt for Property/Evidence Form. The Receipt for Property/Evidence Form and the Supplemental Receipt for Property/Evidence Form will be stored in an alternate location.

A copy of the Receipt for Property/Evidence Form and the Supplemental Receipt for Property/Evidence Form should be maintained by each investigator involved in the chain of custody.

The original Receipt for Property/Evidence Form and all Supplemental Receipt for Property/Evidence Forms should be maintained in the master case file and a copy kept in the Property/Evidence Room until the property/evidence is disposed of in accordance with the requirements set forth in the next subchapter.

Property / Evidence Custodian's Duties: Before receiving any property/evidence for storage, the Property/Evidence Custodian should verify the identity of the collecting or relaying officer, visually inspect the property/evidence packaging (without opening the packages), verify that the Receipt for Property/Evidence Form is complete, verify that the description of the property/evidence on the form is accurate, verify that the item numbers on the Property/Evidence Form are identified on the submitted items, and that the property/evidence is properly tagged/labeled and sealed, if applicable. The Property/Evidence Custodian shall not open or alter any sealed property/evidence, unless directed to do so by their respective Commander and only for verification purposes.

If the Property/Evidence Custodian is satisfied that the paperwork is complete, the Property/Evidence Custodian should sign the receipt for Property/Evidence Form, thus certifying that the property/evidence has been received, that the description of the property/evidence is accurate, that it is properly identified and packaged, and that the property/evidence has been deposited into an authorized ASP facility in accordance with the requirements of this procedure. The Property/Evidence Custodian should also make the required entry on the Property/Evidence Log. The Property/Evidence Custodian should then deposit the property/evidence in the Property/Evidence Room or the Secure Storage Facility. Once received and deposited into such a facility, property/evidence may only be released by a Property/Evidence Custodian and only to an officer who has a need to receive the property/evidence for purposes of conducting an investigation, preparing a case for court presentation, using the evidence in court, or for making a



PROPERTY AND EVIDENCE CONTROL PROCEDURES

disposition or disposal of the property/evidence in accordance with the requirements set forth in the next subchapter.

When a collecting or relaying officer transfers or receives property/evidence to and from the Arkansas State Crime Laboratory, the receiving/transferring authorized representative of the Crime Laboratory should inspect the property/evidence and sign the Receipt for Property/Evidence Form, as set forth above. The Case Agent or transporting officer shall forward the original evidence form and lab submission sheet to the ASP Property/Evidence Custodian. Copies of these forms should be routed to the investigative file, if applicable. When an officer collects property from the Crime Lab, the evidence items and the copy of the receipt provided by the Crime Lab should be routed to the Property/Evidence Custodian and to the investigative file.

Whenever property/evidence is removed for any purpose from an ASP Property/Evidence Room, an ASP Secure Storage Facility, or the Crime Lab, the transportation, transfer, and temporary storage of the property/evidence should be conducted and documented in accordance with these procedures.

Disposal of Property / Evidence After Final Disposition: The Troop Commanders and Company Commanders should be responsible for the appropriate and timely disposal of property/evidence that is under their control as Property/Evidence Custodians. The disposal of property/evidence shall comply with applicable federal, state, and local laws and regulations.

Destruction of Evidentiary and Other Illegal Drugs: When large quantities of illegal drugs are collected for evidentiary purposes, if the collecting officer obtains the prior written permission of the prosecuting attorney responsible for the case and the troop or company commander, a portion of the illegal drugs may be retained as evidence and the remainder destroyed, as long as the total sum of the collected illegal drugs is weighed, photographed, and videotaped and the destruction of the non-evidentiary portion of the illegal drugs is witnessed by at least two (2) law enforcement officers.

When bulk quantities of marijuana are located as part of an eradication program, and there are no suspects involved, with the prior or alpe mission of the troop/company commander, the marijuana may be destroyed without the consent of a prosecuting attorney so long as the destruction is carried out in accordance with the foregoing requirements.

The destruction of illegal drugs by the ASP shall be conducted in conformance with all federal, state, and local environmental, health-related, and other applicable laws and regulations.



PROPERTY AND EVIDENCE CONTROL PROCEDURES

Property / Evidence Subject to State Forfeiture Proceedings: Arkansas law establishes a forfeiture procedure for vehicles and other property used, or intended to be used, to facilitate certain narcotics related crimes. (See Ark. Code Ann. §5-64-505). Whenever an officer collects property/evidence that is subject to the provisions of this statute, the property/evidence shall be disposed of, and otherwise treated in accordance with the specific statutory forfeiture requirements.

Evidence Used in Criminal Proceedings: Property/evidence that is the subject of a state criminal proceeding shall not be disposed of without first securing an order from the judicial officer in accordance with Rule 15.2 of the Arkansas Rules of Criminal Procedure. The disposition of property/evidence which is the subject of a federal criminal proceeding shall comply with applicable federal laws and rules and shall be carried out only with the approval of the presiding federal judge and the responsible U. S. Attorney, or the U. S. Attorney's designee.



RADIO PROCEDURE

I. Radio Codes: The following radio codes are authorized:

10-1 Receiving Poorly	10-36 Correct Time
10-2 Receiving Well	10-37 Pursuit in Progress
10-3 Negative – No – Message Not Received	10-38 Collision/Property Damage/Road Not Blocked
10-4 Affirmative – Yes – Message Received	10-39 Collision/Property Damage/Road Blocked
10-5 Relay	10-40 Collision/Personal Injury/Road Not Blocked
10-6 Busy	10-41 Collision/Personal Injury/Road Blocked
10-7 Out of Service	10-42 Officer at Home
10-8 In Service	10-43 Abandoned Vehicle
10-9 Repeat	10-44 Assist Motorist
10-10 Out of Service – Subject to Call	10-45 Obstruction of Highway
10-11 Send Wrecker	10-46 Livestock on Highway
10-12 Official or Visitors Present	10-47 Mentally Disturbed Person
10-13 Advise Road and Weather Conditions	10-48 Pedestrian
10-14 Convoy or Escort	10-49 Meet at (Location)
10-15 Prisoner on Custody	10-50 Traffic Check – No Traffic
10-16 Send Ambulance	10-51 Check NCIC (person, vehicle, guns, etc.)
10-17 Pick Up Item	10-52 Neg. Ack. of Warrant/Stolen Vehicle Inq.
10-19 Proceed to/Enroute to (Location)	10-53 Pos. Ack. Of Warrant/Stolen Vehicle Inq.
10-20 What is your location?	10-54 Check NCIC for Criminal History
10-21 Call by Telephone	10-56 Hazardous Material
10-22 Disregard Last Information	10-57 Fight in Progress
10-23 Standby	10-58 Suspicious Person
10-24 Traffic Stop	10-63 Directed NET
10-25 Intoxicated Driver	10-64 NET Clear
10-27 Armed Person	10-65 Hit and Run/No Personal Injury
10-28 Check Vehicle Registration	10-66 Hit and Run/Personal Injury
10-29 Check Local Warrant Files	10-67 Vehicle Fire
10-30 Check Driver's License Status Only	10-86 Switch to Sec. Frequency (ID channel)
10-31 Provide Driving Violation History and Status	10-88 Advise Phone Number for Contact
10-32 Breath Test BAC	10-94 Meal or Rest Break (Location)
10-33 Emergency Traffic	10-97 Arrived at Scene
10-34 Call Coroner	10-98 Clear/Finished with Assignment
10-35 Confidential Information	



RADIO PROCEDURE

II. Use of Radio Codes

- A. When using primary dedicated channels, officers should not use “10-codes” in combination with spoken language unless necessary to clearly communicate messages on the ASP radio system.
- B. **Shortcuts Prohibited:** Officers should not use the last two numbers of “10 Codes” as a “shortcut” to communicate radio messages.
- C. **Examples:**
 - 1. An officer should not broadcast, “What’s your 20?” Instead, the officer should ask the other unit’s location simply by saying, “10-20?”
 - 2. An officer should not broadcast that the officer will “be out at my 42 for dinner.” To report a meal break at home to the communications center, the correct radio message would simply be “10-94, 10-42.”

III. **Communication of Warrants:** When providing a response to inquiries for outstanding warrants, the communication center should inform officers of the nature of the warrant (felony or misdemeanor) by responding “10-53-F” or “10-53-M.” The communications center should then wait for the officer’s instructions before continuing with warrant data to ensure the officer’s safety is not compromised and he/she is prepared to receive such information.

IV. **Out of State Driver’s License/Criminal History Checks:** When requesting an out-of-state driver’s license (DL) check by driver’s license number, the officer should also include the necessary additional information (name, sex, race, & date of birth) to ensure that the proper NCIC check is made. The same procedure should be used when requesting the communications center to run a “Triple I” criminal history check. Additionally, any checks made using a name should be run by giving the person’s last name, followed by the first name and then the middle initial. The officer should then give the person’s Date of Birth (DOB), transmitting the person’s birth year first followed by the month and day. For example, “DL check by name - last name Doe, David-Ocean-Edward, first name John, middle initial L., DOB 1956-12-02.”

V. **Broadcasting Current Time:** Telecommunications operators should broadcast the current time at the end of radio transmission with an officer.

VI. Directing the Net

- A. Whenever an officer is involved in an emergency (shootings, vehicle pursuits, etc.) or has emergency traffic, the officer may request that the communications center “direct the net” by stating “10-63” and providing additional information concerning the nature of the emergency.
- B. Upon receipt of such a request, the communications center should activate the alert tone and state: “10-63 – *The net is directed for _____ until further notice.*” A telecommunications operator should not “direct the net” unless requested to do so by an



RADIO PROCEDURE

officer, or when it is apparent that immediate action by the telecommunications operator is necessary to protect the safety of an officer. The decision to “direct the net” is always subject to review by the on-duty supervisor(s).

- C.** Once “directed,” the “net” should not be released until the involved officer(s) on the scene or a supervisor makes such a request of the communications center. When “releasing the net,” the telecommunications operator should again sound the alert tone and state: “10-64 – *The net is clear.*”
- D.** When the “net is directed” for an emergency that occurs near a troop boundary, and it appears that an adjoining troop may become involved in the situation (e.g., vehicle pursuits), the telecommunications operator should immediately notify the communications center in the adjoining troop.
- E.** Unless an officer is already engaged in radio traffic with the communications center concerning a particular matter, when the communications center calls an officer on the radio, the responding officer should always give the officer’s location. For example, “Fort Smith – H-17” should cause the responding unit to reply, “H-17 – Fort Smith, I-40 at mile 31.”

VII. Traffic Stop/Contact Information

- A.** Unless impractical under the circumstances, when initiating a traffic stop, assisting a motorist, or stopping to check on a pedestrian, officers should notify the communications center using the appropriate “10 Code” and provide the location, a description of the vehicle, including license plate number, and a description of the person(s).
- B.** For example, an officer initiating a traffic stop would ordinarily state, “C-14 – Jonesboro, 10-24.” The communications center would reply, “Jonesboro – C-14, go ahead.” The officer would then state, “White Chevrolet pickup, Arkansas 475, Henry-Paul-Adam, Highway 63, two miles south of Bono.” The officer should then repeat the information.

VIII. Vehicle/DL Registration Check

- A.** In the officer’s initial contact with the communications center, an officer requesting a vehicle registration check would ordinarily state, for example, “F-17 – Warren, 10-28.” Likewise, an officer requesting a check on the status of a driver’s license would state, “A-23 – Little Rock, 10-30.” Once the communications center acknowledges this request, the officer would give the communications center the necessary vehicle registration or driver’s license information.
- B.** When requesting multiple checks at the same time, an officer should use the separate “10 Codes” for those matters in the officer’s initial contact with the communications



RADIO PROCEDURE

center. For instance, an officer who needs an NCIC warrant and criminal history inquiry on the same subject would state, “L-16 – Springdale, 10-51, and 10-54.” Once the communications center acknowledges this request, the officer should provide the information necessary for the communications center to check the subject’s status and then report back to the officer.

- IX. Requests/Notifications of Channel Switch:** When using “10-86” to request the communications center or another officer to switch to a secondary channel, the message should be accompanied by a reference to the specific alternative channel. For example, an officer who wishes to communicate with another officer on “Tac 1” would state, “B12 to B14, 10-86, Tac 1.” An officer who is traveling from one troop to another should advise the communication center that he is switching from one Troop Dispatch channel to another. For example, an officer would state “C12 – Jonesboro 10-86 Troop D Dispatch.” The officer should then notify the new troop that he/she is now on their dispatch channel. (Note: Officers that are members of special teams such as SWAT, CNT, ICP, ERT, etc. who are responding to a callout, reporting for specialized training in large groups, or a involved in a special event with a large numbers of officers, are exempt from this 10-86 procedure unless specifically requested by the Troop/Company/Division Commander to check in with each troop while enroute.)
- X. Emergency Alarms:** When the communication center receives a signal from an officer’s emergency alarm, the communication center should check the validity of the alarm by requesting a traffic check of the affected officer followed by the letter “E.” An example of this would be, “Hope – G19, 10-50E.” The officer should advise if the emergency alarm is accidental or otherwise invalid. Failure to do so could indicate to the communication center that the officer has an emergency and is in need of assistance.
- XI. Discharge of Firearms**
- A.** Any discharge of firearms shall be broadcast via radio, as soon as practical, and should include the following information:
 - 1. Origin of the shots (i.e. ASP, another agency, suspect)
 - 2. Injuries, if known, to officer(s), suspect(s), others
 - B.** If operators hear a transmission indicating that a firearm has been discharged and the origin of the shots and injuries are not known, the operator should ask for the information.
- XII. Road Closures:** The communications center should be informed immediately of any road closure and reopening.
- A. ACTIS (Arkansas Construction and Travel Information System)**

Any time a road closure occurs on any interstate or state highway lasting longer than 10 minutes, an ACTIS incident should be created and maintained for the duration of the



RADIO PROCEDURE

closure. This is to advise the public, other Arkansas State agencies, and some federal agencies of any traffic delays through the IDriveArkansas.com system. To keep the local agencies informed, an ACIC terminal message through the AM Message box can be sent as well.

B. To Create A Road Closure Incident

- Step 1. Login into actis.idrivearkansas.com website
- Step 2. Select INCIDENTS
- Step 3. Select ADD INCIDENTS
- Step 4. Drag the  icon to the estimated location. Use the [+] or [-] to enlarge the map
- Step 5. Click on various tabs with drop down menus to provide more detail for the road closure. (For example, what type of incident: disabled/stalled vehicle; travel direction: north; lanes: middle.)
- Step 6. Click on SAVE/REPORT INCIDENT. A confirmation screen will appear, allowing the user to exit or return to the list.
- Step 7. To clear or edit an incident, click on EDIT or CLEAR IT from the list.

C. Arkansas Department of Transportation (ARDOT) Districts: ARDOT is divided into different districts. Refer to Troop Procedures for the information for normal business hours and for after-hours contact information for the local district(s).

XIII. Electronic Interstate Signs: If the permanent overhead electronic interstate signs need to be changed for any reason due to an accident or road closures, telecommunications operators need to contact the ARDOT Radio room in Little Rock at 501-569-2469.

XIV. SWAT Activation: When a Division Commander authorizes activation or on call status for ASP SWAT and/or CNT, the authorizing Division Commander should contact the Troop A Communications Center. Troop A Communications will initiate the team activation (to include all Command Staff) by utilizing the Alert Express Notification System:

- A.** The message to the team members should include:
 - 1. The team has been activated or is on standby
 - 2. Location of the call and staging area (members should respond to the staging area unless otherwise directed)
 - 3. Nature of the call (hostage, barricaded suspect, etc.)
- B.** Team members are instructed to notify Troop A Communications by phone or radio to indicate receipt of the alert and to confirm their status, where they are responding from, and include their first and last name.



RADIO PROCEDURE

1. Troop A Communications should compile a roster of officers responding to the callout on a SWAT Callout Form (maintained by Troop A Communications). Troop A Communications should place “No Response” by any Trooper that does not make contact.
 2. Once completed by Troop A Communications personnel, the SWAT Callout Form should be saved and labeled with the current date and location of the callout.
 3. Within a reasonable amount of time, and upon the request of the SWAT Commander or designee, Troop A Communications will email a copy of the SWAT Callout Form to the SWAT Commander or designee.
 4. The SWAT Commander or designee will make contact with the troopers that did not respond.
 5. Troop and Company Commanders will be notified of the callout via email from the authorizing Division Commander.
- C. When ASP SWAT and/or CNT is activated, priority should be given to the ASP SWAT and/or CNT callout unless, after consultation with an affected Division Commander, another Level One critical incident takes priority. See Chain of Command policy ([LE SEC 2](#)).





Arkansas State Police

Air Support Unit

Operations Manual

Revision: Original

September 18, 2017



COMMANDER'S OPERATIONAL POLICY

The Department's varied missions require flight operations in many demanding environments. The environmental spectrum in which flight operations are conducted stretch from fair weather day missions in small fixed wing aircraft, to low altitude helicopter missions conducted at night utilizing night vision and thermal imaging devices, to nation-wide multiengine airplane transportation missions conducted in adverse weather conditions.

These flight environments, combined with law enforcement mission demands, can lead to an extremely high workload in the cockpit, which can overwhelm even the most proficient aircrew. Aircrews will therefore strive to maintain a constant awareness of all aspects of safety. Although aircrews identify, assess and mitigate risks before each flight, risk assessment should be a continual process throughout the flight.

Personnel will integrate safety awareness into all activities of the Air Support Unit. No mission or task is so critical that it would necessitate acceptance of unnecessary risks or require deviation from safety policies, procedures, training standards or the prudent judgment of the aircrew or technicians involved.

Personnel are to apply the risk management process as a means of identifying, assessing and mitigating risks, with the goal of eliminating hazards where possible and reducing residual risks to acceptable levels.

Through a systematic program of risk management, standardization, training and leadership, our unit can achieve it's goal of safe and successful mission accomplishment.



MISSION STATEMENT

It is the mission of the Arkansas State Police Air Support Unit to provide professional airborne law enforcement support to the department and to those federal, state, county and local law enforcement and emergency service agencies who request assistance.

Assigned missions include, but are not limited to:

Manhunt – to include fleeing suspects and jail escapees.

Search and/or Rescue – to include locating lost persons, natural disaster relief operations, stolen property recovery and marijuana eradication.

Surveillance – to include aerial photography support, clandestine facilities surveillance, pursuits, wildlife enforcement support, crime scene protection, sensitive facility patrols, SWAT overwatch and VIP protection.

Traffic Enforcement – to include identifying motorists who are speeding, following too closely, driving carelessly or impaired, and any other observable violations.

Transportation – to include criminal extradition support, VIP transportation missions, SWAT insertions, and relays of sensitive or specialized documents, materials, equipment, or personnel.

Training – to include aircrew and maintenance training, intra-agency and inter-agency operations training.

Public Relations and Community Support – to include Community Oriented Policing Services (COPS) support, Drug Abuse Resistance Education (DARE) support, agency promotion and recruitment.

TABLE OF CONTENTS

COMMANDER’S OPERATIONAL POLICY	i
MISSION STATEMENT	ii
TABLE OF CONTENTS.....	i
CHAPTER 1 – ADMINISTRATION.....	1
SECTION 1 OPERATIONS MANUAL	1
1.101 PURPOSE	1
1.102 APPLICABILITY	1
1.103 CONFLICT RESOLUTION	1
1.104 DEVIATIONS.....	1
1.105 MANUAL DISTRIBUTION.....	2
1.106 MANUAL REVISIONS.....	2
1.107 MANUAL REVIEW	3
SECTION 2 ORGANIZATION.....	3
1.201 ARKANSAS STATE POLICE ORGANIZATIONAL CHART	3
1.202 AIR SUPPORT UNIT CHAIN OF COMMAND.....	4
1.203 AIR SUPPORT UNIT ORGANIZATIONAL CHART	4
SECTION 3 COMMAND RESPONSIBILITIES	5
1.301 DIRECTOR	5
1.302 DEPUTY DIRECTOR – FIELD OPERATIONS.....	5
1.303 HIGHWAY PATROL DIVISION COMMANDERS	5
1.304 TACTICAL OPERATIONS & AIR SUPPORT SECTION COMMANDER	5
1.305 AIR SUPPORT UNIT COMMANDER (DIRECTOR OF OPERATIONS)	5
1.306 AIR SUPPORT UNIT ASSISTANT COMMANDER (CHIEF PILOT)	5
1.307 AIR SUPPORT UNIT DIRECTOR OF MAINTENANCE	5
1.308 AIR SUPPORT UNIT SAFETY OFFICER	6
1.309 LINE OF AUTHORITY – CONTRACT PILOTS.....	6
1.310 LINE OF AUTHORITY – CONTRACT MAINTENANCE	6
1.311 RESPONSIBILITIES AND AUTHORITY OF THE PILOT IN COMMAND	6
1.312 DELEGATION OF AUTHORITY AND WAIVERS	7
SECTION 4 COMMUNICATIONS.....	7
1.401 COMMUNICATIONS	7
1.402 EXTERNAL PUBLIC COMMUNICATIONS	7
1.403 AIR SUPPORT UNIT LIAISON	7
SECTION 5 RECORDKEEPING AND RETENTION.....	7
1.501 GENERAL	7
SECTION 6 BASE OF OPERATIONS	8
1.601 GENERAL	8
1.602 FACILITY LOCATION	8
1.603 FACILITY FLOOR SPACE.....	8
1.604 FACILITY SECURITY	8
1.605 FACILITY FIRE PROTECTION	8
1.606 FACILITY EMERGENCY ELECTRICAL POWER	9
CHAPTER 2 – PERSONNEL	11
SECTION 1 QUALIFICATION AND SELECTION STANDARDS	11
2.101 AIR SUPPORT UNIT COMMANDER	11
2.102 AIR SUPPORT UNIT ASSISTANT COMMANDER.....	11
2.103 PILOTS	12

2.104	TACTICAL FLIGHT OFFICERS.....	12
2.105	AVIATION MAINTENANCE TECHNICIANS	13
SECTION 2	DUTIES AND RESPONSIBILITIES	13
2.201	AIR SUPPORT UNIT COMMANDER (DIRECTOR OF OPERATIONS)	13
2.202	AIR SUPPORT UNIT ASSISTANT COMMANDER (CHIEF PILOT)	14
2.203	AIR SUPPORT UNIT SAFETY OFFICER	15
2.204	DIRECTOR OF MAINTENANCE	16
2.205	PILOTS	17
2.206	TACTICAL FLIGHT OFFICERS.....	18
2.207	AVIATION MAINTENANCE TECHNICIANS	19
SECTION 3	UNIFORM REQUIREMENTS	20
2.301	UNIFORM REQUIREMENTS AND PERSONAL APPEARANCE.....	20
CHAPTER 3 – FLIGHT OPERATIONS	22	
SECTION 1	AIRCRAFT USE AND SCHEDULING.....	22
3.101	USE OF AIRCRAFT	22
3.102	SPECIAL RESTRICTIONS DURING PUBLIC AIRCRAFT OPERATIONS	23
3.103	ARKANSAS ETHICS COMMISSION OPINION NUMBER 97-EC-017	23
3.104	AUTHORIZATION FOR USE OF AIRCRAFT	24
3.105	SCHEDULING OF AIRCRAFT	24
SECTION 2	RECORDS MANAGEMENT	25
3.201	PILOT QUALIFICATION RECORDS	25
3.202	INDIVIDUAL PILOT LOGBOOKS	26
3.203	FLIGHT REQUEST FORMS, DATABASES AND REPORTS.....	26
3.204	AIRCRAFT FLIGHT LOGBOOKS	26
SECTION 3	DUTY REQUIREMENTS.....	26
3.301	PERSONAL PROTECTIVE EQUIPMENT.....	26
3.302	HEARING AND EYE PROTECTION.....	27
3.303	CELLULAR PHONES AND PORTABLE RADIOS.....	27
SECTION 4	FLIGHT CREWMEMBER REQUIREMENTS.....	27
3.401	PILOT IN COMMAND QUALIFICATION AND EXPERIENCE REQUIREMENTS.....	27
3.402	TACTICAL FLIGHT OFFICER QUALIFICATION AND EXPERIENCE REQUIREMENTS	32
3.403	OTHER PERSONNEL AUTHORIZED TO PILOT OR OPERATE DEPARTMENT AIRCRAFT	33
SECTION 5	AEROMEDICAL	34
3.501	GENERAL	34
3.502	BLOOD DONATION OR EXCESSIVE BLOOD LOSS	34
3.503	SCUBA DIVING.....	35
3.504	VACCINATIONS.....	35
3.505	ALCOHOL AND DRUGS	35
SECTION 6	CREW ENDURANCE	36
3.601	PHILOSOPHY.....	36
3.602	DEFINITIONS.....	36
3.603	COMPUTATION OF NVG FLIGHT TIME FOR CREW ENDURANCE PURPOSES	37
3.604	FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS.....	37
3.605	EXCEPTIONS DURING EMERGENCY SITUATIONS	38
3.606	EXAMPLES OF COMPUTATIONS OF FLIGHT TIME AND DUTY PERIODS	38
SECTION 7	FLIGHT RULES.....	39
3.701	RESPONSIBILITIES AND AUTHORITY OF THE PILOT IN COMMAND	39
3.702	CONDUCT OF FLIGHT	39
3.703	HELIPAD, HELIPORT, AIRPORT AND OFF-HELIPAD/OFF-AIRPORT OPERATIONS	40
3.704	PREFLIGHT ACTION	40
3.705	ATC CALL SIGNS AND DISCREET TRANSPONDER CODES	41

3.706	IFR FLIGHT PLANS AND FLIGHT FOLLOWING	42
3.707	VFR FLIGHT PLANS AND FLIGHT FOLLOWING	42
3.708	INTERNAL VFR FLIGHT PLAND AND FLIGHT FOLLOWING.....	42
3.709	INTERNAL VFR FLIGHT PLANS.....	42
3.710	INTERNAL VFR FLIGHT FOLLOWING – GENERAL	43
3.711	INTERNAL VFR FLIGHT FOLLOWING – RADIO CALL EXAMPLES	43
3.712	AIRCRAFT ACCIDENT / INCIDENT NOTIFICATION PROCEDURES	45
3.713	LOCATING OVERDUE OR MISSING AIRCRAFT.....	45
3.714	AIRCRAFT DISCRPANCIES WHILE AWAY FROM HOME BASE.....	45
3.715	VFR WEATHER MIMIMUMS	46
3.716	WIND LIMITATIONS.....	46
3.717	FLIGHT INTO ICING CONDITIONS	46
3.718	FLIGHT INTO TURBULENCE	46
3.719	FLIGHT INTO thunderstorms	46
3.720	MINIMUM SAFE ALTITUDES	47
3.721	MINIMUM ALTITUDES FOR USE OF AUTOPILOT	47
3.722	VOR EQUIPMENT CHECK FOR IFR OPERATIONS.....	47
3.723	IFR TAKEOFF LIMITATIONS	47
3.724	INADVERTENT INSTRUMENT METROLOGICAL CONDITIONS (IIMC) PROCEDURES.....	47
3.725	OPERATING NEAR OTHER AIRCRAFT	48
3.726	NOISE ABATEMENT	48
3.727	FLYING EQUIPMENT AND OPERATING INFORMATION	48
3.728	FAMILIARITY WITH OPERATING LIMITATIONS AND EMERGENCY EQUIPMENT	49
3.729	EQUIPMENT REQUIREMENTS: OVER-THE-TOP, OR NIGHT VFR OPERATIONS	49
3.730	EMERGENCY EQUIPMENT	49
3.731	PASSENGER BRIEFING	49
3.732	FIRE FIGHTING EQUIPMENT	49
3.733	SURVIVAL GEAR.....	49
3.734	SMOKING AND TOBACCO USE	49
3.735	CHEMICAL IRRITANTS AND HAZARDOUS MATERIALS.....	50
3.736	USE OF SAFETY BELTS, SHOULDER HARNESSSES AND RESTRAINT SYSTEMS	50
3.737	COMPUTATION OF FLIGHT TIME FOR MAINTENANCE PURPOSES	50
3.738	MECHANICAL DISCREPANCIES, INOPERATIVE INSTRUMENTS AND EQUIPMENT	50
3.739	DISCREPANCEY LOG	51
3.740	AIRCRAFT SECURITY	51
3.741	FIREARMS IN AIRCRAFT.....	51
SECTION 8	FUEL HANDLING & REFUELING.....	52
3.801	FUEL STORAGE AND DELIVERY SYSTEMS	52
3.802	AVIATION FUEL PURCHASES	52
3.803	SMOKING PROHIBITIONS DURING REFUELING OPERATIONS	52
3.804	AIRCRAFT REFUELING.....	53
3.805	HELICOPTER RAPID (HOT) REFUELING – GENERAL	53
3.806	HELICOPTER RAPID (HOT) REFUELING – PROCEDURES.....	53
3.807	SPILL PROCEDURES DURING FUEL SERVICING	54
3.808	SPILL PROCEDURES FOR STATIC AIRCRAFT	55
3.809	HANDLING AND DISPOSAL OF WASTE FUEL, OIL AND OTHER HAZARDOUS MATERIAL	55
SECTION 9	SPECIAL MISSION OPERATIONS.....	56
3.901	TRAFFIC ENFORCEMENT OPERATIONS	56
3.902	PRISONER TRANSPORT OPERATIONS.....	57
3.903	TACTICAL OPERATIONS AND OPERATIONS EMPLOYING SPECIAL MISSION EQUIPMENT.....	57
3.904	NIGHT VISION GOGGLE OPERATIONS	57
3.905	OVER WATER OPERATIONS.....	58

3.906	CANINE OPERATIONS	58
3.907	EMERGENCY MEDICAL SERVICE OPERATIONS	59
3.908	ROTORCRAFT EXTERNAL LOAD OPERATIONS	59
CHAPTER 4 – TRAINING	61	
SECTION 1 AIRCREW TRAINING	61	
4.101	PILOT TRAINING	61
4.102	TACTICAL FLIGHT OFFICER TRAINING	61
SECTION 2 INITIAL QUALIFICATION TRAINING.....	61	
4.201	PILOT INITIAL QUALIFICATION TRAINING REQUIREMENTS – B200	61
4.202	PILOT INITIAL QUALIFICATION TRAINING REQUIREMENTS – 407.....	62
4.203	PILOT INITIAL NVG QUALIFICATION TRAINING REQUIREMENTS – 407	63
4.204	PILOT INITIAL QUALIFICATION TRAINING REQUIREMENTS – T206H	63
4.205	TFO INITIAL QUALIFICATION TRAINING REQUIREMENTS – 407.....	64
4.206	TFO INITIAL QUALIFICATION TRAINING REQUIREMENTS – T206H	64
SECTION 3 RECENT FLIGHT EXPERIENCE	65	
4.301	EXPERIENCE REQUIREMENTS.....	65
4.302	GENERAL EXPERIENCE REQUIREMENTS.....	65
4.303	NIGHT EXPERIENCE REQUIREMENTS	65
4.304	NIGHT VISION GOGGLE EXPERIENCE REQUIREMENTS – 407.....	66
4.305	INSTRUMENT EXPERIENCE REQUIREMENTS	67
4.306	TACTICAL FLIGHT OFFICER EXPERIENCE REQUIREMENTS – 407	68
4.307	TACTICAL FLIGHT OFFICER EXPERIENCE REQUIREMENTS –T206H	68
SECTION 4 RECURRENT TRAINING	69	
4.401	RECURRENT TRAINING REQUIREMENTS – SAFETY	69
4.402	RECURRENT TRAINING REQUIREMENTS – GENERAL	69
4.403	RECURRENT TRAINING REQUIREMENTS – B200	69
4.404	RECURRENT TRAINING REQUIREMENTS – 407	70
4.405	RECURRENT TRAINING REQUIREMENTS – T206H.....	70
4.406	TFO RECURRENT TRAINING REQUIREMENTS – 407	70
4.407	TFO RECURRENT TRAINING REQUIREMENTS – T206H.....	70
SECTION 5 FLIGHT EVALUATIONS AND PROFICIENCY CHECKS	70	
4.501	FLIGHT REVIEWS	70
4.502	PROFICIENCY CHECKS.....	70
CHAPTER 5 – SAFETY MANAGEMENT SYSTEM	72	
SECTION 1 GENERAL STANDARDS.....	72	
5.101	SAFETY MANAGEMENT SYSTEM	72
SECTION 2 SAFETY POLICY AND OBJECTIVES.....	72	
5.201	COMMANDER’S SAFETY POLICY	72
5.202	SAFETY PRINCIPLES	72
5.203	OPERATING PRINCIPLES & SAFETY OBJECTIVES	73
5.204	MANAGEMENT COMMITMENT & RESPONSIBILITIES	73
5.205	APPOINTMENT OF SAFETY PERSONNEL.....	74
5.206	SMS DOCUMENTATION AND RECORDS	75
SECTION 3 SAFETY RISK MANAGEMENT.....	76	
5.301	HAZARD IDENTIFICATION AND ANALYSIS	76
5.302	OCCURRENCE AND HAZARD REPORTING.....	76
5.303	INCIDENT INVESTIGATION AND ANALYSIS	76
5.304	SAFETY RISK ASSESSMENT AND MITIGATION	76
5.305	SAFETY READING FILE.....	77
SECTION 4 SAFETY ASSURANCE	78	
5.401	SAFETY PERFORMANCE MONITORING AND MEASUREMENT	78

5.402	MANAGEMENT OF CHANGE	78
5.403	CONTINUOUS IMPROVEMENT OF THE SMS	78
SECTION 5	SAFETY PROMOTION AND TRAINING	79
5.501	TRAINING AND EDUCATION	79
5.502	RISK CONTROL MEASURES	79
5.503	SMS INDOCTRINATION TRAINING	80
5.504	NEW PERSONNEL SAFETY ORIENTATION TRAINING	80
5.505	SAFETY COMMUNICATIONS	80
SECTION 6	EMERGENCY PREPAREDNESS AND RESPONSE	80
5.601	PURPOSE	80
5.602	EMERGENCY PREPAREDNESS AND RESPONSE PLAN TRAINING	81
5.603	EMERGENCY PREPAREDNESS AND RESPONSE PLAN	81
5.604	ACTIVATION	82
5.605	RESPONSIBILITIES	82
5.606	TROOP COMMUNICATIONS CENTERS – INITIAL RESPONSE PLAN	82
5.607	AIR SUPPORT UNIT – INITIAL RESPONSE PLAN	83
5.608	HIGHWAY PATROL DIVISION COMMANDERS - INITIAL RESPONSE PLAN	85
5.609	HIGHWAY PATROL DIVISION COMMANDERS - MISSING AIRCRAFT RESPONSE PLAN	85
5.610	HIGHWAY PATROL DIVISION COMMANDERS – RECOVERY RESPONSE PLAN	86
CHAPTER 6		89
MAINTENANCE MANAGEMENT		89
SECTION 1	AIRCRAFT – GENERAL	89
6.101	AIRCRAFT INSPECTION	89
6.102	AIRCRAFT MAINTENANCE	89
6.103	MAINTENANCE RECORDS	89
6.104	MAINTENANCE TEST FLIGHTS AND OPERATIONAL CHECKS	89
6.105	WEIGHT AND BALANCE	90
SECTION 2	BEECH B200 KING AIR	90
6.201	INSPECTION PROGRAM	90
6.202	COMPONENT OVERHAUL REQUIREMENTS	90
6.203	COMPONENT RETIREMENT (TIME LIFE) REQUIREMENTS	91
6.204	OIL ANALYSIS PROGRAM	91
6.205	INOPERATIVE INSTRUMENTS AND EQUIPMENT	91
SECTION 3	BELL 407 HELICOPTER	91
6.301	INSPECTION PROGRAM	91
6.302	COMPONENT OVERHAUL REQUIREMENTS	91
6.303	COMPONENT RETIREMENT (TIME LIFE) REQUIREMENTS	92
6.304	OIL ANALYSIS PROGRAM	92
6.305	INOPERATIVE INSTRUMENTS AND EQUIPMENT	92
SECTION 4	CESSNA T206H	92
6.401	INSPECTION PROGRAM	92
6.402	COMPONENT OVERHAUL REQUIREMENTS	93
6.403	COMPONENT RETIREMENT (TIME LIFE) REQUIREMENTS	93
6.404	OIL ANALYSIS PROGRAM	93
6.405	INOPERATIVE INSTRUMENTS AND EQUIPMENT	93
SECTION 5	SPECIAL MISSION EQUIPMENT	94
6.501	AN/AVS-9 NIGHT VISION GOGGLES	94
6.502	BELL 407 NVG COMPATABILITY MODIFICATIONS – STC SR09350RC	94
6.503	ACR ELECTRONICS PLB-200 PERSONAL LOCATOR BEACONS	94
6.504	BMS PORTABLE MICROWAVE DOWNLINK RECEIVER	94
6.505	ROBIC SC-800EL SPEED STOPWATCH	94

6.506	AVIATION BATTERY SYSTEMS START STICK.....	95
SECTION 6	MEASUREMENT AND TEST EQUIPMENT CALIBRATION PROGRAM	95
6.601	MEASUREMENT AND TEST EQUIPMENT CALIBRATION	95
6.602	CALIBRATION LABELING.....	96
6.603	CALIBRATION INTERVALS	96
6.604	OUT-OF-CALIBRATION CALIBRATED TEST EQUIPMENT.....	97
6.605	CALIBRATION VENDORS	98
SECTION 7	CONTRACT MAINTENANCE.....	98
6.701	PERFORMANCE OF INSPECTION AND MAINTENANCE ACTIVITIES.....	98
6.702	LINE OF AUTHORITY – CONTRACT MAINTENANCE	98
6.703	AUDIT OF MAINTENANCE VENDORS.....	98
6.704	REVIEW AND RETURN TO SERVICE AFTER INSPECTIONS AND MAINTENANCE PERFORMED BY CONTRACTORS	99
APPENDIX A – ACKNOWLEDGEMENT FORMS	100	
	<i>Acknowledgement of Receipt of Air Support Unit Operations Manual</i>	<i>101</i>
	<i>Acknowledgement of Receipt of Air Support Unit Operations Manual Revision</i>	<i>102</i>
APPENDIX B – NAMED CHAIN OF COMMAND AND OPERATION POSITION LISTINGS	103	
	<i>AIR SUPPORT UNIT CHAIN OF COMMAND.....</i>	<i>104</i>
	<i>AIR SUPPORT UNIT ORGANIZATIONAL CHART.....</i>	<i>105</i>
APPENDIX C – ADVISORY CIRCULAR 00-1.1A – PUBLIC AIRCRAFT OPERATIONS.....	106	
APPENDIX D – ARKANSAS ETHICS COMMISSION OPINION NUMBER 97-EC-017	124	
APPENDIX E – LETTER OF AGREEMENT BETWEEN THE LITTLE ROCK AIRPORT TRAFFIC CONTROL TOWER AND THE ARKANSAS STATE POLICE	127	
APPENDIX F – VENDOR AUDIT FORM.....	130	
	<i>VENDOR AUDIT FORM.....</i>	<i>131</i>



CHAPTER 1 – ADMINISTRATION

SECTION 1 OPERATIONS MANUAL

1.101 PURPOSE

This manual prescribes the policies and procedures governing the administration, personnel, training, operations, safety, maintenance and special operations activities of the Arkansas State Police Air Support Unit. This manual provides guidance for the efficient operation of the unit and the safe and effective utilization of the Department's aviation assets.

Effective **September 18, 2017**, these policies and procedures replace and supersede all previous unit policies and procedures concerning the topics listed in the Table of Contents, as well as all unit policies that are in conflict with those set forth herein.

1.102 APPLICABILITY

The provisions of this manual apply to all personnel assigned to the Air Support Unit. These provisions also apply to any department personnel, personnel of other agencies or members of the public that request the use of, or become involved in the operation or maintenance of any Department aviation asset.

1.103 CONFLICT RESOLUTION

In the event of conflict between the policies and procedures set forth in this manual and any federal, state, local, or agency regulations, policies or procedures, the Air Support Unit Commander should be notified for conflict resolution.

1.104 DEVIATIONS

Personnel who, in the exercise of reasonable discretion and sound judgment, find it necessary to deviate from the provisions of this manual should:

Base their actions on the needs of the general public and in the best interests of the department.

Not expose a person to physical jeopardy in any degree greater than necessary to accomplish the law enforcement mission safely.

Obtain approval from the Air Support Unit Commander, or his/her designee, for any deviation from the provisions of this manual, when allowed by the situation.

Report deviations from the provisions of this manual to the Air Support Unit Commander, or his/her designee, as soon as possible when prior approval to deviate was not obtained.

1.105 **MANUAL DISTRIBUTION**

A copy of this manual should be furnished to all personnel assigned to the Air Support Unit, and to any Department personnel, personnel of other agencies, or members of the public that become involved in the operation or maintenance of any Department aviation asset.

Personnel should acknowledge receipt of this manual by completing and signing the appropriate acknowledgement form contained in Appendix A. Upon completion, the signed original acknowledgement form should be submitted to the Air Support Unit Commander for retention. Personnel should retain a signed copy of the form in their manual.

1.106 **MANUAL REVISIONS**

The Air Support Unit Commander should issue revisions to this manual as required by changes in regulations, unit policies or procedures.

Personnel are responsible for promptly making all directed changes, additions or deletions to this manual. After posting a revision, persons should initial the appropriate block on the Record of Revision page, located at the front of the manual. Personnel should acknowledge receipt of changes to this manual by completing and signing the appropriate acknowledgement form contained in Appendix A. Upon completion, the signed original acknowledgement form should be submitted to the Air Support Unit Commander for retention. Personnel should retain a signed copy of the form in their manual.

Personnel may recommend additions, deletions or any other changes to this manual when those suggestions would benefit the mission or operation of the Air Support Unit.

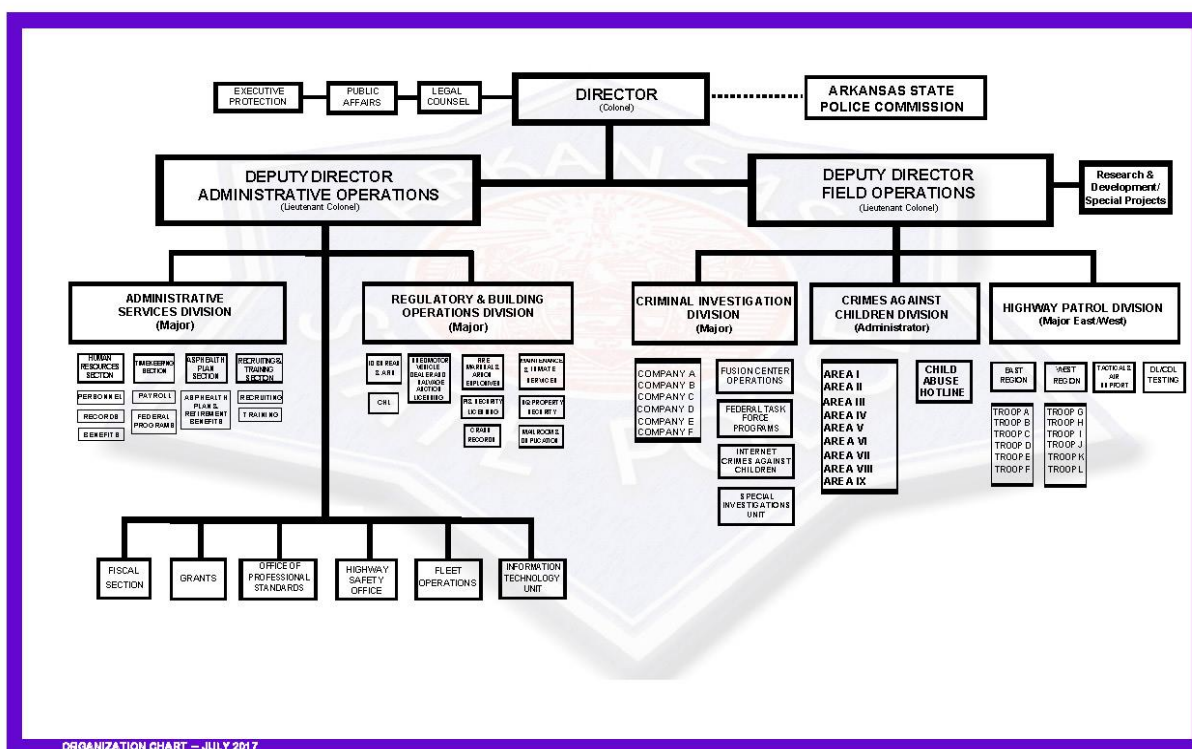
1.107 MANUAL REVIEW

Personnel should become familiar with the contents of this manual and should contact their supervisor for clarification of any provision of this manual that is not clearly understood.

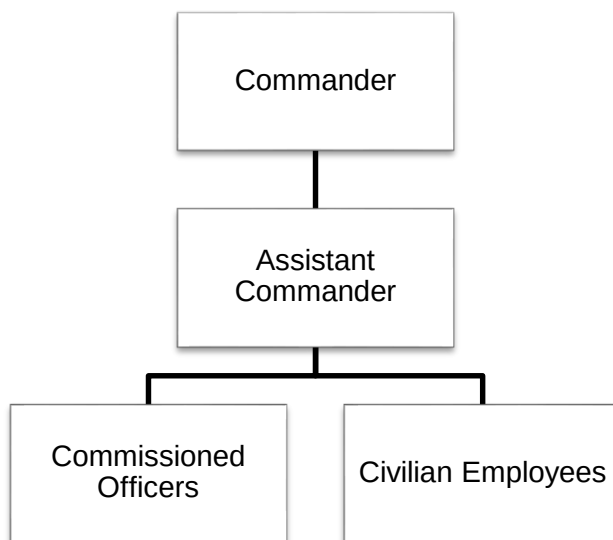
Unit personnel should receive initial training concerning the use and contents of the operations manual upon assignment. Unit personnel should receive annual training concerning the use and contents of the operations manual, which should include an inspection of their manual for currency by supervisory personnel.

SECTION 2 ORGANIZATION

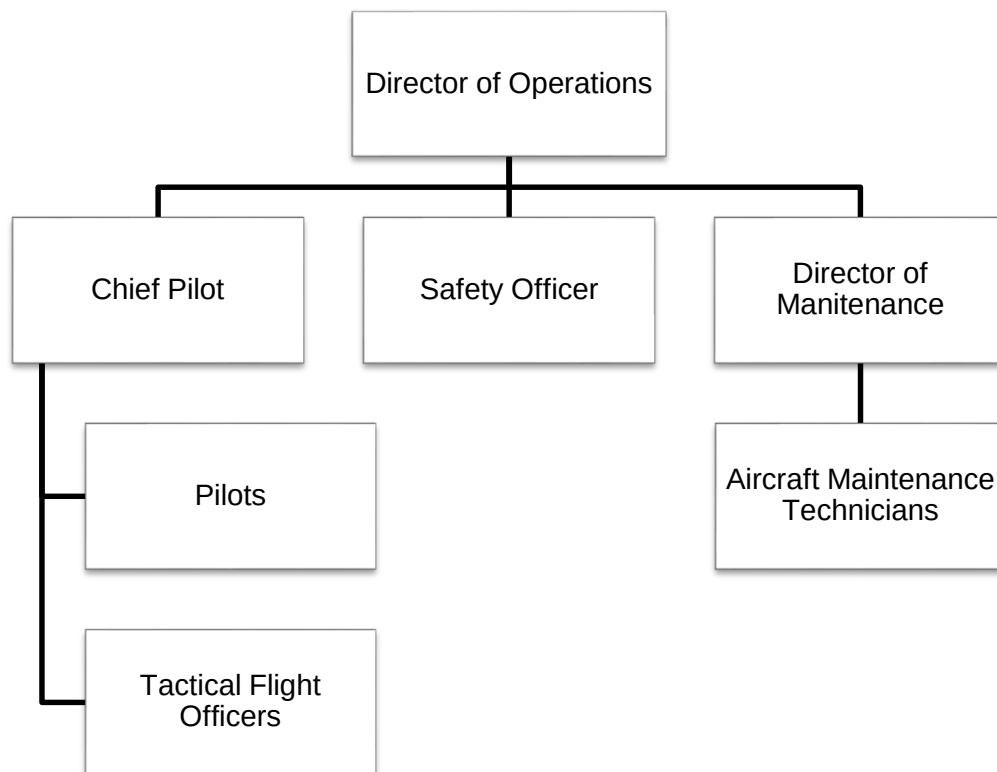
1.201 ARKANSAS STATE POLICE ORGANIZATIONAL CHART



See Appendix B for the named chain of command list

1.202 AIR SUPPORT UNIT CHAIN OF COMMAND

See Appendix B for the named chain of command list

1.203 AIR SUPPORT UNIT ORGANIZATIONAL CHART

See Appendix B for the named organizational position list

SECTION 3 COMMAND RESPONSIBILITIES

1.301 DIRECTOR

The Director of the Arkansas State Police, or his/her authorized representative, reserves all authority and final approval for the administration and operation of the Air Support Unit.

1.302 DEPUTY DIRECTOR – FIELD OPERATIONS

The Deputy Director – Field Operations of the Arkansas State Police is responsible for the operation of the department at an administrative level.

1.303 HIGHWAY PATROL DIVISION COMMANDERS

A Highway Patrol Division Commander should be designated as being responsible for the operation of the Tactical Operations & Air Support Section at an administrative level.

1.304 TACTICAL OPERATIONS & AIR SUPPORT SECTION COMMANDER

The Tactical Operations & Air Support Section Commander is responsible for the operation of the Air Support Unit at an administrative level.

1.305 AIR SUPPORT UNIT COMMANDER (DIRECTOR OF OPERATIONS)

The Air Support Unit Commander is directly responsible for the daily administration, operation, training and maintenance of the Air Support Unit's personnel, equipment and facilities and is designated the Director of Operations.

1.306 AIR SUPPORT UNIT ASSISTANT COMMANDER (CHIEF PILOT)

The Air Support Unit Assistant Commander is responsible for assisting with the daily administration, operation, training and maintenance of the Air Support Unit's personnel, equipment and facilities and is designated the Chief Pilot.

1.307 AIR SUPPORT UNIT DIRECTOR OF MAINTENANCE

The Air Support Unit Director of Maintenance is responsible for assisting with managing the Air Support Unit's maintenance activities.

1.308 AIR SUPPORT UNIT SAFETY OFFICER

The Air Support Unit Safety Officer is responsible for assisting with managing the Air Support Unit's Safety Management System Program. The Safety Officer will report directly to the Air Support Unit Commander concerning Safety Management System (SMS) activities.

The Safety Officer is authorized to contact levels of supervision above that of the Air Support Unit Commander. This is only to be done in extreme circumstances, when:

- The Air Support Unit Commander has been unresponsive to a 'high risk' item, as defined by the risk assessment procedure in the unit SMS. Additionally, the lack of response to that item is without legitimate explanation. This period of 'unresponsiveness' must be beyond the strategy timeline defined by the safety committee.
- The Air Support Unit Commander is directly related to the cause of the problem, and attempts to talk to them about it have been unproductive.
- The Air Support Unit Commander is acting in a reckless and negligent manner in a way that endangers the safety of unit members.
- In all cases, the proposed communication to parties above the immediate chain of command is approved by at least one other member of the safety committee.

1.309 LINE OF AUTHORITY – CONTRACT PILOTS

The Air Support Unit Chief Pilot is the primary liaison with contract pilots. In his/her absence, the Director of Operations should provide this liaison.

1.310 LINE OF AUTHORITY – CONTRACT MAINTENANCE

The Air Support Unit Director of Maintenance is the primary liaison with contract maintenance facilities and providers. In his/her absence, the Director of Operations should provide this liaison.

1.311 RESPONSIBILITIES AND AUTHORITY OF THE PILOT IN COMMAND

The Pilot in Command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft. During an in-flight emergency requiring immediate action, the Pilot in Command may deviate from any procedure or regulation to the extent required to meet that emergency.

1.312 DELEGATION OF AUTHORITY AND WAIVERS

The Air Support Unit Commander may delegate his/her authority during times of absence.

The Air Support Unit Commander is authorized to grant waivers to the requirements of this manual, on a case-by-case basis, provided the waiver does not increase the level of risk associated with the mission or task above acceptable levels.

SECTION 4 COMMUNICATIONS

1.401 COMMUNICATIONS

Due to the technical nature of aviation, management and unit personnel should communicate on a regular basis. Good communication should aid all aviation unit personnel in making safe and effective decisions concerning the operation of the unit.

1.402 EXTERNAL PUBLIC COMMUNICATIONS

External Public Communications should be managed in accordance with the Department's Policy Manual, External Public Communications (GEN SEC 32).

1.403 AIR SUPPORT UNIT LIAISON

The Air Support Unit Commander should serve as the department's liaison with local air traffic control and other aviation units operating within the same airspace. Coordination between agencies (other law enforcement, fire, EMS, Arkansas National Guard, etc.) that regularly operate within the same airspace is important to ensure safe flight operations. See Chapter 5, Safety Management System, for additional information.

SECTION 5 RECORDKEEPING AND RETENTION

1.501 GENERAL

Generally, recordkeeping and retention should be managed in accordance with the Department's Policy Manual, Records Retention (GEN SEC 12). Aviation related training records should be managed as specified in Chapter 4 of this manual, or as specified in GEN SEC 12, whichever requirement is more stringent.

SECTION 6 BASE OF OPERATIONS

1.601 GENERAL

Personnel are responsible for maintaining a clean, safe and secure facility in which to work. The workplace must be kept free of hazards that can cause injuries to personnel or visitors.

1.602 FACILITY LOCATION

The Air Support Unit maintains an office and hangar facility located on the Clinton National Airport at 2315 Crisp Drive, Hangar 8, Little Rock, Arkansas, 72202. The unit does not maintain any other facilities.

1.603 FACILITY FLOOR SPACE

The facility houses 6,077 square feet of office space and 14,420 square feet of heated hangar space. 1,800 square feet of office space and space to hangar one Beechcraft Bonanza airplane is subleased to the Arkansas Department of Aeronautics. Additionally, 152 square feet of office space houses one of the department's IT backup hubs.

1.604 FACILITY SECURITY

Facility access is restricted by use of a monitored alarm system, a card access system and traditional locks and keys. The facility's alarm system is monitored by Triple S Alarm Company.

1.605 FACILITY FIRE PROTECTION

The facility is equipped with several monitored fire sprinkler or suppression systems.

The east side offices (except the file room) and hangar are protected by a wet pipe sprinkler system. The west side offices and the east side file room are protected by a deluge sprinkler system. These systems are maintained by Perkins Fire Pro and are the responsibility of the Air Support Unit.

The IT Room is protected by a Siemens Sinorix 227 Automatic Clean Agent Fire Suppression System. This fire suppression system is maintained by Reliable Fire Protection and is the responsibility of the IT Unit.

The facility's alarm and all fire sprinkler and fire suppression systems are monitored by Triple S Alarm Company.

1.606 FACILITY EMERGENCY ELECTRICAL POWER

The facility is equipped with a Generator Set for use during power outages. This system is maintained by the Department's Maintenance and Inmate Services Section.

RESERVED



CHAPTER 2 – PERSONNEL

SECTION 1 QUALIFICATION AND SELECTION STANDARDS

2.101 AIR SUPPORT UNIT COMMANDER

The Director of the Arkansas State Police should select an Air Support Unit Commander through the department's promotional process or by lateral transfer to manage the administration, operation, training and maintenance of the Air Support Unit's personnel, equipment and facilities. The selected individual should:

- Hold a valid FAA commercial pilot's certificate with instrument rating.
- Hold the appropriate certifications or ratings for the primary aircraft to be flown.
- Meet the minimum Pilot in Command requirements of Section 3.401 of this manual and be insurable on the aviation insurance policy for the primary aircraft to be flown.
- Hold a current FAA Class II medical certificate in accordance with FAR 61.23.
- Have a thorough knowledge of FAR's, FAA AC 00-1.1, and Department regulations.

2.102 AIR SUPPORT UNIT ASSISTANT COMMANDER

The Director of the Arkansas State Police should select an Air Support Unit Assistant Commander through the department's promotional process or by lateral transfer to assist with managing the daily administration, operation, training and maintenance of the Air Support Unit's personnel, equipment and facilities. The selected individual should:

- Hold a valid FAA commercial pilot's certificate with instrument rating.
- Hold the appropriate certifications or ratings for the primary aircraft to be flown.

- Meet the minimum Pilot in Command requirements of Section 3.401 of this manual and be insurable on the aviation insurance policy for the primary aircraft to be flown.
- Hold a current FAA Class II medical certificate in accordance with FAR 61.23.
- Have a thorough knowledge of FAR's, FAA AC 00-1.1, and Department regulations.

2.103 **PILOTS**

The Director of the Arkansas State Police, with the assistance of the Air Support Unit Commander, should select from the ranks of the department, or from other qualified applicants, personnel who are qualified pilots, to fill the Department Pilot positions. The selected individual should:

- Hold a valid FAA commercial pilot's certificate with instrument rating.
- Hold the appropriate certifications or ratings for the primary aircraft to be flown.
- Be able to meet the minimum Pilot in Command requirements of Section 3.401 of this manual and be insurable on the aviation insurance policy for the primary aircraft to be flown.
- Hold a current FAA Class II medical certificate in accordance with FAR 61.23.

2.104 **TACTICAL FLIGHT OFFICERS**

The Director of the Arkansas State Police, with the assistance of the Air Support Unit Commander, should select from the ranks of the department, personnel to fill the positions of Tactical Flight Officer. The selected individual should:

- Be a commissioned member of the department.
- Have the physical characteristics compatible with the restrictive helicopter cockpit design.
- Be able to satisfactorily complete the Tactical Flight Officer training program.
- Be able to satisfactorily pass a FAA Class II physical examination.
- Be physically and mentally capable of managing the stress of extended periods in flight, utilizing night vision and thermal imaging devices.

2.105 AVIATION MAINTENANCE TECHNICIANS

The Director of the Arkansas State Police, with the assistance of the Air Support Unit Commander, should select qualified applicants, personnel to fill the position of Aviation Maintenance Technician. In addition to fulfilling the standard personnel hiring requirements, the selected individual should:

- Hold a current FAA Airframe and Powerplant Mechanic rating (A&P) with Inspection Authorization (IA).
- Have five years of recent experience maintaining general aviation airplanes and helicopters.
- Have a thorough background check completed due to the sensitive nature of the work to be performed.

The IA and recent experience requirements listed above may be waived in consideration of other qualifications and experience.

SECTION 2 DUTIES AND RESPONSIBILITIES

2.201 AIR SUPPORT UNIT COMMANDER (DIRECTOR OF OPERATIONS)

The Air Support Unit Commander is directly responsible to the Tactical Operations & Air Support Section Commander for managing the administration, operation, training and maintenance of the Air Support Unit's personnel, equipment and facilities. Duties include:

- Serving as the Air Support Unit's Director of Operations.
- Managing Air Support Unit administrative activities.
- Managing and coordinating Air Support Unit flight operations.
- Managing the training of Air Support Unit personnel.
- Managing and coordinating maintenance of aircraft, equipment, and facilities.
- Coordinating the scheduling of aircraft and aircrews.
- Establishing guidelines for the safe operation of department aircraft.
- Ensuring adherence to applicable FAR's, AC 00-1.1, and departmental regulations.

- Maintaining records of operational functions and activities.
- Delegating responsibilities and assigning duties to assigned personnel.
- Supervising and evaluating daily operations of assigned personnel and developing them for advancement.
- Serving as liaison between the department and other agencies concerning the operations of aircraft.
- Representing the department at safety meetings and seminars relating to aviation safety and airborne law enforcement.
- Instructing classes in Air Support Unit operations and enforcement techniques.
- Conducting research and making recommendations regarding airborne law enforcement activities.
- Performing the duties required of pilots when acting as a Pilot in Command.
- Performing the duties required of Tactical Flight Officers when acting as a Tactical Flight Officer.
- Seeking and evaluating new methods and techniques for the use of aircraft to enhance the mission of the department.
- Performing other duties as directed by the Tactical Operations & Air Support Section Commander.

2.202 AIR SUPPORT UNIT ASSISTANT COMMANDER (CHIEF PILOT)

The Air Support Unit Assistant Commander is directly responsible to the Air Support Unit Commander for assisting with managing the administration, operation, training and maintenance of the Air Support Unit's personnel, equipment and facilities. Duties include:

- Serving as the Air Support Unit's Chief Pilot.
- Managing Air Support Unit administrative activities.
- Managing and coordinating Air Support Unit flight operations.
- Managing the training of Air Support Unit personnel.
- Managing and coordinating maintenance of aircraft, equipment, and facilities.

- Coordinating the scheduling of aircraft and aircrews.
- Establishing guidelines for the safe operation of department aircraft.
- Ensuring adherence to applicable FAR's, AC 00-1.1, and departmental regulations.
- Maintaining records of operational functions and activities.
- Delegating responsibilities and assigning duties to assigned personnel.
- Supervising and evaluating daily operations of assigned personnel and developing them for advancement.
- Serving as liaison between the department and other agencies concerning the operations of aircraft.
- Representing the department at safety meetings and seminars relating to aviation safety and airborne law enforcement.
- Instructing classes in Air Support Unit operations and enforcement techniques.
- Conducting research and making recommendations regarding airborne law enforcement activities.
- Performing the duties required of pilots when acting as a Pilot in Command.
- Performing the duties required of Tactical Flight Officers when acting as a Tactical Flight Officer.
- Seeking and evaluating new methods and techniques for the use of aircraft to enhance the mission of the department.
- Performing other duties as directed by the Air Support Unit Commander.

2.203 AIR SUPPORT UNIT SAFETY OFFICER

The Director of Operations should designate one of the unit's qualified pilots to fill the position of Air Support Unit Safety Officer. The Safety Officer is directly responsible to the Director of Operations for assisting with managing the Air Support Unit's Safety Management System Program. Duties include:

- Facilitating Safety Committee meetings.

- Managing the unit's Hazard Reporting Program (HRP).
- Coordinating safety training for unit members.
- Identifying and evaluating safety problem areas.
- Reviewing OSHA notices and disseminating information.
- Providing technical guidance when safety is a factor in unit operations and training.
- Periodic review of the hazards listed on the hazard board.
- Conducting periodic safety inspections.
- Conducting periodic unit safety meetings and briefings.
- Reviewing unit incident and accident reports for the purpose of preventing mishaps.
- Assisting management in formulating safe operating practices and policies.
- Developing risk control measures (interventions) based on the SMS process.
- Working with the Chief Pilot to develop training consistent with risk control measures.

2.204 DIRECTOR OF MAINTENANCE

The Director of Operations should designate one of the unit's qualified Aircraft Maintenance Technicians as the Director of Maintenance. The Director of Maintenance is directly responsible to the Director of Operations for assisting with managing the Air Support Unit's maintenance activities. Duties include:

- Managing scheduled and unscheduled aircraft inspections and maintenance, within the departments capabilities allowed by current facilities, special tools, test equipment, and qualifications.
- Ensuring scheduled and unscheduled aircraft inspections and maintenance are performed in accordance with applicable FAR's, manufacturer's instructions, and in compliance with the maintenance management requirements of Chapter 6 of this manual.

- Ensuring Aviation Maintenance Technicians assist aircrews in performing pre- and post-flight inspections to ensure readiness of assigned aircraft and special mission equipment.
- Ensuring the Director of Operations and Chief Pilot are informed of maintenance discrepancies.
- Managing aircraft maintenance records and log books.
- Managing maintenance publication library.
- Managing special tools and test equipment.
- Managing ground support equipment.
- Managing spare parts inventory.
- Notifying the Director of Operations and Chief Pilot of aircraft accidents, incidents, and deviations from applicable regulations and orders.
- Security of aircraft, equipment and hangar facilities.
- Performing the duties required of Aviation Maintenance Technicians when acting as an Aviation Maintenance Technician.
- Performing other duties and special assignments as directed by the Director of Operations.

2.205 PILOTS

Department Pilots are directly responsible to the Chief Pilot. Duties include:

- Ensuring adherence to applicable FAR's, AC 00-1.1, departmental orders, and specialized aircraft procedures.
- Maintaining a valid FAA commercial pilot certificate and required ratings.
- Maintaining a current FAA Class II medical certificate.
- Maintaining insurability on the aviation insurance policy (regulatory requirements must be met by pilots in order for the aircraft to be properly insured).
- Maintaining compliance with the Pilot in Command recent flight experience, recurrent training, and flight review requirements of Chapter 4, Sections 3, 4 and 5, of this manual for each aircraft in which Pilot in Command duties are performed.

- Performing adequate pre-mission planning to safely accomplish assigned mission.
- Performing adequate preflight inspection to ensure airworthiness of assigned aircraft and special mission equipment.
- Performing assigned flying duties, including search and rescue missions, surveillance flights, manhunts, security missions, transportation flights, traffic enforcement missions, and public relations activities.
- Performing post-flight inspection to ensure readiness of assigned aircraft and special mission equipment.
- Notifying the Director of Maintenance and Chief Pilot of maintenance discrepancies.
- Notifying the Director of Operations and Chief Pilot of aircraft accidents, incidents, and deviations from applicable regulations and orders.
- Completing and maintaining aircraft flight logs.
- Completing and maintaining enforcement and activity reports.
- Completing and maintaining pilot log books.
- Security of aircraft, equipment and hangar facilities.
- Performing the duties required of Tactical Flight Officers when acting as a Tactical Flight Officer.
- Performing other duties and special assignments as directed by the Director of Operations or Chief Pilot.

2.206 TACTICAL FLIGHT OFFICERS

Department Tactical Flight Officers are directly responsible to the Chief Pilot. Duties include:

- Ensuring adherence to applicable FAR's, AC 00.1-1, departmental orders, and specialized aircraft procedures.
- Maintaining compliance with the Tactical flight Officer recent flight experience and recurrent training requirements of Chapter 4, Sections 3 and 4, of this manual.

- Maintaining a current FAA Class II medical certificate.
- Assisting the Pilot in Command to perform adequate pre-mission planning to safely accomplish assigned mission.
- Assisting the Pilot in Command to perform adequate preflight inspection to ensure airworthiness of assigned aircraft and special mission equipment.
- Performing assigned flying duties, including search and rescue missions, surveillance flights, manhunts, security missions, transportation flights, traffic enforcement missions, and public relations activities.
- Assisting the Pilot in Command to perform post-flight inspection to ensure readiness of assigned aircraft and special mission equipment.
- Notifying the Director of Maintenance and Chief Pilot of maintenance discrepancies.
- Notifying the Director of Operations and Chief Pilot of aircraft accidents, incidents, and deviations from applicable regulations and orders.
- Completing and maintaining aircraft flight logs.
- Completing and maintaining enforcement and activity reports.
- Completing and maintaining Tactical Flight Officer log books.
- Security of aircraft, equipment and hangar facilities.
- Performing other duties and special assignments as directed by the Director of Operations or Chief Pilot.

2.207 AVIATION MAINTENANCE TECHNICIANS

Department Aviation Maintenance Technicians are directly responsible to the Director of Maintenance. Duties include:

- Performing scheduled and unscheduled aircraft inspections and maintenance, within the departments capabilities allowed by current facilities, special tools, test equipment, and qualifications.
- Performing scheduled and unscheduled aircraft inspections and maintenance in accordance with applicable FAR's, Manufacturer's instructions and in compliance with the maintenance management requirements of Chapter 6 of this manual.

- Assisting aircrews in performing pre- and post-flight inspections to ensure readiness of assigned aircraft and special mission equipment.
- Notifying the Director of Maintenance of maintenance discrepancies.
- Completing and maintaining aircraft maintenance records and log books.
- Maintaining the maintenance publication library.
- Maintaining special tools and test equipment.
- Maintaining ground support equipment.
- Maintaining spare parts inventory.
- Notifying the Director of Maintenance of aircraft accidents, incidents, and deviations from applicable regulations and orders.
- Security of aircraft, equipment and hangar facilities.
- Performing other duties and special assignments as directed by the Director of Maintenance.

SECTION 3 UNIFORM REQUIREMENTS

2.301 UNIFORM REQUIREMENTS AND PERSONAL APPEARANCE

Personnel should comply with the requirements of the Department's Uniform and Personal Appearance (LE SEC 6) policy, and the provisions of the Department's Uniform Manual.

Personnel should comply with the uniform and equipment requirements of Chapter 3, Section 3, of this manual while performing crew duties.

RESERVED



CHAPTER 3 – FLIGHT OPERATIONS

SECTION 1 AIRCRAFT USE AND SCHEDULING

3.101 USE OF AIRCRAFT

Arkansas State Police aircraft are for use by department members, other approved state employees, and other persons, for the expedient and beneficial conduct of official state business. Department members are encouraged to request use of the department's aircraft through their chain of command to the member's commander, or the commander's designee, whenever it will benefit the department's mission. Aircraft have frequently proven to be valuable in enforcement, and are often beneficial in other areas due to economical, practical or emergency considerations. Examples of common activities conducted by the department where use of aircraft may be beneficial are:

- Emergency travel.
- Normal travel, when economically beneficial to reduce staff hours or travel expenses, or when other means of travel are unavailable.
- Aerial surveillance (prison escapes, marijuana eradication, stolen vehicles, following suspects, pre-raid planning, photography, traffic enforcement, SWAT missions, security, etc.).
- Transportation of prisoners (security, expediency, etc.).
- Emergency transportation of blood, medicine, transplant organs, documents, equipment, etc.
- Transportation to enhance efficient scheduling and productivity of the Director and other department personnel.
- Transportation of other state officials in the performance of official state business.
- Transportation of other persons to further the department's mission.
- Public information, public relations, crime prevention displays, etc.

- Any function, to promote the health, safety, and welfare of the citizens of Arkansas.
- Any other function, which is in the best interest of the Arkansas State Police and/or the State of Arkansas.

3.102 SPECIAL RESTRICTIONS DURING PUBLIC AIRCRAFT OPERATIONS

Although it is preferred that aircrews conduct aviation operations in compliance with Federal Aviation Regulations, at times, certain operations can only be conducted as a Public Aircraft Operation. Public Aircraft Operations place specific restrictions on aircraft operation and use.

Public Aircraft Operations only allow for the carriage of persons who are crewmembers or meet the statutory definition of “qualified noncrewmember”. Carriage of a person other than a crewmember or a qualified noncrewmember is considered civil flight under the terms of the statute. It is important to note that a qualified noncrewmember is someone whose presence is required to perform the governmental function associated with the flight; providing air transportation is not a governmental function per the statute.

Governmental functions include fire-fighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management. This list is not exhaustive, however, other governmental functions should share common characteristics with the ones listed.

Federal Aviation Administration Advisory Circular 00-1.1A provides guidance concerning Public Aircraft Operations. A copy of Advisory Circular 00-1.1A is located in Appendix C.

3.103 ARKANSAS ETHICS COMMISSION OPINION NUMBER 97-EC-017

In accordance with the Arkansas Ethics Commission Opinion Number 97-EC-017, as a result of the department’s statutory duty to provide security to the Governor, the Lieutenant Governor, and their families, the Arkansas State Police from time to time transports these individuals on its aircraft. If the State Police determines that it is in the best interest of the security of these individuals to transport them on its aircraft, there are no statutory restrictions preventing the use of the department’s aircraft, regardless of the nature of the journey. Use of the department’s aircraft by these individuals provides definite security advantages that are unavailable through the use of non state-owned aircraft.

The Commission is not willing to opine that the department’s aircraft can be used by these individuals for any reason. In this regard, during the Huckabee administration, the

Commission was furnished with a set of voluntarily adopted internal policies that restrict the use of the department's aircraft, to wit:

- State aircraft do not transport these individuals on journeys that are solely political in nature.
- State aircraft do not transport these individuals on journeys that are solely religious in nature.
- State aircraft do not transport these individuals on non-official, out-of-state trips or for any personal trips solely related to outside business or investment activities.
- If, however, the department determines that following these policies in a particular circumstance would pose a significantly higher security risk to these individuals, the Commission will recognize such incident as an exception to these policies.
- A copy of the Arkansas Ethics Commission Opinion Number 97-EC-017 is located in Appendix D.

3.104 AUTHORIZATION FOR USE OF AIRCRAFT

Guidelines for permissible uses will be formulated by the Director of the Arkansas State Police for the Air Support Unit Commander. The Air Support Unit Commander may approve flight requests which fall within the established guidelines. Any requests for use outside those guidelines require the Director's approval.

The Air Support Unit Commander should determine if a mission can be performed, with regard to safety, weather, equipment, and pilot capability. The final authority to initiate and/or continue any mission rests with the Pilot in Command assigned to the mission.

3.105 SCHEDULING OF AIRCRAFT

The determination of whether a situation warrants the use of department aircraft should be made by commissioned field supervisors. The Executive Protection Unit Commander may also schedule and request aircraft for use by the Governor or Lieutenant Governor.

The determination whether a flight can be safely accomplished considering weather, equipment, and pilot capabilities, should be made exclusively by the Air Support Unit Commander and/or the Pilot in Command of the flight.

The Air Support Unit Commander should schedule flights in accordance with guidelines established by the Director of the Arkansas State Police.

Flights by department aircraft should be scheduled on a priority basis. Flights of equal priority should be scheduled on a first come, first served basis. Flight approval should be determined by (1) safety, (2) priority and (3) cost effectiveness, in that order.

Inquiries regarding the practicality and/or availability of flights may be made directly to the Air Support Unit Commander.

When time permits, non-emergency flight requests should be made by completion of an Air Support Unit Flight Request Form (ASP-23) and forwarded through the requester's chain of command to the Air Support Unit Commander.

To expedite response, emergency flight requests may be made directly to the Air Support Unit Commander by any commissioned field supervisor.

Requests for flights by non-law enforcement agencies should be forwarded to the appropriate Highway Patrol Division Commander.

All costs associated with the use of the department's aircraft by other state agencies may be fully reimbursed or shared at the discretion of the Director of the Arkansas State Police. In no event should the amount reimbursed or shared exceed the actual cost associated with the mission. A *reimbursement* guideline should be prepared by the Air Support Unit Commander and approved by the Director of the Arkansas State Police. This guideline should be updated biannually and is located on the *Air Support Unit's z:drive in the Reimbursement Guideline folder*.

The Air Support Unit Commander will attempt to coordinate conflicting requests to make the most efficient use of the aviation assets and provide the highest level of service to the requesters.

SECTION 2 RECORDS MANAGEMENT

3.201 PILOT QUALIFICATION RECORDS

The Chief Pilot should maintain a record of each pilot's flying experience and qualifications. These records should include data concerning:

- Pilot certificates.
- Medical certificates.
- Flight review and training documentation.

- Summary of the pilot's aeronautical training, experience, and cumulative flight times.

3.202 INDIVIDUAL PILOT LOGBOOKS

Pilots are responsible for documenting their aeronautical training and experience used to meet the requirements for a certificate or rating, flight review requirements, and recent flight experience requirements. These documents are subject to inspection at the discretion of the Director of Operations or Chief Pilot.

3.203 FLIGHT REQUEST FORMS, DATABASES AND REPORTS

The Air Support Unit Commander should process flight request forms, maintain flight information databases, and produce flight activity reports. These reports are used to provide the chain of command information pertaining to the operation and utilization of the department's aviation assets and to provide information to the public when requested under the Freedom of Information Act.

3.204 AIRCRAFT FLIGHT LOGBOOKS

An aircraft flight logbook should be carried on board each aircraft for recording flight and passenger data, recording or deferring mechanical irregularities and their correction, and to list upcoming inspections or services. The Pilot in Command should review the flight logbook prior to flight to determine the current status of the aircraft and make the required entries upon completion of each flight.

SECTION 3 DUTY REQUIREMENTS

3.301 PERSONAL PROTECTIVE EQUIPMENT

The following items should be worn by all crewmembers when performing crew duties during tactical operations:

- Flame resistant flight uniform.
- Flame resistant flight gloves.
- Cotton, wool or flame resistant undergarments.
- Full leather or Belleville 700/770 boots.

During flight operations, flight uniform collars should be worn up to protect the neck and sleeves should be rolled down to protect the arms.

In addition to the requirements listed above, crewmembers should use approved flight helmets during tactical helicopter operations.

Jackets, boots, holsters, survival vests and other items manufactured with nylon should not be worn by crewmembers due to their melting characteristics during a fire, which compromise the flame resistant properties of the underlying flight uniform.

Metal rank insignias will not be worn on flight uniforms. Metal insignias and their attachments could detach from the flight uniform during pre/post flight inspection and become lodged or lost in critical areas of the aircraft.

3.302 HEARING AND EYE PROTECTION

Hearing and eye protection should be worn by unit personnel who assist with the loading and unloading of passengers, or who work near operating aircraft.

3.303 CELLULAR PHONES AND PORTABLE RADIOS

Personnel issued cellular phones should carry and monitor these devices during duty hours and when placed on standby or subject-to-call status.

Personnel issued portable AWIN radios should have them available for use and fully charged. At least one portable AWIN radio should be carried on board the Bell 407 helicopter and Cessna T206H airplane for use during emergency situations.

SECTION 4 FLIGHT CREWMEMBER REQUIREMENTS

3.401 PILOT IN COMMAND QUALIFICATION AND EXPERIENCE REQUIREMENTS

Pilots will meet the Pilot in Command (PIC) requirements specified in this section prior to performing Pilot in Command duties.

The Air Support Unit Commander will make Pilot in Command (PIC) designations on written orders and will include any operating limitations placed upon that particular Pilot.

B200 King Air – Air Support Unit Pilots:

Minimum Requirements	Limitations
Commercial Pilot certificate with airplane multiengine land and instrument airplane ratings Class II medical certificate Completion of the B200 Pilot initial qualification training and Limited PIC evaluation requirements of Section 4.201 of this manual Compliance with the recent flight experience requirements of Sections 4.302, 4.303 and 4.305 of this manual Compliance with the recurrent training requirements of Sections 4.401, 4.402 and 4.403 of this manual Compliance with the flight review requirements of Section 4.501 of this manual Compliance with the aeromedical and crew endurance requirements of Sections 5 & 6 of this chapter	May perform PIC duties when accompanied by another qualified B200 PIC (Single-pilot operation prohibited)
Completion of the B200 Single-Pilot PIC evaluation requirements of Section 4.201 of this manual	No limitations

B200 King Air – Civilian Contract Pilots Listed on DF&A Qualified Vendor List:

Minimum Requirements	Limitations
Commercial Pilot certificate with airplane multiengine land and instrument airplane ratings Class II medical certificate Completion of a simulator-based B200 professional training course, 90 series professional training course (with B200 differences training), or a comparable multiengine turbine airplane Completion of a Pro Line 21 professional training course (Simulator or computer-based) 2,500 total PIC hours with 1,000 multiengine PIC hours, and 100 total PIC hours in the B200 or comparable multiengine turbine airplane Completion of the B200 Civilian Contract Pilot initial qualification training and Limited PIC evaluation requirements of Section 4.201 of this manual Compliance with the flight review requirements of FAR 61.56 Compliance with the recent flight experience requirements of FAR 61.57(a), (b) and (c) Compliance with the aeromedical and crew endurance requirements of Sections 5 & 6 of this chapter of this manual	May perform PIC duties when accompanied by another qualified B200 PIC (Single-pilot operation prohibited)
Completion of the B200 Single-Pilot PIC evaluation requirements of Section 4.201 of this manual	No limitations

Bell 407 – Air Support Unit Pilots:

Minimum Requirements	Limitations
Commercial Pilot certificate with helicopter rating Class II medical certificate Completion of the 407 Pilot initial qualification training and evaluation requirements of Section 4.202 of this manual Compliance with the recent flight experience requirements of Section 4.302 of this manual Compliance with the recurrent training requirements of Sections 4.401, 4.402 and 4.404 of this manual Compliance with the flight review requirements of Section 4.501 of this manual Compliance with the aeromedical and crew endurance requirements of Sections 5 & 6 of this chapter	PIC duties limited to day VFR missions with fair weather (Fair weather is defined as a ceiling of 3000 feet with 5 statute miles visibility and surface winds of less than 20 knots)
Addition of instrument helicopter rating Compliance with the recent flight experience requirements of Section 4.305 of this manual	PIC duties limited to day VFR missions
Completion of the 407 Pilot initial NVG qualification training and evaluation requirements of Section 4.203 of this manual Compliance with the recent flight experience requirements of Sections 4.303 and 4.304 of this manual	No limitations

Cessna T206H – Air Support Unit Pilots:

Minimum Requirements	Limitations
Private Pilot certificate with airplane single engine land rating Class II medical certificate Completion of the T206H Pilot initial qualification training and evaluation requirements of Section 4.204 of this manual Compliance with the recent flight experience requirements of Section 4.302 of this manual Compliance with the recurrent training requirements of Sections 4.401, 4.402 and 4.405 of this manual Compliance with the flight review requirements of Section 4.501 of this manual Compliance with the aeromedical and crew endurance requirements of Sections 5 and 6 of this chapter	PIC duties limited to day VFR missions with fair weather conditions and the minimum essential crew (Fair weather is defined as a ceiling of 3000 feet with 5 statute miles visibility and surface winds of less than 20 knots)
Addition of Commercial Pilot certificate	PIC duties limited to day VFR missions with fair weather conditions
Addition of instrument airplane rating Compliance with the recent flight experience requirements of Sections 4.303 and 4.305 of this manual	PIC duties limited to day and night missions in VFR and IFR conditions with the minimum essential crew
Addition of both Commercial Pilot certificate and instrument airplane rating	No limitations

Exceptions:

The Air Support Unit commander may deviate from the Pilot in Command minimum requirements listed above when new personnel are assigned to the unit which possess previous experience and training which is comparable to the listed requirements.

3.402 TACTICAL FLIGHT OFFICER QUALIFICATION AND EXPERIENCE REQUIREMENTS

Only qualified Tactical Flight Officers will be utilized during tactical operations and operations requiring the use of special mission equipment (i.e. NVG's, FLIR, searchlight, microwave downlink, etc.).

The Air Support Unit Commander will make Tactical Flight Officer (TFO) designations on written orders and will include any operating limitations placed upon that Tactical Flight Officer.

Bell 407 Tactical Flight Officer:

Minimum Requirements	Limitations
Class II medical certificate Completion of the 407 TFO initial qualification training and evaluation requirements of Section 4.205 of this manual Compliance with the recent flight experience requirements of Section 4.306 of this manual Compliance with the recurrent training requirements of Sections 4.401, 4.402 and 4.406 of this manual Compliance with the aeromedical and crew endurance requirements of Sections 5 & 6 of this chapter	No Limitations

Cessna T206H Tactical Flight Officer:

Minimum Requirements	Limitations
Class II medical certificate Completion of the T206H TFO initial qualification training and evaluation requirements of Section 4.206 of this manual Compliance with the recent flight experience requirements of Section 4.307 of this manual Compliance with the recurrent training requirements of Sections 4.401, 4.402 and 4.407 of this manual Compliance with the aeromedical and crew endurance requirements of Sections 5 & 6 of this chapter	No Limitations

Tactical Flight Officers are authorized to pilot department aircraft when undergoing emergency handling training conducted by a unit Certified Flight Instructor who is performing duties from the pilot's station.

Tactical Flight Officers will only pilot department aircraft from the copilot station, unless receiving formal pilot training from a unit Certified Flight Instructor.

3.403 OTHER PERSONNEL AUTHORIZED TO PILOT OR OPERATE DEPARTMENT AIRCRAFT

FAA Certified Flight Instructors and FAA Designated Examiners are authorized to operate department aircraft and perform Pilot in Command duties when conducting training and evaluations provided they:

- Are authorized in writing by the Air Support Unit Commander.
- Meet the Pilot in Command qualification and experience requirements (not including mission specific requirements) of Section 3.401 for the aircraft to be flown.

FAA Certified Flight Instructors and FAA Designated Examiners are prohibited from piloting department aircraft during tactical missions.

The Air Support Unit Commander may authorize, on a case by case basis, outside maintenance vendors to start, run up, taxi and pilot department aircraft for maintenance purposes, provided they are qualified per FAR to perform the specific task and possess insurance coverage which includes the operation of a customer's aircraft. This coverage must be for an amount which would appropriately compensate the department for damage to or loss of property.

SECTION 5 AEROMEDICAL

3.501 GENERAL

No person will act as Pilot in Command, or in any other capacity as required crewmembers, aboard a department aircraft, while that person:

- Knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the medical certificate necessary for the aircrew duty to be performed.
- Is taking medication or receiving other treatment for a medical condition that results in the person being unable to meet the requirements for the medical certificate necessary for the aircrew duty to be performed.
- Has reason to "self-ground" due to blood donation or excessive blood loss (Section 3.502), scuba diving (Section 3.503), vaccinations (Section 3.504), alcohol and drugs (Section 3.505), or any other deficiency that causes a medical flight restriction.

Crewmembers should immediately notify the Director of Operations or Chief Pilot of any deficiency that causes a medical flight restriction.

3.502 BLOOD DONATION OR EXCESSIVE BLOOD LOSS

Although there are no specific regulations concerning flying duties after blood donation or excessive blood loss, crewmembers are discouraged from being regular blood donors. The primary concern is the increased risk of becoming hypoxic.

Blood loss by an otherwise healthy pilot by donating blood is well-compensated for by increased heart and respiration rates. After making the donation there is a possibility of some impairment in hypoxic conditions (altitudes, cabin or otherwise, above 10,000 feet).

Therefore, following plasma, platelet or whole blood donations or substantial loss of

blood greater than 200 cc, crewmembers will be restricted from flying duties for a period of 24 hours, and for 48 hours after "Double Red Cell" donations.

3.503 SCUBA DIVING

A pilot or passenger who intends to fly after scuba diving should allow the body sufficient time to rid itself of excess nitrogen absorbed during diving. If not, decompression sickness due to evolved gas can occur during exposure to low altitudes and create a serious in-flight emergency.

The recommended waiting time before going to flight altitudes of up to 8,000 feet is at least 12 hours after diving that does not require controlled ascent (nondecompression stop diving), and at least 24 hours after diving that does require controlled ascent (decompression stop diving). The waiting time before going to flight altitudes above 8,000 feet should be at least 24 hours after any scuba dive. These recommended altitudes are actual flight altitudes above mean sea level and not pressurized cabin altitudes. This takes into consideration the risk of decompression of the aircraft during flight.

3.504 VACCINATIONS

The most common minor side effect from vaccination is local arm soreness, headache, fever, and fatigue. These seemingly minor symptoms on land could, of course, distract or physically limit the pilot in the air.

Furthermore, since there is no minimum grounding period after receiving vaccinations, it is incumbent upon the aviator to anticipate minor symptoms and plan crew rest accordingly. Taking aspirin or acetaminophen after vaccination may minimize minor side effects; whereas, more serious side effects may be temporarily "self" grounding until they resolve or stabilize.

As always, it is the pilot's responsibility to be "fit for flight."

3.505 ALCOHOL AND DRUGS

In accordance with FAR 91.17 and the department policy manual, no person may act or attempt to act as a crewmember of a departmental aircraft:

- Within 8 hours after the consumption of any alcoholic beverage.

- While under the influence of alcohol, when the officer would register a positive blood alcohol concentration reading (at any level) on a portable breath test instrument.
- While using any drug that affects the person's faculties in any way contrary to safety.

Except in an emergency, any individual who appears to be intoxicated or who demonstrates by manner or physical indications that the individual is under the influence of drugs should not be carried aboard department aircraft.

The random drug testing policy prescribed in the Department's Drug and Alcohol Free Workplace (GEN SEC 4) will be used for crewmember substance abuse detection.

SECTION 6 CREW ENDURANCE

3.601 PHILOSOPHY

Crew endurance is an integral part of the overall risk management program. It is used to control risks due to sleep deprivation or fatigue and to prescribe thresholds to trigger command decisions whether to accept those risks. Supervisors must recognize the effects of acute and chronic fatigue on individual crewmembers and manage their personnel assets efficiently.

Crew endurance is an extremely difficult item to measure effectively. Crew endurance is impacted by multiple factors that may change at any time in any individual person for any number of reasons. Therefore, it is the responsibility of the individual crewmember to notify their chain of command, if they believe that they cannot safely accomplish a mission for any reason, regardless of the total daily flight or duty time accrued.

Crewmembers have the responsibility to rest themselves, as the opportunity is made available. Crewmembers should maintain themselves by being physically fit, eating proper diets, getting adequate rest, making sure they are dressed properly for the weather and seeking aviation medical examiner assistance when ill.

3.602 DEFINITIONS

Duty period – the period of elapsed time between reporting for duty and release from that duty, not including any rest periods.

Rest period – any period free of duty which is not considered duty time as specified in the Department's Fair Labor Standards Act (FLSA - GEN SEC 18), Time Recording (GEN SEC 19), or Miscellaneous Personnel Matters (GEN SEC 20) policies.

3.603 COMPUTATION OF NVG FLIGHT TIME FOR CREW ENDURANCE PURPOSES

The stress and fatigue experienced in 1 hour of NVG flight is equal to 1.5 hours of standard flight. For crew endurance purposes, NVG flight time will be calculated at 1.5 hours for every 1 hour of NVG flight. (Example: a crewmember flies 3.0 hours of day flight followed by 2.0 of NVG flight for a total crew endurance flight time of 6.0 hours. $3.0 + (2.0 \times 1.5) = 6.0$ total hours)

3.604 FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS

Each crewmember is responsible for tracking and monitoring their accumulated flight hours and duty period hours. It is also the responsibility of each crewmember to notify the Director of Operations or Chief Pilot if they are approaching any flight hour or duty period limitations.

Flight crewmembers should not be assigned, nor should any flight crewmember accept a flight assignment, if that crewmember's total flight time in all commercial and private flying will exceed:

- 500 hours in any calendar quarter.
- 800 hours in any two consecutive calendar quarters.
- 1,400 hours in any calendar year.

Crewmembers should be provided at least 13 rest periods of at least 24 consecutive hours in each calendar quarter.

Except as provided in Section 3.605 below, flight crewmembers should not be assigned, nor should any flight crewmember accept a flight assignment, if that crewmember's total flight time in all commercial and private flying will exceed the following limitations during any 24 consecutive hours:

- 8 hours.
- 5.3 hours utilizing night vision goggles.

Except as provided in Section 3.605 below, flight crewmembers should not be assigned, nor should any flight crewmember accept a flight assignment, if that crewmember's total accumulative duty period will exceed 14 hours during any 24 consecutive hours.

Except as provided in Section 3.605 below, duty periods should be followed by a required rest period of at least 10 consecutive hours of rest before being assigned or accepting an assignment for flight time.

3.605 EXCEPTIONS DURING EMERGENCY SITUATIONS

Flight crewmember's may accept or continue a flight when they have exceeded the flight and duty time limitation requirements discussed above, during emergency situations, if the crewmembers feel they can safely accomplish the mission and receive approval from the Director of Operations or Chief pilot.

When the daily flight hour or duty period limitation has been exceeded, each flight crewmember should be relieved of the assignment as soon as possible and be given a rest period of 14 hours before being assigned or accepting an assignment for flight.

The chain of command should not assign any flight crewmember to any duty during any rest period required by this section.

3.606 EXAMPLES OF COMPUTATIONS OF FLIGHT TIME AND DUTY PERIODS

Example 1 – A crewmember reported for duty at 0700, had an hour lunch break during this duty period, and was released from duty at 1600. The crewmember was recalled to duty from subject-to-call status at 2000 and was released from this duty at 2400. A total of 5.0 hours were flown during the two duty periods, of which 1.5 hours were flown utilizing NVG's.

The crewmember's accumulated duty period is 12 hours and accumulated flight time is 5.75 hours. The crewmember has 2 hours of duty time and 2.25 flight hours remaining before any crew endurance limitation is exceeded.

Example 2 – A crewmember reported for duty at 0700, had an hour lunch during this duty period, and then was dispatched on a mission and was not released from duty until 2000. 6.0 flight hours were flown during this duty period, of which 3.0 hours were flown utilizing NVG's.

The crewmember's accumulated duty period is 12 hours and accumulated flight time is 7.5 hours. The crewmember has 2 hours of duty time and 0.5 flight hours remaining before any crew endurance limitation is exceeded.

Example 3 – A crewmember reported for duty at 0700, was dispatched on a mission and was not released from duty until 0300 the next day. 10.5 flight hours were flown during this duty period, of which 3.5 hours were flown utilizing NVG's.

The crewmember's accumulated duty period is 20 hours and accumulated flight time is 12.25 hours. The crewmember has exceeded the duty time and flight hour endurance limitations, and must be released from duty for a minimum of 14 hours.

Example 4 – A crewmember reported for duty at 0700, had an hour lunch during this duty period, and was released from duty at 1600. 6.5 hours were flown during this duty period. The crewmember was recalled to duty from subject-to-call status at 0400 and was released from this duty at 12:00. A total of 5.0 hours were flown during this duty period, of which 1.5 hours were flown utilizing NVG's.

Since the crewmember had a break in duty of greater than 10 hours, these duty periods are considered two separate duty days.

The crewmember's accumulated duty period for the first duty day is 8.0 hours and accumulated flight time is 6.5 hours.

The crewmember's accumulated duty period for the second duty day is 8.0 hours and accumulated flight time is 5.75 hours. The crewmember has 6.0 hours of duty time and 2.25 flight hours remaining before any crew endurance limitation is exceeded.

SECTION 7 FLIGHT RULES

3.701 RESPONSIBILITIES AND AUTHORITY OF THE PILOT IN COMMAND

In accordance with FAR 91.3, the Pilot in Command is directly responsible for, and is the final authority as to, the operation of that aircraft. It is the Pilot in Command's sole decision to commence or to continue any flight.

In an emergency situation that requires immediate decision and action, the Pilot in Command may take any action considered necessary under the circumstances. In such a case, the Pilot in Command may deviate from FAR's, AC 00-1.1 and the provisions of this manual to the extent required in the interest of safety.

A Pilot in Command who deviates from a rule contained in the regulations mentioned above should notify the Aviation Support Unit Commander as soon as possible. A Pilot in Command who deviates from a FAR will comply with the provisions of FAR 91.3

3.702 CONDUCT OF FLIGHT

All flights in department aircraft will be conducted in accordance with the provisions of applicable FAR's, FAA Advisory Circular (AC) 00-1.1, the provisions of this manual and within the limits set by the unit's aviation insurance policy.

Currently, all missions can be conducted in compliance with applicable FAR's, with the exception of:

- Rotorcraft external-load operations.

(Currently, rotorcraft external-load operations are not authorized)

- Operation of an aircraft not in compliance with the provisions of FAR 91.205. (Example: NVG operations with an inoperative radar altimeter)

These operations are to be conducted in compliance with the requirements of AC 00-1.1 as a PAO.

3.703 HELIPAD, HELIPORT, AIRPORT AND OFF-HELIPAD/OFF-AIRPORT OPERATIONS

The Pilot in Command should not use any landing site or airport unless it is adequate for the proposed operation, considering such items as size, surface, obstructions and lighting.

The Pilot in Command should use airports and heliports classified as federal government or public use in the DOT/FAA Airport/Facility Directory. Military, private, closed or otherwise restricted airports and heliports may be used only with the prior permission of the appropriate authorities.

The Pilot in Command of a helicopter should not take off from, or land on, any off-airport landing site unless:

- That pilot has determined the wind direction from local ground communications, or that pilot's personal observations; and
- That pilot has determined the limits of the area to be used for landing or takeoff are sufficient considering obstacles, gross weight, density altitude and performance of the aircraft.

Fixed-wing off-airport operations are prohibited.

3.704 PREFLIGHT ACTION

The Pilot in Command will, before beginning a flight, become familiar with all available information concerning that flight. This information must include:

- The mission.
- Departure, en route, destination and alternate (if used) weather information.
- Fuel requirements.
- Aircraft weight and balance.

- Aircraft performance.
- Departure, enroute and approach data.
- Notices to airmen (NOTAMs).

The Pilot in Command will, before beginning a flight, complete a risk assessment worksheet to determine the level of risk involved in that particular flight. See Section 5.304 of this manual for guidance on assessing the risks and completing the risk assessment worksheet.

The Pilot in Command will, before beginning a flight, conduct a preflight inspection to determine whether that aircraft is in condition for safe flight and will ensure that the aircraft is in compliance with the inspection requirements of Section 2 (B200), Section 3 (407) or Section 4 (T206H), as appropriate, of Chapter 6 of this manual.

3.705 ATC CALL SIGNS AND DISCREET TRANSPONDER CODES

Special air traffic control call signs and discreet transponder codes, as authorized by a Letter of Agreement between the Little Rock Airport Traffic Control Tower/Terminal Radar Approach Control (LIT ATCT/TRACON) facility and the Arkansas State Police, may be used when conducting operations in VFR/SVFR conditions within LIT ATCT/TRACON airspace. The authorized ATC call signs and discreet transponder codes are as follows:

<u>Aircraft</u>	<u>ATC Call Sign</u>	<u>Discreet Code</u>
N390SP	Trooper 1	0301
SPARE	Trooper 2	0302
N523SP	Trooper 3	0303
N524SP	Trooper 4	0304

A copy of the Letter of Agreement between the Little Rock Airport Traffic Control Tower/Terminal Radar Approach Control facility and the Arkansas State Police is located in Appendix E.

3.706 IFR FLIGHT PLANS AND FLIGHT FOLLOWING

The Pilot in Command will comply with standard FAA procedures regarding the use of IFR flight plans and flight following. The aircraft's registration number shall be used for identification during all IFR operations. Special air traffic control call signs will not be used.

3.707 VFR FLIGHT PLANS AND FLIGHT FOLLOWING

The Pilot in Command will comply with standard FAA procedures regarding the use of VFR flight plans and flight following. Special air traffic control call signs and discreet transponder codes may be used within LIT ATCT/TRACON airspace. The aircraft's registration number will be used for identification during all operations outside of LIT ATCT/TRACON airspace.

3.708 INTERNAL VFR FLIGHT PLAND AND FLIGHT FOLLOWING

The Pilot in Command of a tactical aircraft (407 and T206H) may use internal VFR flight plan and flight following procedures in lieu of standard FAA flight following procedures. The primary purpose of this procedure is to speed the identification and locating of an overdue or downed aircraft and to expedite search and rescue operations.

When flight following with Troop Communication Centers, the following special call signs will be used:

<u>Aircraft</u>	<u>ASP Call Sign</u>
N523SP	Air 3
N524SP	Air 4

3.709 INTERNAL VFR FLIGHT PLANS

Prior to departure, the aircrew will ensure a flight plan text notification is sent to the dispatcher of the flight and to other members of the Air Support Unit, as appropriate. The flight plan text notification should include the following information:

- Aircraft call sign.
- 10-19 and destination.
- Mission.
- Requesting agency.

- Estimated time enroute.
- Crew and passenger manifest.

Examples of flight plan text notifications:

- Air 3 10-19 BYH, surveillance DEA, 1+05, 161, 163, Brown & Sawyer
- Air 4 10-19 Coal Hill, manhunt Troop J, 0+50, 162 & 164

The aircrew will also ensure enroute changes to the flight plan or passenger manifest are sent to the dispatcher of the flight and those members of the Air Support Unit who were included in the original flight plan text notification.

3.710 INTERNAL VFR FLIGHT FOLLOWING – GENERAL

Primarily, the Troop A Communication Center will be used for internal flight following.

At departure from the Air Support Unit hangar, aircrews will report in-service to the Troop A Communication Center on Dispatch South. Dispatch South will be monitored until nearing the destination.

When appropriate, aircrews will frequency change from the Troop A Communication Center to the local troop communication center having jurisdiction at the destination, to allow for early coordination of operations within the destination troop.

When departing a troop area other than the Troop A to return to Little Rock, aircrews will report in-service to the local troop communication center, then report frequency change to the Troop A Communication Center for flight following.

When an aircraft arrives on-scene to participate in a mission, the responsibility for monitoring the progress of the flight transfers to the local troop communication center or incident commander, as appropriate. It is the aircrew's responsibility to coordinate with the appropriate party to ensure they understand their responsibilities for flight following, are provided with a list of persons onboard the aircraft, and are provided the cell phone number which is paired to the aircraft's Bluetooth device to be used as a back-up means of communications.

3.711 INTERNAL VFR FLIGHT FOLLOWING – RADIO CALL EXAMPLES

When reporting in-service, the aircrew will ensure that internal VFR flight following is established with the local troop communication center and will include the aircraft's call

sign, destination, mission and requesting agency (if applicable), estimated time enroute, and a crew and passenger manifest.

Examples of initial radio call:

- Air 3 10-8, 10-19 Blytheville, surveillance, DEA, 1+05 time enroute, 161, 163, Brown and Sawyer onboard.
- Air 4 10-8, 10-19 Coal Hill, manhunt, Troop J, 0+50 time enroute, 162 and 163 onboard.
- Air 4 10-8, 10-19 Little Rock, 1+05 time enroute, 162 and 164.

When changes to the flight plan or passenger manifest become necessary, the aircrew will ensure the troop communication center is notified.

Example radio call due to change in mission:

- Air 3 south of Searcy, change of mission, 10-19 Brinkley, manhunt, Troop D, 0+45 time enroute.

Example radio call due to change in destination:

- Air 4 I-40 at Clarksville, 10-19 Fort Smith for fuel, 0+20 time enroute.

Example of radio call due to change in the passenger manifest:

- Air 4 Log H1 and Logan as passengers.

When frequency changes between troop communication centers become necessary, the aircrew will ensure that both troop communication centers are notified.

Example radio call terminating flight following with one Troop:

- Air 3 Over Hazen, 10-86 Troop D.
- Air 4 Highway 64 at Altus, 10-86 Troop H.

Example radio call establishing flight following with the next Troop:

- Air 3 10-86 Over Hazen, 10-19 Brinkley, manhunt, 0+15 time enroute.
- Air 4 10-86 Highway 64 at Altus, 10-19 Fort Smith for fuel, 0+20 time enroute.

The aircrew will report arrival at a destination, when going temporarily out of service and when going out of service at the end of a mission to the local troop communications center.

Examples of radio cal at arrival or going out of service:

- Air 4 10-97 manhunt scene near Clarksville.
- Air 4 10-97 Fort Smith Airport for fuel.
- Air 3 10-7 ASP Hangar.

3.712 AIRCRAFT ACCIDENT / INCIDENT NOTIFICATION PROCEDURES

If an aircraft is involved in an accident or incident and the crewmembers are able to communicate, they are to notify the Director of Operations, Chief Pilot, Safety Officer, or a Troop Dispatch Center, as appropriate, as soon as possible. The Emergency Preparedness and Response Plan may be activated in accordance with Section 5.604 of this manual if appropriate for the specific situation.

3.713 LOCATING OVERDUE OR MISSING AIRCRAFT

Each Department aircraft is equipped with a fixed 406 MHz emergency locator transmitter (ELT) and is equipped with a portable locator beacon (PLB). Additionally, tactical aircraft are equipped with web-based satellite tracking systems. This equipment will expedite the locating of an overdue or missing aircraft.

Procedures for locating overdue or missing aircraft are contained in the Emergency Preparedness and Response Plan contained in Section 5.6 of this manual.

3.714 AIRCRAFT DISCRPANCIES WHILE AWAY FROM HOME BASE

If an aircraft develops a discrepancy that renders it un-airworthy while the aircraft is away from home base, the Pilot in Command will notify the Director of Operations, Chief Pilot or Director of Maintenance, as appropriate, as soon as possible.

Key information to report includes the status of the aircrew and the aircrew's location, status of the aircraft and the aircraft's location, the nature of the discrepancy, and an assessment of any assistance that may be required.

Arrangements for immediate assist for the aircrew should be requested from the local Troop Headquarters. A plan of action to repair or recover the aircraft will be formulated

by the Director of Operations, Chief Pilot, Safety Officer and Director of Maintenance, as appropriate, and will be acted upon as soon as possible.

3.715 VFR WEATHER MINIMUMS

Flights conducted under visual flight rules (VFR) should not be made when conditions are below the basic VFR weather minimums as stated in FAR 91.155, below the limited Pilot in Command weather requirements, or below that weather requirement determined necessary by the Pilot in Command, considering the unique variables of the mission to be flown, whichever is more restrictive.

Special VFR flight is authorized in accordance with FAR 91.157.

3.716 WIND LIMITATIONS

Flights should not be made when conditions exceed the wind limitations contained in the Pilot's Operating Handbook or Rotorcraft Flight Manual, as applicable, or that wind condition requirement determined necessary by the Pilot in Command, considering the unique variables of the mission to be flown, whichever is more restrictive.

3.717 FLIGHT INTO ICING CONDITIONS

Department aircraft should not be intentionally flown into areas of known or forecast severe icing conditions. If a flight is to be made into known or forecast light or moderate icing conditions, the aircraft must be equipped with adequate operational deicing or anti-icing equipment. Prolonged flight in areas of icing conditions should be avoided.

3.718 FLIGHT INTO TURBULENCE

Department aircraft should not be intentionally flown into areas of known or forecast severe or extreme turbulence. Prolonged flight in areas of turbulence should be avoided.

3.719 FLIGHT INTO THUNDERSTORMS

Department aircraft should not be intentionally flown into thunderstorms.

3.720 MINIMUM SAFE ALTITUDES

Department aircraft should be operated in accordance with the minimum safe altitude requirements of FAR 91.119.

3.721 MINIMUM ALTITUDES FOR USE OF AUTOPILOT

Except as provided below, autopilots should not be utilized at an altitude above the terrain which is less than 500 feet or less than twice the maximum altitude loss specified in the approved Aircraft Flight Manual or equivalent for a malfunction of the autopilot, whichever is higher.

When using an instrument approach facility other than instrument landing system (ILS), autopilots should not be utilized at an altitude above the terrain that is less than 50 feet below the approved minimum descent altitude for that procedure, or less than twice the maximum loss specified in the approved Aircraft Flight Manual or equivalent for a malfunction of the autopilot under approach conditions, whichever is higher.

For ILS approaches when reported weather conditions are less than the basic weather conditions in FAR 91.155, autopilots with an approach coupler should not be utilized at an altitude above the terrain that is less than 50 feet above the terrain, or the maximum altitude loss specified in the approved Aircraft Flight Manual or equivalent for the malfunction of the autopilot with approach coupler, whichever is higher.

3.722 VOR EQUIPMENT CHECK FOR IFR OPERATIONS

VOR equipment should be tested in accordance with FAR 91.171. A record of the operational check should be annotated in the aircraft's flight log.

3.723 IFR TAKEOFF LIMITATIONS

The Pilot in Command should not takeoff under IFR from an airport where weather conditions are at or above takeoff minimums but are below authorized IFR landing minimums unless there is an alternate airport within 1 hour's flying time (at normal cruising speed, in still air) of the airport of departure.

3.724 INADVERTENT INSTRUMENT METEOROLOGICAL CONDITIONS (IIMC) PROCEDURES

In the event that a department aircraft operating under visual flight rules inadvertently flies into instrument meteorological conditions, the aircrew will maintain aircraft control, announce IIMC, transition to instrument flight immediately and initiate IIMC procedural steps in accordance with the aircraft's Aircrew Training Manual.

Maintaining aircraft control and initiating a climb is extremely important to avoid ground, obstacle, or other aircraft contact. Once committed to IMC, do not attempt to regain VMC until the aircraft is under control. Rapid changes in attitude and bank angle can induce spatial disorientation causing loss of aircraft control and must be avoided.

Once transitioned to instrument flight, the Pilot in Command of a non-IFR certified aircraft will contact ATC and request assistance to land at the nearest suitable airport. Instrument rated pilots in IFR certified aircraft will file an IFR flight plan with ATC and continue to an appropriate destination.

3.725 OPERATING NEAR OTHER AIRCRAFT

Department aircraft should not be flown in formation flight without the specific approval of the Air Support Unit Commander. When formation flight is authorized, the Pilot in Command of each aircraft involved should comply with the requirements of FAR 91.111.

During tactical missions, when multiple aircraft will be utilized in the area of operations, the Pilot in Command of each aircraft should coordinate flight operations in accordance with FAR 91.111.

3.726 NOISE ABATEMENT

Aircrews should “fly neighborly” to minimize annoyance to persons on the ground when such actions will not adversely affect the mission or flight safety.

Unless required by the mission, aircraft should maintain a minimum of 2,000 feet AGL when flying over National Parks, Monuments, Lakeshores, Recreation Areas and Scenic Riverways administered by the National Park Service, National Wildlife Refuges, Big Game Refuges, Game Ranges and Wildlife Ranges administered by the U.S. Fish and Wildlife Service, and Wilderness and Primitive areas administered by the U.S. Forest Service.

3.727 FLYING EQUIPMENT AND OPERATING INFORMATION

The Pilot in Command should comply with the flying equipment and operating information requirements of FAR 91.503, regardless of aircraft type.

3.728 FAMILIARITY WITH OPERATING LIMITATIONS AND EMERGENCY EQUIPMENT

The Pilot in Command should comply with the familiarity with operating limitations and emergency equipment requirements of FAR 91.505, regardless of aircraft type.

3.729 EQUIPMENT REQUIREMENTS: OVER-THE-TOP, OR NIGHT VFR OPERATIONS

The Pilot in Command should comply with the equipment requirements of FAR 91.507, regardless of aircraft type.

3.730 EMERGENCY EQUIPMENT

The Pilot in Command should comply with the emergency equipment requirements of FAR 91.513, regardless of aircraft type.

3.731 PASSENGER BRIEFING

Before each takeoff, the Pilot in Command carrying passengers should brief the passengers in accordance with FAR 91.519, regardless of aircraft type.

3.732 FIRE FIGHTING EQUIPMENT

Appropriate, adequate and up-to-date firefighting equipment shall be readily available, consistent with local laws and regulations. All unit personnel shall be properly trained (including recurrent training) on the proper use of the equipment.

3.733 SURVIVAL GEAR

Appropriate survival gear should be carried for the environment in which the aircraft is operating.

3.734 SMOKING AND TOBACCO USE

In accordance with the department's policy manual, and to reduce the risk of onboard fire, smoking is prohibited on all department aircraft. Additionally, the use of any other tobacco products are prohibited from use. Smoking is also prohibited within 100 feet of department aircraft.

3.735 CHEMICAL IRRITANTS AND HAZARDOUS MATERIALS

Tear gas, pepper spray, and any other type of chemical irritants are strictly prohibited from transport on any department aircraft.

3.736 USE OF SAFETY BELTS, SHOULDER HARNESSSES AND RESTRAINT SYSTEMS

The Pilot in Command will ensure that safety belts, shoulder harnesses and other restraint devices are properly used in accordance with FAR 91.107.

All helicopter occupants shall properly use seatbelts and shoulder harnesses during all phases of flight, except as necessary to perform mission tasks.

During rappelling, rescue or similar operations, there shall be some form of fall protection (i.e. safety strap) attached, until the person is attached to the lowering system or is in place for hover-step deployment.

3.737 COMPUTATION OF FLIGHT TIME FOR MAINTENANCE PURPOSES

Flight time for maintenance purposes should be computed using the aircraft's hour meter reading (B200 and 407) or using the engine reading from the systems sub-page of the G1000 navigation system (T206H). When computing flight time for maintenance purposes in an aircraft with an inoperative hour meter (B200 and 407) or engine reading system (T206H), flying time starts when an airplane begins to move on the takeoff roll or when a helicopter lifts off the ground, and ends when the aircraft comes to rest after landing.

3.738 MECHANICAL DISCREPANCIES, INOPERATIVE INSTRUMENTS AND EQUIPMENT

Aircraft mechanical discrepancies, inoperative instruments and equipment should be reported to the Air Support Unit Commander as soon as practicable after their discovery. All flight safety discrepancies will be corrected prior to flight. With the Air Support Unit Commanders approval, aircraft may be operated with inoperative instruments and equipment as allowed by FAR 91.213 and Section 6.205 (B200), Section 6.305 (407), or Section 6.405 (T206H) of this manual.

3.739 DISCREPANCEY LOG

Maintenance discrepancies should be documented on the aircraft's Discrepancy Log, located in the aircraft's flight logbook. Pilots will review the discrepancy log for deferred or uncorrected discrepancies prior to flight.

3.740 AIRCRAFT SECURITY

Aircraft left unattended in a parking area should be properly secured, including the use of door locks, gust locks and brakes, as appropriate. The aircraft should also be appropriately tied down for the anticipated weather conditions.

When an aircraft must be left overnight away from the department's hangar, the aircrew should make every attempt to secure the aircraft in a hangar.

3.741 FIREARMS IN AIRCRAFT

Certified law enforcement officers are authorized to carry their duty weapon(s) aboard department aircraft. Passengers' side arms shall remain holstered at all times while in the aircraft. Long guns, including but not limited to shotguns and rifles, shall not be chambered, shall be placed on safe, and the muzzle shall remain oriented down. The Pilot in Command will ensure that these requirements are explained and complied with prior to the passenger's loading the aircraft. If it is necessary for any other armed person to be transported in department aircraft (i.e. lost hunter, separated search party member, military, etc.), the aircrew will ensure that his/her weapon is unloaded and will take possession of the weapon for the duration of the flight.

Exceptions are allowed for ASP SWAT members and ASP Snipers to carry loaded and chambered long guns aboard the department helicopter, provided that the aircrew and passenger(s) have a shared understanding on the necessity for such parameters. Prior to loading the aircraft with a chambered long gun, SWAT/Sniper members will be briefed by an aircrew member on muzzle orientation, safety selector switch placement, and communication procedures. The aircrew must have positive voice communications with these passengers, and must be informed of any safety selector switches being moved to the fire position, and prior to any weapon's firing. As practical, weapons shall remain on safe until their need to be fired is imminent, and shall be placed back to safe once the immediate need ceases.

The Pilot in Command has final authority to deviate from this policy under exigent circumstances.

SECTION 8 FUEL HANDLING & REFUELING

3.801 FUEL STORAGE AND DELIVERY SYSTEMS

The Air Support Unit does not store nor dispense aviation fuels. All fuels are purchased from fixed base operators (FBO's).

Auto gas stored for mowing is kept in approved containers and stored in an approved flammable safety cabinet.

3.802 AVIATION FUEL PURCHASES

Aviation fuels are normally purchased using the department's AVCARD fuel charge card. After an AVCARD purchase, the aircraft's Hobbs meter reading will be noted on the receipt. Receipts will be forwarded to the section's Fuel Officer for data entry and filing.

In situations where the AVCARD will not process, the department's purchasing card (P-Card) may be used. After a P-Card purchase, the aircraft's Hobbs meter reading will be noted on the receipt and an ASP-16 (Manual Fuel Card Data Form) will be completed and forwarded to the Fuel Officer with the fuel receipt for data entry, filing and submission to the Fiscal Section.

If unable to complete a purchase with either the AVCARD or P-Card, the purchase can be invoiced to the department. After an invoiced purchase, the aircraft's Hobbs meter reading will be noted on the invoice, an ASP-16 and an ASP-84 (Inter-Departmental Requisition Form) will be completed and submitted to the Fuel Officer with the fuel invoice for data entry, filing and submission to the Fiscal Section.

If unable to complete a purchase with any of the methods listed above, the purchase can be made using an employee's personal credit card. After a personal credit card purchase, the aircraft's Hobbs meter reading will be noted on the receipt. An ASP-16, an ASP-9 (Travel Reimbursement Claim Form), a TR-1 (Travel Expense Reimbursement Form) and a memo detailing the circumstances of the purchase will be completed and submitted to the Fuel Officer with the fuel receipt for data entry, filing and submission to the Fiscal Section.

3.803 SMOKING PROHIBITIONS DURING REFUELING OPERATIONS

Smoking is prohibited inside department aircraft at all times and within 100 feet of the aircraft during refueling operations.

3.804 AIRCRAFT REFUELING

Aircraft refueling will be conducted in compliance with federal, state and local laws and specific procedures as outlined by the aircraft manufacturer.

Only personnel who have completed the fuel handling and refueling training requirements of the aircraft's aircrew training manual or the maintenance department training manual, as appropriate, are authorized to refuel aircraft.

Rapid "hot" refueling of fixed-wing aircraft is prohibited.

3.805 HELICOPTER RAPID (HOT) REFUELING – GENERAL

Helicopter hot refueling is a refueling operation conducted while the engine and rotor blades are turning. Hot refueling of turbine-powered helicopters will be conducted under carefully controlled conditions by properly trained personnel.

Hot refueling is not recommended except when absolutely necessary due to an extreme emergency where a delay in response time could result in an increased risk of danger to persons or loss of life.

All personnel and flight crewmembers who will be involved in hot refueling operations should be trained in safe techniques and procedures before conducting such operations.

Many FBO's prohibit helicopter hot refueling due to insurance requirements and liability concerns. When requesting authorization to hot refuel, ensure that the FBO understands that the aircrew is trained and qualified in accordance with applicable FAA requirements (AC 91-32B & AC 150/5230-4B), will perform the actual loading of fuel into the helicopter, and assumes full responsibility and liability for the operation. If the FBO does not accept these provisions, shut the helicopter down and refuel the helicopter as normal.

3.806 HELICOPTER RAPID (HOT) REFUELING – PROCEDURES

The helicopter should be landed in a position well clear of the fuel source, and at no time should the helicopter blades extend over the fueling source.

An appropriately certificated and rated pilot should be at the flight controls during the entire hot fueling process with controls appropriately adjusted to prevent helicopter movement and the engine running at idle. During operations with a two-pilot crew, the pilot seated in the left cockpit seat will remain at the controls.

The pilot should unbuckle all restraints, and be prepared to immediately shutdown the engine and egress the helicopter, if necessary. The pilot should not conduct any extraneous duties during hot fueling or use communication systems.

Passengers are not allowed onboard the helicopter during hot refueling operations. The TFO or second pilot will deplane and move any passengers to an area at least 100 feet from the refueling operation. Persons not directly associated with the refueling operation should be kept clear of the refueling area.

All doors, windows, and access points allowing entry to the interior of the helicopter that are adjacent to, or in the immediate vicinity of, the fuel inlet port should be closed and should remain closed during fueling operations.

A fire extinguisher of an appropriate type and size for the fueling operation should be readily available to ground personnel at all times during hot fueling operations and the helicopter should be equipped with a fire extinguisher in the cockpit.

At least two ground personnel should be present during hot fueling. The TFO or pilot conducts the fueling, while the FBO line person or other briefed person stands by prepared to activate the fuel emergency shutoff and handle fire extinguishers if necessary.

Before fueling, the helicopter must be bonded to the fuel nozzle to equalize static electricity between the fuel source and the helicopter. Grounding of the helicopter and/or fuel truck is no longer recommended because it does not prevent sparks at the fuel source, and the grounding cable may not be sufficient to discharge the electrical current.

Fuel should be dispensed into an open port only from approved deadman-type (non-automatic) nozzles.

When fueling is complete, the pilot must ensure that his seatbelt and shoulder harness are properly re-secured as necessary prior to any aircraft movement.

3.807 SPILL PROCEDURES DURING FUEL SERVICING

When a spill is observed during fuel servicing, the fuel servicing shall be stopped immediately by release of the deadman controls.

In the event that a spill continues, the equipment emergency fuel shutoff shall be actuated.

In the event that a spill continues from a hydrant system, the system emergency fuel shutoff shall be actuated.

Minor fuel spills will be reported to the FBO manager for handling. The local fire department shall be notified if a spill runs over 10 feet in any direction, is over 50 square feet in area, continues to flow, or is otherwise a hazard to persons or property.

Fuel servicing shall not be resumed until the spill has been cleaned, has been investigated to determine the cause, the necessary corrective measures have been taken, and the conditions are determined to be safe.

3.808 SPILL PROCEDURES FOR STATIC AIRCRAFT

When a spill is observed from a aircraft stored in the hangar or parked on the ramp, the spill should be stopped immediately, if it can be done safely.

If the spill cannot be stopped, catch the flowing liquid using a pan, pail, or whatever is available. Absorbent material, such as kitty litter, sand, sawdust, or using synthetic absorbent pads may be used to soak up the spill. Absorbents do not make petroleum nonflammable, so control of ignition sources is critical until the spill has been completely removed.

The airport fire department shall be notified if a spill runs over 10 feet in any direction, is over 50 square feet in area, continues to flow, or is otherwise a hazard to persons or property.

After the spill has been stopped, contained and cleaned, collect the contaminated absorbent for disposal. Fresh granular absorbents can then be re-spread on a surface to control the residual slipperiness.

3.809 HANDLING AND DISPOSAL OF WASTE FUEL, OIL AND OTHER HAZARDOUS MATERIAL

Waste fuel, oil, and other hazardous materials will be properly disposed of in accordance with applicable federal, state and local regulations. Common wastes produced by the Air Support Unit and their disposal method include:

- **AVGAS:** Filter and add to aircraft tug fuel tank.
- **Jet fuel:** Filter and add to GPU fuel tank.
- **Waste oil & fluids:** Deliver waste engine oils and hydraulic fluids to Central Flying Service Prop Group for recycling.
- **Waste absorbents:** Collect and schedule pick up by Safety-Kleen Systems as needed at (501) 888-1782.

- Aircraft batteries: Deliver used aircraft batteries to Central Flying Service Prop Group for recycling.
- Other batteries: Deliver to Battery Outfitters for recycling at 5915 JFK Blvd., North Little Rock, AR 72116.
- Other: Dispose of as specified in the items Material Safety Data Sheet (MSDS).

SECTION 9 SPECIAL MISSION OPERATIONS

3.901 TRAFFIC ENFORCEMENT OPERATIONS

Traffic enforcement operations consist of the enforcement of any traffic laws that can be visibly observed from the aircraft.

Speed enforcement operations should not be conducted unless:

- The aircrew consists of at least one qualified pilot, and one qualified TFO or a local Troop Observer who has received speed enforcement training as specified in the aircraft's Aircrew Training Manual.
- Forecast and actual weather conditions in the area of the speed enforcement operation must meet VFR requirements, with ceilings at least 1,500 feet AGL and visibility greater than five statute miles.
- Operations are conducted in designated areas with properly marked roadways.
- Stop watches (Robic Acutrak Chronometer) used in speed enforcement have been calibrated using an approved method prior to use.

When marking roadways for speed enforcement operations:

- Roadway measuring equipment (Nu-Metrics Nightstar) must be calibrated to the vehicle used for measuring prior to placing the marks. The measuring equipment must be calibrated at an approved known distance location.
- When marking the roadway for speed enforcement, at least one marked unit must be present to provide traffic control. This marked unit must be provided by the Troop requesting the roadway markings.

3.902 PRISONER TRANSPORT OPERATIONS

The Air Support Unit Commander may authorize, on a case by case basis, the transport of prisoners on department aircraft.

Prisoner escorts are responsible for the emergency evacuation of prisoners during emergency situations. Before each takeoff, the Pilot in Command will brief escorts and prisoners in accordance with FAR 91.519, regardless of aircraft type.

When transporting prisoners on department aircraft, all weapons will be secured in the aircraft cockpit in an area not readily accessible to the prisoner. Prisoners will be properly restrained and will remain seated with the seatbelt and shoulder harness secured throughout the flight.

3.903 TACTICAL OPERATIONS AND OPERATIONS EMPLOYING SPECIAL MISSION EQUIPMENT

During tactical operations and operations requiring the use of special mission equipment (i.e. NVG's, FLIR, searchlight, microwave downlink, etc.), only qualified and current Tactical Flight Officers should occupy the copilot seat and operate this special mission equipment.

3.904 NIGHT VISION GOGGLE OPERATIONS

Night Vision Goggles (NVG) are limited to use during night helicopter operations. Crewmembers should not operate department helicopters utilizing NVG unless:

- Crewmembers have completed the NVG initial qualification training as specified in Sections 4.203 or 4.205 of this manual, as applicable.
- Crewmembers are in compliance with the NVG recent experience requirements of Section 4.304 or 4.306 of this manual, as applicable.
- The department's AN/AVS-9 goggles are utilized and they are maintained as specified in Section 6.501 of this manual.
- Aircraft cockpit lighting has been modified for NVG compatibility and has been maintained as specified in Section 6.502 of this manual.
- The inoperative equipment requirements as specified in Section 6.305 of this manual are complied with.

3.905 OVER WATER OPERATIONS

Currently, missions are not routinely flown over water beyond the autorotational or glide distance of a suitable landing site. Use of personal flotation devices (PFD's) will be at the discretion of the individual crew members.

If a mission requires sustained over-water operation beyond autorotational or glide distance of a suitable landing site:

- Crewmembers who have successfully completed a training program for emergency water egress and survival should be assigned to the mission.
- Only the minimum essential crew should be onboard the aircraft and each crewmember should wear a personal flotation device (PFD).

3.906 CANINE OPERATIONS

The transport of canines during operations is authorized provided the canine will be secured by a patrol harness or other type of harness which prohibits the canine from backing out of the aircraft or escaping from the handler. Canines will be muzzled prior to approaching the aircraft for boarding and at all times while on board. While on board, canines will be connected to a secure attachment point on the aircraft with a short lead or tether. Space permitting, the canine will sit on the floor in front of the handler.

The handler must have full control and the ability to restrain their canine at all times. Crating the canine is also permitted provided a muzzle is used and the crate can be secured in the aircraft via tie downs or attachment points.

The Pilot in Command has the ultimate authority in deciding to fly the canine after conducting the training and for ensuring that the canine is secured in the aircraft as to prohibit inadvertent egress from the aircraft or movement near flight controls.

Each canine to be flown must conduct aircraft training with the handler on boarding, enroute flight, and disembarking. Prior to conducting the flight, the canine and handler must train with the pilot and aircraft to include completing the following:

- Loading, securing, and unloading the canine from a static, non-running aircraft.
- Handler and canine practice approaching and being in the vicinity of a running aircraft.
- Loading, securing, and unloading the canine from a running aircraft.

Anytime a canine is in the vicinity of a running aircraft, it is important for the handler to securely restrain the dog from running near or into turning propellers or tail rotors.

3.907 EMERGENCY MEDICAL SERVICE OPERATIONS

Emergency Medical Service (EMS) operations will only be conducted in dire emergency situations when no other means of transport are available. Since the helicopter is not equipped for EMS operations and crewmembers have only first responder medical training, the aircrew should transport the patient as expeditiously as possible to the nearest medical provider, whether that be an ambulance near the site or a nearby medical facility, where proper emergency medical services can be provided.

3.908 ROTORCRAFT EXTERNAL LOAD OPERATIONS

Rotorcraft external-load operations (cargo hook and rappelling provisions) are not authorized. The following information contains examples of rotorcraft external-load operations by class:

Class A – a non-jettisonable external load that cannot move freely and does not extend below the landing gear. An example of a Class A operation is the carriage of supplies in an non-FAA approved cargo rack, bin, or fixture affixed to the exterior of the rotorcraft.

Class B – a jettisonable external load, carried above or below the skids, that a cargo hook or winch lifts free of land and/or water. An example of a Class B operation is the placement of an air conditioning unit on the roof of a tall building.

Class C – a jettisonable external load where a portion of the load remains in contact with land or water. Examples of Class C operations are wire stringing, dragging a long pole, or towing a boat or barge.

Class D – an external load other than Class A, B, or C and allows the external carriage of a person other than a crewmember or a person who is essential to and directly connected with the external load operation, in an FAA-approved personnel lifting device.

RESERVED



CHAPTER 4 – TRAINING

SECTION 1 AIRCREW TRAINING

4.101 PILOT TRAINING

Pilots will comply with the flight review requirements of FAR 61.56 and the initial qualification, recurrent training, and flight review requirements of this chapter.

Pilots will conduct that training necessary to comply with the recent flight experience requirements FAR 61.57 and this chapter, if not previously complied with during operational missions.

Civilian Contract Pilots will comply with the flight review requirements of FAR 61.56 and the initial qualification and recurrent training requirements of the Pilot Service Contract.

4.102 TACTICAL FLIGHT OFFICER TRAINING

Tactical Flight Officers will comply with the initial qualification and recurrent training requirements of this chapter.

Tactical flight Officers will conduct that training necessary to comply with the recent flight experience requirements of this chapter, if not previously complied with during operational missions.

SECTION 2 INITIAL QUALIFICATION TRAINING

4.201 PILOT INITIAL QUALIFICATION TRAINING REQUIREMENTS – B200

Air Support Unit Pilots will receive the following initial qualification training as specified in the B200 Aircrew Training Manual:

- Safety associated training.
- B200 transition training.

- Pro Line 21 Avionics System training.
- Standard refueling procedures training.
- Ground handling procedures training.
- High altitude training.
- RVSM training specific to the Air Support Unit.
- Minimum Equipment List (MEL) training specific to the Air Support Unit.
- Washington DC Special Flight Rules Area (SFRA) and Flight Restricted Zone (FRZ) training specific to the Air Support Unit.

Civilian Contract Pilots will meet the requirements of the Pilot Service Contract and receive the following initial qualification training, as specified in the B200 Aircrew Training Manual:

- RVSM training specific to the Air Support Unit.
- Minimum Equipment List (MEL) training specific to the Air Support Unit.
- Washington DC Special Flight Rules Area (SFRA) and Flight Restricted Zone (FRZ) training specific to the Air Support Unit.

Prior to conducting Limited Pilot in Command duties in the Beechcraft B200 King Air, Pilots will successfully complete a Limited Pilot in Command evaluation as specified in the B200 Aircrew Training Manual. The Limited Pilot in Command designation is provided to allow for Pilots to gain experience and hone skills prior to being released for unlimited Single-Pilot operations.

Prior to conducting Single-Pilot Pilot in Command duties in the Beechcraft B200 King Air, Pilots will successfully complete a Single-Pilot Pilot in Command evaluation as specified in the B200 Aircrew Training Manual.

4.202 PILOT INITIAL QUALIFICATION TRAINING REQUIREMENTS – 407

Pilots will receive the following initial qualification training as specified in the 407 Aircrew Training Manual:

- Safety associated training.
- 407 transition training.

- GNS 530AW Global Positioning System training.
- Standard and rapid (Hot) refueling procedures training.
- Helicopter and ground handling procedures training.
- Special missions training.

Prior to conducting Pilot in Command duties in the Bell 407 helicopter, Pilots will successfully complete a Pilot in Command evaluation as specified in the 407 Aircrew Training Manual.

4.203 PILOT INITIAL NVG QUALIFICATION TRAINING REQUIREMENTS – 407

Pilots will receive initial night vision goggle qualification training in the Bell 407 helicopter as specified in FAR 61.31(k) and the 407 Aircrew Training Manual.

Prior to conducting Pilot in Command duties using night vision goggles in the Bell 407 helicopter, Pilots will successfully complete a night vision goggle Pilot in Command evaluation as specified in the 407 Aircrew Training Manual.

4.204 PILOT INITIAL QUALIFICATION TRAINING REQUIREMENTS – T206H

Pilots will receive the following initial qualification training as specified in the T206H Aircrew Training Manual:

- Safety associated training.
- T206H transition training.
- High performance training.
- G1000 Avionics Suite training.
- Standard refueling procedures training.
- Ground handling procedures training.
- Special missions training.

Prior to conducting Pilot in Command duties in the Cessna T206H airplane, Pilots will successfully complete a Pilot in Command evaluation as specified in the T206H Aircrew Training Manual.

4.205 TFO INITIAL QUALIFICATION TRAINING REQUIREMENTS – 407

Tactical Flight Officers will receive the following initial qualification training as specified in the 407 Aircrew Training Manual:

- Safety associated training.
- 407 familiarization training.
- 407 emergency handling training.
- GNS 530AW Global Positioning System training.
- Standard and rapid (Hot) refueling procedures training.
- Heliporter and ground handling procedures training.
- Night vision goggle training.
- Special missions training.

Tactical Flight Officers will successfully complete a 407 Tactical Flight Officer evaluation upon completion of training as specified in the 407 Aircrew Training Manual.

4.206 TFO INITIAL QUALIFICATION TRAINING REQUIREMENTS – T206H

Tactical flight Officers will receive the following initial qualification training as specified in the T206H Aircrew Training Manual:

- Safety associated training.
- T206H familiarization training.
- T206H emergency handling training.
- G1000 Avionics Suite training.
- Standard refueling procedures training.
- Ground handling procedures training.
- Special missions training.

Tactical Flight Officers will successfully complete a T206H Tactical Flight Officer evaluation upon completion of training as specified in the T206H Aircrew Training Manual.

SECTION 3 RECENT FLIGHT EXPERIENCE

4.301 EXPERIENCE REQUIREMENTS

The experience requirements discussed in this section are intended to sustain the proficiency and readiness of Pilots and Tactical Flight Officers.

4.302 GENERAL EXPERIENCE REQUIREMENTS

No Pilot may act as Pilot in Command of an aircraft carrying passengers, other than those necessary for the conduct of the flight (e.g., Certified Flight Instructors, Unit Trainers, Tactical Flight Officers), unless that Pilot has made at least three takeoffs and three landings within the preceding 60 days as the sole manipulator of the flight controls in that make and model of aircraft.

No Pilot may act as Pilot in Command of an aircraft unless that Pilot has made at least three takeoffs and three landings within the preceding 120 days as the sole manipulator of the flight controls in that make and model of aircraft.

A Pilot in Command must meet the 120 day experience requirements or pass a day proficiency check to act as Pilot in Command. The proficiency check will consist of the day proficiency tasks listed the aircraft's Aircrew Training Manual, and the check will be performed by a Certified Flight Instructor, or an authorized Unit Trainer, who is current and qualified in the *make and model* of aircraft for which Pilot in Command *privileges are sought*.

4.303 NIGHT EXPERIENCE REQUIREMENTS

No Pilot may act as Pilot in Command of an aircraft carrying passengers, other than those necessary for the conduct of the flight (e.g., Certified Flight Instructors, Unit Trainers, Tactical Flight Officers), during the period beginning 1 hour after sunset and ending 1 hour before sunrise, unless within the preceding 60 days that Pilot has made at least three takeoffs and three landings to a full stop during the period beginning 1 hour after sunset and ending 1 hour before sunrise, as the sole manipulator of the flight controls in that make and model of aircraft.

No Pilot may act as Pilot in Command of an aircraft during the period beginning 1 hour after sunset and ending 1 hour before sunrise, unless within the preceding 120 days

that Pilot has made at least three takeoffs and three landings to a full stop during the period beginning 1 hour after sunset and ending 1 hour before sunrise, as the sole manipulator of the flight controls in that make and model of aircraft.

A Pilot in Command must meet the 120 day night experience requirements or pass a night proficiency check to act as Pilot in Command at night. The proficiency check will consist of the night proficiency tasks listed the aircraft's Aircrew Training Manual, and the check will be performed by a Certified Flight Instructor, or an authorized Unit Trainer, who is night current and qualified in the *make and model* of aircraft for which Pilot in Command *privileges are sought*.

4.304 NIGHT VISION GOGGLE EXPERIENCE REQUIREMENTS – 407

No Pilot may act as Pilot in Command of the Bell 407 helicopter using night vision goggles while carrying passengers onboard, other than those necessary for the conduct of the flight (e.g., Certified Flight Instructors, Unit Trainers, Tactical Flight Officers), unless, within the preceding 60 days, that Pilot has performed and logged the following tasks as the sole manipulator of the controls in the Bell 407 helicopter on a flight during a night vision goggle operation:

- Three takeoffs and three landings, with each takeoff and landing including a climb out, cruise, descent, and approach phase of flight.
- Three hovering tasks.
- Three area departure and area arrival tasks.
- Three tasks of transitioning from aided night flight (aided night flight means that the pilot uses night vision goggles to maintain visual surface reference) to unaided night flight (unaided night flight means that the pilot does not use night vision goggles) and back to aided night flight.
- Six night vision goggle operations.
 - A night vision goggle operation is simply a night vision goggle flight conducted within the timeframe described in FAR 61.1.
 - During the six night vision goggle operations, you must conduct at least three of the following tasks:
 1. Takeoffs and landings
 2. Hovering
 3. Area departures and arrivals
 4. Aided to unaided to aided transitions

No Pilot may act as Pilot in Command in the Bell 407 helicopter using night vision goggles unless, within the preceding 120 days, that Pilot has performed and logged the

tasks listed above as the sole manipulator of the controls in the Bell 407 helicopter on a flight during a night vision goggle operation.

A Pilot in Command must meet the 120 day night vision goggle experience requirements or pass a night vision goggle proficiency check to act as Pilot in Command in the Bell 407 helicopter using night vision goggles. The proficiency check will consist of the night vision goggle proficiency tasks listed the aircraft's Aircrew Training Manual, and the check will be performed by a Certified Flight Instructor, or an authorized Unit Trainer, who is night vision goggle current and qualified in the Bell 407 helicopter.

4.305 INSTRUMENT EXPERIENCE REQUIREMENTS

No Pilot may act as Pilot in Command of an aircraft carrying passengers, other than those necessary for the conduct of the flight (e.g., Safety Pilots, Certified Flight Instructors, Unit Trainers, Tactical Flight Officers), under IFR or weather conditions less than the minimums prescribed for VFR unless that Pilot has performed and logged, within the preceding 60 days as the sole manipulator of the flight controls in that make and model of aircraft, at least the following tasks and iterations in actual weather conditions, or under simulated conditions using a view-limiting device:

- Three instrument approaches.
- Holding procedures and tasks.
- Intercepting and tracking courses through the use of navigational electronic systems.

No Pilot may act as Pilot in Command of an aircraft under IFR or in weather conditions less than the minimums prescribed for VFR unless that Pilot has performed and logged, within the preceding 120 days as the sole manipulator of the flight controls in that make and model of aircraft, at least the tasks and iterations listed above in actual weather conditions, or under simulated conditions using a view-limiting device.

A Pilot in Command must meet the 120 day experience requirements or pass an instrument proficiency check to act as Pilot in Command. The proficiency check will consist of the instrument proficiency tasks listed the aircraft's Aircrew Training Manual, and the check will be performed by a Certified Flight Instructor, or an authorized Unit Trainer, who is instrument current and qualified in the *make and model* of aircraft for which Pilot in Command *privileges are sought*.

A Pilot in Command who fails to meet the requirements of FAR 91.57(d) must reestablish instrument currency by completing an instrument proficiency check in accordance with FAR 91.57(d).

4.306 TACTICAL FLIGHT OFFICER EXPERIENCE REQUIREMENTS – 407

No Tactical Flight Officer may perform Tactical Flight Officer duties in the Bell 407 helicopter unless that Tactical Flight Officer has conducted at least four missions as Tactical Flight Officer within the preceding 120 days in the Bell 407 helicopter. At least two of these required missions will be conducted during night vision goggle operations.

A Tactical Flight Officer must meet the 120 day Tactical Flight Officer experience requirements or pass a Tactical Flight Officer proficiency check to act as Tactical Flight Officer. The proficiency check will consist of the Tactical flight Officer proficiency tasks listed the aircraft's Aircrew Training Manual, and the check will be performed by a Certified Flight Instructor, or an authorized Unit Trainer, who is current and qualified as a Tactical Flight Officer in the Bell 407 helicopter.

407 Pilot in Command Exception

No Pilot in Command may perform Tactical Flight Officer duties in the Bell 407 helicopter unless that Pilot in Command has conducted at least two missions as Tactical Flight Officer within the preceding 120 days in the Bell 407 helicopter. At least one of these required missions will be conducted during a night vision goggle operation.

A Pilot in Command must meet the 120 day Tactical Flight Officer experience requirements or pass a Tactical Flight Officer proficiency check to act as Tactical Flight Officer. The proficiency check will consist of the Tactical flight Officer proficiency tasks listed the aircraft's Aircrew Training Manual, and the check will be performed by a Certified Flight Instructor, or an authorized Unit Trainer, who is current and qualified as a Tactical Flight Officer in the Bell 407 helicopter.

4.307 TACTICAL FLIGHT OFFICER EXPERIENCE REQUIREMENTS –T206H

No Tactical Flight Officer may perform Tactical Flight Officer duties in the Cessna T206H airplane unless that Tactical Flight Officer has conducted at least four missions as Tactical Flight Officer within the preceding 120 days in the Cessna T206H airplane.

A Tactical Flight Officer must meet the 120 day Tactical Flight Officer experience requirements or pass a Tactical Flight Officer proficiency check to act as Tactical Flight Officer. The proficiency check will consist of the Tactical flight Officer proficiency tasks listed the aircraft's Aircrew Training Manual, and the check will be performed by a Certified Flight Instructor, or an authorized Unit Trainer, who is current and qualified as a Tactical Flight Officer in the Cessna T206H airplane.

T206H Pilot in Command Exception

No Pilot in Command may perform Tactical Flight Officer duties in the Cessna T206H airplane unless that Pilot in Command has conducted at least two missions as Tactical Flight Officer within the preceding 120 days in the Cessna T206H airplane.

A Pilot in Command must meet the 120 day Tactical Flight Officer experience requirements or pass a Tactical Flight Officer proficiency check to act as Tactical Flight Officer. The proficiency check will consist of the Tactical flight Officer proficiency tasks listed the aircraft's Aircrew Training Manual, and the check will be performed by a Certified Flight Instructor, or an authorized Unit Trainer, who is current and qualified as a Tactical Flight Officer in the Cessna T206H airplane.

SECTION 4 RECURRENT TRAINING

4.401 RECURRENT TRAINING REQUIREMENTS – SAFETY

The following safety associated training required by Section 5.501 of this manual will be conducted annually, or as needed, based on assignment of personnel:

- Automatic External Defibrillator (AED).
- Fire Extinguishers.
- Risk Assessment Worksheet.
- Hazard Reporting Form.
- Hangar Doors Operation.
- Aircraft Ground-Movement Operations.
- Personal Locator Beacon.

4.402 RECURRENT TRAINING REQUIREMENTS – GENERAL

Pilots and Tactical Flight Officers should be scheduled to receive recurrent training annually, but in no case will this scheduling exceed 18 months.

4.403 RECURRENT TRAINING REQUIREMENTS – B200

Beechcraft B200 King Pilots will comply with the Pilot recurrent training requirements specified in the B200 Aircrew Training Manual.

4.404 RECURRENT TRAINING REQUIREMENTS – 407

Bell 407 helicopter Pilots will comply with the Pilot recurrent training requirements specified in the 407 Aircrew Training Manual.

4.405 RECURRENT TRAINING REQUIREMENTS – T206H

Cessna T206H Skylane Pilots will comply with the Pilot recurrent training requirements specified in the T206H Aircrew Training Manual.

4.406 TFO RECURRENT TRAINING REQUIREMENTS – 407

Bell 407 helicopter Tactical Flight Officers will comply with the Tactical Flight Officer recurrent training requirements specified in the 407 Aircrew Training Manual.

4.407 TFO RECURRENT TRAINING REQUIREMENTS – T206H

Cessna T206H Skylane Tactical Flight Officers will comply with the Tactical Flight Officer recurrent training requirements specified in the T206H Aircrew Training Manual.

SECTION 5 FLIGHT EVALUATIONS AND PROFICIENCY CHECKS**4.501 FLIGHT REVIEWS**

Flight Reviews will be administered in accordance with FAR 61.56, except that the Pilot in Command of a department aircraft will accomplish a flight review in each aircraft make and model in which Pilot in Command duties will be performed.

4.502 PROFICIENCY CHECKS

Proficiency checks required by the provisions of this manual will be administered and documented in accordance with the aircraft's Aircrew Training Manual.

Proficiency checks required by FAR 61.57 will be administered and documented in accordance with FAR 61.57.

RESERVED



CHAPTER 5 – SAFETY MANAGEMENT SYSTEM

SECTION 1 GENERAL STANDARDS

5.101 SAFETY MANAGEMENT SYSTEM

This Safety Management System (SMS) Manual has been developed to direct all personnel in the safe operations of the Air Support Unit and defines the policy that governs the operation of the organization.

SMS is a pro-active, integrated approach to safety management. SMS is part of an overall management process that the organization has adopted in order to ensure the goals of the organization can be accomplished. It embraces the principle that the identification and management of risk increases the likelihood of accomplishing the mission. Hazards can be identified and dealt with systematically through the Hazard Reporting Program that facilitates continued improvement and professionalism. Auditing and monitoring processes ensures that operations are conducted to minimize the risks inherent in daily operations.

SECTION 2 SAFETY POLICY AND OBJECTIVES

5.201 COMMANDER'S SAFETY POLICY

Safety is the highest priority of the Air Support Unit. Safety holds the key to this organization's future and affects everything we do. Therefore, all assigned personnel will place safety at the forefront of every unit activity, and will be held accountable and responsible for the identification and management of risk. No mission or task is so critical that it would necessitate acceptance of unnecessary risks or require deviation from safety policies, procedures, training standards or the prudent judgment of the aircrew or mechanics involved. The organization is strengthened by making safety excellence an integral part of all activities.

5.202 SAFETY PRINCIPLES

- Always operate in the safest manner practicable.

- Never take unnecessary risks.
- Safe does not mean risk free.
- Everyone is responsible for the identification and management of risk.
- Familiarity and prolonged exposure without a mishap leads to a loss of appreciation of risk.
- Cultivating a culture of open reporting of all safety hazards in which management will not initiate disciplinary action against any personnel, who in good faith, due to unintentional conduct, disclose a hazard or safety incident.

5.203 OPERATING PRINCIPLES & SAFETY OBJECTIVES

- No job or activity is worth risking injury.
- All injuries and environmental incidents are preventable.
- Working safely and in an environmentally responsible manner is a condition of employment.
- Individuals are responsible for the safe behavior of themselves and others under their command.
- Employees will be provided the necessary knowledge, skills and abilities to work safely.

5.204 MANAGEMENT COMMITMENT & RESPONSIBILITIES

The Air Support Unit Commander is responsible for the following safety accountabilities:

- Ensuring all operations are conducted in the safest manner practicable.
- Ensuring the safety of all employees, passengers and visitors.
- Development of long-term safety objectives, including establishment of safety policies and practices.
- Implementation of management systems that will establish and maintain safe work practices.

The Chief Pilot is responsible for the following safety accountabilities:

- Ensuring all flight operations personnel understand applicable regulatory requirements, standards, and organization safety policies and procedures.
- Identification and development of resources to achieve safe flight operations.
- Observe and control safety systems by monitoring and supervision of aircrews.
- Measure aircrew performance compliance with organization goals, objectives and regulatory requirements.
- Review standards and the practices of organization personnel as they impact flight safety.

The Director of Maintenance is responsible for the following safety accountabilities:

- Ensuring all maintenance personnel understand applicable regulatory requirements, standards, and organization safety policies and procedures.
- Identification and development of resources to achieve safe maintenance operations.
- Observe and control safety systems by monitoring and supervision of maintenance personnel.
- Measure maintenance personnel performance compliance with organization goals, objectives and regulatory requirements.
- Review standards and the practices of maintenance personnel as they impact flight safety.

5.205 APPOINTMENT OF SAFETY PERSONNEL

The Air Support Unit Commander will appoint an Aviation Safety Officer (ASO) to manage, monitor and coordinate the SMS program throughout the unit. The Aviation Safety Officer will:

- Report directly to the unit commander.
- Manage the SMS for the unit commander.
- Facilitate the Safety Committee meetings.
- Manage the unit's Hazard Reporting Program (HRP).

- Coordinate safety training for unit members.
- Evaluate any identified safety problem areas.
- Review OSHA notices and disseminate information.
- Periodically review the hazards listed.
- Conduct periodic safety inspections.
- Conduct periodic unit safety meetings and briefings.
- Review any unit incident and accident reports for the purpose of preventing mishaps.
- Assist management in formulating safe operating practices and policies.
- Develop risk control measures (interventions) based on the SMS process.
- Work with unit training officer to develop training consistent with risk control measures.

The unit in its entirety will also serve as a Safety Committee to provide recommendations to the unit commander on operational and safety issues. In its efforts, the committee works towards the unit's goal of an accident free operation. The Safety Committee:

- Has responsibility for:
 - Developing programs to identify and correct hazards.
 - Reviewing procedures relative to occupational injuries.
 - Reviewing incident and accident reports and provide recommendations to the unit commander/manager.
 - Other duties as directed by the unit commander.
- Meets at least semi-annually.
- Has a written agenda.
- Keeps and disseminates minutes of the meeting.

5.206 SMS DOCUMENTATION AND RECORDS

All safety related data, including records, resources, documents, and regulations will be *maintained on the Air Support Unit's z:drive in the Safety folder*. All Air Support Unit

personnel will have access to all documents within the digital safety folder, and will be given introductory training on the folder upon assignment to the unit.

SECTION 3 SAFETY RISK MANAGEMENT

5.301 HAZARD IDENTIFICATION AND ANALYSIS

Every member of the Air Support Unit has the responsibility of identifying, reporting, and mitigating hazards. The reporting system includes a Hazard Report Form and of Log of all reported hazards, both *maintained on the Air Support Unit's z:drive in the Safety folder*. Anyone may fill out a Hazard Report Form and turn it in to the Safety Officer. Digital copies of all Hazard Report Forms will be maintained, and the Safety Log will track the hazard from reporting until it is closed. All reported hazards shall be processed in a timely manner, in order to communicate hazard information to all members of the unit.

5.302 OCCURRENCE AND HAZARD REPORTING

The unit's Hazard Report Form is located in the Safety folder of the *Air Support Unit's z:drive*. It is intended to be all-inclusive, and covers the unit's equipment, facility, and aircraft. Additionally, hazards to flight (obstructions/obstacles, airspace, etc.) are to be reported on the Hazard Report Form.

5.303 INCIDENT INVESTIGATION AND ANALYSIS

An internal investigation will be conducted for all serious hazards and events, as deemed appropriate by the Air Support Unit Commander and/or Safety Council. The purpose of the investigation will be to determine root cause and corrective actions.

5.304 SAFETY RISK ASSESSMENT AND MITIGATION

All members of the Air Support Unit shall determine and analyze risk factors related to the severity and likelihood of potential events associated with known hazards and identify appropriate risk mitigation strategies. This is accomplished through the composite risk management process.

An electronic risk assessment worksheet is located in the Safety folder of the unit's *Air Support Unit's z:drive*, and shall be completed prior to every flight, and a digital copy shall be saved. Paper copies also exist in each aircraft's logbook, and can be filled out and saved electronically, in the event an electronic version is not completed. The risk

assessment worksheet is only a tool, and is designed to assist the crew in identifying potential risks, in order to apply mitigating factors as appropriate.

To complete a risk assessment worksheet, assign the appropriate numerical value for each section and type/write that number in the appropriate section's value box. From the sum of the individual numbers, an overall risk assessment number will be calculated (electronic version) or must be added (paper copy) and placed into the bottom right corner of the worksheet. The overall numerical value of the risk assessment will determine dispatch-approval authority:

- Low Risk missions do not require any additional reporting or approvals.
- Medium Risk and High Risk missions require the dispatch-approval of the Air Support Unit Commander, Chief Pilot, or Aviation Safety Officer, as appropriate, and the crew should inform the dispatch-approval authority of mitigating factors and considerations.

Two or more medium risk areas, or one high risk area, make the overall risk assessment a medium risk, regardless of the overall score. Two or more high risk areas make the overall risk assessment a high risk, regardless of the overall score. The electronic version does not capture this scenario, so it is imperative that the crew place the appropriate overall risk score accurately.

Administrative data shall be completed as follows:

- Date of Flight: mm/dd/yyyy.
- Crew: PIC/TFO (Moore/Ritchie).
- Mission: Type of mission per flight log sheet.
- Agency: Requesting Agency.

5.305 SAFETY READING FILE

A monthly reading file is maintained in the Safety folder of the *Air Support Unit's z:drive*. These reading files include any topic relative to the safety of flight, and can be added to by any member of the Air Support Unit. It is the responsibility of the Aviation Safety Officer to ensure that each unit member is current on the reading file.

SECTION 4 SAFETY ASSURANCE

5.401 SAFETY PERFORMANCE MONITORING AND MEASUREMENT

The unit shall monitor operational data from the SMS to ensure the effectiveness of safety risk controls and assess system performance. At a minimum the aviation unit shall:

- Track and measure the accomplishment of the unit's Safety Objectives annually.
- Conduct an annual safety audit of the entire aviation unit. This audit should be a systems analysis to determine if all areas of the unit are functioning properly and the SMS is effective. Findings and corrective actions from the annual safety audit will be documented and results given to the Air Support Unit Commander, Safety Committee, and available for all personnel to review.
- Conduct regular safety inspections.

5.402 MANAGEMENT OF CHANGE

The Air Support Unit uses a Change Management Process in order to assess risk associated with changes in operational procedures, processes, training, documentation, equipment, or any other significant change. The process includes the following:

- A management of change form (maintained in the Safety folder on the *Air Support Unit's z:drive*).
- Including all individuals affected by the change and ensuring they have an opportunity to review the change and provide their comments.
- Conducting appropriate risk assessments of the recommended changes.
- Determining who is responsible for approving the change.
- Updating this policy manual's applicable section(s).

5.403 CONTINUOUS IMPROVEMENT OF THE SMS

The unit will promote continual improvement of its SMS through recurring application of Safety Risk Management and Safety Assurance, and by using safety lessons learned and communicating them to all personnel. To accomplish this, the unit shall conduct an annual SMS evaluation. The SMS evaluation shall include, but not be limited to:

- Safety Audits.
- Safety Surveys.
- Safety Inspections.

The Aviation Safety Officer shall provide the unit commander with an annual update on the accomplishments of the SMS. This will include:

- Accomplishment of performance objectives.
- Accomplishment of actions taken following the submission of Hazard Report Forms, Incident Investigations, and any significant change regarding safety to training, operations, maintenance, equipment, communications and facilities.

SECTION 5 SAFETY PROMOTION AND TRAINING

5.501 TRAINING AND EDUCATION

At a minimum the following safety associated training shall be conducted annually or as needed based on assignment of personnel:

- Automatic External Defibrillator (AED).
- Fire Extinguishers.
- Risk Assessment Worksheet.
- Emergency Preparedness and Response Plan.
- Hazard Reporting Form.
- Hangar Doors Operation.
- Aircraft Ground-Movement Operations.
- Personal Locator Beacon.

5.502 RISK CONTROL MEASURES

The Aviation Safety Officer and Chief Pilot shall work together to develop a training component to every risk control measure (intervention) that is developed during the Risk

Management Process. This training will include, but is not limited to, required readings, one-on-one or group classroom training, flight training, or similar training.

5.503 SMS INDOCTRINATION TRAINING

Safety Indoctrination Training shall be provided, and documented, for all members of the Air Support Unit and shall address the purpose of the SMS, individual responsibilities, and general hazards associated with unit operations.

5.504 NEW PERSONNEL SAFETY ORIENTATION TRAINING

Safety Orientation Training shall be conducted, and documented, for all new personnel and include all topics from 5.501.

5.505 SAFETY COMMUNICATIONS

The Air Support Unit Safety Communications System includes, but is not limited to:

- Safety bulletins.
- Safety reading file.
- Safety Committee Meeting minutes.
- Safety library.

This system exists on the Air Support Unit's z:drive in the Safety folder, and is in place to ensure that members of the aviation unit receive timely information on safety issues. The Aviation Safety Officer shall be responsible for the creation and maintenance of all safety communications. Management shall also communicate the output of the SMS program to all personnel.

SECTION 6 EMERGENCY PREPAREDNESS AND RESPONSE

5.601 PURPOSE

The Air Support Unit is responsible for the safe operation of agency aircraft, including preparing for and responding to incidents or accidents. To fulfill this obligation, this Emergency Preparedness and Response Plan was designed to provide guidance concerning locating overdue or missing aircraft, search and rescue activities, mishap site management, caring for aircrews and their families, and mishap investigation.

5.602 EMERGENCY PREPAREDNESS AND RESPONSE PLAN TRAINING

All personnel in positions responsible for Emergency Preparedness and Response Plan activities shall receive initial and recurrent training. These positions include:

- Air Support Unit Members.
- Troop Communications Center Dispatchers.
- Troop Commanders (due to responsibility for their Troop Communications Center).
- Highway Patrol Commanders.

Initial Emergency Preparedness and Response Plan training shall be completed by personnel when assigned into positions responsible for Emergency Preparedness and Response Plan activities.

Recurrent training shall be completed annually by all personnel responsible for Emergency Preparedness and Response Plan activities.

This training will consist of a PowerPoint presentation covering all aspects of the Emergency Preparedness and Response Plan and the use of Emergency Preparedness and Response Plan checklists.

An Emergency Preparedness and Response Plan drill shall be conducted at least annually to ensure proper implementation of the plan.

The Aviation Safety Officer is responsible for ensuring that initial and recurrent training is completed and documented, and will maintain a copy of all training documentation. He/she is also responsible for ensuring Emergency Preparedness and Response Plan drills are conducted and documented.

5.603 EMERGENCY PREPAREDNESS AND RESPONSE PLAN

The Emergency Preparedness Response Plan consists of the following three sub-plans:

- Initial Response Plan – Utilized to determine an aircraft's location and status.
- Missing Aircraft Response Plan – Utilized to locate missing aircraft if initial response efforts fail.
- Recovery Response Plan – Utilized to respond to an aircraft incident or accident at a known location.

5.604 ACTIVATION

This plan will be activated when unit aircraft are involved in an emergency situation. An emergency situation exists if any of the following criteria are met:

- Aircrew advises that they are in an emergency situation.
- AWIN radio or satellite tracker emergency alert is activated.
- Aircrew does not respond to a traffic check from a Troop Communications Center within five minutes.
- Troop Communications Center receives notification that an aircraft mishap has occurred in an area where department aircraft are known to be operating, or could be operating.
- Air Traffic Control (ATC) notifies Troop Communications Center that a department aircraft is more than 30 minutes past due arriving at its destination.
- U.S. Search and Rescue Satellite-Aided Tracking System (SARSAT) notifies Troop Communications Center that an Aircraft Emergency Locator Beacon (ELT) or Personal Locator Beacon (PLB) registered to the department has been activated.

5.605 RESPONSIBILITIES

It is imperative that all personnel involved know their individual role in the event of an aircraft mishap. The following paragraphs address the roles and responsibilities of specific department personnel in response to an aircraft incident.

5.606 TROOP COMMUNICATIONS CENTERS – INITIAL RESPONSE PLAN

- **Aircraft/Crew Location Unknown:**
 - Attempt to contact aircrew by radio, cell phone and text message.
 - Attempt to locate aircraft position using aircraft satellite tracking systems. (Troop A Communications Center).
 - Request all Troop Communications Centers in the areas where department aircraft could be, or are known to be operating, to attempt radio contact.

- If unable to establish communications, notify Air Support Unit Commander, or other Air Support Unit members if unable to contact Air Support Unit Commander.
- If unable to contact Air Support Unit members, notify the Highway Patrol Division Commanders.
- Continue to attempt contact until instructed otherwise.

➤ **Aircraft/Crew Location Identified:**

- Attempt to contact aircrew by radio, cell phone or text message to verify situation.
- Dispatch law enforcement, fire/rescue, and EMS to the location immediately whether or not they are requested (unless specifically cancelled by person on scene).
- Request fire/rescue resources dispatch a HAZMAT team to the site due to the nature of aircraft accidents (unless specifically cancelled by person on scene).
- Notify the Highway Patrol Division Commanders and Air Support Unit members.

5.607 AIR SUPPORT UNIT – INITIAL RESPONSE PLAN

➤ **Aircraft/Crew Location Unknown:**

- *Establish who is missing and what steps have been taken to contact them.*
- Obtain the aircraft's destination, and the time and location of the aircrew's last two communications with Troop Communications Centers.
- Notify the Highway Patrol Division Commanders of the situation.
- Access applicable aircraft satellite tracking systems in attempt to locate aircraft's position.
- Notify Troop Communications Centers to contact specific county and local law enforcement agencies to BOLO for the aircraft, based on the last know position and destination.

- Contact Little Rock Air Traffic Control at 501-379-2900 and request assistance locating the missing aircraft. Provide them with the following information:
 1. N Number of the missing aircraft:
 - N390SP – Beechcraft B200 King Air – Trooper 1
 - N523SP – Cessna T206H – Trooper 3
 - N524SP – Bell 407 – Trooper 4
 2. Intended Destination.
 3. Last know position and time.
- If unable to locate aircraft, notify the Highway Patrol Division Commanders of the situation and prepare to initiate the Missing Aircraft Response Plan.
- Assign an Air Support Unit representative, if available, to assist with notifying the crewmembers' families, at the direction of the Division Commander. Ensure notification is made in accordance with the crewmember's emergency contact data form, located on the Air Support Unit's z:drive in the Emergency Contact Data folder. Highway Patrol Commanders and all Air Support Unit Personnel have access to the z:drive.

➤ **Aircraft/Crew Location Identified:**

- Ensure that Troop Communications Center dispatchers have completed their tasks and assist them if necessary.
- Dispatch an Air Support Unit representative, if available, to assist at the scene.
- Assign an Air Support Unit representative, if available, to assist with notifying the crewmembers' families, at the direction of the Highway Patrol Division Commanders. Ensure notification is made in accordance with the crewmember's emergency contact data form, maintained on the Air Support Unit's z:drive in the Emergency Contact Data folder.
- Notify the Highway Patrol Division Commanders of the situation and prepare to initiate the Recovery Response Plan.

5.608 HIGHWAY PATROL DIVISION COMMANDERS - INITIAL RESPONSE PLAN

➤ Aircraft/Crew Location Unknown:

- Ensure that all responsibilities of Troop Communications Centers and the Air Support Unit have been accomplished.
- Initiate the Missing Aircraft Response Plan.

➤ Aircraft/Crew Location Identified:

- Ensure that all responsibilities of Troop Communications Centers and the Air Support Unit have been accomplished.
- Initiate the Recovery Response Plan.

5.609 HIGHWAY PATROL DIVISION COMMANDERS - MISSING AIRCRAFT RESPONSE PLAN

➤ The Highway Patrol Division Commanders will ensure compliance with the Missing Aircraft Response Plan actions below. He/she may elect to designate an Incident Commander to manage these response activities.

- Notify the Command Staff of the situation.
- Notify the crewmembers' families, at the direction of the Command Staff. Ensure notification is made in accordance with the crewmember's emergency contact data form, located on the Air Support Unit's z:drive in the Emergency Contact Data folder.
- Contact the Arkansas Department of Emergency Management (ADEM) at 501-683-6700 requesting the assistance of any available assets, such as:
 1. Local law enforcement aviation assets
 2. Arkansas Game & Fish Commission (AGFC)
 3. Arkansas Forestry Commission
 4. Arkansas Army National Guard
 5. Civil Air Patrol
- Report the missing aircraft situation to the FAA Little Rock Flight Standards District Office at 501-918-4400. After normal office hours, contact the FAA Fort Worth Regional Operations Center at 817-222-5006.

- With the assistance of the Air Support Unit personnel and available search and rescue resources, formulate a search plan.
- Coordinate the efforts of all search and rescue resources.
- Report the missing aircraft situation to the aircraft insurance policy underwriter, BancorpSouth Insurance Services, at 800-496-4443 or 901-828-7930.
- Provide the Public Affairs Officer (PAO) updates on activities as requested to ensure accurate information is being disseminated to the media.
- When aircraft is located, Initiate the Recovery Response Plan.

5.610 HIGHWAY PATROL DIVISION COMMANDERS – RECOVERY RESPONSE PLAN

- The Highway Patrol division Commanders will ensure compliance with the Recovery Response Plan actions below. He/she may elect to designate an Incident Commander to manage these response activities.
- Notify the Command Staff of the situation.
- Ensure Fire/Rescue (including HAZMAT) and EMS responds to the scene, regardless of initial reports.
- Inform search and rescue aircraft in the area of the aircraft's location and determine if any additional assistance is required.
- Notify the crewmembers' families, at the direction of the Command Staff. Ensure notification is made in accordance with the crewmember's emergency contact data form, located on the Air Support Unit's z:drive in the Emergency Contact Data folder.
- Ensure a perimeter is established around the incident site (at least 500 feet from aircraft/debris) and assign a department member to supervise the scene.
- Instruct incident site supervisor that only FAA and NTSB accident investigation personnel and persons authorized by the NTSB are allowed access to aircraft wreckage, cargo or records.
- Determine the need for any Air Support Unit personnel to report to aircraft location.

- Send a department supervisor to the hospital if a crewmember is being transported by EMS.
- Report the aircraft incident to the FAA Little Rock Flight Standards District Office at 501-918-4400. After normal office hours, contact the FAA Fort Worth Regional Operations Center at 817-222-5006.
- Report the aircraft incident to the aircraft insurance policy underwriter, BancorpSouth Insurance Services, at 800-496-4443 or 901-828-7930.
- Provide the Public Affairs Officer (PAO) updates on activities as requested to ensure accurate information is being disseminated to the media.

RESERVED



CHAPTER 6

MAINTENANCE MANAGEMENT

SECTION 1 AIRCRAFT – GENERAL

6.101 AIRCRAFT INSPECTION

Department aircraft will be inspected in accordance with FAR 91, Subparts C and E. Persons performing inspections will be certificated in accordance with FAR 65 and will comply with the provisions of FAR 39, FAR 43, and FAR 91, Subparts C and E.

6.102 AIRCRAFT MAINTENANCE

In accordance with FAR 43.13, persons performing maintenance, alteration, or preventive maintenance will use the methods, techniques, and practices prescribed in the current manufacturer's maintenance manual or instructions for continued airworthiness prepared by its manufacturer, or other methods, techniques, and practices acceptable to the FAA administrator. Persons performing maintenance will be certificated in accordance with FAR 65 and will comply with the provisions of FAR 39, FAR 43, and FAR 91, Subparts C and E.

6.103 MAINTENANCE RECORDS

Maintenance records and logbook entries will be maintained and completed in accordance with FAR 39, FAR 43 and FAR 91, Subparts C and E.

6.104 MAINTENANCE TEST FLIGHTS AND OPERATIONAL CHECKS

In accordance with FAR 91.407, an aircraft does not have to be test flown after maintenance if, prior to flight, ground tests, inspection, or both show conclusively that the maintenance, preventive maintenance, rebuilding, or alteration performed has not appreciably changed the flight characteristics or substantially affected the flight operation of the aircraft.

If an aircraft has been maintained, rebuilt, or altered in a manner that may have appreciably changed its flight characteristics or substantially affected its operation in flight, a rated pilot will test fly the aircraft, make an operational check of the maintenance performed or alteration made, and log the flight in the aircraft records.

6.105 WEIGHT AND BALANCE

Repairs and alterations are the major sources of weight changes to an aircraft. After repair or alteration causing a weight change of greater than 1 pound, the aircraft's weight and balance records will be amended to reflect the change.

SECTION 2 BEECH B200 KING AIR

6.201 INSPECTION PROGRAM

The Beech B200 King Air will be inspected in accordance with FAR 91.409(f)(3). To comply with the provisions of FAR 91.409(f)(3), the B200 King Air will be inspected in accordance with the King Air 200 Series Maintenance Manual, Chapter 5, using the Phase or Biennial Inspection Program, as appropriate for the aircraft's actual usage.

Additionally, the Beech B200 King Air will be inspected in accordance with FAR 91.207(d) (Emergency locator transmitters), FAR 91.411 (Altimeter system and altitude reporting equipment), FAR 91.413 (ATC Transponder) and the inspections and tests required for RVSM continued airworthiness compliance located in the Air Support Unit RVSM Maintenance Manual, Chapter 3, Paragraph 1.4.2.

6.202 COMPONENT OVERHAUL REQUIREMENTS

The Beech B200 King Air will have its required components overhauled in accordance with the King Air 200 Series Maintenance Manual, Chapter 5.

The Pratt & Whitney Canada PT6A-42 engines installed on the Beech B200 King Air will have their required components overhauled in accordance with the latest revision of Pratt & Whitney Canada Service Bulliten 3002.

The Hartzell HC-E4N-3G propellers installed on the Beech B200 King Air will have their required components overhauled in accordance with the Hartzell HC-E4N-3G Propeller Owner's Manual, Chapter 61-00-49.

6.203 COMPONENT RETIREMENT (TIME LIFE) REQUIREMENTS

The Beech B200 King Air will have its required components retired in accordance with the King Air 200 Series Airworthiness Limitations Manual.

The Pratt & Whitney Canada PT6A-42 engines installed on the Beech B200 King Air will have their required components retired in accordance with the latest revision of Pratt & Whitney Canada Service Bulliten 3002.

The Hartzell HC-E4N-3G propellers installed on the Beech B200 King Air will have their required components retired in accordance with the Hartzell HC-E4N-3G Propeller Owner's Manual, Chapter 61-00-49.

6.204 OIL ANALYSIS PROGRAM

The Beech B200 King Air should have its engines oil sampled every 200 hours or 24 months, whichever occurs first.

6.205 INOPERATIVE INSTRUMENTS AND EQUIPMENT

In accordance with FAR 91.213, the Beech B200 King Air may not be operated with inoperative instruments and equipment. An approved minimum equipment list (MEL) exists for the Beech B200 King Air, but a letter of authorization from the local FAA Flight Standards District Office has not been issued.

SECTION 3 BELL 407 HELICOPTER

6.301 INSPECTION PROGRAM

The Bell 407 helicopter will be inspected in accordance with FAR 91.409(f)(3). To comply with the provisions of FAR 91.409(f)(3), the Bell 407 helicopter will be inspected in accordance with Bell 407 Maintenance Manual, Chapter 5, utilizing the Airframe Periodic Inspection Program.

Additionally, the Bell 407 helicopter will be inspected in accordance with FAR 91.207(d) (Emergency locator transmitters), FAR 91.411 (Altimeter system and altitude reporting equipment) and FAR 91.413 (ATC transponder).

6.302 COMPONENT OVERHAUL REQUIREMENTS

The Bell 407 helicopter will have its components overhauled in accordance with the Bell 407 Maintenance Manual, Chapter 5.

The Rolls-Royce M250-C47B engine installed on the Bell 407 helicopter will have its required components overhauled in accordance with the latest revision of the M250-C47B Operation and Maintenance Manual, Chapter 72, Paragraph 11.

6.303 COMPONENT RETIREMENT (TIME LIFE) REQUIREMENTS

The Bell 407 helicopter will have its required time life components retired in accordance with the Bell 407 Maintenance Manual, Chapter 4.

The Rolls-Royce M250-C47B engine installed on the Bell 407 helicopter will have its required components retired in accordance with the latest revision of the M250-C47B Operation and Maintenance Manual, Chapter 5.

6.304 OIL ANALYSIS PROGRAM

The Bell 407 helicopter should have the oil in its engine, transmission and tail rotor gearbox sampled every 300 hours or 12 months, whichever occurs first.

6.305 INOPERATIVE INSTRUMENTS AND EQUIPMENT

In accordance with FAR 91.213(d), the Bell 407 helicopter may be operated with inoperative instruments and equipment. FAR 91.213(d)(2) will be utilized to determine instrument and equipment requirements.

SECTION 4 CESSNA T206H

6.401 INSPECTION PROGRAM

The Cessna T206H Stationaire will be inspected in accordance with FAR 91.409(b). To comply with the provisions of FAR 91.409(b), the Cessna T206H Stationaire will be inspected utilizing the Cessna 206 Series Maintenance Manual, Chapters 05-10-00 & 05-10-01.

Additionally, Cessna T206H Stationaire will be inspected in accordance with FAR 91.207(d) (Emergency locator transmitters), FAR 91.411 (Altimeter system and altitude reporting equipment) and FAR 91.413 (ATC transponder).

6.402 COMPONENT OVERHAUL REQUIREMENTS

The Cessna T206H Stationaire will have its required components overhauled in accordance with the Cessna 206 Series Maintenance Manual, Chapter 05-11-00.

The Textron/Lycoming IO-540-AJ1A engine installed on the Cessna T206H Stationaire will be overhauled in accordance with the latest revision of Textron/Lycoming Service Instruction 1009.

The McCauley B3D36C432 propeller installed on the Cessna T206H Stationaire will be overhauled in accordance with the latest revision of McCauley Service Bulletin 137.

6.403 COMPONENT RETIREMENT (TIME LIFE) REQUIREMENTS

The Cessna T206H Stationaire will have its required components retired in accordance with the Cessna 206 Series Maintenance Manual, Chapter 05-11-00.

The Textron/Lycoming IO-540-AJ1A engine installed on the Cessna T206H Stationaire will have its required components retired in accordance with the latest revision of Textron/Lycoming Service Instruction 1009.

The McCauley B3D36C432 propeller installed on the Cessna T206H Stationaire will be retired in accordance with the latest revision of McCauley Service Bulletin 137.

6.404 OIL ANALYSIS PROGRAM

The Cessna T206H Stationaire should have the oil in its engine and the engine oil filter sampled every 50 hours or 4 months, whichever occurs first.

6.405 INOPERATIVE INSTRUMENTS AND EQUIPMENT

In accordance with FAR 91.213(d), the Cessna T206H Stationaire may be operated with inoperative instruments and equipment. FAR 91.213(d)(2) will be utilized to determine instrument and equipment requirements.

SECTION 5 SPECIAL MISSION EQUIPMENT

6.501 AN/AVS-9 NIGHT VISION GOGGLES

The ITT Model F4949 night vision goggles will be inspected by the operator prior to use in accordance with the ITT Model F4949 Operator's Manual, TM F4949-10, Chapter 2, Section II, Paragraph 2.2.

The L3 Model M949 night vision goggles will be inspected by the operator prior to use in accordance with the L3 Model M949 Operator Manual, ANVD-TM-ITI, Chapter 3, Section I, Paragraph 3.2.

Prior to use, night vision goggles will have been inspected within the previous 180 days in accordance with FAA and manufacturer requirements. Aviation Specialties Unlimited, CRS# UABR273K, is currently contracted to perform these required inspections.

6.502 BELL 407 NVG COMPATABILITY MODIFICATIONS – STC SR09350RC

Any instruments or equipment which has been modified for NVG compatibility for use on the Bell 407 helicopter will be returned to Aero Dynamix, CRS# C73R723N, for repair and NVG recertification.

6.503 ACR ELECTRONICS PLB-200 PERSONAL LOCATOR BEACONS

ACR Electronics PLB-200 Personal Locator Beacons will be inspected annually and have their batteries replaced when due.

6.504 BMS PORTABLE MICROWAVE DOWNLINK RECEIVER

BMS Portable Microwave Downlink Receiver batteries will be charged as soon as possible after use and on a monthly basis.

6.505 ROBIC SC-800EL SPEED STOPWATCH

Robic SC-800EL Speed Stopwatches will be inspected and have their battery replaced annually. This inspection consists of a visual inspection for defects, and a functional test for proper operation and verification of stopwatch accuracy. This inspection will be documented for court purposes.

Robic SC-800EL Speed Stopwatches used during traffic enforcement operations will be checked for accuracy by the aircrew prior to each traffic enforcement mission.

Robic SC-800EL Speed Stopwatch accuracy can be verified by utilizing the National Bureau of Standards call system or by comparison to a GPS time display.

6.506 AVIATION BATTERY SYSTEMS START STICK

The Aviation Battery Systems Start Stick will be charged as soon as possible after use and on a monthly basis.

SECTION 6 MEASUREMENT AND TEST EQUIPMENT CALIBRATION PROGRAM

6.601 MEASUREMENT AND TEST EQUIPMENT CALIBRATION

The purpose of this section is to specify procedures for controlling the accuracy of measuring and test equipment, (M&TE), and measurement standards to ensure their reliability. Any tool used to measure, test, repair, or inspect must be calibrated.

Any tool, gauge, device, meter, etc. which relays data to the user by means of a dial, digital read out, meter, needle, number, etc. will be evaluated for the requirement to be calibrated. The following criteria will be used to evaluate such precision gauges or tools for calibration:

- Every device used to determine eligibility for return to service, of any aircraft, aircraft engine, or aircraft component will be calibrated. Any item used for the final setting of any aircraft, engine, or component, prior to return to service, will be calibrated.
- Any device used to set, adjust, test, measure, check, calibrate, etc. an aircraft, engine or component, during maintenance or inspection, which has a specified tolerance or range, will be calibrated.

The following items always require calibration:

- Torque wrenches.
- Tire and strut gauges.
- Cable tension meters.
- Cylinder compression test gauges.

If a device is not used to set, adjust, test, measure, check, or calibrate when returning an item to service, calibration is not required. Examples of such devices are meters, gauges, etc., which are used for troubleshooting purposes only. Extreme caution must

be exercised to ensure that such devices are never used in a situation requiring a calibrated device.

Some devices with no read-out capability may still require calibration. Any tool or gauge must be calibrated if the device has internal components, which if not properly calibrated, will affect the information gathered using that device. An example is an electrical system breakout box, with no meters, dials, etc., but with known internal resistances. If the value of the internal resistance of a device changes and the device could impart incorrect information, the device would require periodic calibration of the internal resistance.

Any M&TE device which is brought into this facility as new will be considered in calibration for one year. Unless the new device comes from the manufacturer with a certificate of calibration indicating it was calibrated to a NIST standard, a calibration certificate will be generated for that device.

6.602 CALIBRATION LABELING

All M&TE items will be placarded, labeled or otherwise marked for calibration purposes.

All items that require calibration, as previously defined, will be marked in a manner that will endure the normal use of the device for the period of calibration. The marking will include at least the item's unique identification and date at which calibration is next due.

Every item that requires calibration will be labeled or marked in a way that will give the item a unique identity. For example, serial number, asset control number, ID number, etc. This marking will be permanent or will be maintained in a viable and legible manner.

In the case of instruments, tools, gauges that require calibration before each use, but do not require periodic calibration, the device will be labeled with exactly the following words: "CALIBRATE BEFORE EACH USE". Examples of such devices are NDT instruments that must be calibrated with a specific standard appropriate to each inspection. Such marking will be permanent or will be maintained.

All items described in this document, which are not calibrated, will be labeled in a manner that is visible and legible. Such items will be marked or labeled with exactly the following words: "REFERENCE ONLY". No items so labeled may be used for any purpose other than troubleshooting. This marking will be permanent or maintained.

6.603 CALIBRATION INTERVALS

Each item that requires calibration will have a calibration interval, which is determined as follows:

- The nominal calibration interval for controlled devices will be one year.
- Any weight with a fixed mass and density may have a calibration interval of five years.
- Any device, which uses a weight of fixed mass and density for measurement, may have a calibration interval of five years. Examples of such items are a dead weight tester, a manometer, a flow meter, etc.
- When sufficient data has been collected and analyzed, the calibration interval of any controlled item may be increased. Sufficient data will be defined as any item that has achieved four calibration cycles, without being out of tolerance or specification, may have the calibration interval increased. In addition, the device must not have required repair or adjustment.
- The initial increase in interval will be by 50% beyond the original interval. If the 150% interval is maintained for two additional calibration cycles, and the unit is within specifications and does not require adjustment, the interval may be increased to a maximum of 200% of the original calibration interval. For example, if a gauge calibrates 4 years in a row for annual calibration, is within specifications, and requires no adjustment, the interval may be increased to 18 months. If the item meets the same criteria for the next two 18 month calibration intervals, the interval may be increased to a maximum of two years.
- Any item found to be out of specification at the end of two successive calibration periods should have the calibration interval reduced. The initial interval reduction should be by 50%. The calibration performance of the device should then be monitored within the provisions of this section until the correct calibration interval is achieved.

Calibrated devices may remain in service to the end of the month they were due for calibration. For example, a device due for calibration on March 7th must be removed from service prior to the end of that month, March 31st.

6.604 OUT-OF-CALIBRATION CALIBRATED TEST EQUIPMENT

When calibrated M&TE equipment is found to be out-of-calibration, either by expiration of the calibration date, being a new employee's tool, or by being dropped or damaged, the test equipment will immediately be tagged as an unairworthy item and be placed in a quarantine until such time the test equipment can be inspected and calibrated.

6.605 CALIBRATION VENDORS

Calibration vendors will be selected and approved by the Director of Maintenance. For each item calibrated by an outside vendor, a Certificate of Calibration will be provided. The certificate will provide information that shows traceability to the NIST.

SECTION 7 CONTRACT MAINTENANCE**6.701 PERFORMANCE OF INSPECTION AND MAINTENANCE ACTIVITIES**

The Air Support Unit outsources the majority of required inspection and maintenance activities to Part 145 certificated repair stations (CRS).

6.702 LINE OF AUTHORITY – CONTRACT MAINTENANCE

The Director of Maintenance is the primary liaison with contract maintenance facilities and providers. In his/her absence, the Director of Operations will provide this liaison.

6.703 AUDIT OF MAINTENANCE VENDORS

The Director of Maintenance will conduct an audit of the CRS chosen to provide services prior to contracting services. This audit is conducted to ensure that the CRS is properly certificated, trained and capable of performing requested inspection and maintenance activities. This audit may be conducted in person, or via other means (e.g. telephone interview and submission of requested data by mail, fax or email).

The audit will verify that:

- The CRS is properly certificated to perform requested inspection and maintenance tasks.
- All personnel performing requested inspection and maintenance activities are properly trained.
- The CRS has access to current technical data required to accomplish the requested tasks
- The CRS possesses the special tools and test equipment required to perform the requested tasks
- The CRS's test equipment is in compliance with applicable calibration requirements

- The CRS has part control procedures established to prevent the installation of ineligible components or parts

The Director of Maintenance will utilize the Vendor Audit Form to perform this audit. This document will be kept as part of the aircraft maintenance records. A copy of the Vendor Audit Form is provided in Appendix F.

6.704 REVIEW AND RETURN TO SERVICE AFTER INSPECTIONS AND MAINTENANCE PERFORMED BY CONTRACTORS

Once the CRS has returned the aircraft or component to service following inspection or maintenance activities, the aircraft will not be dispatched for operation, nor will the component be installed on an aircraft, until the Director of Maintenance has completed the following:

- Reviewed the maintenance records to determine that the aircraft or component has been properly inspected and/or repaired and returned to service and;
- Ensured that any related parts replaced are of the proper part number and modification status.



APPENDIX A – ACKNOWLEDGEMENT FORMS

**A-1****Acknowledgement of Receipt of Air Support Unit Operations Manual**

I hereby acknowledge that I have received a copy of the Air Support Unit Operations Manual, dated _____ and current through Revision _____.

Strict adherence to these policies and procedures is mandatory. Employees are responsible for knowing and understanding all Air Support Unit policies and procedures. An employee should consult his/her supervisor to ensure that he/she has a clear understanding of the meaning and purpose of the policies and procedures. Ignorance is not a defense for violation of any policy nor is it an excuse for misconduct or incompetence.

I understand that it is my responsibility to know and understand the policies and procedures contained within the Air Support Unit Operations Manual. I understand that I can direct any questions I have regarding these policies and procedures to a supervisor. I understand that I am responsible for updating this manual with all revisions that are implemented.

Employee Signature

Printed Name of Employee

Personnel Number

Date

This form is to be completed and signed upon receipt of the manual. Upon completion, the signed original copy will be submitted to the Air Support Unit Commander for retention in the employee's personnel file. Employees will retain a signed copy of the form in their manual.

**A-2****Acknowledgement of Receipt of Air Support Unit Operations Manual Revision**

I hereby acknowledge that I have received a copy of the Air Support Unit Operations Manual Revision _____ dated _____.

Strict adherence to these policies and procedures is mandatory. Employees are responsible for knowing and understanding all Air Support Unit policies and procedures. An employee should consult his/her supervisor to ensure that he/she has a clear understanding of the meaning and purpose of the policies and procedures. Ignorance is not a defense for violation of any policy nor is it an excuse for misconduct or incompetence.

I understand that it is my responsibility to know and understand the policies and procedures contained within the Air Support Unit Operations Manual. I understand that I can direct any questions I have regarding these policies and procedures to a supervisor. I understand that I am responsible for updating this manual with all revisions that are implemented.

Employee Signature

Printed Name of Employee

Personnel Number

Date

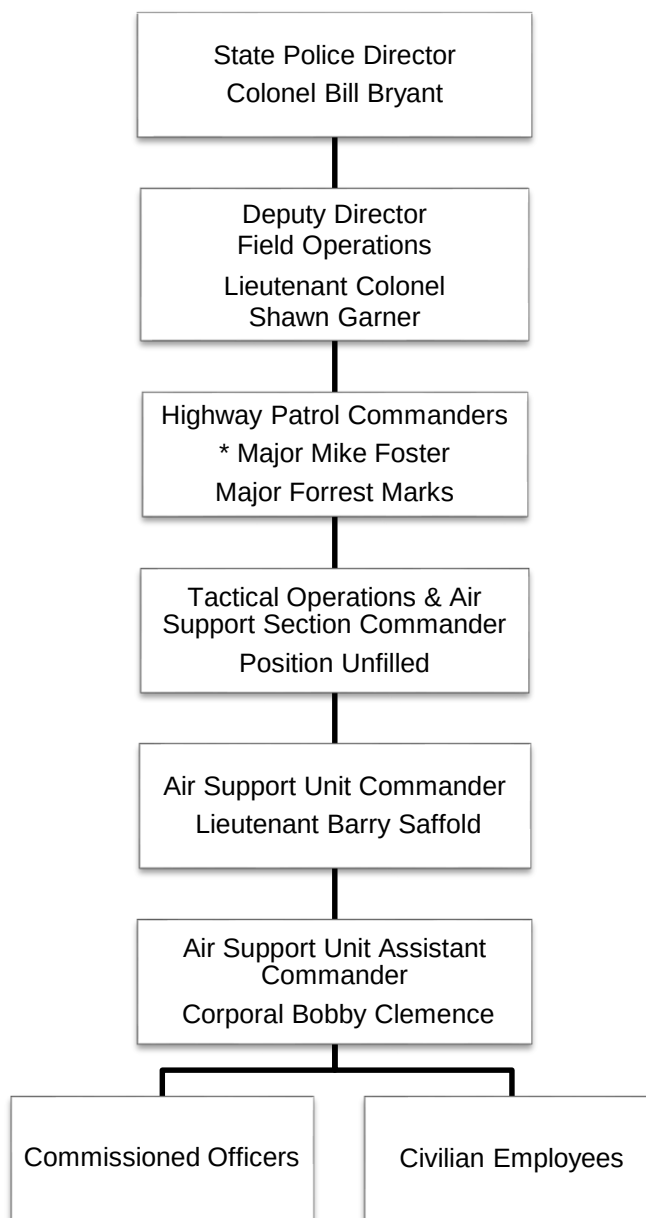
This form is to be completed and signed upon receipt of the manual. Upon completion, the signed original copy will be submitted to the Air Support Unit Commander for retention in the employee's personnel file. Employees will retain a signed copy of the form in their manual.



APPENDIX B – NAMED CHAIN OF COMMAND AND OPERATION POSITION LISTINGS



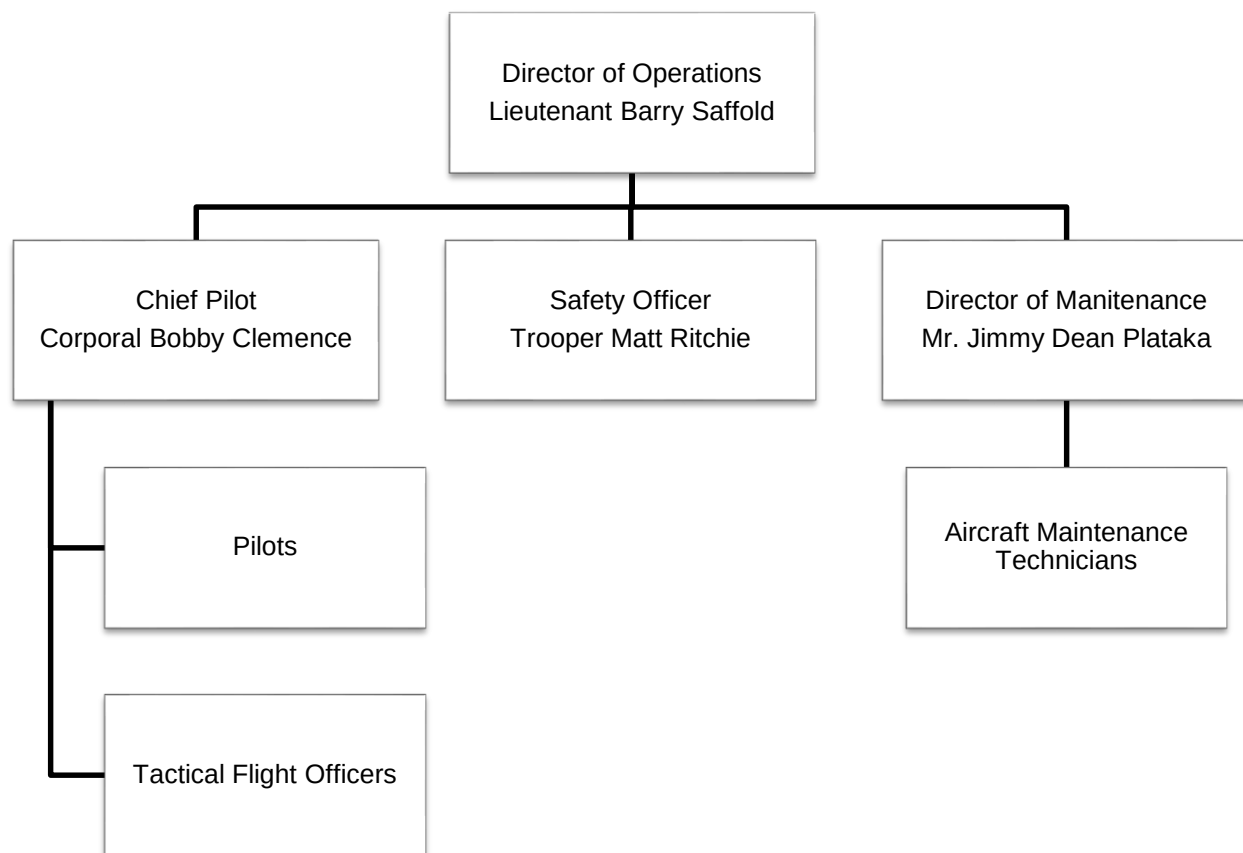
AIR SUPPORT UNIT CHAIN OF COMMAND



*Designated Highway Patrol Commander for Administrative Purposes



AIR SUPPORT UNIT ORGANIZATIONAL CHART





APPENDIX C – ADVISORY CIRCULAR 00-1.1A – PUBLIC AIRCRAFT OPERATIONS



U.S. Department
of Transportation
Federal Aviation
Administration

Advisory Circular

Subject: Public Aircraft Operations

Date: 2/12/14

AC No: 00-1.1A

Initiated by: AFS-800

Change:

1. PURPOSE. This advisory circular (AC) provides information to assist in determining whether government or government-contracted aircraft operations conducted within the territory of the United States are public or civil aircraft operations under the statutory definition of “public aircraft,” in Title 49 of the United States Code (49 U.S.C.) §§ 40102(a)(41) and 40125 (the statute). Additionally, this AC contains Federal Aviation Administration (FAA) policy pertaining to civil aircraft operators that provide contract support to government entities. The intent of this material is to better define the responsibilities of the parties to these contracts. This AC is not mandatory and does not constitute a regulation. Nothing in this AC changes the legal requirement for public aircraft operators to comply with the statute.

2. APPLICABILITY. This AC provides information for any person who engages in public aircraft operations (PAO) as defined by the statute.

3. CANCELLATIONS. This AC cancels AC 00-1.1, Government Aircraft Operations, dated April 19, 1995.

4. RELATED REGULATIONS:

- Title 14 of the Code of Federal Regulations (14 CFR); and
- Title 49 U.S.C. §§ 40102(a)(41) and 40125.

5. RELATED MATERIAL (current editions). AC 120-16, Air Carrier Maintenance Programs.

6. BACKGROUND.

a. Statutory Criteria. PAO are limited by the statute to certain government operations within U.S. airspace. Although these operations must continue to comply with certain general operating rules, including those applicable to all aircraft in the National Airspace System (NAS), other civil certification and safety oversight regulations do not apply to these operations. Accordingly, most aspects of PAO are not subject to FAA oversight.

b. Considerations. Whether an operation qualifies as a PAO is determined on a flight-by-flight basis, under the terms of the statute. The considerations when determining PAO are aircraft ownership, the operator, the purpose of the flight, and the persons on board the aircraft.

AC 00-1.1A

2/12/14

c. Civil Aircraft Operation. Any operation that does not meet the statutory criteria for a PAO is a civil aircraft operation and must be conducted in accordance with all FAA regulations applicable to the operation. The public aircraft statute sets forth criteria that determine whether a government operation qualifies as a PAO.

d. Statutory Provisions. Title 49 U.S.C. § 40102(a)(41) provides the definition of “Public Aircraft” and § 40125 provides the qualifications for public aircraft status. These statutory provisions provide the legal basis for operation of public aircraft in the United States (see Appendix 1, Public Aircraft Statute). The FAA recognizes that these statutory provisions may be difficult to apply to aircraft operations conducted by civil contractors for government entities. This AC reiterates the FAA’s policy for civil operators contracting with government entities and defines the responsibilities of the parties affected by these contracts. Unmanned aircraft systems (UAS) may qualify for a PAO certificate of authorization (COA) or waiver under the terms of the statute and other requirements for PAO UAS operating in the NAS. UAS operators should contact the Unmanned Aircraft Systems Integration Office (AFS-80) regarding specific questions on operations of UAS as public aircraft that may not be addressed in this document (see Appendix 2).

e. Format. We are presenting the material in this AC in the format of frequently asked questions regarding PAO. We are also including some simplified flow charts to aid in determining whether certain operations qualify as PAO. The flow charts are intended to be used to aid government entities to determine whether certain flights they operate qualify for operation as PAO under the statute.

7. PUBLIC AIRCRAFT OPERATIONS, GENERAL.

a. What Aircraft are Considered Public Aircraft? Public aircraft are defined in 49 U.S.C. § 40102(a)(41) (see Appendix 1).

b. Are All Operations by Government Entities PAO? Not necessarily; the statute restricts PAO to those that do not have a commercial purpose and, where applicable, to flights with certain persons on board. A government entity may unintentionally conduct civil operations that would be subject to the regulations in 14 CFR. All government entities are advised to become acquainted with the basics of the statutory requirements.

c. What Circumstances Enter Into the Determination of a PAO? The statute includes provisions on aircraft ownership, the entity operating the aircraft, the persons on board, and the purpose of the flight to determine whether operations are public or civil. At no time may a public operation have a commercial purpose. Reimbursement for PAO is strictly limited to one set of circumstances defined in the statute (refer to 49 U.S.C. § 40125(a)(1)), though certain military operations under Title 10 may involve other statutory considerations. It is important to note that the “commercial purpose” provision of the statute does not prohibit government entities from contracting civil operators for the purposes of conducting PAO. The provision prohibits reimbursement for the government entity, but does not prohibit contractors from being paid for conducting eligible PAO (see paragraph 10(c) below.).

Page 2

Par 6

2/12/14

AC 00-1.1A

d. Are All Operations by the Armed Forces PAO? Not necessarily; the U.S. military is covered under a separate paragraph of the statute (49 U.S.C. § 40125(c)) to include much of its routine operation. Separate provisions in that paragraph determine the status of certain operations performed by civil contractors that require a designation by the Secretary of Defense.

e. What Oversight of PAO Does the FAA Have? The FAA has limited oversight of PAO, though such operations must continue to comply with the regulations applicable to all aircraft operating in the NAS. The government entity conducting the PAO is responsible for oversight of the operation, including aircraft airworthiness and any operational requirements imposed by the government entity. The government agency contracting for the service assumes the responsibility for oversight of a PAO.

f. Does the FAA Prescribe Regulations for PAO? No, the FAA has no regulatory authority over PAO other than those requirements that apply to all aircraft operating in the NAS.

g. Which Regulations in 14 CFR Do Not Apply to PAO? In general, regulations that include the term “civil aircraft” in their applicability do not apply to PAO (e.g., part 91, § 91.7, Civil Aircraft Airworthiness).

h. Can I Conduct a PAO Outside of the United States? No, public aircraft status exists only within U.S. airspace. Once an aircraft leaves U.S. airspace, it loses its PAO status and is either civil or State (including military), depending on its official designation. The FAA does not have the authority to issue State or military aircraft designations. Individual U.S. states and local governments do not have the authority to declare their operations to be State operations. Without an official U.S. Government designation, all aircraft outside U.S. airspace are considered civil.

i. Can I Carry Passengers on an Aircraft That Is Conducting a PAO? All persons carried on board must be crewmembers or meet the statutory definition of “qualified noncrewmember” (refer to Appendix 1, 49 U.S.C. § 40125(a)(3)). Carriage of a person other than a crewmember or a qualified noncrewmember makes a flight civil under the terms of the statute. It is important to note that a qualified noncrewmember is someone whose presence is required to perform the governmental function associated with the flight; providing air transportation is not a governmental function (except as provided for in 49 U.S.C. § 40125(c)).

j. What Constitutes a Governmental Function? The statute provides several examples of governmental functions in 49 U.S.C. § 40125(a)(2). This list is not inclusive and other governmental functions may exist. Functions not listed should not be presumed to be acceptable; contact the International Law, Legislation, and Regulations Division (AGC-200) regarding a legal interpretation to identify additional functions.

k. Can a Government Entity Qualify for a Civil Operating Certificate? Yes, provided the government entity requires a civil operating certificate to conduct proposed operations that cannot be conducted as a PAO. Government entities must follow the same application and certification processes and comply with the same regulatory requirements as all other civil applicants. The FAA advises all government entities with a civil operating certificate to establish a clear process for determining whether a flight is a PAO or is being conducted under its civil operating certificate.

Par 7

Page 3

AC 00-1.1A

2/12/14

L. If I Am a Government Entity with an Aircraft that Does Not Have a Civil Airworthiness Certificate, May I Use It to Conduct a PAO? Yes, however, aircraft that do not have a Civil Airworthiness Certificate may not operate as a civil aircraft. Government entities are cautioned to become familiar with the requirements for PAO status so that they do not unintentionally conduct civil operations with these aircraft. For example, a government entity using surplus military aircraft without civil airworthiness certificates could not receive compensation for any operations with those aircraft (i.e., could not operate them as civil aircraft under any part of 14 CFR).

8. FAA POLICY FOR CONTRACTING CIVIL AIRCRAFT OPERATORS. To clarify FAA oversight of certain contracted civil aircraft operators, on March 23, 2011, the FAA published its Notice of Policy Regarding Civil Aircraft Operators Providing Contract Support to Government Entities (Public Aircraft Operations) (76 FR 16349). This policy is consistent with the FAA's interpretation of the statute and does not change the statutory requirements for PAO. This section summarizes the policy and its impact on operators, government entities, and the FAA.

a. Does a Contract With a Government Entity Automatically Grant PAO Status to a Civil Operator? No, public aircraft status is not automatic. The determination of public aircraft status is made on a flight-by-flight basis; both the government entity and the contracted civil operator share responsibility for determining whether:

- A particular flight meets the statutory requirements for a PAO before the operation takes place, and
- If the status has been properly communicated between the contracting entities and the FAA.

b. If I Am a Civil Operator Contracting my Services to a Government Entity, What Actions Should I Take Before Conducting a PAO? The contracting government entity should provide the civil contractor with a written declaration of public aircraft status for designated, qualified flights. This written declaration should be made in advance of the proposed public aircraft flights. Government entities need to determine who is qualified to make a written declaration (which determines responsibility) for the entity. The FAA recommends that the declaration be made by a contracting officer or other official familiar with the public aircraft statute, and be separate from any contract between the government entity and contracted civil operator.

(1) Once a civil operator receives a declaration from the contracting government entity, the contractor should submit a copy of the written declaration to the FAA Flight Standards District Office (FSDO) responsible for the operator. This will serve as notice to the FAA that there is a contract between the civil operator and the government entity that anticipates the conduct of PAO.

(2) The civil operator and the contracting government entity are responsible for jointly determining whether each flight conducted under the contract qualifies for PAO status under the terms of the statute.

Page 4

Par 8

2/12/14

AC 00-1.1A

c. I Am a Civil Operator with a Government Contract. The contract terms require me to operate in accordance with 14 CFR (or hold an FAA operating certificate). The contracting government entity has provided a written declaration of public aircraft status.

(1) Does the FAA have Oversight of PAO Under this Contract? No, because the contracting government entity has made a declaration, that government entity has responsibility for the eligible PAO flights.

(2) Do I Still have to Comply with Regulatory Requirements Contained in the 14 CFRs? All aircraft, even those conducting eligible PAO, must comply with certain operating rules of the NAS (e.g., 14 CFR § 91.119, Minimum Safe Altitudes: General). Other requirements imposed through the terms of the contract, such as the requirement to hold an FAA14 CFR part 135 certificate, would not be enforced or overseen by the FAA when PAO are being conducted.

d. What are the Legal Implications of Conducting a PAO? Contracting government entities must be aware that PAO performed by civil operators create a significant transfer of responsibility to the contracting government entity, and that most FAA oversight ceases.

(1) Contracted civil operators must be aware that unless there is a declaration of public aircraft status on file with the agency, the FAA considers all operations civil; civil operations must be conducted in accordance with all applicable civil aviation regulations. The FAA retains oversight and enforcement authority for any deviation from the provisions of 14 CFR until the agency is informed of the change in status to PAO by means of a written declaration.

(2) Additionally, civil operators are cautioned that it is their responsibility to refuse a contract to perform operations that would violate applicable 14 CFR regulations unless the operator is sure that the government entity offering the contract will be declaring them a public aircraft operation. It is the responsibility of the government entity and the operator to determine that each flight meets eligibility requirements for a PAO as required by the statute.

e. Does the Contracting Government Entity Have to Make a Declaration On a Flight-By-Flight Basis? No, but a determination should be made prior to each flight as to whether the flight will be public or civil in order to meet the terms of the statute. While it is necessary for the contracting parties to ensure that each PAO flight meets the statutory requirements, a written declaration to the FAA is not required for each flight.

f. What Should a Declaration Look Like? The FAA does not have specific format requirements for PAO declarations. The declaration must provide enough information to indicate who has operational responsibility for the flight. The need for information may vary between contracts and the entities involved. The FAA recommends that the following information be included in each declaration at a minimum:

- Name of civil operator (the contracted operator);
- Aircraft type(s) to be used for the PAO;
- Name of aircraft owner(s);
- Aircraft registration number(s);

Par 10

Page 5

AC 00-1.1A

2/12/14

- Date of contract;
- Date of proposed first flight as a PAO;
- Date of contract termination;
- Name of the government entity declaring public aircraft status (the government entity contracting for aircraft services);
- Name, title, and contact information for the government official making the declaration of PAO status; and
- Nature of operations (include enough detail to demonstrate that the flights qualify for PAO status under the statute).

g. Why Does the FAA Consider a Written Declaration Necessary? The FAA is implementing this policy to clarify oversight roles and responsibilities related to PAO status. The FAA is required to oversee all civil operations. To fulfill its statutory responsibility, the FAA needs to know when the status of a civil operator changes.

h. What If I Do Not Have a Written Declaration Before I Conduct a PAO? While the absence of a written declaration does not change the legal status of a valid PAO, until the FAA receives notice, the FAA considers all civil operations subject to FAA oversight, and the agency will enforce all applicable civil regulations.

i. Does the FAA Require a Civil Operator To Submit a Copy of Its Contract With a Government Entity? No; submission of a contract is optional. Submitting the contract does not replace the submission of a declaration.

j. Under FAA Policy, What are My Responsibilities as a Contracted Civil Operator? As a contracted civil operator, you are responsible for the following:

(1) If you are offered a contract to perform operations that could be contrary to 14 CFR civil regulations applicable to the operation, it is your responsibility to ensure that a written declaration of public aircraft status is on file with the FAA or to refuse the contract.

(2) Obtain a written declaration of public aircraft status from the contracting government agency prior to conducting any PAO flights.

(3) Provide a copy of the written declaration to the FSDO having oversight of your operation prior to conducting any PAO flights.

(4) In coordination with the contracting government entity, evaluate and determine that each flight qualifies as an eligible PAO under the terms of the statute. Operations that do not qualify as PAO remain subject to all civil regulations and FAA oversight and enforcement authority.

k. Under FAA Policy, What Are the Responsibilities of a Government Entity? As a government entity, you are responsible for the following:

(1) Recognize that public aircraft status eligibility is determined by statute.

2/12/14

AC 00-1.1A

(2) Make a declaration of public aircraft status in advance and in writing to the operator when the government entity intends for the operator to conduct PAO.

(3) Understand that PAO represent a significant transfer of responsibility to the government entity and that the FAA does not provide oversight for those flights.

l. Under the FAA Policy, What are the Mutual Responsibilities of a Civil Operator and a Government Entity When Operating Under a Contract? Both parties must understand that:

(1) Even if a written declaration of PAO status has been made, the operator must continue to comply with certain 14 CFR regulations that affect all users of the NAS;

(2) Other regulations may apply even when operating a PAO (e.g., operating rules in parts 91, 133, and 137); and

(3) The FAA retains enforcement authority for any deviation from applicable provisions of 14 CFR.

(4) The FAA also advises both parties to consider whether PAO status is necessary or the flights may be conducted in accordance with the regulations in 14 CFR.

m. Is There a Flow Chart for Contracted Operations? No; the flow charts are designed to guide government entities through the terms of the statute to determine whether a particular operation is a valid PAO. Once a valid PAO is established, a government entity may hire a contractor to conduct that same operation for them. Since a contractor “stands in the shoes” of a government entity under a contract, the flights must be analyzed as if conducted by the government entity.

9. MAINTENANCE REQUIREMENTS FOR AIRCRAFT CONDUCTING PAO.

a. What are My Obligations Prior to Operating that Aircraft as a Civil Aircraft? If an aircraft is altered outside of its type certificate (TC) or not maintained under an FAA-accepted maintenance program during PAO, a conformity inspection is required to ensure the aircraft meets all civil regulations. The operator of an aircraft that has been operated in public aircraft status may not return the aircraft to service in civil operations without demonstrating that the aircraft meets all the criteria as prescribed by the regulations to hold its airworthiness certificate. For more information, contact your local FSDO.

b. Will I Have to Surrender My Aircraft’s Civil Airworthiness Certificate in Order to Conduct a PAO? No; an airworthiness certificate itself does not indicate that an aircraft is airworthy. An aircraft is considered airworthy if it:

- Conforms to its type design; and
- Is in a condition for safe operation.

Par 10

Page 7

AC 00-1.1A

2/12/14

10. OTHER QUESTIONS REGARDING PAO.

a. Who Do I Contact if I Have Questions about FAA Policy Regarding PAO? As a civil operator that contracts to conduct PAO, you should contact the FSDO responsible for oversight of your civil operating certificate or, for non-certificated operators, the FSDO with jurisdiction where you intend to conduct PAO. Legal interpretations of the public aircraft statute are handled by the FAA Office of the Chief Counsel, International Law, Legislation, and Regulations Division (see Appendix 2).

b. How Does the FAA Determine if a Government Entity Qualifies Under the Statutory Definitions in 49 U.S.C. § 40102(a)(41)(C) or (D)? The FAA has received several inquiries from universities and smaller local government agencies concerning their status under the statute. In some circumstances, a public entity may need to seek verification of its status under the public aircraft statute from its State Attorney General or other qualified state office. Upon request, the FAA can provide a letter detailing the specifics of the findings to be made by the state.

NOTE: Such a verification serves only as a determination of eligibility for PAO, not a determination that any particular operations are qualified PAO under the statute (see Appendix 2, State Government Entity or Political Subdivision Determination).

c. What Constitutes a “Commercial Purpose” that Removes Someone from PAO Status? In general, the FAA interprets the commercial purpose prohibition in 49 U.S.C. § 40125(a)(1) to mean that there can be no type of reimbursement to government entities for PAO, except under the one set of specific circumstances described in that section. Specific instances of whether an operation has a commercial purpose may be submitted for interpretation to the FAA Office of the Chief Counsel, International Law, Legislation, and Regulations Division (see Appendix 2). As detailed in Paragraph 8 above, a government entity may contract with a private operator (and pay that operator) to conduct a PAO on behalf of the government entity. The statutory prohibition on commercial purpose prevents a government entity from getting paid or reimbursed to operate a PAO, not for paying for contracted services.

d. By What Means Do I Certify to the “Administrator of the Federal Aviation Administration that the Operation was Necessary to Respond to a Significant and Imminent Threat to Life or Property and that No Service by a Private Operator is Reasonably Available to Meet the Threat” as required by 49 U.S.C. § 40125(a)(1)? The FAA recommends that the statutory certification be made in writing to the responsible FSDO within 10 days of the operation.

e. Are There Any Other Exceptions to PAO Definitions Applicable to the Government of a State, the District of Columbia, or a Territory or Possession of the United States or a Political Subdivision of One of these Governments as Defined in 49 U.S.C. § 40102(a)(41)(D)? Yes. The statute was changed in 2012 to allow certain leased aircraft (including contracted operations) to have public aircraft status even when not exclusively leased for at least 90 days. This provision, 49 U.S.C. 40125 (d), affects certain search and rescue operations. The statute contains specific qualifications for its use and requires a determination by

2/12/14

AC 00-1.1A

the FAA (see Appendix 1). Government entities seeking approval for PAO status under this paragraph must submit written documentation that addresses the statutory requirements to AFS-800 (see Appendix 2) and will receive a decision in writing from the FAA.

f. What Training Courses are Available for a Government Entity that Desires More Information on Developing Surveillance and Oversight Programs Similar to Those That the FAA Conducts? The FAA's Mike Monroney Aeronautical Center (MMAC) conducts training for FAA aviation safety inspectors (ASI) who conduct FAA oversight and surveillance. These courses may be made available to government entities upon request and based on availability. For more information, please contact the MMAC (see Appendix 2).

Par 10

Page 9

AC 00-1.1A

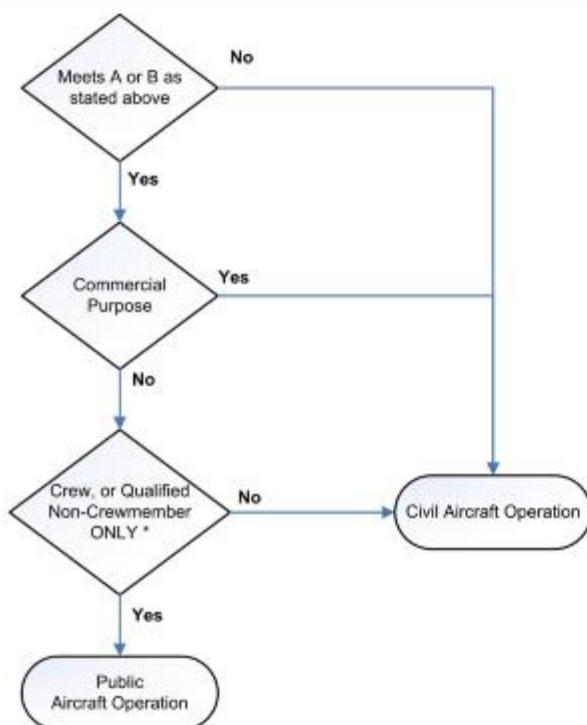
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FIGURE 1. DECISION FLOW CHARTS FOR PAO

Decision Flow Chart for Federal Government Aircraft Operations

Section 40102(a)(41)(A): An aircraft used only for the United States Government.

Section 40102(a)(41)(B): An aircraft owned by the (U.S.) Government and operated for crew training, equipment development, or demonstration.



*** Citation:**

Section 40125(a)(3) Qualified non-crewmember - The term "qualified non-crewmember" means an individual, other than a member of the crew, aboard an aircraft:

(A) operated by the armed forces or an intelligence agency of the United States Government; or

(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

Page 10

Par 10

AC 00-1.1

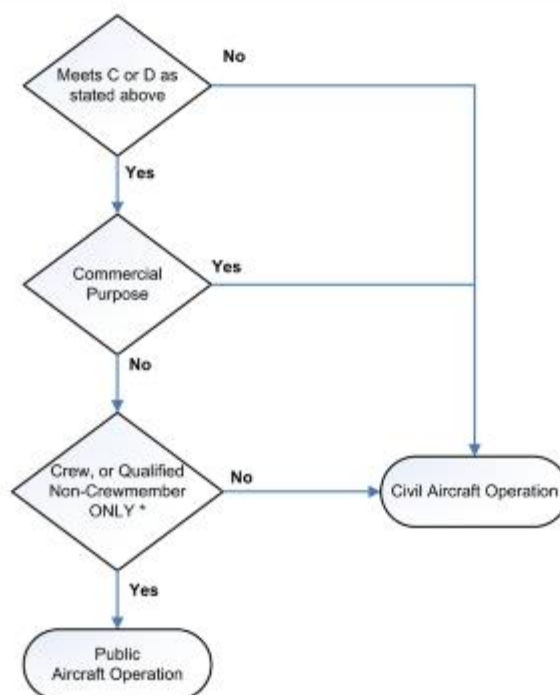
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FIGURE 1. DECISION FLOW CHARTS FOR PAO (Continued)

Decision Flow Chart for State Government Aircraft Operations

Section 40102(a)(41)(C): An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States, or a political subdivision (as determined by the Attorney General of the State) of one of these governments.

Section 40102(a)(41)(D): An aircraft **exclusively leased for at least 90 continuous days** by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision (as determined by the Attorney General of the State) of one of these governments.



*** Citation:**

Section 40125(a)(3) Qualified non-crewmember - The term "qualified non-crewmember" means an individual, other than a member of the crew, aboard an aircraft:

(B) whose presence is required to perform, or is associated with the performance of, a governmental function

Page 11

Par 9

AC 00-1.1A

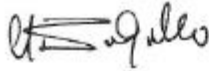
2/12/14

11. PAO BY THE ARMED FORCES.

a. Operations of Armed Forces Aircraft. Operations by the Armed Forces of their own aircraft (or those they operate) are covered by 49 U.S.C. § 40125(c), including operations in accordance with Title 10 of the U.S.C. and those operated in performance of a governmental function under Titles 14, 31, 32, or 50 of the U.S.C., provided they are not used for a commercial purpose. The FAA does not make the determination of operation under any of these titles for the Armed Forces.

b. Public Aircraft Designation. Title 49 U.S.C. § 40125(c)(1)(C) provides that aircraft chartered to provide transportation or other commercial air service to the U.S. Armed Forces only qualify as PAO when the Secretary of Defense designates the operation of the chartered aircraft as required in the national interest. As discussed earlier in this AC, PAO status remains valid only within U.S. airspace. Similar to civil government contracted operations, all such chartered operations will be considered civil until the FAA has notice of the Secretary's designation.

NOTE: Civilian contractors to the Armed Forces that have valid public aircraft status under 49 U.S.C. § 40125(c) are subject to the FAA policy on submission of a written declaration to the FAA, as discussed in Paragraph 8 of this document.



John Barbagallo
Acting Director, Flight Standards Service

2/12/14

AC 00-1.1A
Appendix 1**APPENDIX 1. PUBLIC AIRCRAFT STATUTE**

Title 49 of the United States Code (49 U.S.C.) § 40102. Definitions.

(a) General Definitions.— In this part—**(41)** “public aircraft” means any of the following:

(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

(C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

(D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

(E) An aircraft owned or operated by the armed forces or chartered to provide transportation or other commercial air service to the armed forces under the conditions specified by section 40125(c). In the preceding sentence, the term “other commercial air service” means an aircraft operation that (i) is conducted within the United States territorial airspace; (ii) the Administrator of the Federal Aviation Administration determines is available for compensation or hire to the public, and (iii) must comply with all applicable civil aircraft rules under title 14, Code of Federal Regulations.

Title 49 U.S.C. § 40125. Qualifications for Public Aircraft Status.

(a) Definitions. -- In this section, the following definitions apply:

(1) **COMMERCIAL PURPOSES.**—The term “commercial purposes” means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

Page 1

AC 00-1.1A
Appendix 1

2/12/14

(2) **GOVERNMENTAL FUNCTION.**—The term “governmental function” means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

(3) **QUALIFIED NON-CREWMEMBER.**—The term “qualified non-crewmember” means an individual, other than a member of the crew, aboard an aircraft—

(A) operated by the armed forces or an intelligence agency of the United States Government; or

(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

(4) **ARMED FORCES.**—The term “armed forces” has the meaning given such term by section 101 of Title 10.

(b) **Aircraft Owned by Governments.** An aircraft described in subparagraph (A), (B), (C), or (D) of section 40102(a)(41) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

(c) **Aircraft Owned or Operated by the Armed Forces.**

(1) **IN GENERAL.**—Subject to paragraph (2), an aircraft described in section 40102(a)(41)(E) qualifies as a public aircraft if—

(A) the aircraft is operated in accordance with Title 10;

(B) the aircraft is operated in the performance of a governmental function under Titles 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or

(C) the aircraft is chartered to provide transportation or other commercial air service to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

(2) **LIMITATION.**—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a “Public Aircraft” only to the extent that it is operated under the direct control of the Department of Defense.

(d) **Search and Rescue Purposes.**— An aircraft described in section 40102(a)(41)(D) that is not exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of 1 of those governments, qualifies as a public aircraft if the Administrator determines that—

(1) There are extraordinary circumstances;

Page 2

2/12/14

DRAFT

AC 00-1.1A
Appendix 1

- (2) The aircraft will be used for the performance of search and rescue missions;
- (3) A community would not otherwise have access to search and rescue services; and
- (4) A government entity demonstrates that granting the waiver is necessary to prevent an undue economic burden on that government.

**NOTE: The official statute may be viewed on the Web site of the
Government Printing Office at:**

<http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE>

Page 3

2/12/14

AC 00-1.1A
Appendix 2**APPENDIX 2. CONTACT INFORMATION**

1. FLIGHT STANDARDS DISTRICT OFFICES (FSDO). If you have a question regarding the application of the information in this Advisory Circular, please contact your local FSDO. A list of FSDOs and the areas they serve is available on the FAA Web site, http://www.faa.gov/about/office_org/field_offices/fsdo/.

2. POLICY QUESTIONS. If you have an operational policy question, please contact the General Aviation and Commercial Division at http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/afs800/; or at the address below:

General Aviation and Commercial Division (AFS-800)
800 Independence Avenue, S.W.
Washington, DC 20591
Phone: (202) 385-9600
Fax: (202) 385-9597

3. AIRWORTHINESS OR MAINTENANCE POLICY QUESTIONS. If you have an airworthiness or maintenance policy question, please contact the Aircraft Maintenance Division at http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/afs300/; or at the address below:

Aircraft Maintenance Division (AFS-300)
5th Floor, 950 L'Enfant Plaza, S.W.
Washington, DC 20024
Phone: (202) 385-6435
Fax: (202) 385-6474

4. UNMANNED AIRCRAFT SYSTEMS QUESTIONS. If you have an unmanned aircraft system question, please contact the Unmanned Aircraft Systems Integration Office at <http://www.faa.gov/about/initiatives/uas/>; or at the address below:

Unmanned Aircraft Systems Integration Office (AFS-80)
490 L'Enfant Plaza, Suite 3200
Washington, DC 22024
Phone: (202) 385-4835
Fax: (202) 385-4559

Page 1

AC 00-1.1A
Appendix 2

12/12/14

5. LEGAL QUESTIONS. If you have a legal question or would like to request a legal interpretation, please contact the Office of the Chief Counsel at http://www.faa.gov/about/office_org/headquarters_offices/agc/; or at the address below:

Office of the Chief Counsel
International Law, Legislation, and Regulations Division (AGC-200)
800 Independence Avenue, S.W.
Washington, DC 20591
Phone: (202) 267-3073
Fax: (202) 267-7971

6. TRAINING. If you are a government entity and would like to attend an FAA training course, please contact http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/academy/contact/; or at the address below:

AMA-1
Building 12, Room 129
P.O. Box 25082
Oklahoma City, OK 73125
Phone: (405) 954-6900
Fax: (405) 954-3018



APPENDIX D – ARKANSAS ETHICS COMMISSION OPINION NUMBER 97-EC-017

ARKANSAS ETHICS COMMISSION
OPINION NUMBER 97-EC-017
ISSUED: October 16, 1997

ISSUE PRESENTED:

Whether Ark. Code Ann. § 12-8-108(a) requiring the Arkansas State Police (ASP) to provide security for the governor authorizes the use of state-owned vehicles or airplanes to transport the governor to and from any destination for any purpose when the ASP determines that use of such a conveyance will optimize security for the governor?

BRIEF RESPONSE:

Yes. There are no statutory restrictions on the use of state-owned airplanes. Ark. Code Ann. § 19-4-2103 specifically permits the use of state-owned vehicles for personal or non-official business by state constitutional officers.

FACTS PRESENTED:

The Arkansas State Police and the Office of the Governor request a formal opinion to clarify the permitted uses of state-owned airplanes, particularly in light of the ASP's statutory duty of providing security to the Governor.

DISCUSSION:

As a result of its statutory duty to provide security to the Governor and his family, the Arkansas State Police (ASP) from time to time transports the Governor on its aircraft. Ark. Code Ann. § 12-8-108(a) reads as follows:

The Department of the Arkansas State Police shall be responsible for the safety and security of the Governor of the State of Arkansas and his family, the Lieutenant Governor and his family, the Governor's Mansion and mansion grounds, and the Arkansas State Capital Building and grounds.

If the State Police determine that it is in the best interest of the security of the Governor to transport him in its plane, there are no statutory restrictions preventing the Governor's use of the ASP plane, regardless of the nature of the journey¹. Use of ASP aircraft by the Governor provides definite security advantages that are unavailable through the use of non state-owned aircraft. The Commission is particularly mindful of the ASP's duty to provide security to the Governor. The ASP's statutory duty of security to the Governor is unconditional and absolute

¹ Ark. Code Ann. § 19-4-2103(b) specifically permits operation of a constitutional officer's state-owned motor vehicle for personal or non-official state business.

and exists 24 hours a day, 7 days a week. The Commission is not willing to compromise or dilute the Governor's security.

That said, the Commission is not willing to opine that the ASP plane can be used by the Governor for any reason. In this regard, the Office of the Governor furnished the Commission with a set of voluntarily adopted internal policies that restrict the use of state-owned airplanes, to wit:

1. State airplanes do not transport the Governor on journeys that are solely political in nature.
2. State airplanes do not transport the Governor on journeys that are solely religious in nature.
3. State airplanes do not transport the Governor on non-official, out-of-state trips or for any personal trips solely related to outside business or investment activities.

The Commission has specifically reviewed and debated the internal policies of the Governor. "We must and should presume that any officer of the state, and especially the chief of the executive branch of the government will act lawfully, correctly, in good faith and in sincerity of purpose in the execution of his duties." Rockefeller v. Hogue, 244 Ark. 1029, 429 S.W. 2d 85 (1968).

The Commission finds that the above policies are acceptable and expects that the Office of the Governor, not the ASP, will ensure that these policies are strictly observed when state-owned aircraft transport the Governor. If, however, the ASP determines that following these policies in a particular circumstance would pose a significant higher security risk to the Governor (as for example, discovery of a threat to the life or health of the Governor), then the Commission will recognize such incident as an exception to these policies.

The Commission specifically reserves the right to review the Governor's use of the ASP plane and pursue appropriate enforcement action if the policies are abused.

ORIGINAL SIGNED

Bob R. Brooks, Jr.

Executive Director



APPENDIX E – LETTER OF AGREEMENT BETWEEN THE LITTLE ROCK AIRPORT TRAFFIC CONTROL TOWER AND THE ARKANSAS STATE POLICE

Little Rock Airport Traffic Control Tower / TRACON and the Arkansas State Police

LETTER OF AGREEMENT

EFFECTIVE: January 31, 2014

SUBJECT: Local Radiotelephony Designators, Discrete Beacon Codes, and Aircraft Operations in the Little Rock Terminal Area

1. PURPOSE: This agreement between the Little Rock Airport Traffic Control Tower (LIT) and the Arkansas State Police (ASP) establishes operational and control procedures for handling aircraft operations in the greater Little Rock area.

2. CANCELLATION: This cancels agreements signed by the Little Rock Approach Control and Arkansas State Police, dated July 1, 2002.

3. SCOPE: The procedures outlined herein are for use when conducting operations in VFR/SVFR conditions within LIT's airspace. These procedures are applicable only to aircraft equipped with functioning two-way radios and a functioning transponder in order to provide required separation in Class C airspace.

4. RESPONSIBILITIES: Each party to this agreement must ensure that all concerned facility/organizational personnel are thoroughly familiar with the procedures herein. If contractual agreements are changed throughout the term of this agreement, the undersigned personnel are responsible for notification of all parties concerned.

5. PROCEDURES:

a. The callsigns, registration numbers, types of aircraft, and discrete beacon codes will be as follows:

Callsign	Tail #	Type	Beacon Code
Trooper 1	N390SP	BE20	0301
Trooper 2			0302
Trooper 3	N523SP	C206	0303
Trooper 4	N524SP	B407	0304

b. The above call signs are only to be used in communication with LIT, and are not to be used when filing flight plans.

Little Rock Airport Traffic Control Tower / TRACON and the Arkansas State Police

e. The aircraft will be single piloted with law enforcement personnel on board. The primary mission will be patrolling the greater Little Rock area. The mission may require requests, which include obtaining information on other aircraft, notification of other units, etc.

d. The ASP mission includes the surveillance and the apprehension of suspects. When this occurs, the pilot will notify LIT and state, "[Aircraft callsign] is on a priority mission." LIT will provide as much assistance as possible to the pilot. At other times, the aircraft will be on routine, non-priority missions.

e. Prior to departure ASP aircraft must inform Adams Clearance Delivery of the aircraft callsign and discrete beacon code.

f. These procedures apply to VFR/SVFR operations only. Special VFR operations within the Class C surface area will be approved on an individual basis when requested only by the pilot in command. Special VFR operations will not be approved if delays will affect IFR aircraft.

g. Procedures not covered in this letter of agreement will be approved or denied at the discretion of LIT.



Timothy J. Surdam
Manager, Little Rock Airport Traffic Control Tower



Lieutenant Barry Saffold
Air Support Unit Commander, Arkansas State Police



APPENDIX F – VENDOR AUDIT FORM



VENDOR AUDIT FORM

Vendor Information
Vendor Name:
Address:
Phone:
Fax:

List of Key Personnel			
	Name	Title	Phone Number
Administration			
Maintenance			
Avionics			
Quality Assurance			
Materials Control			

A. Certification	Yes	No
1. Do you have a FAR Part 145 Repair Station Certificate? NOTE: Please attach a copy of the Repair Station Certificate and Operations Specifications to this Questionnaire.		
2. Do you have an approved anti-drug and alcohol program? NOTE: Please attach a copy of the FAA/acceptance/exemption letter.		
3. Do you have subcontractors?		
a. If you answered yes to the subcontractor question, are your subcontractors under a drug and alcohol program?		

B. Quality Control Program	Yes	No
1. Do you have an established quality control program?		
2. Is it described in detail in a quality control manual or other appropriate document?		
3. Is there a functional separation of Quality Control and Production?		

B. Quality Control Program - Continued	Yes	No
4. Are all inspections and tests documented?		
5. Are all incoming parts and materials subject to a documented receiving inspection?		
C. Technical Data	Yes	No
1. Do you have the required technical data on-hand to perform the work we will be contracting/sending to you?		
2. Do you have an established system to ensure technical data remains current?		
3. Is uncontrolled technical/reference data marked as such and segregated from controlled data?		
D. Tooling and Test Equipment	Yes	No
1. Do you have adequate tooling and test equipment necessary to perform the work we will be contracting from you?		
2. Do you have an established system to ensure that company and personal tools and test equipment are maintained serviceable and calibrated?		
E. Training	Yes	No
1. Do you have a formal training program for all supervisors, inspectors, and technicians?		
2. Do you document all training?		
F. Facilities	Yes	No
1. Do you have adequate facilities to perform the work we will be contracting/ sending to you?		
2. Do you have a system that ensures parts, materials, and customer properties are protected from damage, theft, and contamination?		
3. Are non-aircraft related activities segregated from aircraft related activities?		
G. Work Processing	Yes	No
1. Do you have a system to properly identify customer parts throughout all maintenance actions and while in storage?		
2. Are serviceable and unserviceable units kept segregated?		
3. Are scrap parts tagged and removed from the work area?		
H. Storage	Yes	No
1. Do you have a system to ensure all parts and materials are environmentally protected?		

H. Storage - Continued	Yes	No
2. Do you maintain trace ability certification for all parts and materials?		
3. Are aircraft parts segregated from non-aircraft parts?		
4. Do you have a quarantine area for rejected parts and materials awaiting disposition?		
5. Are life limited scrap parts returned to the customer or mutilated to prevent return to service?		
6. Do you have a system that monitors shelf life limited parts and supplies?		

I. RVSM	Yes	No
NOTE: This section only applies to vendors that will be performing RVSM work.		
1. Does the test equipment, used on RVSM aircraft, get calibrated utilizing reference standards whose calibration is certified as being traceable to NIST?		
2. Does the test equipment get calibrated at periodic intervals as agreed by the approving authority?		
3. Is there initial and recurrent training on aircraft geometric inspection techniques, test equipment calibration/usage techniques, accuracy and integrity of the automatic altitude control system to meet the height keeping standards, for shop and line personnel?		

Vendor Certification		
I certify that the information on this form is true and correct.		
Signature and Printed Name:	Title:	Date:

TO BE COMPLETED BY THE AIR SUPPORT UNIT

Air Support Unit Approvals		Yes	No
This vendor is approved to provide non-RVSM inspection and maintenance services.			
This vendor is approved to provide RVSM inspection and maintenance services.			
Signature and Printed Name:	Title:	Date:	

RESERVED

EXPLOSIVE ENTRIES

The purpose of the ASP SWAT SOP for Explosive Entries is to provide tactical support in situations where a crisis escalates beyond existing, mechanical capabilities.

The goal of an explosive breach is the safe and non-violent resolution of crisis situations. Crisis situations include, but are not limited to, emergency missions involving hostage rescues, armed and dangerous suspects, and high risk warrant services where barricades or other significant obstacles may impede the successful safe execution of the mission.

In order to conduct a safe, effective breach, the following elements are essential:

- Speed
- Surprise
- Initial Distraction
- Disorientation of Suspects

Definitions:

Explosive Breach – A technique of employing explosive materials to create an opening through a door, window, wall or other barricade to allow access.

Breacher – A SWAT team member or Bomb Squad member who is trained and certified in the construction, placement and ignition of an explosive breaching device.

Assistant Breacher – A SWAT team member or Bomb Squad member who is trained and certified in the construction, placement and ignition of an explosive breaching device and will assist the Breacher in his duties.

Explosive Breaching Device – A target-specific device constructed with explosive and non-explosive materials for the purpose of gaining entry into a structure.

Breachers Report – A detailed form used to document the use of explosive breaching charges during training and actual operations.

Procedures: The option to utilize an explosive breach will be at the discretion of the SWAT Commander or his designee.

The Breacher and Assistant Breacher will do the construction of all explosive breach devices. Construction of the specific device to be used will vary depending on the situation. It will be designed based of the known target intelligence, experience, and training of the Breacher. At the conclusion of the mission, it will be the responsibility of



EXPLOSIVE ENTRIES

the Breacher and/or Assistant Breacher to prepare a "Breachers' Report", which details the specific composition of the explosive charge(s) used and their performance.

Medics should be present during missions and training where explosive breaching techniques are performed.

The Breacher or the Assistant Breacher will be in control of the firing device at all times to prevent an unintentional detonation by other persons.

All members of SWAT should wear proper safety equipment during explosive entry training and operations

In the event of a misfire, the Breacher and his team should follow protocol consistent with their training. Bomb squad personnel may also be consulted and utilized at the Breacher's, and or, SWAT Commander's request.

Explosive breaching is perpetual. Training should be coordinated and conducted by trained SWAT members and the Bomb Squad.

A master logbook should be maintained documenting all training and operational breaches. This logbook should be supervised by a Breaching Team member, designated by the SWAT Commander.



DUTIES AND RESPONSIBILITIES

The operation of the ASP Fire Investigation Team will be under the direction of the Fire Marshal.

The duties and responsibilities of the Fire Investigation Team Include:

- Provide assistance to the ASP CID and/or outside fire or law enforcement agencies in the investigation of a suspicious fire;
- Assist in determining the Origin & Cause of the fire;
- Collect, preserve and document related evidence

The Fire Investigation Team will be activated upon the request of an ASP CID Company Supervisor, a police chief, sheriff, or fire chief, with the approval of the Fire Marshal.

Response will be made when the fire involves fatalities, multiple fires, large fire scenes, significant structures, or suspicious circumstances (when approved).

The investigation will be the responsibility of the ASP CID Company or the agency requesting the Fire Investigation Team.

If, while working a fire investigation, a call is received pertaining to an explosive incident involving public safety such as a suspicious package or an Improvised Explosive Device (IED) a decision will be made by the Team Coordinator to respond immediately or remain at the fire scene.

Reporting of the investigation will be the responsibility of the assigned CID Special Agent or agency requesting the Fire Investigation Team. Investigative reports will be drafted to the local CID Company's file number and to an AO under the Fire Marshal's office.



REQUESTS FOR ACCELERANT CANINE

If circumstances necessitate the response of an accelerant canine, the on-scene fire investigator should make the request to the Fire Marshal or his/her designee. Information needed to make a determination on whether or not an accelerant canine will be deployed is:

- What time was the fire dispatched?
- Was the fire residential, commercial, etc?
- What stage is the fire operation in?
- What size and area is involved?
- Are there any fatalities?
- Why is it suspected that an ignitable liquid was involved?
- Has custody of the scene been maintained?
- What is the complete address of the scene?
- What are the directions to the scene?
- Are there any additional tools that are needed at the scene?
- Were ignitable liquids regularly in the building? If so, where were they stored?

Once all information is obtained, a determination will be made on the deployment of an accelerant canine by the State Fire Marshal.

The canine handler will have the final say regarding scene safety for the canine.



PROCEDURES FOR THE ASP BOMB SQUAD

The mission of the Arkansas State Police Bomb Squad is to provide a professional front line response to incidents involving, or suspected of involving bombs, explosives and/or other shock sensitive materials. The ASP Bomb Squad will also assist the Arkansas State Police Special Weapons and Tactics Team (SWAT) in the safe and successful resolution of incidents in which SWAT is involved. The services of the Bomb Squad are available statewide upon request.

The Standard Operating Procedure (SOP) will provide general guidelines applicable to the safe operation of the Bomb Squad in its responses to both explosives-related incidents and other hazardous tactical incidents.

Throughout the Bomb Squads decision making process, the following considerations, listed in order of priority, are paramount:

- Public Safety
- Safety of on-scene officers/first responders(including Bomb Technicians)
- Protection and preservation of property
- Collection and preservation of evidence
- Convenience to the public and restoration of services

The operation of the Arkansas State Police Bomb Squad will be at the direction of the State Fire Marshal. The squad shall consist of Certified Hazardous Device Technicians. All Hazardous Device Technicians will be under the direct supervision of the Bomb Squad Coordinator or the senior technician while engaged in explosives related responses.

The duties and responsibilities of the ASP Bomb Squad include, but are not limited to:

- Render safe and/or remove suspected improvised explosive devices, incendiary devices, explosives, pyrotechnics and ammunition.
- Provide for proper and safe transportation, disposal and/or storage of explosives and other items as referred to above.
- Conduct post-blast crime scene investigations, which will include searches for secondary, unexploded devices.
- Collect, preserve, and document evidence.
- Prepare and provide courtroom testimony.
- Store and maintain all Bomb Squad equipment in condition for immediate service. Periodically inventory/inspect such equipment to ensure its operational readiness. Immediately report any equipment and/or supply deficiencies to the State Fire Marshal.



PROCEDURES FOR THE ASP BOMB SQUAD

- Provide technical support to SWAT, all divisions of ASP and other agencies or entities, dignitary protection, clandestine drug labs and marijuana eradication, and as directed by ASP.
- Provide explosive related training programs.
- Be familiar with a technical library of Bomb Data Center publications and other explosive related materials.
- Maintain professional liaison with other state and local bomb squads, Military Explosive Ordnance (EOD) units, federal agencies and professional associations.
- Compile and report technical data on explosive devices and incidents.
- Develop agency emergency response plans for a bomb threat, actual improvised explosive device and bomb crime scenes.
- When necessary, report found or recovered live military ordnance to the appropriate active duty military EOD unit, and coordinate a suitable response with local authorities.
- Provide support for any law enforcement activities as deemed appropriate by the Bomb Squad Coordinator with the approval of Fire Marshal.

The Hazardous Device School (HDS), Redstone Arsenal, Alabama, offers hazardous device technician training for public safety personnel in the United States. Nomination of candidates is to be made to the FBI Bomb Data Center with the following selection criteria:

All candidates for HDS school must be willing volunteers;

- Have five years experience in law enforcement;
- Have five years retainability within the Arkansas State Police;
- Meet FBI Bomb Data Center application requirements, i.e., physical examination, arrest check, etc;
- Possess, by vocation or avocation, familiarity with activities requiring manual dexterity;
- A personal selection interview and assessment shall be conducted. The members of the panel shall include but not be limited to the State Fire Marshal, the Bomb Squad Coordinator, and at least one certified graduate of the Hazardous Device School.

The recommendation of this panel shall be contingent upon past and present work performance as well as the following desirable characteristics:

- Practical – Exercises good judgment and decision making in current job performance evaluations;



PROCEDURES FOR THE ASP BOMB SQUAD

- Technically oriented – Demonstrates an interest and current participation in technical endeavors;
- Sociable – Capable of working in small groups with active and effective interaction;
- Curious – shows a willingness to independently expand knowledge base and skills level;
- Self-confident – Current evaluations indicate dependability and conscientious performance;
- Fairly unconventional – Current job performance demonstrates ability to improvise, within the rules, rather than impulsive and rebellious behavior.

1) TRAINING

- A. Must complete the Hazardous Devices School (HDS) Basic Course and must complete the HDS Re-certification Course as required by the FBI.
- B. Must maintain proficiency through participation in formal training:
 - 1) Complete 40 hours (minimum) explosive related training (annually) to include the safe use of live explosives through practical applications, i.e., IABTI Conferences, FBI Bomb Data Center Bomb Technician Seminars, etc. (Provided funding is available)
 - 2) Complete 16 hours (minimum) practical exercise/training (monthly) within the department, including time answering real world explosives calls.
- C. Maintain proficiency in use of required safety equipment and tools
- D. Maintain training records and explosives reference publications



PROCEDURES FOR THE ASP BOMB SQUAD

Procedures for Explosive Related Calls: The Bomb Squad Coordinator or designee will be notified of all explosives related calls for service. The Bomb Squad Coordinator will notify the State Fire Marshal and the necessary Hazardous Device Technician(s), who will make the response.

Bomb Squad response to bomb threats will be limited to those of an unusual nature or those against high threat areas as determined by the Bomb Squad Coordinator or the State Fire Marshal. Searches and evacuation of facilities receiving bomb threats will normally be the responsibility of the facility owner/manager assisted by local authorities.

General On-Scene Procedures for Recovered/Found Explosives (Not a suspected explosive device)

- A Hazard Device Technician, when called to a location where explosive materials have been recovered/found will make an initial evaluation of the situation. This will include an inspection of the explosives to determine their condition and the threat to persons or property in the immediate area. The need for two technicians will be determined by the initial responding technician and the totality of the circumstances.
- The technician will then determine if the explosive material should be destroyed in place or moved to another location for destruction.
- The method of destruction will be determined by the technician depending on the circumstances and range considerations. The State Fire Marshal shall be notified and authorize any action that may result in damage to property.

General On-Scene Procedures for Suspected Improvised Explosive Device (IED)

- A Hazardous Device Technician, when called to a location where an IED or suspected IED is found, should ensure the immediate evacuation of all persons to a safe distance. The technician should not attempt to disarm or move a suspected IED until the technician is certain that all safety precautions have been taken and adequate equipment is on scene. Generally there should be two technicians on the scene for all render safe procedures. In a rare instance a render safe procedure may be done by an experienced technician based on his initial assessment, public safety, and the totality of the circumstances.
- Upon arrival, the Hazardous Device Technician will contact the Officer-in-charge of the scene. The technician will obtain as much information as possible about the incident before approaching the suspected object.
- The Hazardous Device Technician will advise the officer-in-charge if additional evacuation and assistance will be necessary. Bomb Technicians



PROCEDURES FOR THE ASP BOMB SQUAD

on-scene should verify that scene security has been properly established, (evacuation, perimeter, cell phones, RF & EMR transmitters, static-producing materials, etc.) and determine if any additional protective measures should be taken, (sandbags, tamping, barricades, frontal and overhead protection, etc.), prior to the approach on the device.

- Render safe procedures should be done in accordance to HDS training.
- Technicians will help with the technical evidence recovery.

When possible the suspected device will be neutralized on site. The decision to transport a suspect device will be weighed carefully to ensure that the act of loading and transporting does not unduly increase the hazards to the technician or to the public. Whenever possible a top vent bomb trailer will be used for transportation.

All incidents that generate a response, all explosive disposals and/or any other explosive response will be reported on ASP-3AO. All items found, seized or taken into evidence will be documented. In all other instances items being destroyed should be documented on ASP-3AO.

Post Blast Investigations:

The first officer on the scene should evaluate, evacuate, and set up a Command Post.

The Explosives Unit should search for secondary devices/unexploded ordnance, protect evidence, collect or assist in evidence collection, and notify appropriate federal agency, ATF, Postal Inspectors or FBI.

CID should assist in the identification, collection and processing of evidence.

General Safety: All tactical decisions (“render safe”) during the resolution of explosives incidents will be the responsibility of the Bomb Squad Coordinator or his designee who is on the scene.

Human life shall not be placed in jeopardy for the purpose of securing or preserving evidence or property.

An IED or suspected IED response should always include a bomb technician with required safety equipment who will determine the need for additional technicians.

Detonation is always a possibility during a render safe procedure.



PROCEDURES FOR THE ASP BOMB SQUAD

Protection of the public and personnel is paramount. Always evacuate to safe distances and behind cover if possible.

Emergency medical personnel should be notified and requested to stand by during render safe operations.

Only Bomb Squad personnel or those requested by the Bomb Squad shall be permitted within the bomb disposal operation perimeter. The technicians will verify that the area perimeter has been properly established, and that all cell phones, RF and EMR transmitters, are turned off prior to commencing disposal operations.

An anti-static Nomex uniform, or 100% cotton clothing should be worn while engaged in an explosives response. No nylon, rayon, or other synthetic static-producing clothing, (including footwear), should be worn while handling explosives.

Radio transmissions and other EMR-producing equipment will be restricted in the area of operations. Generally, no transmitters should be allowed within 150 ft. of an IED, and 1,000 ft. of an electrically-initiated disposal operation.

Storage Operations: Storage of high explosives should, to the degree possible, be in accordance with the applicable federal, state and local regulations. BATFE requirements (ATF P 5400.7) include maintaining a running explosives magazine inventory and conducting routine magazine inspection process to ensure against unauthorized entry. Blasting caps/detonators must be stored in a cap magazine separate from other high explosives. Only that quantity of high explosives, (including caps) sufficient to carry out day-to-day operations should be stored in Bomb Squad response vehicles.



HONOR GUARD AND FUNERAL PROCEDURES

TABLE OF CONTENTS

Membership Criteria.....	2
Honor Guard Definition.....	2
Departmental Funeral.....	3
Full Honor Funeral.....	4
Full Honor Funeral Implementation.....	4
Regular Honor Funeral.....	6
Retiree Funeral.....	7
Gravesite Services.....	7
Gravesite Implementation.....	7
Non Departmental Funeral.....	8



HONOR GUARD AND FUNERAL PROCEDURES

Membership to the ASP Honor Guard requires the following:

- Must have completed all terms of probation;
- Must be available upon short notice to perform Honor Guard duties;
- Should have experience in close order drill;
- Present good personal appearance in uniform;
- Display a positive self-concept;
- Display flexibility under stress;
- Be in good physical condition;
- Display military bearing;
- Supervisor and Commander Recommendations; and
- Honor Guard Commander approval.

Casket Guard: In full-honor or regular-honor funerals, a minimum of four members shall be assigned the duty of guarding the casket during the time of public viewing. Two members shall stand at parade rest for 10 – 15 minute periods, after which they shall be relieved in a military manner by the other two members. The members on guard shall come to attention, and march away in a dignified and ceremonial manner. The guard shall not be changed during prayers, eulogies, or at any time when movement would distract the attention of the mourners from another facet of the viewing. The guards shall retire immediately prior to the start of any funeral services but not before the family is seated. The guards shall be attired in the full Honor Guard Dress Uniform or Class A Uniform, including felt hats, and white gloves regardless of whether the viewing is at a funeral home, residence, or church.

Color Guard: A Color Guard consists of a member to carry the National flag, a member to carry the Arkansas flag, and two members as guards carrying either rifles or shotguns. The tallest member shall carry the National flag to its own right. A fifth member may carry the Department flag to the left of the Arkansas flag and National flag for law enforcement memorial services, Department line-of-duty death funerals, or other Department events.

Casket Team: A Casket Team consists of no less than six members, and no more than eight members to serve as pallbearers for funerals. The Casket Team shall be commanded by the member positioned at the left shoulder of the deceased. Members may serve as Casket Guards for viewings or visitations immediately preceding the funeral services on the day of the burial. Ceremonial members shall carry the casket in a military fashion and perform a precision folding of the National flag for presentation to the next of kin. If the required number of ceremonial



HONOR GUARD AND FUNERAL PROCEDURES

members is not available for a Casket Team, the involved Troop/Company/Section Commander shall assign members under their command to augment the team. In this case, the team shall be attired in the full Class A uniform.

In the event the deceased's remains have been cremated and have been placed in an urn, the number of active pallbearers will be reduced to two. One member carries the urn and one carries the folded National flag.

Firing Detail: A Firing Detail consists of seven members with rifles. One member will command the detail. The Firing Detail fires three volleys for law enforcement memorial services, full-honor funerals, or regular-honor funerals.

Procedures for Department Funerals

Department funerals shall be conducted for commissioned officers that were honorably retired, killed in the line of duty, or died while currently employed, upon the request of the deceased's family. The Department funeral may be denied when a commissioned officer or retiree has died under circumstances which, as determined by the Director, reflect unfavorably upon the Department.

Types of Department funerals:

- A full-honor funeral for officers killed in the line of duty;
- A regular-honor funeral for officers who die prior to their retirement; or
- Retiree funeral for officers who honorably retire from the Department.

Funeral Variations: A ceremony less elaborate than those described herein may be substituted at the discretion of the deceased's family. In the event a more elaborate ceremony is desired, this shall be arranged with the approval of the Honor Guard Commander.

Viewing of the Body: While filing past a casket to view the body, uniformed officers shall hold their hat over their hearts and non-uniformed officers shall hold their right hand over their heart. Officers shall not stop and salute when filing past the casket.

Pallbearers: If the family of the deceased has no preference as to pallbearers, the Honor Guard Commander shall endeavor to schedule a Casket Team for this purpose.

Saluting the Flag: Uniformed officers shall salute as the National flag passes in review (e.g., as the flag-draped casket is carried from one location to another). When in formation, uniformed officers shall salute and recover upon the command. A hand salute shall not be rendered as the colors pass while absent of cover.



HONOR GUARD AND FUNERAL PROCEDURES

Flag Presentation: When officers are in attendance at a Department funeral, the senior ranking officer should present the National flag to the next of kin during the gravesite ceremony, unless the family requests otherwise. If no senior ranking officers are in attendance, the member in charge of the Casket Team shall make the presentation.

Campaign Hat Presentation: When an officer has been killed or has died as a result of injuries received in the line of duty, the highest senior ranking officer in attendance or officer selected by the family may present the deceased's winter campaign hat to the next of kin during the gravesite ceremony at the full-honor funeral. The campaign hat should not be placed on top of the folded National flag.

Uniform: All officers in attendance at a Department funeral shall wear the full regulation uniform of the day, unless otherwise directed. Officers shall remove the uniform hat while in a church or funeral home, except those members assigned Color Guard, Casket Guard, or Casket Team duties. The uniform hat should be placed in the officer's lap with the hat badge facing front.

Mourning bands may be worn on an officer's badge in the following circumstances:

- The line of duty death of an active ASP officer. The mourning band may be worn for a period of thirteen (13) days from the date of death. The 13 days is representative of the 13 original ASP Rangers.
- The line of duty death of an officer from another law enforcement agency. The mourning band can be worn from the date of death and removed at the conclusion of the day of burial.
- When attending the funeral of an active or retired law enforcement officer. Upon the completion of the funeral, the mourning band shall be removed.
- National Peace Officers Memorial Day
- At the direction of the Director when special circumstances dictate that a department display of official mourning is appropriate.

A mourning band should be worn from, facing the badge, point from the 2 o'clock position to the 7 o'clock position, be solid black, fit tightly around the officer's badge and should not exceed ½ inch in width.

Full-Honor Funeral: A full-honor funeral is reserved for an ASP officer who, having made the ultimate sacrifice, has been killed or died as a result of injuries received in the line of duty.

The full-honor funeral escort shall consist of the following members and details:



HONOR GUARD AND FUNERAL PROCEDURES

- Escort Commander - The Troop/Company/Section Commander or designee in the troop/company/section where the funeral is held shall be responsible for assigning an escort to the family.
- Officer Companion-The Troop/Company/Section Commander or designee in the troop/company/section where the fallen officer was stationed will assign personnel to a 24-hour rotation to remain with the fallen officer from the time of death until passing the duties to the Casket Team. If additional manpower is needed, the Troop/Company/Section Commander should contact the Division Commander for assistance. The Officer Companion shall wear the Class A Uniform. Upon the family's arrival, the Companion Officer will leave the room unless the family requests otherwise.
- Ceremonial details - The Ceremonial Unit shall provide a Casket Guard, Casket Team, Color Guard, Firing Detail, Bugler(s), and Bagpiper(s).
- Helicopter fly-over - The Colonel, Lt Colonel, or Special Operations Commander shall direct the Aviation Section to provide a helicopter fly-over, if available and weather permits, at the gravesite services, to be coordinated with the Honor Guard Commander.
- At the dismissal of the gravesite services, the Troop/Company/Section Commander shall direct the on-duty telecommunications operator in the troop where the gravesite services are held to broadcast the final call for the fallen officer. The telecommunication officer will direct the net and wait approximately 5 seconds. The final call will consist of the following: "Little Rock (or appropriate troop) M-1, Little Rock M-1, All units, M-1 is 10-7."
- Traffic, crowd control, and procession escort details - The required number of officers, as deemed necessary by the Honor Guard Commander, shall be assigned to fill these details.

Prior to the funeral, the Troop/Company/Section Commander or designee shall:

- Contact the Honor Guard Commander to facilitate planning and coordinate all activities involving the Casket Guard, Casket Team, Color Guard, Firing Detail, Bugler(s), Bagpiper(s), and helicopter fly-over;
- Meet with the Funeral Director to coordinate the route of travel the procession shall follow from the funeral home to the church, and the church to the cemetery, the positioning of the Honor Guard Detail at the funeral home, church, and cemetery, parking for Department vehicles at the funeral home, church, and cemetery; and



HONOR GUARD AND FUNERAL PROCEDURES

- Prepare an operations plan, including diagrams, detailing department vehicle placements at all funeral sites, for dissemination to involved supervisors.

Services Held at a Funeral Home or Church: If directed by the Troop/Company/Section Commander, officers shall be in formation outside of the funeral home or church no later than 15 minutes prior to the arrival of the family. The officers shall fall in at the position of attention and remain at attention until given the command “parade rest.” The officers will be brought to attention upon the arrival of the family. If the officers are to enter the funeral home/church to view the deceased, they shall do so in single file. Upon exiting the funeral home/church, officers will resume formation. Upon completion of the funeral service, while the casket is being carried from the funeral home/church to the hearse, the officers shall be brought to the position of attention and ordered to present arms. When the casket is secured in the hearse, the officers will be brought to order arms and then directed to fall out in an orderly manner to their respective vehicles.

Upon arrival at the church or chapel, the Casket Team will relieve the Companion Officer. The Honor Guard Commander in conjunction with the funeral director and the family will direct all Honor Guard responsibilities.

At the direction of the Honor Guard Commander, the Honor Guard will leave the church/funeral home to travel to the cemetery to be in place upon the arrival of the procession.

If the Honor Guard Detail has not previously departed for the cemetery, the funeral procession is formed in the following order:

- Funeral Director's vehicle;
- Casket Team;
- Escort Commander;
- Honor Guard Members in marked vehicles;
- Hearse;
- Family;
- Other mourners.

While in the procession, department vehicles shall have headlights, hazard (four-way) flashers, and emergency lights activated.

The utilization and positioning of the Color Guard, Firing Detail, and Bagpiper(s) at the funeral home and the church shall be determined by the Honor Guard Commander, in concurrence with



HONOR GUARD AND FUNERAL PROCEDURES

the Escort Commander. The Color Guard, Firing Detail, and Bugler(s) shall be in place at the cemetery prior to the arrival of the procession.

The gravesite services for a full-honor funeral shall be conducted in accordance with the provisions of this policy, as applicable.

Regular Honor Funeral: A regular-honor funeral may be accorded to any active duty member who has died of natural causes or as a result of injuries received while off duty.

The regular-honor funeral escort shall consist of the following members and details:

- Officer-In-Charge - The Commanding Officer, or designee, of the Troop/Company/Section where the funeral will be held.
- The Honor Guard Detail shall provide a Casket Guard, Casket Team, Color Guard, and Bugler. For visitations, the Casket Guard can be provided by Troop/Company/Section officers, as needed.
- Traffic, crowd control, and procession escort details - The required number of officers, as deemed necessary by the Officer-In-Charge, shall be assigned to fill these details.

Prior to the funeral, the Troop/Company/Section Commander, or designee, shall contact the Honor Guard Commander to facilitate planning and coordinate the activities of the Casket Guard, Casket Team, Color Guard, and Bugler.

The regular-honor funeral shall be conducted in accordance with the applicable basic guidelines as outlined for a full honor funeral. The Officer-In-Charge shall perform the duties required of the Escort Commander.

The gravesite services for a regular-honor funeral shall be conducted in accordance with the provisions of this policy, as applicable.

Retiree Funerals: If the family of a deceased retired ASP officer requests a Department funeral, the Honor Guard Commander shall endeavor to schedule Honor Guard Members to serve as the Casket Team, Casket Guards or Pallbearers. If the required number of Honor Guard Members is not available for a Casket Team, the involved Troop/Company/Section Commander shall assign members under their command to augment the Honor Guard Members; in this case, the detail shall be attired in the Department Class A Uniform.

Requests for the Honor Guard Detail to provide services for a retiree's funeral in another state must be authorized by the Director.



HONOR GUARD AND FUNERAL PROCEDURES

The gravesite services for a retiree funeral shall be conducted in accordance with the provisions of this chapter, as applicable.

Gravesite Services: Prior to the removal of the casket from the hearse, officers shall be positioned in the respective formations at the gravesite.

In a full-honor funeral, the formation is formed at a position near the gravesite in full view of the next of kin and family, but far enough away as not to impede the movements of the Casket Team members while carrying the casket. Uniform officers of the department, or additional officers, may be designated to form two ranks, facing each other, forming an aisle of sufficient width from the hearse to the gravesite, through which the casket will be carried. Officers shall be moved into and out of position in a military manner, under the command of the designated commissioned officer.

The Firing Detail in a full-honor funeral shall be positioned at an appropriate distance from the gravesite, separate from the formation, and as best as can be arranged, in full view of the family. The rifles shall be aimed so as to appear they are being fired over the gravesite.

The Firing Detail, Bugler(s), and Bagpiper(s), if utilized, shall be positioned as determined by the Honor Guard Commander.

Officers shall be brought to attention upon the arrival of the procession. The command of “present arms” shall be given as the casket is being removed from the hearse. After the casket is placed in position on the lowering device at the gravesite, the command of “order arms” shall be given. At this time, the officers will either be given the command of “parade rest” or will be given the command of “fall-out”, in which case they should walk to an area behind the family and other mourners.

If applicable, the Casket Team, after centering the casket on the lowering device, shall raise the National flag from the casket, hold it straight and tight over the casket, and assume the position of attention.

In a full-honor funeral, at the conclusion of the benediction, an Honor Guard Member or clergyman shall signal the Firing Detail Leader to bring the detail to attention followed by “port arms.” The Firing Detail Leader then commands the Firing Detail to fire three volleys. A firing detail team member should be designated to retrieve three spent rounds to be placed in the National flag after it has been folded. After the three volleys have been fired, the Casket Team will fold the National flag, place the three spent rounds in the folds, and present it to a family member. The Bugler(s) will then sound *Taps* followed by a helicopter fly-over, if available. After the flyover, Bagpipes may be played. At the dismissal of the gravesite services, the Troop



HONOR GUARD AND FUNERAL PROCEDURES

Commander shall direct the on-duty telecommunications operator in the troop where the gravesite services are held to broadcast the final call for the fallen officer.

The protocol for a regular honor or retiree gravesite service will be the same as a full honor funeral with the exception of the bagpipes, helicopter flyover and final call. The family may request bagpipes but a helicopter flyover and final call is reserved only for full honor burial.

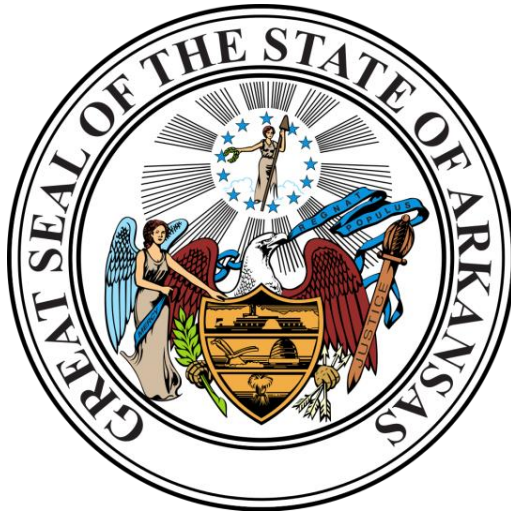
When the flag is presented to the family member, the presenting officer shall make the following statement in a tone keeping with the solemnity of the occasion: "On behalf of a grateful Nation and the citizens of the State of Arkansas, this flag is presented to you as a token of appreciation for the honorable and faithful service rendered by your (identify the relationship of the deceased member to the next of kin) to the Arkansas State Police."

The Honor Guard and other details shall remain in formation until the Honor Guard Commander calls the formation to attention and dismissed. Upon dismissal, firing detail team member will collect eighteen additional spent rounds to be given to the family.

Non-Department Funerals: When Honor Guard participation is requested for services for Arkansas police officers killed in the line of duty, a Color Guard may be assigned.

Generally, when Honor Guard participation is authorized for a member of a State Police or State Highway Patrol of another state killed in the line of duty, an Honor Guard Member or representative may be assigned.





ARKANSAS

AMBER[®]
ALERT
PLAN



Revised February 1, 2018

The *Arkansas AMBER Alert Plan* is a statewide initiative between law enforcement, news media and the public, with the shared objectives of using a dependable information delivery system to help quickly locate abducted children and bring them home safely. The *Arkansas AMBER Alert Plan* provides law enforcement the ability to disseminate information and photographs across the state, following the initial report of an abducted child. The *Arkansas AMBER Alert Plan* is a law enforcement tool and not designed to be relied upon as the sole means of recovery.

While this is part of a national effort, there is not one, unified plan or set of standardized criteria among states. Some states have statewide plans, while others have plans that operate on a regional or metropolitan level, with each plan operating independently of one another. In fact, there are over 100 plans across the United States. The *Arkansas AMBER Alert Plan* is a statewide plan that can interface with other plans if so requested.

The Arkansas AMBER Alert Plan is not:

- the only resource to be used
- applicable to every situation
- for every missing child
- designed for custodial conflicts

Child Abduction and Missing Child Defined

In very general terms, child abduction is the unauthorized taking of a child from a person with a right to custody by a person without a right of custody. The taking can be by force, enticement, luring, fraud or other means.

By federal law, specifically the Missing Children's Assistance Act of 1984 (42 U.S.C. § 5772), a missing child is any individual less than 18 years of age whose whereabouts are unknown to his/her legal custodian. Arkansas law (A.C.A. § 12-12-205), defines a missing child as any person who is under eighteen (18) years of age; whose residence is in Arkansas or is believed to be in Arkansas; whose location is unknown or who has been taken, enticed, or kept from any person entitled by law or a court decree or order to the right of custody; and who has been reported as missing to a law enforcement agency.

Arkansas AMBER Alert Plan Criteria

The *Arkansas AMBER Alert Plan* will only be activated if the situation meets the minimum criteria for activation of an AMBER Alert and upon authorization of the Arkansas State Police (ASP) Criminal Investigation Division (CID) Commander or his/her designee. ASP is the filtering agency, which forwards the information for public dissemination. It will be used **only** for child abduction cases, and it will not be used for an incident involving a runaway or for most parental abduction cases, unless the

circumstances are determined to be life-threatening to the child. Below is a list of the minimum reporting criteria that must be met by a local law enforcement agency before an AMBER Alert will be issued.

Minimum Reporting Criteria:

- There is reasonable belief by law enforcement that an actual **ABDUCTION** has occurred.
- Law enforcement believes that the child is in **IMMINENT DANGER** of serious bodily injury or death.
- There is enough **descriptive information** about the **victim and the abduction** for law enforcement to issue an AMBER ALERT to assist in the recovery of the child.
- The abducted child is **under 18 years of age**.
- The child's name and other critical data elements, including the CHILD ABDUCTION FLAG, have been **entered into the National Crime Information Center (NCIC)** system.

Arkansas AMBER Alert Plan Protocol

When a local law enforcement agency first receives a report of an abducted child and begins to consider the use of the *Arkansas AMBER Alert Plan*, a department commander from the local law enforcement agency should immediately contact the ASP CID office or Troop Headquarters in their area. ASP will in turn notify the CID Company Commander or CID Sergeant, who will assist the local law enforcement agency with the threat assessment. When conducting the threat assessment, the local law enforcement agency will be asked to provide as much descriptive information as possible about the victim, any known suspect information, known travel information, and victim or suspect photographs. A special agent may be assigned to assist the local law enforcement agency with the threat assessment and investigation.

After assessing the information provided by the local law enforcement agency, the Company Commander or CID Sergeant will contact the CID Division Commander and make a recommendation regarding the issuance of an AMBER Alert.

When an *AMBER Alert* has been authorized, the following procedures will be followed:

- ASP Troop "A" Telecommunications Operators will prepare an electronic template using information from the AMBER Alert Initial Reporting Form ([ASP 500](#)) for the AMBER Alert announcement. This information will provide descriptive information about the missing child, associated suspect(s), and means of transportation. The announcement will include a telephone number for the respective Troop Headquarters and the local law enforcement agency that will be used by the public to report information related to the missing child.

- ASP Troop “A” Telecommunication Operators will work with the Arkansas Department of Transportation (ARDOT) to provide suspect vehicle and license plate information that may be displayed on Dynamic Message Signs (DMS) maintained by ARDOT.
- ASP Troop “A” Telecommunications Operators will work with the National Center for Missing and Exploited Children (NCMEC) to provide information that can be broadcast in a Wireless Emergency Alert (WEA) in a text message format to wireless carriers.
- The ASP Public Information Officer (PIO) will disseminate the information related to the abducted child and suspect to the public via social media and the ASP website.

Missing/Endangered Child Media Advisory

If the circumstances of the disappearance of a child do not meet the *Arkansas AMBER Alert Plan* criteria, a Missing/Endangered Child Media Advisory ([ASP 502](#)) may be issued. ASP can take the available information from the requesting law enforcement agency and forward that information to media outlets from the agency's current statewide media contact list, as well as social media outlets. The telephone number for the law enforcement agency making the request for a Missing/Endangered Child Media Advisory will be listed for the public to contact.

A Missing/Endangered Child Media Advisory may be upgraded at any time to an AMBER Alert if the facts of the case warrant. A police chief, sheriff or their authorized designee should follow the Minimum Reporting Criteria guidelines set forth in the ***Arkansas AMBER Alert Plan Criteria*** section of this plan.

An authorized local law enforcement supervisor must complete the *Missing/Endangered Child Media Advisory Request form*, and email or fax the form to ASP, Troop “A” Communications Center in Little Rock.

Authorization of a Missing/Endangered Child Media Advisory is delegated to the ASP CID commander or his/her designee. If a Missing/Endangered Child Media Advisory notification is authorized, ASP will disseminate information contained in the initial reporting form, along with a current photograph of the missing child or person through an electronic mail server maintained by the ASP. Using an e-mail template, the Troop “A” Telecommunications Operator will transcribe the necessary information from the initial reporting form onto the template. The photograph may be included as an attached file or sent separately when the photograph becomes available. The e-mail will be sent to a list of subscribers to include both print and broadcast newsrooms across the state. The Missing/Endangered Child Media Advisory does not utilize WEA or DMS and will not interrupt programming.

The ASP PIO will disseminate the information to the public relating to the missing child via social media and the Arkansas State Police web site.



Arkansas State Police

DIRECTIVE

NUMBER: 09-01
January 1, 2009

SUBJECT: Standard of Biofuel Usage

1. ISSUANCE AND PURPOSE:

This Directive is issued in response to the Arkansas State Police requirement to comply with the Arkansas Alternative Fuel Development ACT 15-13-201 – 205.

2. STATUTORY REQUIREMENT:

ACA § 15-13-202 Biofuel Standard for State Vehicles and State Equipment.

All diesel-powered motor vehicles, light trucks, and equipment owned or leased by a state agency shall be operated using diesel fuel that contains a minimum of two percent (2%) biofuels by volume.

3. POLICY:

When available and economically feasible, fuel purchased for diesel powered motor vehicles, light trucks and equipment utilized by the Arkansas State Police shall contain at least a minimum of two percent (2%) biofuels by volume.

All Arkansas State Police Employees should exercise prudent judgment when purchasing diesel fuels in compliance with this directive.

4. EFFECTIVE:

This Directive is effective January 1, 2009 and remains in effect unless changed by Statute or rescinded.

	Arkansas State Police		
	Agency Directive	2017-001	Effective Date: June 28, 2017
	Naloxone Administration		

This Directive applies to all officers issued a Naloxone kit.

Purpose of Directive

The purpose of this directive is to establish policy guidelines governing the administration of Naloxone by ASP officers in order to reduce the number of fatal opioid overdoses.

Policy

It is the policy of this Department to assist any person who may be suffering from an opioid overdose. Officers trained in accordance with this directive shall make every reasonable effort to use Naloxone to revive victims of an apparent opioid drug overdose. Due to the possible exposure of officers/employees to harmful opioids in the course of their duties, this directive encompasses the use of Naloxone for the public and for employees of the Arkansas State Police.

Legislation

The Naloxone Access act, A.C.A. § 20-13-1804, gave the authority to a healthcare professional acting in good faith to directly, or by standing order, prescribe and dispense an opioid antagonist to a law enforcement officer or agency. The Naloxone Access Act further stated that a person acting in “good faith” is “immune from civil liability, criminal liability, or professional sanctions” for administering an opioid antagonist to a person if he or she “reasonably believes that another person is experiencing an opioid-related drug overdose.”

Definitions:

Medical Control Physician: The Medical Control Physician (MCP) shall be a designated Medical Doctor licensed to practice medicine in the State of Arkansas. The Arkansas State Police shall maintain an affiliation with the MCP. The Agency Director or his designee should periodically consult with the MCP to review agency training, equipment, procedures, changes to applicable laws and regulations and/or the review of specific medical cases. At his or her discretion, the MCP may assist in training members of the Arkansas State Police.

Naloxone: Naloxone is an opioid receptor antagonist and can be administered to a person through intramuscular, intranasal or intravenous means.

Opioid: An opioid, as defined by A.C.A. § 20-13-603(5), is "...a drug or medication that relieves pain, including without limitation:

- (A) Hydrocodone;
- (B) Oxycodone;
- (C) Morphine;
- (D) Codeine;
- (E) Heroin; and
- (F) Fentanyl."

For the purposes of this directive, an opioid shall include all opiates that are derived from the opium poppy plant (natural), and those drugs that mimic an opiate (semi-synthetic and synthetic).

Opioid-related drug overdose: As defined in A.C.A. § 20-13-1603(7), "An acute condition resulting from, or that a reasonable person would believe to be resulting from, the consumption or use of an opioid or another substance with which an opioid was combined by an individual with signs and symptoms that include without limitation:

- (A) Extreme physical illness;
- (B) Decreased level of consciousness;
- (C) Respiratory depression;
- (D) Coma;
- (E) Mania; or
- (F) Death."

Procedure

1. Notify communications of the possible overdose and ensure that Emergency Medical Services (EMS) has been contacted and is enroute. Update the communications center regarding the status of the person prior to EMS arrival when possible.
2. Based on the assessment, if an opioid overdose is suspected, administer Naloxone in accordance with agency policy and training.

Reporting

Officers shall complete an incident report any time he or she administers Naloxone to a person. The report shall detail the nature of the incident, the care the person received, and clearly indicate that intranasal Naloxone was deployed. A copy of all Naloxone administration reports, regardless if treatment was successful, will be forwarded through the officer's chain of command to the Division Commander. The Division Commander will ensure that a copy is provided to the Naloxone Program Coordinator in the Training Division for review, and to ensure that the officer receives a replacement kit.

Equipment – Maintenance and Replacement

Officers shall keep Naloxone kits in the glove box of their vehicles. Damaged or outdated supplies/kits shall be reported to the officer's immediate supervisor in a memorandum so that the supplies/kits may be replaced. Officers are responsible for the proper care of the Naloxone supplies/kits in accordance with Rules of Conduct (GEN SEC 3).

The Naloxone Program Coordinator will maintain the Naloxone kit inventory by documenting the quantities of, the expiration dates of, and the issuance of all supplies/kits.

Training

Officers shall receive a standard training course administered by the ASP Training Division or an ASP-approved instructor prior to carrying or using Naloxone. The ASP Training Division shall maintain all Naloxone training records and provide any required refresher training.

Naloxone Program Coordinator Responsibilities

The Naloxone Program Coordinator will:

1. Develop and maintain Naloxone training curriculum
2. Ensure that each commissioned officer who is issued a Naloxone kit is qualified as a trained overdose responder (TOR)
3. Ensure that all TORs successfully complete all components of the training program
4. Issue replacement kits to officers in accordance with the requirements of this directive
5. Maintain Naloxone program records, including TOR training records, Naloxone usage records and inventories of Naloxone supplies/kits

6. Provide liaison with EMS, where appropriate
7. Assist the Medical Control Physician with review of the incident reports related to Naloxone administration

Medical Control Physician Responsibilities

The Medical Control Physician will:

1. Provide clinical consultation, expertise and oversight of medical issues related to the Naloxone Program
2. Consult with ASP regarding training program content and protocols
3. Assist with approval of affiliate prescribers
4. Review reports of all Naloxone administration incident reports with the Naloxone Program Coordinator
5. Assist with the Naloxone procurement process