



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

COMMITTEE SCHEDULE

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: July 22, 2025

The following committee meetings will be held on **Tuesday, July 22, 2025** prior to the City Council Meeting:

05:55 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #1 OR <https://us02web.zoom.us/j/81378717089> OR (312) 626-6799 ID: 813 7871 7089

- To Discuss:
- (a) RWU Monthly Report
 - (b) An Ordinance Amending Section 54-108, Section 54-109, And Section 54-111 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Establishing A New Water Rate Schedule; Repealing Section 54-113 Of The Code Of Ordinances Of The City Of Rogers, Arkansas
 - (c) An Ordinance Amending Section 54-205 And Section 54-206 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Establishing A New Sewer Rate Schedule; Repealing Section 54-212 Of The Code Of Ordinances Of The City Of Rogers, Arkansas
 - (d) An Ordinance Amending Section 54-112 And Section 54-211 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Adjusting The Schedule Of Development Impact Fees For Water Service; Adjusting The Schedule Of Development Impact Fees For Sewer Service

05:55 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Reithemeyer, Minor)

Committee Room #2 OR <https://us02web.zoom.us/j/89939841235> OR (312)626-6799 ID: 899 3984 1235

- To Discuss:
- (a) A Resolution Amending The 2025 Budget To Recognize A Donation From The David H. Stiegler Revocable Trust To The Rogers Police Department In The Amount Of \$10,000.00 Into Account #100-03-45600 Grants And Donations; Appropriating That Same Amount Into Account #100-03-70715 K-9 Expense
 - (b) A Resolution Adopting Updated Policies And Procedures In The Standard Operating Guidelines For The Rogers Police Department

06:10 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/89939841235> OR (312)626-6799 ID: 899 3984 1235

- To Discuss:
- (a) A Resolution Amending The 2025 Budget To Appropriate Funds In The Amount Of \$4,780,258.00 From General Fund Reserves Into Fund 349 FEMA Grant Fund And Various Accounts

- (b) A Resolution Amending The 2025 Budget To Appropriate \$16,575,000.00 From General Fund Reserves Into Various Accounts For Various Capital Improvement Projects
 - (c) An Ordinance Creating A Restricted Reserves Fund For The City Of Rogers; Codifying The Restrictive Reserve Fund Under Chapter 2, Division 4 Of The Code Of Ordinances
-

06:10 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Minor*, Townzen, Hayes)

Committee Room #1 OR <https://us02web.zoom.us/j/81378717089> OR (312) 626-6799 ID: 813 7871 7089

To Discuss:

- (a) An Ordinance Repealing Chapter 14, Section 715 Of The City Of Rogers Code Of Ordinances; Repealing The Downtown Neighborhood Transition Zoning Designation
-



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ROGERS CITY COUNCIL
*** AMENDED* AGENDA**

JULY 22, 2025
6:30 PM

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 861 8235 4084

PUBLIC HEARING:

1. A Public Hearing Concerning A Proposed Sewer Rate Increase

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. July 08, 2025

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|---|------------------------|
| 1. | ORD. Re: | Amending Section 54-108, Section 54-109, And Section 54-111 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Establishing A New Water Rate Schedule; Repealing Section 54-113 Of The Code Of Ordinances Of The City Of Rogers, Arkansas | PUBLIC WORKS COMMITTEE |
| 2. | ORD. Re: | Amending Section 54-205 And Section 54-206 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Establishing A New Sewer Rate Schedule; Repealing Section 54-212 Of The Code Of Ordinances Of The City Of Rogers, Arkansas | PUBLIC WORKS COMMITTEE |

- | | | | |
|----|----------|---|--|
| 3. | ORD. Re: | Amending Section 54-112 And Section 54-211 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Adjusting The Schedule Of Development Impact Fees For Water Service; Adjusting The Schedule Of Development Impact Fees For Sewer Service | PUBLIC WORKS
COMMITTEE |
| 4. | RES. Re: | Amending The 2025 Budget To Appropriate Funds In The Amount Of \$4,780,258.00 From General Fund Reserves Into Fund 349 FEMA Grant Fund And Various Accounts | FINANCE
COMMITTEE |
| 5. | RES. Re: | Amending The 2025 Budget To Appropriate \$16,575,000.00 From General Fund Reserves Into Various Accounts For Various Capital Improvement Projects | FINANCE
COMMITTEE |
| 6. | ORD. Re: | Creating A Restricted Reserves Fund For The City Of Rogers; Codifying The Restrictive Reserve Fund Under Chapter 2, Division 4 Of The Code Of Ordinances | FINANCE
COMMITTEE |
| 7. | RES. Re: | Amending The 2025 Budget To Recognize A Donation From The David H. Stiegler Revocable Trust To The Rogers Police Department In The Amount Of \$10,000.00 Into Account #100-03-45600 Grants And Donations; Appropriating That Same Amount Into Account #100-03-70715 K-9 Expense | PUBLIC SAFETY
COMMITTEE |
| 8. | RES. Re: | Adopting Updated Policies And Procedures In The Standard Operating Guidelines For The Rogers Police Department | PUBLIC SAFETY
COMMITTEE |
| 9. | ORD. Re: | Repealing Chapter 14, Section 715 Of The City Of Rogers Code Of Ordinances; Repealing The Downtown Neighborhood Transition Zoning Designation | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

1. ORD. Re: Accepting An Easement Plat Of Honeysuckle Lane Trailer Maintenance Shop, Rogers, Benton County, Arkansas; The Dedication Of Easements And Other Public Ways Therein

APPOINTMENTS:

1. The appointment of Derek Burnett, Hannah Cicioni, Ed McClure, Ezequiel Tovar, and Jorge Andrade to the Historic District Commission; replacing all current members. Terms to expire July 22, 2028.

ANNOUNCEMENTS:

1. **The Declaration of Mayor's appointment of Bryan Hinds as Assistant Fire Chief**

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING SECTION 54-108, SECTION 54-109, AND SECTION 54-111 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; ESTABLISHING A NEW WATER RATE SCHEDULE; REPEALING SECTION 54-113 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Waterworks and Sewer Commission has been empowered by the Rogers City Council to oversee the efficient operation of the Rogers Water Utilities;

WHEREAS, the Rogers Water Utilities has commissioned a rate study for the Rogers Water Department;

WHEREAS, the rate study indicates that certain water rates need to be adjusted to keep up with rising costs for wholesale water, maintenance of the water system, and other expenses, and to maintain the Rogers Water Department on a sound fiscal footing;

WHEREAS, the management of the Rogers Water Utilities has prepared a new proposed water rate schedule as shown on the attached Exhibit 1;

WHEREAS, the Rogers Waterworks and Sewer Commission has passed its Resolution No. 25-13, recommending adoption of a new water rate schedule presented by the management of the Rogers Water Utilities; and

WHEREAS, having duly considered the matter, the Rogers City Council believes adopting a new water rate schedule comports with sound fiscal management of the Rogers Water Department and is in accordance with the best interests of the Rogers Water Utilities and its customers, and the best interests of the City of Rogers.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: The Rogers City Council hereby finds and declares that the water rates shown on the attached Exhibit 1 are fair, reasonable and necessary minimum rates and will produce revenues in each year at least sufficient to provide the estimated cost of operating and maintaining the water system, to pay the principal of and interest on all revenue bonds and any revenue promissory notes as they severally mature; to make such payments into a revenue bond sinking fund as may be required by ordinance or trust indenture, and to provide an adequate depreciation fund;

Section 2: Section 54-108, Section 54-109, and Section 54-111 of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended to read as shown on the attached Exhibit 1. which is incorporated herein by reference as if set out word for word herein. Further, as shown on Exhibit 1, effective October 1, 2025, Section 54-113 of the Code of Ordinances of the City of Rogers is hereby repealed;

Section 3: Effective Date: As stated in Exhibit 1, the new water rate schedule shall be in full force and effect on October 1, 2025;

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____ 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

Jessica Rush, City Clerk

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

For Consideration By: Public Works Committee

EXHIBIT 1. TO ORDINANCE NO. 25 - ____

Sec. 54-108. Schedule of rates - Inside city.

(a) The city council hereby finds and declares the rates in the following tables and other rates shown below to be reasonable and necessary minimum rates to be charged for customers inside city limits. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after October 1, 2025, the rates shown in the column labeled “October 1, 2025” apply until July 1, 2026. On July 1, 2026, the rates shown in the column labeled “July 1, 2026” apply until July 1, 2027, and so on.

(1) Monthly water rates for customers inside city limits:

<i>Effective Date</i>	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
a. First 1,500 gallons or portion thereof, minimum	\$11.42	\$12.28	\$13.20	\$14.19	\$15.25
b. First 1,500 gallons or portion thereof, minimum (Senior)	\$5.71	\$6.14	\$6.60	\$7.10	\$7.63
c. Next 98,500 gallons or portion thereof, per 1,000 gallons	\$4.85	\$5.21	\$5.60	\$6.02	\$6.47
d. Next 400,000 gallons or portion thereof, per 1,000 gallons	\$4.30	\$4.62	\$4.97	\$5.34	\$5.74
e. Next 500,000 gallons or portion thereof, per 1,000 gallons	\$3.91	\$4.21	\$4.53	\$4.87	\$5.24
f. More than 1,000,000 gallons or portion thereof, per 1,000 gallons	\$3.66	\$3.93	\$4.22	\$4.54	\$4.88
g. Irrigation usage over first 1,500 gallons	\$5.00	\$5.38	\$5.78	\$6.21	\$6.68

(2) Monthly Meter Minimum

<i>Effective Date</i>	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
a. 1-inch meter	\$10.25	\$11.02	\$11.85	\$12.74	\$13.70
b. 1 ½-inch meter	\$20.50	\$22.04	\$23.69	\$25.47	\$27.38
c. 2- inch meter	\$32.80	\$35.26	\$37.90	\$40.74	\$43.80
d. 3- inch meter	\$61.50	\$66.11	\$71.07	\$76.40	\$82.13

e.	4- inch meter	\$102.50	\$110.19	\$118.45	\$127.33	\$136.88
f.	6- inch meter	\$205.00	\$220.38	\$236.91	\$254.68	\$273.78

(3) *Fire Lines*: \$20.00 per month flat fee per fire line (unmetered water)

(4) *Private Fire Hydrant*: \$5.00 per month flat fee per hydrant

(b) The above noted rates do not include gross receipts taxes or other assessments or taxes.

State Law reference – A.C.A. § 14-234-214.

Sec. 54-109. Schedule of rates - Outside city.

(a) The city council hereby finds and declares the rates in the following tables and other rates shown below to be reasonable and necessary minimum rates to be charged for customers outside city limits. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after October 1, 2025, the rates shown in the column labeled “October 1, 2025” apply until July 1, 2026. On July 1, 2026, the rates shown in the column labeled “July 1, 2026” apply until July 1, 2027, and so on.

(1) *Monthly water rates for customers outside city limits:*

<i>Effective Date</i>	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
a. First 1,500 gallons or portion thereof, minimum	\$14.85	\$15.96	\$17.16	\$18.45	\$19.83
b. First 1,500 gallons or portion thereof, minimum (Senior)	\$7.42	\$7.98	\$8.58	\$9.22	\$9.91
c. Next 98,500 gallons or portion thereof, per 1,000 gallons	\$6.31	\$6.78	\$7.29	\$7.84	\$8.43
d. Next 400,000 gallons or portion thereof, per 1,000 gallons	\$5.59	\$6.01	\$6.46	\$6.94	\$7.46
e. Next 500,000 gallons or portion thereof, per 1,000 gallons	\$5.09	\$5.47	\$5.88	\$6.32	\$6.79
f. More than 1,000,000 gallons or portion thereof, per 1,000 gallons	\$4.76	\$5.11	\$5.49	\$5.90	\$6.34
g. Irrigation usage over first 1,500 gallons	\$6.50	\$6.99	\$7.51	\$8.07	\$8.68

(2) *Monthly meter minimum:*

<i>Effective Date</i>		October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
a.	1-inch meter	\$13.33	\$14.32	\$15.39	\$16.54	\$17.78
b.	1 ½-inch meter	\$26.65	\$28.65	\$30.80	\$33.11	\$35.59
c.	2- inch meter	\$42.64	\$45.84	\$49.28	\$52.98	\$56.95
d.	3- inch meter	\$79.95	\$85.95	\$92.40	\$99.33	\$106.78
e.	4- inch meter	\$133.25	\$143.24	\$153.98	\$165.53	\$177.94
f.	6- inch meter	\$266.50	\$286.49	\$307.98	\$331.08	\$355.91

(3) *Fire Lines:* \$20.00 per month flat fee per fire line (unmetered water)

(4) *Private Fire Hydrant:* \$5.00 per month flat fee per hydrant

(b) The above noted rates do not include gross receipts taxes or other assessments or taxes.

State Law reference – A.C.A. § 14-234-214.

Sec. 54-111. - Exceptions.

(a) For the first 1,500 gallons per month used, persons 62 years of age or older shall pay the discounted (Senior) rate applicable for customers inside the city or outside the city listed in the Schedules of rates above. Water used in addition to the first 1,500 gallons per month will be billed at the regular nondiscounted rate. This discount shall apply only to the primary residence of the user and shall not apply to separate irrigation meters.

(b) Application Required. In order to receive the discounted (Senior) rate specified in subsection (a) above, persons 62 years of age or over must apply to the Rogers Water Utilities and present satisfactory proof of age (e.g. a government issued identification card, driver's license, passport, or birth certificate). In the absence of an application supported by satisfactory proof of age, the discounted (Senior) rate specified in subsection (a) above shall not be applied.

(Code 1997, § 118-105; Ord. No. 03-122, §§ 3—5, 12-9-2003)

Sec. 54-113. - Access fee.

[Repealed effective October 1, 2025]

(Code 1997, § 118-107; Ord. No. 07-81, § 1, 6-12-2007)

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING SECTION 54-205 AND SECTION 54-206 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; ESTABLISHING A NEW SEWER RATE SCHEDULE; REPEALING SECTION 54-212 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS the Rogers Waterworks and Sewer Commission has been empowered by the Rogers City Council to oversee efficient operation of the Rogers Water Utilities;

WHEREAS, the Rogers Water Utilities has commissioned a rate study for the Rogers Sewer Department;

WHEREAS, the rate study indicates that certain sewer rates need to be adjusted to keep up with rising costs of operating and maintaining the sewer system, and other expenses, and to maintain the Rogers Sewer Department on a sound fiscal footing;

WHEREAS, the management of the Rogers Water Utilities has prepared a new proposed sewer rate schedule as shown on the attached Exhibit 1;

WHEREAS, the Rogers Waterworks and Sewer Commission has passed its Resolution No. 25-15, recommending adoption of a new sewer rate schedule presented by the management of the Rogers Water Utilities; and

WHEREAS, having duly considered the matter, the Rogers City Council believes adopting a new sewer rate schedule comports with sound fiscal management of the Rogers Sewer Department and is in accordance with the best interests of the Rogers Water Utilities and its customers, and the best interests of the City of Rogers.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: The Rogers City Council hereby finds and declares that the sewer rates shown on the attached Exhibit 1 are just, equitable, fair, reasonable and necessary minimum rates and charges, and will produce revenues in each year at least sufficient for the payment of the proper and reasonable expenses of operation, repair, replacements, and maintenance of the sewer system and for the payment of the sums required to be paid into the sinking fund, including the interest upon the bonds as interest shall fall due; the necessary fiscal agency charges for paying bonds and interest; the payment of bonds as they fall due, or if all bonds mature at one time, the proper maintenance of a sinking fund sufficient for the payment of them at such time; a margin for safety and for the payment of premiums upon bonds retired by call or purchase; establishing and maintaining reserves sufficient for operation, repair, and maintenance of the sewer system for an ensuing period of not less than twelve months and for depreciation; and to further fund certain extensions, betterments, and additions to the sewer system, all as required or permitted by Ark. Code. Ann. § 14-235-221 and Ark. Code. Ann. § 14-235-223;

Section 2: Section 54-205 and Section 54-206 of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended to read as shown on the attached Exhibit 1, which is attached hereto and incorporated herein by reference as if set out word for word herein. Further, as shown on Exhibit 1, effective October 1, 2025, Section 54-205(b) and Section 54-212 of the Code of Ordinances are hereby repealed;

Section 3: Effective Date: As stated in Exhibit 1, the new sewer rate schedule shall be in full force and effect on October 1, 2025;

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____ 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

Jessica Rush, City Clerk

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

For Consideration By: Public Works Committee

EXHIBIT 1. TO ORDINANCE NO. _____

Sec. 54-205. Schedule of rates.

(a) Schedule of sewer rates. The following schedule of sewer rates shall be applied to the water consumption of users as set forth in this article. The charges to each customer for sewage collection and treatment shall be determined each month and shall be the sum of a service charge and a usage charge based on the customer's metered water usage determined as set forth in this division and computed using the following schedule of rates. In addition to the monthly service charge, each customer will be billed for sewage treatment works usage based on the customer's water usage as set forth in this division, and the user charge shall be computed using the schedule of rates below. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after October 1, 2025, the rates shown in the column labeled "October 1, 2025" apply until July 1, 2026. On July 1, 2026, the rates shown in the column labeled "July 1, 2026" apply until July 1, 2027, and so on.

(1) Monthly sewer rates for customers inside city limits of the City of Rogers:

<i>Effective Date</i>	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
Service charge	\$18.52	\$21.30	\$24.49	\$28.16	\$29.00
For the first 100,000 gallons of water consumption per month or portion thereof, per 1,000 gallons	\$6.44	\$7.41	\$8.52	\$9.80	\$10.09
All water consumption over 100,000 gallons per month or portion thereof, per 1,000 gallons	\$6.36	\$7.31	\$8.41	\$9.67	\$9.96

(2) Monthly sewer rates for customers outside city limits of the City of Rogers:

<i>Effective Date</i>	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
Service charge	\$24.18	\$27.81	\$31.98	\$36.78	\$37.88
All water consumption per month, per 1,000 gallons:	\$8.39	\$9.65	\$11.10	\$12.76	\$13.14

(3) *Monthly sewer rates for City of Lowell customers in the City of Rogers service area:*

<i>Effective Date</i>	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
Service charge	\$22.22	\$25.55	\$29.38	\$33.79	\$34.80
For the first 100,000 gallons of water consumption per month or portion thereof, per 1,000 gallons	\$7.73	\$8.89	\$10.22	\$11.75	\$12.10
All water consumption over 100,000 gallons per month or portion thereof, per 1,000 gallons	\$7.62	\$8.76	\$10.07	\$11.58	\$11.93

(b) [Repealed as October 1, 2025]

State Law reference – Ark. Code. Ann § 14-235-223.

Sec. 54-206. Sewer surcharges.

- (a) Users generating sewage of greater strength than typical household wastewater may discharge such sewage into the system only if:
- (1) The city, through the Rogers Water Utilities, has agreed to treat the waste as specified in the wastewater discharge permit issued to the user;
 - (2) The waste will not cause damage to the collection system;
 - (3) The waste will not impair the wastewater treatment processes; and
 - (4) The user discharging such waste pays a monthly surcharge to the Rogers Water Utilities in addition to monthly sewer user charges. Computation of such surcharges shall be based on the following formula:

$$S = V_w \times 8.34 \times [(SS-200) \times y + (CBOD-200) \times z + (TN-30) \times n + (TP-4) \times p + (OG-100) \times y]$$

S	=	Surcharge in dollars
V _w	=	Volume of wastewater in 1,000,000 gallons
8.34	=	Weight of a gallon of water in pounds
SS	=	Suspended Solids concentration in milligrams per liter (mg/L)
y	=	Surcharge for Suspended Solids and Oil & Grease in dollars per pound
CBOD	=	Five-day Carbonaceous Biochemical Oxygen Demand concentration in mg/L
z	=	Surcharge for CBOD in dollars per pound
200	=	Typical household SS and CBOD concentration in mg/L

TN	=	Total Nitrogen, which is the sum of ammonia, organic nitrogen, nitrate plus nitrite (since nitrate plus nitrite are usually not present in industrial wastewater, testing for nitrate plus nitrite is not required), concentration in mg/L
n	=	Total Nitrogen surcharge in dollars per pound
30	=	Typical household concentration of TN in mg/L
TP	=	Total Phosphorus concentration of TP in mg/L
p	=	Surcharge for Total Phosphorus in dollars per pound
4	=	Typical household concentration of TP in mg/L
OG	=	Oil & Grease
100	=	Typical household concentration of OG in mg/L

- (b) Surcharges may be determined daily, weekly, or monthly, or other such periods as deemed appropriate by the superintendent of the city water utilities. Surcharge bills shall be the sum of the surcharges determined during the billing period.
- (c) Effective October 1, 2025, the surcharge rates shall be at the following dollars per pound for pollutant parameters at concentrations greater than typical household concentrations:

Pollutant Parameter	Surcharge Rate (dollars per pound)
Suspended Solids	\$0.16
CBOD	\$0.15
T Nitrogen	\$0.80
T Phosphorus	\$5.84
Oil & Grease	\$0.16

- (d) All sample collection and analytical work shall be done by competent individuals or firms regularly involved in wastewater collection and analysis. Sampling and analysis methods must comply with procedures specified in 40 CFR Part 136.

(Code 1982, § 16-55; Code 1997, § 118-185; Ord. No. 19-75, § 2(Exh. 1), 11-26-2019)

State Law reference – A.C.A. § 14-235-223.

Sec. 54-212. - Access fee.

[Repealed as of October 1, 2025]

ORDINANCE NO. 25-_____

**AN ORDINANCE AMENDING SECTION 54-112 AND SECTION 54-211 OF THE
CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; ADJUSTING
THE SCHEDULE OF DEVELOPMENT IMPACT FEES FOR WATER SERVICE;
ADJUSTING THE SCHEDULE OF DEVELOPMENT IMPACT FEES FOR SEWER
SERVICE; AND FOR OTHER PURPOSES.**

WHEREAS, the Rogers Waterworks and Sewer Commission (“the Commission”) has been empowered by the Rogers City Council to oversee efficient operation of the Rogers Water Utilities (“RWU”);

WHEREAS, the City of Rogers and the RWU service area continue to experience a substantial amount of new development which continues to impact existing water facilities and existing sewer facilities and creates the need for expansion and improvement of water supply and distribution facilities (“water facilities”) and the need for expansion and improvement of wastewater treatment and sanitary sewerage facilities (“sewer facilities”);

WHEREAS, HDR Engineering, Inc. performed a rate study for RWU (“the 2025 rate study”) with a capital plan for water facilities and a capital plan for sewer facilities incorporated therein, considering in its analysis RWU’s water masterplan and RWU’s wastewater collection system masterplan;

WHEREAS, the 2025 rate study and the capital plans therein contain statements of new public facilities and capital improvements to existing public facilities along with level of service standards for such public facilities;

WHEREAS, RWU’s 2025 rate study indicates that existing water development impact fees and existing sewer development impact fees should be adjusted to offset increased costs for expansion and improvement of water facilities and expansion and improvement of sewer facilities that are reasonably attributable to providing water services and sewer services to new development;

WHEREAS, the management of RWU has prepared a new proposed schedule for water development impact fees and a new proposed schedule for sewer development impact fees as shown on the attached Exhibit 1;

WHEREAS, the Commission has passed its Resolution No. 25-14, recommending adjustment of Development Impact Fees for Water Service and has also passed its Resolution No. 25-16 recommending adjustment of Development Impact Fees for Sewer Service; and

WHEREAS, having duly considered the matter, the Rogers City Council believes adjusting the schedule of Development Impact Fees for Water Service and adjusting the schedule of Development Impact Fees for Sewer Service comports with sound fiscal management of the Rogers Water Department and the Rogers Sewer Department and is in accordance with the best

interests of the Rogers Water Utilities and its customers, and the best interests of the City of Rogers.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: The City Council of the City of Rogers, Arkansas hereby finds and declares that the City of Rogers and the RWU service area continue to experience a substantial amount of new development which continues to impact existing water facilities and sewer facilities and creates the need for expansion and improvement of water facilities and the need for expansion and improvement of sewer facilities and that the schedule of existing water development impact fees and the schedule of existing sewer development impact fees should be adjusted to account for increased costs for expansion and improvement of water facilities and the increased costs for expansion and improvement of sewer facilities that are reasonably attributable to providing water services and sewer services to new development;

Section 2: The capital plan for water service and the capital plan for sewer service contained in the 2025 rate study along with statements of new public facilities and capital improvements to existing public facilities contained in each plan, and the level of service standards contained in each plan, are incorporated herein by reference;

Section 3: Section 54-112 and Section 54-111 of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended to read as shown on the attached Exhibit 1. which is incorporated herein by reference as if set out word for word herein;

Section 4: Effective Date: As stated in Exhibit 1, the new Development Impact Fee schedules shall be in full force and effect on October 1, 2025. However, any preliminary plat, large scale development, non-large scale development or other proposed development approved by the Rogers Planning Commission pursuant to applicable provisions of the Code of Ordinances of the City of Rogers, or by another agency having jurisdiction, and approved by RWU prior to the effective date of October 1, 2025 shall be charged the development impact fees in effect as of June 16, 2025. Any development that does not begin construction within one year of RWU's approval shall be subject to the development impact fees in effect as of October 1, 2025;

Section 5: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____ 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

Jessica Rush, City Clerk

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the
Rogers Water Utilities

For Consideration By: Public Works Committee

EXHIBIT 1. TO ORDINANCE NO. 25 ____

Sec. 54-112. - Development impact fee.

(a) Effective October 1, 2025, a development impact fee shall be paid by the person or entity requesting new water service, prior to meter installation, regardless of whether any other required fee has been paid, according to the following schedule in connection with and as a condition to the installation of the water meter serving the property:

Meter size	Fee
5/8 inch	\$2,400.00
1 inch	\$3,400.00
1½ inches	\$12,100.00
2 inches	\$19,400.00
3 inches	\$36,400.00
4 inches	\$60,600.00
6 inches	\$121,200.00

All proposed living units are to be metered individually, except for institutionalized care facilities, apartments, or other commercial rentals in which the separation of plumbing facilities would render this requirement impractical.

(b) As stated in subsection (a) above, the development impact fee schedule listed herein above shall be in full force and effect on October 1, 2025. However, any preliminary plat, large scale development, non-large scale development or other proposed development approved by the Rogers Planning Commission pursuant to applicable provisions of the Code of Ordinances of the City of Rogers, or by another agency having jurisdiction, and approved by the Rogers Water Utilities (“RWU”) prior to the effective date of October 1, 2025 shall be charged the development impact fees in effect as of June 16, 2025. Any development that does not begin construction within one year of RWU’s approval shall be subject to the development impact fees in effect as of October 1, 2025.

(c) Refund procedure. The portion of development impact fees collected under subsection (a) of this section, including any accrued interest thereon, that has not been expended within seven years from the date the fees were paid shall be refunded to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(d) The development impact fees established under subsection (a) of this section shall be adjusted, if necessary, in accordance with each new capital improvement plan or revision thereof.

(e) Pursuant to Ark. Code. Ann. 14-256-205(c) (5), development impact fees on the construction of an accessory dwelling unit shall not exceed \$250.00

Sec. 54-211. - Development impact fees.

(a) Effective October 1, 2025, a development impact fee shall be paid by the person or entity requesting new sewer service, prior to water meter installation, regardless of whether any other required fee has been paid, according to the following schedule in connection with and as a condition to the installation of the meter serving the property:

Meter size	Fee
5/8 inch	\$4,000.00
1 inch	\$5,600.00
1½ inches	\$20,100.00
2 inches	\$32,200.00
3 inches	\$60,400.00
4 inches	\$100,700.00
6 inches	\$201,500.00

All proposed living units are to be metered individually, except for institutionalized care facilities, apartments, or other commercial rentals in which the separation of plumbing facilities would render this requirement impractical.

(b) As stated in subsection (a) above, the development impact fee schedule listed herein above shall be in full force and effect on October 1, 2025. However, any preliminary plat, large scale development, non-large scale development or other proposed development approved by the Rogers Planning Commission pursuant to applicable provisions of the Code of Ordinances of the City of Rogers, or by another agency having jurisdiction, and approved by the Rogers Water Utilities (“RWU”) prior to the effective date of October 1, 2025 shall be charged the development impact fees in effect as of June 16, 2025. Any development that does not begin construction within one year of RWU’s approval shall be subject to the development impact fees in effect as of October 1, 2025.

(c) Refund procedure: the portion of development impact fees collected under subsection (a) of this section, including any accrued interest thereon, that has not been expended within seven years from the date the fees were paid shall be refunded to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(d) The development impact fees established under subsection (a) of this section shall be adjusted, if necessary, in accordance with each new capital improvement plan or revision thereof.

(e) Effective April 15, 2020, when a residential fire sprinkler system (RFSS) is installed in a structure to be used as a private residence or dwelling (including a single family home, a duplex,

or manufactured home) and a one-inch water meter is required solely because of installation of the RFSS, then the sewer development impact fee listed above for a $\frac{5}{8}$ inches water meter shall be charged for each living unit in the structure. This provision (e) shall not apply if the structure would require a one-inch water meter even without installation of an RFSS. This provision (e) shall not apply to apartment buildings or other commercial rental structures having three or more living units. This provision (e) shall not apply to a structure used as a place of business. This provision (e) is prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.

(f) Effective September 14, 2021, when a residential fire sprinkler system (RFSS) is installed in a townhouse and a one-inch water meter is required solely because of installation of the RFSS, then the development impact fee listed above for a $\frac{5}{8}$ inches water meter shall be charged for each living unit in the structure. As used herein, "townhouse" means a single-family dwelling unit, to be used as a private residence, constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. This provision (f) shall not apply if the structure would require a one-inch water meter even without installation of an RFSS. This provision (f) shall apply to private residences only and shall not apply to apartment buildings or other commercial rental structures. This provision (f) shall not apply to a structure used as a place of business. This provision (f) is prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.

(g) Pursuant to Ark. Code. Ann. 14-256-205(c) (5), development impact fees on the construction of an accessory dwelling unit shall not exceed \$250.00

RESOLUTION NO. R25-_____

A RESOLUTION AMENDING THE 2025 BUDGET TO APPROPRIATE FUNDS IN THE AMOUNT OF FOUR MILLION SEVEN HUNDRED EIGHTY THOUSAND TWO HUNDRED FIFTY-EIGHT DOLLARS (\$4,780,258.00) FROM GENERAL FUND RESERVES INTO FUND 349 FEMA GRANT FUND AND VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers was hit by severe storms and tornados in the early morning hours on May 26, 2024 that caused extensive damage throughout the City;

WHEREAS, there are several projects that the City have identified that will need additional funds to re-build the structures where the cost exceeded the insurance reimbursement due to being depreciated or the rebuild was improved beyond the original structure, those areas include the theater roof, exterior drainage around buildings, the library roof, and northwest park lighting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS THAT:

Section 1: The 2025 Budget is amended to transfer funds in the amount of four million seven hundred eighty thousand two hundred fifty-eight dollars (\$4,780,258.00) from General Fund reserves to FEMA Grant Fund as follows:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
General Fund 100-01-72100	Interfund Transfer Out	\$4,780,258.00
FEMA Grant Fund 349-49-49900	Interfund Transfer In	\$4,780,258.00

Section 2: The 2025 Budget is amended to appropriate the transferred four million seven hundred eighty thousand two hundred fifty-eight dollars (\$4,780,258.00) into the following accounts and amending some accounts as follows:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
349-49-74788.305	FEMA 4788 Emergency Protective Measures	\$ (285,082.00)
349-49-74788.310	FEMA 4788 Road, Sidewalk, Bridge Repair	10,360.00
349-49-74788.325	FEMA 4788 Fire Training Center	(1,100,000.00)
349-49-74788.330	FEMA 4788 Victory Theater	780,000.00
349-49-74788.335	FEMA 4788 Library	1,450,000.00
349-49-74788.340	FEMA 4788 Street Buildings	(500,000.00)
349-49-74788.345	FEMA 4788 NorthWest Park	4,400,000.00
349-49-74788.350	FEMA 4788 General Projects	300,000.00
349-49-74788.360	FEMA 4788 Vehicle Maintenance	(50,000.00)
349-49-74788.370	FEMA 4788 Admin Management Fee	(145,685.00)
349-49-85051.400	13 th Street	(79,335.00)

Total \$ 4,780,258.00

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R25-_____

A RESOLUTION AMENDING THE 2025 BUDGET TO APPROPRIATE SIXTEEN MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$16,575,000.00) FROM GENERAL FUND RESERVES INTO VARIOUS ACCOUNTS FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers has identified a need for several capital improvement projects in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers' 2025 Budget is hereby amended to appropriate sixteen million five hundred seventy-five thousand dollars (\$16,575,000.00) from General Fund Reserves into the following accounts:

Department	Account	Account Title	In the Amount of
Facilities	100-05-70268	Professional Services	\$ 300,000.00
Facilities	100-05-80123	Data Center/IT Office(Design)	220,000.00
Facilities	100-05-80124	Animal Shelter(Design)	495,000.00
Facilities	100-05-80136	Facilities Dept. and Storage Warehouse(Design)	240,000.00
Facilities	100-05-84008	Police Evidence Building(Design)	220,000.00
Facilities	100-05-84009	Police Facility Renovation	200,000.00
Facilities	100-05-84211	Fire Station #4 (Construction)	12,400,000.00
Facilities	100-05-84515	Olive Street Park (Construction)	2,500,000.00
Total			<u>\$ 16,575,000.00</u>

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Hook, Facilities Development Manager

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 25-_____

AN ORDINANCE CREATING A RESTRICTED RESERVES FUND FOR THE CITY OF ROGERS; CODIFYING THE RESTRICTIVE RESERVE FUND UNDER CHAPTER 2, DIVISION 4 OF THE CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers has identified a need to create a Restricted Reserve Fund using current General Fund Reserves and desires to codify the rules and regulations governing the Restrictive Reserve Fund;

WHEREAS, the City understands that it is in its best interest and for the protection of the health, safety, and welfare of its citizens to have funds available should an emergency occur such that immediate monies are available allowing the City to respond to an emergency expeditiously;

WHEREAS, the City was able to respond to the May 2024 tornado in an expediated manner due to its robust general reserve fund, and understands the continued need to have immediate funds available to respond to emergencies that may occur in the future and the limited assistance available from State and Federal partners; and

WHEREAS, there are no State laws currently mandating the requirements or amounts for municipal reserves; however, the City is creating its Restricted Reserve Fund under its general home rule making power under Ark. Code Ann. § 14-43-602.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers hereby establishes a Restricted Reserves Fund for the City of Rogers;

Section 2: The City of Rogers hereby creates Chapter 2, Article III – Restricted Reserve Fund in its Code of Ordinances and the Municode Corporation is hereby instructed to create this Article;

Section 3: The Municode Corporation is hereby instructed to add all sections found in Exhibit “A” to the City of Rogers’ Code of Ordinances;

Section 4: Emergency Clause: The need to amend the Rogers’ Code of Ordinances Chapter 2, Article III – Restricted Reserve Fund is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 5: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: C. Greg Hines, Mayor and Casey Wilhelm, Finance Director
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

EXHIBIT “A”

Chapter 2, Article III – Restricted Reserve Fund

Sec. 2-482 – Title.

This article shall be known as the “Restricted Reserve Fund” for the City of Rogers, Arkansas.

Sec. 2-483 – Definition

Restricted Reserve Fund means a portion of the City’s General Fund Reserves that is set aside from its other reserve funds and is not available for appropriation without complying with the requirements of this article.

Sec. 2-484 – Restrictive Reserve Fund Source

The Restricted Reserve Fund shall be funded by monies in the City’s General Fund Reserves.

Sec. 2-485 – Restrictive Reserve Fund Balance

(a) The balance in the Restricted Reserve Fund shall be calculated as 40% of the current budget year’s general fund Budgeted Expenditures for Human Resources and Operating and Maintenance;

(b) The balance in the Restricted Reserve Fund shall be adjusted annually within 90 days of the passage of the current year’s operating budget.

Sec. 2-486 – Use of the Restricted Reserve Fund

(a) The Restricted Reserve Fund shall only be used in the event of a City Council Declared Disaster Declaration Resolution;

(b) Upon a Resolution declaring a disaster has occurred and monies from the Restrictive Reserve Fund are needed, the City Council shall pass a Resolution to appropriate the funds to be use toward the disaster or emergency situation;

(c) In the event Restricted Reserve Funds were used for an emergency or disaster in a budgeted year, Restrictive Reserve Funds shall be replenished during the City’s annual budgeting process, where current year anticipated operating revenues will be allocated annually as needed to replenish the restricted reserve fund in such amounts as determined by City Council to assure that the Restricted Reserve Fund is replenished to the requirements of this Article.

Sec. 2-486 – Amendments to this Article

Any revisions, amendments, or dissolution of this Article shall require two-thirds (2/3) vote of the entire City Council to become effective.

RESOLUTION NO. R25-_____

A RESOLUTION AMENDING THE 2025 BUDGET TO RECOGNIZE A DONATION FROM THE DAVID H. STIEGLER REVOCABLE TRUST TO THE ROGERS POLICE DEPARTMENT IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) INTO ACCOUNT #100-03-45600 GRANTS AND DONATIONS; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-03-70715 K-9 EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Police Department has received a donation in the amount of ten thousand dollars (\$10,000.00) from the David H. Stiegler Revocable Trust to be used by the Rogers Police Department; and

WHEREAS, the City desires to use this donation to help fund the police department's K-9 unit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: The 2025 Budget is amended to recognize a donation in the amount of ten thousand dollars (\$10,000.00) into Account #100-03-45600 Grants and Donations;

Section 2: The 2025 Budget is amended to appropriate ten thousand dollars (\$10,000.00) from Account #100-03-45600 Grants and Donations into Account #100-03-70715 K9 Expense;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions: All resolutions of the City Council, or parts of resolutions of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Jonathan Best, Police Chief
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R25-_____

**A RESOLUTION ADOPTING UPDATED POLICIES AND PROCEDURES IN THE
STANDARD OPERATING GUIDELINES FOR THE ROGERS POLICE
DEPARTMENT; AND FOR OTHER PURPOSES.**

WHEREAS, the Rogers Police Department desires to adopt updated policies and procedures to the Standard Operating Guidelines in order to ensure compliance with the City of Rogers Code of Ordinances as well as State and Federal requirements;

WHEREAS, the amended policies attached as Exhibit “1” are to be incorporated into the Rogers Police Department’s Standard Operating Guidelines; and

WHEREAS, two additional new policies attached as Exhibit “2” are to be incorporated into the Rogers Police Department’s Standard Operating Guidelines.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF ROGERS, ARKANSAS THAT:**

Section 1: The updated policies and procedures set forth in the attached Exhibits “1” and “2” are hereby adopted and shall be incorporated into the Rogers Police Department’s Standard Operating Guidelines;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Jonathan Best, Chief, Rogers Police Department

Prepared by: John M. Pesek. Senior Staff Attorney

For Consideration By: Public Safety Committee

ROGERS POLICE DEPARTMENT
Standard Operating Guidelines
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CHAPTER 416 COMMUNITY SERVICE OFFICER

416.1	Community Service Officer.....	March 13, 2018
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ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Use of Force		
NUMBER	103.5	EFFECTIVE DATE	June 1, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	January 25, 2022
Replaces G.O.	12	APPROVAL DATE	January 25, 2022
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	

I. Policy

This policy is to establish and regulate the decision to respond to resistance, to regulate the manner in which responses are used, and to establish procedures for reporting the response to resistance.

This policy governs all personnel who are acting or who may reasonably be expected to act in the capacity of a law enforcement officer on or off duty. This policy should not be construed as to supersede an employee's legal personal prerogatives when acting as a private citizen pursuant to A.C.A. 5-2-606 "Use of Physical Force in Defense of a Person," 5-2-607 "Use of Deadly Physical Force in Defense of a Person," 5-2-608 "Use of Physical Force in Defense of Premises," and/or 5-2-609 "Use of Physical Force in Defense of Property." However, employees must recognize that actions taken under statutory authority granted private citizens will be investigated and evaluated as such.

Non-compliance with this order constitutes a violation of an employment duty only, except in such case as any non-compliance may also be a violation of law. Therefore, violations of this Standard Operating Guideline shall only form the basis of corrective action within this Department.

II. Definitions

Deadly Physical Force - 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)).

Serious Physical Injury - 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)).

Reasonably believe or Reasonable belief - Belief that an ordinary, prudent person would form under the circumstances in question and one not recklessly or negligently formed (A.C.A. 5-1-102 (18)).

Objectively Reasonable Force - The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances with which the officer using the force is presented.

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Immediate Threat - A statement or other indication of intention to hurt or injure another that is capable of being carried out without intervening lapse or interval.

Physical Injury – The impairment of physical condition, infliction of substantial pain, or infliction of bruising, swelling, or a visible mark associated with physical trauma.

Control – The responses an officer uses to influence or neutralize the unlawful, physical actions of a subject under arrest. Generally, there are four times an officer is justified in using physical control methods. They are: to stop a potentially dangerous and unlawful behavior; to protect the officer or another from injury or death; to protect subjects from injuring themselves; and in the process of effecting lawful arrest or detention when the subject offers resistance.

Resistance - Behavior by the subject in an attempt to evade an officer's attempts of control.

Violent Felon – Any person who has been identified as participating in the commission or attempt of a violent felony.

BlueTeam/IAPro Database – A database program designed to assist in logging, assignment, and managing complaints, use of force reports, accidents, and pursuits comprised of two components; BlueTeam and IAPro.

BlueTeam – A software system designed for supervisors to enter initial data into the database. The information can be forwarded electronically through the chain of command or directly to the Office of Professional Standards, depending on the type of file.

IAPro – The portion of the database utilized by the Office of Professional Standards for management of the system.

III. Procedure

1. RESISTANCE RESPONSE TRAINING

- 1.1 No Police Department employee shall be authorized to carry a firearm or other lethal or less lethal weapon until (s)he has : (1) been issued a copy of the Rogers Police Department Use of Force SOG 103.5, and (2) has received instruction in both weapon handling and the policy. Such issuance and instruction shall be documented by the Training Unit.
2. Police employees are confronted frequently with varying levels of resistance where, in order to protect the public safety, control must be exercised to effect arrests, overcome physical resistance and neutralize assaults. Control may be achieved through advice, warnings and persuasion, or by the use of physical responses. There are varying degrees of control that may be justified depending on the dynamics of a situation.
3. When an officer uses force during a lawful arrest, the officer shall only use the amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented with.

4. Justification of the use of force in the judicial system is measured by two broad standards. First, the officer's use of control methods was initiated by a subject's resistance. Second, the level of physical response used by the officer was objectively reasonable and not excessive when considering the type of resistance offered by the subject.

5. HANDCUFFS AND RESTRAINTS

- 5.1 The purpose of handcuffs, flexcuffs, the hobble or transport handcuffs is to restrain the movements of a subject.
- 5.1.1 All subjects taken into custody should be handcuffed behind their back. This is to ensure the safety of the officer or the citizens. The exceptions to this are:
- 5.1.1(a) When the subject has an injury that does not permit his/her arms to move behind the back.
- 5.1.1(b) When the subject's age, physical condition, or physical limitations may also indicate a change in this procedure.
- 5.2 Once handcuffs are applied, they shall be double-locked as soon as practical.
- 5.3 The arresting and transporting officers shall check the handcuffs for proper security and fit.
- 5.4 All subjects will be handcuffed prior to being searched.
- 5.5 Unless exceptional circumstances exist, officers should not handcuff a subject to a fixed object such as a post, vehicle, building, etc.
- 5.6 A suspect should not be placed on his/her stomach after being handcuffed for any prolonged period of time, especially if the suspect has been involved in a strenuous activity, as this can lead to positional asphyxia.
- 5.6.1 Get the suspect in a position of comfort as soon as possible. Refer to SOG 401.9, Excited Delirium.
- 5.7 If an officer encounters resistance by a suspect under restraint, the officer should utilize appropriate control techniques to prevent injuries to the officer or injuries to others.
- 5.7.1 Use of the Hobble
- 5.7.1(a) Only hobbles approved by the Rogers Police Department may be used by officers. Home-made devices are specifically prohibited.
- 5.7.1(b) The hobble may be used as an additional restraint device on the feet or legs of a suspect in cases where continued physical resistance (kicking, flight, etc.) occurs after a suspect is handcuffed.
- 5.7.1(c) The hobble shall never be used to "hog tie" a suspect by securing the feet behind them to the hands, arms, or handcuffs.
- 5.7.1(d) Additional possible uses include, but are not limited to:
- Linking several suspects together through the arms to prevent flight, and
 - Temporary securing of animals.

6. TYPES/Form OF RESISTANCE

- 6.1 Officers have several force options that will be dictated by the actions of the suspect upon the appearance of the police officer. The officer's actions to resistance will be based upon his perception of the type/form of resistance encountered.
- 6.2 Psychological Intimidation
 - 6.2.1 Non-verbal actions, often called body language, often influence an officer's decision on how to approach a subject or what type/form of response to use if a subject starts to resist an arrest. Non-verbal intimidation actions may include clenching of fists, widening of foot stance or a blank expression that may warn an officer of an individual's emotional state. An officer who reads the non-verbal signals and believes that physical control is necessary to prevent a subject from injuring himself or others may initiate action before any overt moves are made by the subject.
- 6.3 Verbal Non-Compliance
 - 6.3.1 Dialogue in the form of threats of physical injury may influence an officer's opinion as to the amount of response needed to effect control. An offender may boast of his fighting skill and his intention to injure the officer. The officer's judgment to attempt either empty hand control, impact weapons, or even firearms may be elevated, in part, by resistive dialogue from the offender. An officer's decision of the type/form of response necessary to control a subject will be based on his perception of the threat and the subject's ability to carry out that threat. An additional factor is the officer's knowledge of his/her own physical ability to manage the threat presented.
- 6.4 Passive Resistance
 - 6.4.1 Passive Resistance is the lowest type/form of physical resistance. The subject resists control through passive, physical actions. The offender never makes any attempt to defeat the physical contact of the officer.
- 6.5 Active Resistance
 - 6.5.1 This type/form of resistance occurs when the offender attempts to push or pull away in a manner that does not allow the officer to establish control; however, the subject never attempts to strike the officer.
- 6.6 Aggressive Resistance
 - 6.6.1 Physical actions of assault by the offender (punching, kicking).
- 6.7 Deadly Force Assaults
 - 6.7.1 Deadly Force Assaults occur when the subject is assaulting the officer with a weapon, and/or uses techniques or objects that could result in death or serious physical injury to the involved officer(s). During this type/form of response officers may not only face resistance to an arrest, but also overt, physical actions against the officer.

7. TYPES/Form of RESPONSE

7.1 Officers may be limited in their options due to the circumstances and actions of the subject. In any given circumstance there will be a range of options that may be reasonable. At no time should these options be considered a ladder which must be attempted one progressive step at a time. For example, an officer who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options.

The type/form of control used will be dependent upon the officer's perception of resistance and danger of that resistance, and whether that resistance is placing the officer or another in jeopardy of serious injury or death. An officer's perception of the danger of the type/form of resistance will be based upon his/her past training, experience, and knowledge of physical control techniques.

7.24 Officer Presence

7.24.1 Identification of authority (badge, uniform, etc.). The mere presence of an officer may be sufficient to persuade most individuals to follow an officer's direction.

7.32 Verbal Direction

7.32.1 The majority of situations can be resolved by utilizing de-escalation techniques, good communication skills or Verbal Direction. Successful communication techniques can prevent many physical confrontations from escalating to higher levels.

7.43 ~~Soft~~ Empty Hand Control

7.43.1 Soft Empty Hand Control

7.4.1(a) ~~These~~ —techniques have a minimal or nonexistent possibility for injury. Generally, these techniques are used to control passive and defensive resistance. Soft Empty Hand Control is authorized for any type/form of resistance. All Soft Empty Hand Control techniques will require that a Resistance Control Form (RCF) be completed.

7.43.1(ba) Soft Empty Hand Control techniques include techniques such as pressure points, and takedowns from escort position.

7.4.2 ~~Hard Empty Hand Control~~

7.4.2(a) ~~This type/form of control is authorized for high levels of resistive dialogue, defensive resistance, active aggression, or deadly force assaults.~~

7.4.2(b) ~~Striking techniques may be delivered with an officer's open hand, fist, forearm, leg, knee, or foot. Primary target points are determined by the totality of circumstances and target availability. An officer's target area selection must be objectively reasonable in light of the totality of circumstances at the time of the use-of-force incident.~~

7.4 ~~Hard Empty Hand Control~~

- ~~7.4.1 This type/form of control is authorized for high levels of resistive dialogue, defensive resistance, active aggression, or deadly force assaults.~~
- ~~7.4.2 Striking techniques may be delivered with an officer's open hand, fist, forearm, leg, knee, or foot. Primary target points are determined by the totality of circumstances and target availability. An officer's target area selection must be objectively reasonable in light of the totality of circumstances at the time of the use of force incident.~~
- ~~7.4.3 OC Spray shall be considered a Hard Empty Hand type/form response.~~
- ~~7.4.3(a) All police officers may carry department issued OC while on duty.~~
- ~~7.4.3(b) All personnel who carry OC Spray must complete training as required by the Training Unit.~~
- ~~7.4.3(c) At no time shall an officer unnecessarily brandish or use OC Spray as an intimidating device unless the officer is attempting to prevent further escalation of response.~~
- ~~7.4.3(d) Any time OC Spray is used for controlling an offender, the application of the OC Spray will end when the offender discontinues resistance or aggression.~~
- ~~7.4.3(e) Following the use of OC Spray for the purpose of subject control, the officer will ensure that the subject receives adequate decontamination as soon as safely practical. The officer should supply immediate medical attention if requested by the suspect, or if symptoms persist after one hour.~~
- ~~7.4.3(f) When an officer books a subject who has been exposed to OC Spray, the officer will advise the Detention personnel in order to prevent any unnecessary contamination of other jail occupants or Detention personnel.~~
- ~~7.4.3(g) Any time an officer uses OC Spray for subject control, the officer will as soon as practical contact the on-duty supervisor.~~
- ~~7.4.3(h) Application of chemical agents against large groups of people will be at the direction of a Command Officer or Shift Commander.~~
- ~~7.4.4 The TASER shall be considered a Hard Empty Hand type/form response.~~
- ~~7.4.4(a) The TASER may be used in defense against combative, resisting, and/or otherwise violent individuals. TASERS are not necessarily a replacement or substitute for other less-lethal devices or tactics and therefore should only be used when it is determined to be the best available enforcement tool or tactic under the given circumstances. Similarly, TASERS are not intended to be an alternative to the use of deadly force when such is clearly authorized and is necessary as described in this policy.~~
- ~~7.4.4(b) TASERS may be used when passive restraint techniques have failed and an employee must use physical force, when an employee reasonably believes he will become engaged in a fight with a suspect, or when a suspect flees (in cases where officers would pursue on foot) to~~

~~resist/avoid detention or arrest. However, flight from an officer, standing alone, is not a justification for the use of a TASER. Officers should consider the nature of the offense suspected, the level of suspicion with respect to the person fleeing, the risk of danger to others if the person is not apprehended immediately, and the surface on which the subject is fleeing which may lead to injury as a consequence of the resulting fall.~~

~~7.4.4(c) TASERs will only be used as control and compliance measures against violent and/or resisting individuals and shall never be used for retaliation or for any illicit or unlawful purposes.~~

- ~~• TASERs shall not be used against a person who is in physical control of a vehicle in motion unless deadly force would be justified based on an existing imminent threat.~~

~~7.4.4(d) Employees will only use TASERs as long as reasonably necessary to achieve the desired enforcement results, and will discontinue the use of TASERs when it becomes apparent that a suspect may otherwise be taken into custody.~~

- ~~• Multiple TASER deployments against an individual may increase the likelihood of serious injury where the individual is suffering from other symptoms such as cocaine intoxication or excited delirium. Officers should minimize the number of discharges against an individual when possible. It is recognized, however, particularly where back-up officers are unavailable, that multiple applications may be necessary to gain or maintain control of a combative individual.~~

- ~~• A contributing factor to serious injury or death is the level of a subject's exhaustion. Studies recommend that when an officer believes that control of a subject is necessary and be met with resistance, deployment of the TASER should be considered early on in the event so that the person has not reached a level of exhaustion prior to the use of the TASER.~~

~~7.4.4(e) The preferred targeting is the center mass of the subject's back, however it is recognized that it is not always possible to get behind the subject. Where back targeting is not possible, frontal targeting should be lower center mass. Intentional deployments to the chest should be avoided if possible.~~

~~7.4.4(f) Employees will at all times conform to training provided by the Department in the use of TASERs. Only officers trained and certified in the use of the TASER may deploy the TASER. All TASER instructors shall attend a TASER instructor course and attend biennial recertification training, which also certifies them to carry and use TASERs and exempts them from the TASER User Course.~~

- ~~7.4.4(g) Only authorized holsters will be used to carry the TASER, and it will be carried on the support side of the body.~~
- ~~7.4.4(h) TASERs should not be used on handcuffed persons unless the person presents a threat to themselves or others.~~
- ~~7.4.4(i) The officer must consider potential risks to subjects who are running, situated in elevated places, or standing in or near water (due to the threat of drowning). Age and physical handicaps/conditions should also be taken into consideration. Officers who are aware that a female subject is pregnant shall not use the TASER unless deadly force would be justified due to the danger created by secondary impact or the possibility of muscle contractions leading to premature birth. Officers should also consider the particular subject and any vulnerability they may have such as a person who is small in stature or very frail could be more dramatically impacted (elderly, juveniles, pregnant females).~~
- Alternative tactics shall be utilized where the officer has prior information that the subject suffers from a disability which would increase the danger to that person by using the TASER (a person with a known heart condition).
- ~~7.4.4(j) The TASER will not be used in any environment where potentially flammable, volatile, or explosive material is present.~~
- ~~7.4.4(k) The TASER should be spark tested once every other day.~~
- ~~7.4.4(l) An officer shall not simultaneously hold a TASER and a firearm while dealing with a non-compliant subject.~~
- ~~7.4.4(m) Whenever possible, the use of the TASER will be preceded by a warning that force will be used if compliance is not obtained. If practical, attempt to gain compliance by using a laser display or spark demo. No more than one officer should deploy a TASER against a single individual at the same time.~~
- ~~7.4.4(n) Whenever practical, prior to firing the TASER, the officer shall loudly announce that the TASER is being deployed (TASER!TASER!TASER!).~~
- ~~7.4.4(o) Only the deployment of TASER probes (whether they strike the intended target or not) or "drive stunning" from a TASER, against any person, will be considered a use of physical force. The officer deploying the TASER will notify a supervisor as soon as possible and complete a RCF, to include documentation of the TASER used.~~
- ~~7.4.4(p) Upon gaining compliance, the officer should treat any injuries to the suspect. Only medical personnel may remove probes that are embedded in the suspect's sensitive areas such as the face, neck, groin, or female breast area. Removal from non-sensitive areas will be at the discretion of the officer and will be in conformance with training.~~
- ~~7.4.4(q) All persons who have been the subject of a TASER deployment shall be monitored for a period of time with a focus on symptoms of physical distress. Any person~~

~~who appears to be having any form of physical distress following the deployment of a TASER shall be transported to a medical facility for medical examination. It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted and the onset of difficulty may occur a period of time after the TASER event. Mandatory medical clearance at a hospital shall be sought when:~~

- ~~• Subjects are struck in a sensitive area like the eyes, head, genitals, or female breasts.~~
 - ~~• TASER probes have penetrated the skin and officers or EMS personnel cannot safely remove them in accordance with this policy and training.~~
 - ~~• Subjects do not appear to have fully recovered within a short amount of time. Officers who observe unusual physical distress should immediately call for medical assistance.~~
 - ~~• Subjects fall into vulnerable classes such as juveniles, pregnant women, persons who are small in stature, persons who the officer become aware have a pre-existing medical condition that increases danger and the elderly.~~
 - ~~• Any subject requests medical assistance.~~
- ~~7.4.4(r) Photographs will be taken of the affected area whether probes were deployed or a drive-stun was delivered.~~
- ~~7.4.4(s) When the TASER is used, the officer will collect the air cartridge, the wire leads, and probes. If no serious injury has occurred to the subject, the items will be destroyed. If, as a result of using the TASER, the subject sustains serious injury, the cartridge will be logged into evidence, the wire leads and probes can be destroyed. In all cases, probes that have punctured the skin shall be treated as bio-hazards and disposed of accordingly.~~
- ~~7.4.5 The use of lateral vascular neck restraints or choke holds are not authorized and shall not be used, except when the officer believes the use of deadly force is authorized.~~

7.5 Intermediate Weapons

7.5.1 ~~Hard~~ Intermediate Weapons

- ~~7.5.1(a) Intermediate Weapon level of control is the application/use of any weapon/object that is not part of the human body to control resistance or an assault. Examples include any form of chemical agent, impact weapons (flashlight, radio, broomsticks, etc.) and conducted electrical weapons (Taser). The use of an Intermediate Weapon is justified when lower forms of empty hand control have failed, or when an officer believes that his skill level in empty hand control will be insufficient due to the totality of the circumstances, and the use of Deadly Force is not justified. They are used with the intent to temporarily disable the subject and never with the intent to cause permanent injury. Intermediate weapons can provide a means by which an officer can defend himself or another from~~

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injury when an officer is facing resistance in the form of active aggression or deadly force assaults.

~~7.5.1(b) Only departmentally issued or approved batons shall be used.~~

~~7.5.1(c) No officer shall carry an impact weapon unless he has successfully completed the annual certified training.~~

~~7.5.1(d) When carried by uniform employees, the baton shall be secured in a manner consistent with established standards.~~

~~7.5.1(e) At no time shall an officer brandish or use the impact weapon as an intimidation device, unless the officer is attempting to prevent the further escalation of resistance.~~

~~7.5.1(f) There are only three primary target areas for the expandable baton: Common peroneal nerve area located on the outer thigh just above the knee. Femoral nerve area located inside of the thigh between the knee and groin. Tibial nerve area located in the center of the calf muscle.~~

~~7.5.1(g) Officers shall not intentionally target any additional areas of the body unless deadly force is justified. When deadly force is legally justified, all areas of the body are viable targets.~~

~~7.5.1(h) The officer will ensure that the subject is transported to a medical facility for medical attention when either the subject requests it or it is necessary and appropriate.~~

~~7.5.2 Less Lethal Extended Range Impact Devices~~

~~7.5.2(a) Defined as less lethal, extended range impact devices designed to be fired through a shotgun or other less lethal projectile launcher.~~

~~7.5.2(b) May only be used by officers trained and qualified in their use.~~

~~7.5.2(c) Due to the potential for causing death or serious physical injury, head and neck shots will be avoided unless the officer is justified in using Deadly Force.~~

~~7.5.2(d) Less Lethal Extended Range Impact Devices are not intended to be an alternative to the use of Deadly Force when such is clearly authorized and is necessary as described in this policy.~~

~~7.5.2(e) The deploying officer will notify the other officers involved with the incident that less lethal devices are going to be deployed.~~

~~7.5.2(f) Only the department approved shotguns, or other nonlethal projectile launchers will be allowed to fire the Less Lethal Extended Range Impact Devices.~~

~~7.5.2(g) If practical, prior to use against a subject the weapon will be physically checked by at least two (2) officers to insure the weapon is loaded only with less-lethal rounds.~~

~~7.5.2(h) A person that is struck by a less-lethal device shall be transported to a medical facility for examination.~~

~~7.5.2(i) The officer deploying the Less Lethal Extended Range Impact Device will complete a RCF whether or not any subject was struck.~~

~~7.5.3 K9 Engagement~~

~~Refer to SOG 401.5, Use of Police Service Dogs~~

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- 7.6 Lethal Force Responses
- 7.6.1 An employee may use lethal force responses **only** when he reasonably believes that the action is in the defense of human life, including the officer's own life, or in the defense of any person in immediate danger of serious physical injury or death.
- 7.6.2 Fleeing Felon
- 7.6.2(a) An officer may use lethal force responses to prevent the escape of a violent fleeing felon (see definitions) only if that suspect poses a clear and immediate threat to public safety if not apprehended without delay. Note that this could be construed as more restrictive than A.C.A. 5-2-610(b)(1).
- 7.6.2(b) Officers shall issue a clear and loud verbal warning prior to firing, if practical.
- 7.6.3 Justification for the use of Lethal Force Responses must be limited to what reasonably appears to be the facts known or perceived by an employee at the time he decides to use such response. Facts unknown to an employee, no matter how compelling, cannot later be considered in determining whether the use of lethal force response was justified.
- 7.6.4 No distinction shall be made relative to the age or sex of the intended target of lethal force response.
- 7.6.5 Officers shall only point a weapon at a person when it is reasonable to believe it may be needed to protect themselves or others by the use of deadly force response. Officers should be prepared to articulate this reasonable belief when needed.
- 7.6.56 For the safety of the public, warning shots shall not be fired.
- 7.6.6 The use of lateral vascular neck restraints or choke holds are not authorized and shall not be used, except when the officer believes the use of deadly force is authorized.

8. AUTHORIZED INTERMEDIATE WEAPON DEVICES/TECHNIQUES (Listed in alphabetical order)

8.1 Baton

- 8.1.1 A police baton may be used when the use of other tactics are not appropriate or available. The baton permits an officer to defend himself/herself or others and control resisting subjects, in situations where the use of firearms may not be necessary or justified.
- 8.1.2 Only departmentally issued or approved batons shall be used.
- 8.1.3 No officer shall carry an impact weapon unless he has successfully completed the annual certified training.
- 8.1.4 When carried by uniform employees, the baton shall be secured in a manner consistent with established standards.
- 8.1.5 At no time shall an officer brandish or use the impact weapon as an intimidation device, unless the officer is attempting to prevent the further escalation of resistance
- 8.1.6 There are only three primary target areas for the expandable baton: Common peroneal nerve area- located on the outer thigh just above the knee. Femoral nerve area- located inside of the thigh between the knee and groin. Tibial nerve area- located in the center of the calf muscle

8.1.7 Officers shall not intentionally target any additional areas of the body unless deadly force is justified. When deadly force is legally justified, all areas of the body are viable targets.

8.1.8 The officer will ensure that the subject is transported to a medical facility for medical attention when either the subject requests it or it is necessary and appropriate.

8.2 Canine (K9)

8.2.1 Refer to SOG 401.5, Use of Police Service Dogs

8.3 Chemical Sprays/Agents (O.C.)

8.3.1 Police officers may carry department issued O.C. while on duty.

8.3.2 O.C., an inflammatory agent, may be used in defense against combative, resisting, and/or otherwise violent individuals. O.C. is not necessarily a replacement or substitute for other Control and compliance devices/techniques or Control tactics and, therefore, should only be used when it is determined to be the best available enforcement tool or tactic under the given circumstances.

8.3.3 O.C. may be used when an officer must use physical force, and verbal direction is ineffective or inappropriate; or when an officer perceives any reasonable actions that threaten the officer's safety. The use of O.C. is not authorized on subjects displaying passive resistance alone.

8.3.4 O.C. may also be used to affect the removal of a person from an automobile or from an enclosed area, when it becomes apparent that physical force will be necessary to otherwise accomplish this.

8.3.5 All personnel who carry O.C. Spray must complete training as required by the Training Unit.

8.3.6 At no time shall an officer unnecessarily brandish or use O.C. Spray as an intimidating device unless the officer is attempting to prevent further escalation of response.

8.3.7 Any time O.C. Spray is used for controlling an offender, the application of the O.C. Spray will end when the offender discontinues resistance or aggression.

8.3.8 Following the use of O.C. Spray for the purpose of subject control, the officer will ensure that the subject receives adequate decontamination as soon as safely practical. The officer should supply immediate medical attention if requested by the suspect, or if symptoms persist after one hour.

8.3.9 When an officer books a subject who has been exposed to O.C. Spray, the officer will advise the Detention personnel in order to prevent any unnecessary contamination of other jail occupants or Detention personnel.

8.3.10 Any time an officer uses O.C. Spray for subject control, the officer will as soon as practical contact the on-duty supervisor.

8.3.11 Application of chemical agents against large groups of people will be at the direction of a Command Officer or Shift Commander.

8.4 Less Lethal Extended Range Device (i.e. Less Lethal Shotgun)

8.4.1 Defined as less-lethal, extended range impact devices designed to be fired through a shotgun or other less-lethal projectile launcher.

8.4.2 These devices are an option in dealing with situations where an individual may be intent on harming themselves or others.

8.4.3 These situations must require that the suspect be incapacitated and taken into custody under circumstances that would:

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- 8.4.3(a) Otherwise require a justified use of deadly force as described in this General Order or;
- 8.4.3(b) Require the immediate intervention of an officer under circumstances that requires the officer to place himself/herself in immediate danger of death or injury unless a less lethal device is deployed.
- 8.4.4 May only be used by officers trained and qualified in their use.
- 8.4.5 Due to the potential for causing death or serious physical injury, head and neck shots will be avoided unless the officer is justified in using Deadly Force.
- 8.4.6 Less Lethal Extended Range Impact Devices are not intended to be an alternative to the use of Deadly Force when such is clearly authorized and is necessary as described in this policy.
- 8.4.7 The deploying officer will notify the other officers involved with the incident that less-lethal devices are going to be deployed.
- 8.4.8 Only the department approved shotguns, or other nonlethal projectile launchers will be allowed to fire the Less Lethal Extended Range Impact Devices.
- 8.4.9 If practical, prior to use against a subject the weapon will be physically checked by at least two (2) officers to insure the weapon is loaded only with less-lethal rounds.
- 8.4.10 A person that is struck by a less-lethal device shall be transported to a medical facility for examination.
- 8.4.11 The officer deploying the Less Lethal Extended Range Impact Device will complete an RCF whether or not any subject was struck.

8.5 Pepper Ball Launcher

- 8.5.1 This is a unique less-lethal chemical agent delivery system that uses high pressure air launchers to deliver, from a safe distance, frangible plastic spheres containing a compound of Pelargonic Acid Vanillyamide (PAVA) or Capsaicin II powder. The system combines chemical agent exposure with kinetic impact and pain. These devices are an option in dealing with situations where individuals are non-compliant and may be intent on harming themselves or others.
- 8.5.2 Requirements:
 - 8.5.2(a) Only officers who have completed the required training on the use of the Pepper Ball Launching System are authorized to carry and deploy the system.
 - 8.5.2(b) Training will be provided to officers assigned a Pepper Ball Launcher System at least annually.
 - 8.5.2(c) Officers will be required to demonstrate proficiency on the Pepper Ball Launching System at least annually, and proficiency training will be monitored by a Pepper Ball Launcher Instructor.
 - 8.5.2(d) The Pepper Ball Launching System will be carried by the assigned officer whenever the officer is providing his normal duties. The launcher will be secured in the provided carrying case unless the officer reasonably believes there is an anticipated need.
- 8.5.3 Usage Criteria:
 - 8.5.3(a) Prior to carrying the Pepper Ball Launching System, officers shall ensure the launcher, magazines, and

- high-pressure air (HPA) bottle are in proper working order by performing a visual inspection for any defects.
- 8.5.3(b) The operator must check the pressure level of the HPA bottle at the beginning of each shift to make sure it is in the proper pressure range.
- 8.5.3(c) The Pepper Ball Launching System can be used on individual suspects as well as large groups of people for riot and crowd control. Division Commanders must approve the use of a Pepper Ball Launcher System for crowd control. Officers will be trained in the appropriate and proper situational use of the Pepper Ball Launcher System.
- 8.5.3(d) The Pepper Ball Launching System may be used to stop the escape of a fleeing fugitive, where pursuit is likely to endanger the officers or others.
- 8.5.3(e) Whenever practical and reasonable, officers should issue a verbal warning prior to using the Pepper Ball Launching System.
- 8.5.4 Usage Procedures:
- 8.5.4(a) Officers shall never target the head, neck or spine of an individual.
- 8.5.4(b) Whenever practical and reasonable, officers should be upwind from the suspect before deploying a pepper ball projectile.
- 8.5.4(c) Officers should maintain a safe distance from the suspect.
- 8.5.4(d) Use of Pepper Ball Launching Systems should be avoided, if possible, under conditions where it may affect innocent bystanders.
- 8.5.4(e) Pepper Ball Launching Systems will not be directed against suspects in apparent control of a vehicle.
- 8.5.4(f) Pepper Ball Launching Systems will not be directed against suspects who are in an elevated position.
- 8.5.4(g) The officer deploying a Pepper Ball Launching System should be aware of the back drop in the event of a miss or errant shot due to wind or other circumstances.
- 8.5.4(h) Pepper Ball Launchers shall be carried unloaded in the patrol vehicle, and in the provided carrying case at all times when not in use.
- 8.5.5 Effects of Pepper Ball Projectiles:
- 8.5.5(a) Pepper ball projectiles will cause almost immediate effects to a suspect. Within several seconds, a suspect may display symptoms including, but not limited to, temporary blindness, difficulty breathing, burning sensation in the throat, nausea, lung pain and impaired thought process.
- 8.5.5(b) The effects of pepper ball projectiles vary among individuals but will usually start to diminish within ten minutes. There may be an occasion when the pepper ball projectile is used on a large crowd or the suspect flees. Officers shall make a reasonable effort to identify everyone struck by a projectile or exposed

- to its effects. Officers shall, when reasonable, obtain name, address, date of birth, and phone number of anyone reporting they were affected by the deployment of a pepper ball projectile.
- 8.5.5(c) Immediately after a subject is hit with a pepper ball projectile, officers shall be alert to any indications the individual needs medical care. If the subject requests medical assistance or it is determined the subject needs medical attention, the officer shall immediately summon emergency medical aid or transport to a local medical facility.
- 8.5.5(d) Suspects that have been hit with a pepper ball projectile shall be monitored continuously for a minimum of twenty minutes, or until the effects have diminished or worn off. It shall be the responsibility of the officer affecting the arrest to monitor the suspect unless the officer was also injured. In case the officer was injured, the supervisor will assign another officer to monitor the subject. If after twenty minutes the effects of the pepper ball projectile have not diminished, the subject shall receive medical attention.
- 8.5.5(e) Any person accidentally hit in the head, neck or spine with a pepper ball projectile, will receive immediate medical attention.
- 8.5.5(f) Assistance shall be offered to any individuals accidentally exposed to pepper ball projectiles who feels the effects of the agent. All such incidents shall be reported as soon as possible including recording of the bystander's name, date of birth, and address to the immediate supervisor.

8.6 Taser

- 8.6.1 The TASER may be used in defense against combative, resisting, and/or otherwise violent individuals. TASERS are not necessarily a replacement or substitute for other less-lethal devices or tactics and therefore should only be used when it is determined to be the best available enforcement tool or tactic under the given circumstances. Similarly, TASERS are not intended to be an alternative to the use of deadly force when such is clearly authorized and is necessary as described in this policy.
- 8.6.2 TASERS may be used when passive restraint techniques have failed and an employee must use physical force, when an employee reasonably believes he will become engaged in a fight with a suspect, or when a suspect flees (in cases where officers would pursue on foot) to resist/avoid detention or arrest. However, flight from an officer, standing alone, is not a justification for the use of a TASER. Officers should consider the nature of the offense suspected, the level of suspicion with respect to the person fleeing, the risk of danger to others if the person is not apprehended immediately, and the surface on which the subject is fleeing which may lead to injury as a consequence of the resulting fall.

- 8.6.3 TASERs will only be used as control and compliance measures against violent and/or resisting individuals and shall never be used for retaliation or for any illicit or unlawful purposes.
- TASERs shall not be used against a person who is in physical control of a vehicle in motion unless deadly force would be justified based on an existing imminent threat.
- 8.6.4 Employees will only use TASERs as long as reasonably necessary to achieve the desired enforcement results, and will discontinue the use of TASERs when it becomes apparent that a suspect may otherwise be taken into custody.
- Multiple TASER deployments against an individual may increase the likelihood of serious injury where the individual is suffering from other symptoms such as cocaine intoxication or excited delirium. Officers should minimize the number of discharges against an individual when possible. It is recognized, however, particularly where back-up officers are unavailable, that multiple applications may be necessary to gain or maintain control of a combative individual.
 - A contributing factor to serious injury or death is the level of a subject's exhaustion. Studies recommend that when an officer believes that control of a subject is necessary and be met with resistance, deployment of the TASER should be considered early on in the event so that the person has not reached a level of exhaustion prior to the use of the TASER.
- 8.6.5 The preferred targeting is the center mass of the subject's back, however it is recognized that it is not always possible to get behind the subject. Where back-targeting is not possible, frontal targeting should be lower center mass. Intentional deployments to the chest should be avoided if possible.
- 8.6.6 Employees will at all times conform to training provided by the Department in the use of TASERs. Only officers trained and certified in the use of the TASER may deploy the TASER. All TASER instructors shall attend a TASER instructor course and attend biennial recertification training, which also certifies them to carry and use TASERs and exempts them from the TASER User Course.
- 8.6.7 Only authorized holsters will be used to carry the TASER, and it will be carried on the support side of the body.
- 8.6.8 TASERs should not be used on handcuffed persons unless the person presents a threat to themselves or others.
- 8.6.9 The officer must consider potential risks to subjects who are running, situated in elevated places, or standing in or near water (due to the threat of drowning). Age and physical handicaps/conditions should also be taken into consideration. Officers who are aware that a female subject is pregnant shall not use the TASER unless deadly force would be justified due to the danger created by secondary impact or the possibility of muscle contractions leading to premature birth. Officers should also consider the particular subject and any vulnerability they may have such as a person who is small in stature or very frail could be more dramatically impacted (elderly, juveniles, pregnant females).

- Alternative tactics shall be utilized where the officer has prior information that the subject suffers from a disability which would increase the danger to that person by using the TASER (a person with a known heart condition).
- 8.6.10 The TASER will not be used in any environment where potentially flammable, volatile, or explosive material is present.
- 8.6.11 The TASER should be spark tested once every other day.
- 8.6.12 An officer shall not simultaneously hold a TASER and a firearm while dealing with a non-compliant subject.
- 8.6.13 Whenever possible, the use of the TASER will be preceded by a warning that force will be used if compliance is not obtained. If practical, attempt to gain compliance by using a laser display or spark demo. No more than one officer should deploy a TASER against a single individual at the same time.
- 8.6.14 Whenever practical, prior to firing the TASER, the officer shall loudly announce that the TASER is being deployed (TASER!TASER!TASER!).
- 8.6.15 Only the deployment of TASER probes (whether they strike the intended target or not) or “drive stunning” from a TASER, against any person, will be considered a use of physical force. The officer deploying the TASER will notify a supervisor as soon as possible and complete a RCF, to include documentation of the TASER used.
- 8.6.16 Upon gaining compliance, the officer should treat any injuries to the suspect. Only medical personnel may remove probes that are embedded in the suspect’s sensitive areas such as the face, neck, groin, or female breast area. Removal from non-sensitive areas will be at the discretion of the officer and will be in conformance with training.
- 8.6.17 All persons who have been the subject of a TASER deployment shall be monitored for a period of time with a focus on symptoms of physical distress. Any person who appears to be having any form of physical distress following the deployment of a TASER shall be transported to a medical facility for medical examination. It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted and the onset of difficulty may occur a period of time after the TASER event. Mandatory medical clearance at a hospital shall be sought when:
- Subjects are struck in a sensitive area like the eyes, head, genitals, or female breasts.
 - TASER probes have penetrated the skin and officers or EMS personnel cannot safely remove them in accordance with this policy and training.
 - Subjects do not appear to have fully recovered within a short amount of time. Officers who observe unusual physical distress should immediately call for medical assistance.
 - Subjects fall into vulnerable classes such as juveniles, pregnant women, persons who are small in stature, persons who the officer become aware have a pre-existing medical condition that increases danger and the elderly.
 - Any subject requests medical assistance.

8.6.18 Photographs will be taken of the affected area whether probes were deployed or a drive-stun was delivered.

8.6.19 When the TASER is used, the officer will collect the air cartridge, the wire leads, and probes. If no serious injury has occurred to the subject, the items will be destroyed. If, as a result of using the TASER, the subject sustains serious injury, the cartridge will be logged into evidence, the wire leads and probes can be destroyed. In all cases, probes that have punctured the skin shall be treated as bio-hazards and disposed of accordingly.

89. DUTY TO INTERVENE

98.1 Any employee shall intervene within their scope of authority and training and notify the appropriate supervisor if they observe another agency employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state or federal law, or local ordinance.

109. OTHER THAN AUTHORIZED WEAPONS

109.1 Responses may consist of the use of items, articles, instruments or equipment other than firearms which are designed, intended and routinely utilized for other legitimate police purposes, such as vehicles, flashlights, etc. Deliberate use of any such item, article, instrument or equipment for any purpose other than that for which it was designed and intended is discouraged; however, if used in exigent circumstances, it must conform to parameters defined in the resistance control continuum.

110. DESTRUCTION OF ANIMALS

110.1 Officers may use their firearm to destroy severely injured non-domesticated animals or to defend themselves against vicious, rabid or otherwise dangerous animals. Such destruction requires that it can be accomplished safely with regard to other persons and property. Head shots should be avoided if the possibility of rabies tests exists.

110.2 Officers will not destroy domesticated animals unless the animal is vicious, injured to the point of being dangerous, or livestock causing a hazardous condition for persons. The decision and responsibility to destroy injured domestic animals (pets) is solely the responsibility of the owner.

121. RESISTANCE RESPONSE REPORTING AND ADMINISTRATIVE REVIEW

121.1 A Resistance/Control Form (RCF) (Attachment #1, Form 09-OP-0101) will be used to assist in identifying training and equipment needs. The form will also provide for the immediate documentation of the response used so that, should a complaint be filed, the pertinent facts would be readily available.

121.2 The Resistance/Control Form shall be completed if:

121.2.1 OC Spray is applied When any intermediate weapon device/technique is used/discharged.

11.2.2 The TASER is deployed.

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~~12+2.1(a)2(a)~~ When an RCF is completed based on TASER use, the officer's supervisor will obtain a computer printout of the TASER use history for that TASER. This printout shall be attached to the RCF.

~~12+2.23~~ _____ When any type/form of response is used other than officer presence or verbal commands;

~~12+2.34~~ _____ Evident injury or claim of injury is made by recipient;

~~12+2.34(a)~~ In the event it is unknown which officer(s) caused the injury, all officers laying hands-on must complete an RCF.

~~12+2.45~~ _____ Medical treatment is required by hospital or EMT;

~~12+2.45(a)~~ In the event it is unknown which officer(s) caused the injury, all officers laying hands-on must complete an RCF.

~~12+2.56~~ _____ K9 engagement occurs;

~~12+2.67~~ Any discharge of firearm during on or off-duty status; except for marksmanship training, firearms training, ballistic tests, sporting events, or hunting;

~~12+2.78~~ An officer points a firearm at a person with the intent to direct compliance, order obedience to some command, or direct physical movement by the person (building clearing and Special Weapons and Tactics high risk operations excluded).

~~12+2.89~~ At the direction of supervisor or commander.

~~12+3~~ An officer shall, as soon as practical, report to his supervisor any use of force equal to or greater than, "~~Soft~~—Empty Hand Controls". The Resistance/Control Form will be completed as soon as possible by the officer who applied the response. The RCF will always be completed prior to the end of the shift.

~~12+3.1~~ Off-duty officers involved in resistance response situations are subject to the same reporting procedures as on-duty officers. Any time a RCF is required, off-duty employees shall notify an on-duty police supervisor as soon as practical.

~~12+3.2~~ All resistance responses that result in physical injury (requiring medical attention) require the employee to immediately notify an on-duty supervisor. The supervisor will insure that photographs of the obvious and/or apparent injuries are taken.

~~12+4~~ Administrative Review Procedure

~~12+4.1~~ The immediate supervisor will receive the RCF, review it for completeness and clarity, and make a determination if the response used was in compliance with the Resistance Response policy. The supervisor will begin an Administrative Review in the Blue Team system. The immediate supervisor will submit a recommendation and forward the BlueTeam file up the chain of command.

~~12+4.1(a)~~ The commander receiving the BlueTeam file will assess completeness, compliance with policy, compliance with training, and submit a recommendation. If the file is incomplete, the commander may route the BlueTeam file to the immediate supervisor for review. If complete, the

commander will forward the BlueTeam file to the Division Commander.

124.4.1(b) The Division Commander receiving the BlueTeam file will assess completeness, compliance with policy, compliance with training, and submit a recommendation. If the file is incomplete, the Division Commander may route the BlueTeam file to the commander for review. If complete, the Division Commander will forward the BlueTeam file to the Chief of Police.

124.4.1(c) The Chief of Police will review the BlueTeam file and determine a finding regarding the response. Once completed, the BlueTeam file will be routed to the Office of Professional Standards. Office of Professional Standards staff will log the review and release the file to IAPro.

132. MEDICAL AID

132.1 Appropriate medical aid will be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained, and the officer will insure that the subject is transported to a medical facility for medical attention if unconsciousness occurs or there are obvious signs of (serious) injury or the subject requests medical attention.

132.1.1 Minor abrasions or bruises that can be treated with simple first aid do not require transportation to a medical facility unless requested by the subject.

132.1.2 An on-duty supervisor shall be notified as soon as possible whenever injuries have been inflicted by a department employee.

132.1.2(a) An officer will be assigned to transport, or follow EMS to the hospital.

132.1.2(b) The on-duty supervisor shall determine whether or not the subject can be released from arrest custody (with a summons or pending formal charges) at the hospital prior to a full evaluation by the Emergency Room physician.

132.1.3 If the response is such that the affected individual is admitted to a hospital, the on-duty supervisor (through his/her chain of command) shall immediately notify the Chief of Police.

132.2 Annual Report

132.2.1 The Office of Professional Standards shall complete an annual report and analysis to the Chief of Police detailing Use of Force incidents. This annual report shall include all incidents involving the use of force. The analysis should identify the following:

132.2.1(a) Date and time of incidents

132.2.1(b) Types of encounters resulting in use of force

132.2.1(c) Trends or patterns related to race, age and gender of subjects involved.

132.2.1(d) Trends or patterns resulting in injury to any person, including employees.

132.2.1(e) Impact of findings on policies, practices, equipment, and training.

132.2.2 This analysis will review patterns or trends that may indicate training needs and/or policy modifications.

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143. LETHAL FORCE INVESTIGATIONS AND ADMINISTRATIVE FOLLOW-UP:
Refer to SOG 103.11, Lethal Force Investigation and Review.

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ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Training, Proficiency, and Use of Weapons		
NUMBER	304.5	EFFECTIVE DATE	January 1, 2010
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	June 25, 2024
Replaces G.O.		APPROVAL DATE	June 25, 2024
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	

I. Policy

It is the policy of the Rogers Police Department to require officers to demonstrate, at a minimum, annual proficiency in the use of all firearms and intermediate weapons. The Rogers Police Department recognizes that combative, armed and /or violent subjects create handling and control problems requiring special training and equipment. Only personnel who first receive training in the use of force policy and weapons and demonstrate proficiency in their application are authorized to carry lethal or less lethal weapons.

II. Definitions

Firearms Training Officer - Sworn officer(s), or non-sworn staff, who have received specialized training in the instruction of firearms training and activities (firearms instructor school), and recommended by the Training Coordinator and approved by the Chief of Police. They shall be responsible for all aspects of firearms training, including the inspection, evaluation, maintenance and repair of all firearms authorized for use by the Rogers Police Department. The Training Coordinator shall be responsible for the development and coordination of firearms training, courses of fire, procurement of all firearms, ammunition, targets and all other supplies needed for the operation of the firing range and duty use. The Firearms Training Officer will primarily be responsible for either the In-Service Professional Development or the Academy Firearms Training.

Armorer - Any sworn officer who has received specialized training to provide firearms manufacturers authorized maintenance and repair for authorized firearms. The armorer must be recommended by a committee of existing armorers and approved by the Chief of Police. (The written approval shall specify which firearms the armorer is authorized to maintain and repair.)

Department-issued handgun - A Department issued handgun is any handgun issued by the Department for use by its officers.

Personally owned handgun - A Department approved handgun, semi-automatic pistol or revolver that has been inspected and evaluated by the Training Coordinator or designee and approved by the Chief of Police.

Department-issued shotgun - A Department issued 12 gauge pump-action shotgun, or any other shotgun issued by the Department for use by its officers.

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Rifles, Carbine Rifles- Approved

Any authorized scoped rifle or carbine rifle issued by the Department for use by its officers.

Specialized Weapons – Any authorized weapon capability outside of standard ALETA training, requiring additional training and certification, including, but not limited to: Patrol Rifle, Less-lethal Bean Bags, TASER, etc.

Safety Priorities - The department safety priorities are established as follows:

Hostages

Innocent citizens

Police officers

Subjects/Suspects

Subject - The person who is the focus of the police operation.

Official Color of Duty - Any action taken by a sworn officer whether on or off duty pursuant to his/her status or authority as a police officer.

Defensive Tactics Instructor- Any department approved sworn officer, or non-sworn staff who has received specialized training in the instruction of defensive tactics. Defensive Tactics Instructors shall serve as assistants to the Defensive Tactics Instructor / Trainer.

Department-Issued Impact Weapons - The Department issued impact weapons will consist of a collapsible straight baton and/or a solid straight baton.

III. Procedure

1. GENERAL WEAPONS REQUIREMENTS

- 1.1 Only those lethal or less lethal weapons and ammunition authorized by the Chief of Police shall be used pursuant to law enforcement responsibilities (on or off-duty). Such weapons shall be used only following approved procedures for review, inspection and approval by a qualified department, and have it discretely concealed while in public.
- 1.2 No Police Department employee shall be authorized to carry a firearm or other lethal or less lethal weapon until (s)he has: (1) been issued a copy of SOG 103.5, Use of Force, a copy of SOG 304.5 Training, Proficiency and Use of Weapons, and AD/SO 304.5 Authorized Weapons and Ammunition Specifications, and (2) has received instruction on each. Such issuance and instruction shall be documented by the Training Coordinator.
- 1.3 Prior to carrying any weapon (firearms, impact, chemical), ALL weapons shall be reviewed, inspected and approved by a qualified weapons instructor and/or armorer. The date of the inspection and the name of inspector shall be recorded and forwarded to the Training Coordinator or SWAT Commander (special weapons) as appropriate.
 - 1.3.1 If a weapon is determined to be unsafe, the instructor or armorer shall remove it from use pending repair, record the malfunction, cause repair to be made, and provide a replacement weapon to the employee as soon as practical.

- 1.4 All on-duty officers, whether in uniform or non-uniform, shall be armed with an approved duty handgun as specified in Special Order AD/SO 304.5, Authorized Weapons and Ammunition Specifications.
***Exceptions:** Officers operating in a status where possession of a firearm would endanger the officer or the operation in which they are participating.
***Officers with non-uniform administrative assignments are exempt from carrying a handgun while performing that assignment.**
- 1.5 On-duty officers in plainclothes shall carry their sidearm secured in a holster or other secure carrying device such as a fanny pack, purse, etc. Divisional Special Orders may provide further guidance based on specific assignment.
***Exception:** Officers assigned to undercover duties, and when the use of a holster or other device may conflict with covert operations.
- 1.6 On-duty officers carrying a firearm in an unconcealed manner shall clearly display police identification card and/or badge.
- 1.7 Whether on or off-duty, officers shall carry their police identification while armed.
***Exceptions:** Officers operating in a status where possession of police identification would endanger the officer or the operation in which they are participating.
***When participating in recreational shooting activities.**
- 1.8 The carrying of a handgun while off-duty shall be at the option of the officer. If the officer elects to carry a Department approved handgun off-duty, as specified in Special Order AD/SO 304.5, Authorized Weapons and Ammunition Specifications, it must be concealed from public view. An officer who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which they could have taken police action were they armed.
- 1.9 The carrying of an additional handgun for the purpose of a back-up handgun shall be at the option of the officer. If the officer elects to carry a back-up handgun, it must be a Department approved handgun as specified in Special Order AD/SO 304.5, Authorized Weapons and Ammunition Specifications.
- 1.10 Officers engaged in off-duty employment which requires the performance of police related services shall be armed with a Department approved on-duty handgun as specified in Special Order AD/SO 304.5, Authorized Weapons and Ammunition Specifications.
- 1.11 All officers shall be armed with a Department approved handgun, as defined in Special Order AD/SO 304.5, Authorized Weapons and Ammunition Specifications, while operating any police vehicle.
- 1.12 Department issued firearms will not be used for hunting purposes.
- 1.13 All officers must meet approved levels of proficiency in firearms qualification training as set forth by the Range Officer and approved by the Chief of Police.
- 1.14 The officer's handgun will have a fully loaded magazine with a round chambered when the officer is carrying the weapon.

- 1.15 Long guns will be carried with the magazine loaded and the chamber empty, unless being used by the officer.
- 1.16 Only manufacturers magazines are authorized for use in Department issued or approved firearms.
- 1.17 Officers are responsible for the safekeeping and security of all firearms authorized by the Department that are in their custody.
- 1.18 Officers shall not carry any firearm under the following circumstances:
 - 1.18.1 The officer is on suspension or is directed not to do so by the Chief of Police.
 - 1.18.2 The officer has not successfully met proficiency and qualification levels as set forth by the Department.
 - 1.18.3 While consuming alcoholic beverages or taking medication that impairs physical or mental ability.
***Exception:** When required by the nature of assignment or the safety of the officer would be at risk.
- 1.19 Use of force reporting shall utilize the Resistance/Control Form and shall follow procedures as set out in SOG 103.5, Use of Force.
- 1.20 Prohibited Uses of Weapons
 - 1.20.1 "Warning shots" are prohibited.
 - 1.20.2 Officers shall not discharge firearms from a moving vehicle.
 - 1.20.3 Firearms shall not be discharged at a stationary or moving vehicle, the occupants of a vehicle, or the tires of a vehicle unless a person in the vehicle is imminently threatening the officer or another person present with deadly force and all other reasonable means of defense have failed, including moving out of the path of the vehicle. The presence of bystanders or other occupants of a vehicle must be considered before firing at a moving vehicle.
 - 1.20.4 A firearm shall not be used as a club, hammer, pry bar, or any purpose other than for which it was designed or intended (unless deadly force is authorized).
 - 1.20.5 Firearms, batons, and personal defense weapons shall not be used for any other purpose than use consistent with training.

2. DISPLAY OF FIREARMS

- 2.1 Officers will exercise safety precautions when handling weapons per department training. "Unintentional" or "Accidental" discharges will not be tolerated, and may result in disciplinary action.
- 2.2 Except for general maintenance, supervisory inspections, storage or authorized training; officers shall not draw or exhibit firearms unless circumstances create a reasonable suspicion that it may be necessary to lawfully use the weapon in conformance with other sections of this order.
- 2.3 Department owned firearms shall not be carried or utilized for any non-law enforcement activity.
- 2.4 No officer shall display or provide any weapon to a citizen to inspect, examine or otherwise handle unless authorized by the Chief of Police.

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3. SECURITY OF WEAPONS

Personnel are at all times responsible for the security of their assigned department firearms. Department firearms not being carried or in the immediate physical control of an officer shall be secured in a manner which makes them inaccessible to anyone but the officer.

3.1 Security of Assigned Firearms

3.1.1 Any time an officer transports a Department assigned firearm in a personally-owned vehicle, the weapon shall not be left in the passenger compartment of the vehicle, for any length of time, at any location when the officer is not in the vehicle, in which case the weapon shall be locked in the trunk, secured in officer's residence or secured in a similar manner. If the weapon is locked in the trunk, the officer shall make every attempt to store the weapon in a manner that makes it difficult to observe when opening the trunk. If the officer's personally-owned vehicle does not have trunk, officers shall make every attempt to hide the weapon from plain view within the passenger compartment. Officers are encouraged to never leave weapons in an unoccupied personal vehicle but it is recognized that this is sometimes unavoidable.

3.2 Specialized Weapons (as defined)

3.2.1 When a specialized weapon is in service and not deployed during an operation, the weapon shall be kept locked in the trunk or similarly designed and secure area of the controlling officer's assigned vehicle in an electrical/manual locking device.

3.2.2 When a weapon is out of service, the weapon must be stored in one of the following manners:

3.2.2(a) Locked in the RPD Armory Room.

3.2.2(b) All specialized weapons will be secured in a specially designed theft-proof rack system when the officer is off-duty.

3.2.2(c) No weapons shall be left unsecured in the trunk of a vehicle while the officer is off-duty. Specially designed theft-proof racks mounted in the trunks of certain department vehicles are acceptable off-duty storage locations.

3.2.2(d) Officers attending basic or other training at an ALETA facility that bans weapons inside ALETA buildings are allowed to store their weapons in the trunks or security racks of their vehicles as described in section 3.1.1 above.

3.2.3 Any time an officer transports a specialized weapon in a personally-owned vehicle, the weapon shall not be left in the passenger compartment of the vehicle, for any length of time, at any location when the officer is not in the vehicle.

3.2.4 If a take home vehicle is to be parked unattended for an extended period of time, all firearms shall be removed and stored in the department armory.

4. SPECIALIZED WEAPONS

All officers who are assigned special weapons, projectile launchers, and ammunition shall successfully complete qualification courses and training provided by the Training Coordinator training staff and /or those firearms instructors of the affected units as approved by the Chief of Police.

5. FIREARMS RECORDS

The Training Coordinator shall maintain a record for each firearm approved by the Department for use which shall include:

- 5.1 Initial Date of Service
- 5.2 Description
- 5.3 Manufacturer Model and Caliber
- 5.4 Serial Number
- 5.5 Repair or service history
- 5.6 Officer and date issued
- 5.7 Proficiency qualification scores and dates

6. FIREARMS MODIFICATIONS AND REPAIRS

6.1 All Department issued and Department approved personally owned firearms shall not be modified from the manufacturer's specifications, except under the following circumstances:

6.1.1 All modifications or repairs shall be conducted by the manufacturer, manufacturer authorized service center, or department approved armorer.

6.1.2 **The authorized armorer shall be notified, in writing, of all modifications or repairs.** Documentation shall be kept on file with the Training Coordinator.

6.1.2(a) Officers may install a slip-on grip on their department issued or personally owned handgun. All other grip changes or modifications shall be conducted per Special Order AD/SO 304.5, Authorized Weapons and Ammunition Specifications.

7. FIREARMS MAINTENANCE

7.1 Officers shall maintain all firearms issued to them, or approved for use by the Department, in proper working order. Officers shall not disassemble any Department issued or Department approved personally owned firearm beyond field stripping, as per the manufacturers recommendations for proper maintenance and cleaning. All other disassembly shall be conducted by the manufacturer, manufacturer authorized service center, or department approved armorer.

7.2 Each repair or service transaction shall be documented and recorded as required under Special Order AD/SO 304.5, Authorized Weapons and Ammunition Specifications.

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7.3 All department issued pistols and rifles shall be inspected by department approved armorers on a biennial basis.

8. FIREARMS PROFICIENCY, TRAINING AND TESTING

Courses of fire and tests designed to require the officer to demonstrate accuracy, safety, functionality and maintenance with the firearms the officer carries or uses and knowledge of laws concerning the use of firearms.

8.1 All persons utilizing the range facilities shall follow the direction of the Firearms Training Officer at all times.

8.2 Courses of fire will be designed by the firearms training staff to include scores, target types, timing, distance and practical conditions that meet the needs of the officer to be prepared for duty.

8.3 Scores will be documented as either pass/fail when appropriate or as a numerical score of no less than 80% in each component to pass.

8.4 Proficiency tests will include demonstrated ability of the officer to accomplish the following: drawing, holstering, clearing stoppages, loading, unloading, and the handling of a firearm in a safe manner, as designated by the firearms training staff.

8.5 Target types will consist of, but will not be limited to the following:

8.5.1 Paper targets with a printed design to represent areas to hit that will stop an aggressive action and be used for scoring accuracy.

8.5.2 Steel targets that give instant feedback to the officer on accuracy.

8.5.3 Shoot/Don't Shoot targets that represent a need for an officer to react appropriately.

8.5.4 Firearms Training System (FATS), or other similar type simulator, when available.

8.6 Successful completion of a transitional training course conducted by the firearms training staff is required by any officer who changes from a primary handgun of one design to a primary handgun of another design prior to being approved to carry the new handgun (i.e. switching from a revolver to a semi-automatic).

8.7 Annual firearm proficiency qualification requirements shall consist of successful completion of the courses on a quarterly basis. Frequency of qualification shall be:

8.7.1 For the ranks of Police Officer through Police Lieutenant, four times per year.

8.7.2 For the ranks of Police Captain and Chief of Police, once per year.

8.8 All officers who are assigned special weapons and ammunition shall successfully complete qualification courses and training designed by the firearms training staff and those in charge of the affected units on an annual basis.

8.9 Remedial training shall be required of those officers who fail to achieve the minimum scores or levels of proficiency that are required by the Department.

8.9.1 Reasonable remedial training shall continue until the officer meets the standards. If the officer fails to meet the standard, the Firearms

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Instructor will inform the supervisor, Division Commander and the Chief of Police for further action.

8.9.2 Failure to meet the minimum standards shall result in temporary reassignment to administrative duties that do not require the use of a firearm until the standards are met.

8.9.3 Continued failure to meet the minimum standards may result in administrative action taken against the officer as described in SOG 103.8, "Administration of Discipline."

8.10 The Firearms Training Officer conducting the firearms training shall complete records documenting all firearms training for each officer. These records shall be retained by the Training Coordinator.

8.11 All firearms instruction, training and qualifications shall be provided by a certified firearms instructor.

9. USE OF LESS LETHAL EXTENDED RANGE IMPACT DEVICES

9.1 There are many projectiles considered "less lethal." The primary types used by the Rogers Police Department are the:

9.1.1 Flexible Baton - 12 gauge

9.1.1(a) Effectiveness

- This is the potential of the round to cause incapacitation, and reduce the subject's ability to continue their inappropriate behavior.

9.1.1(b) The level of energy necessary to cause incapacitation creates the potential for injury, but when properly deployed, with a low probability for causing serious physical injury or death.

9.1.2 Potential for causing death or serious physical injury.

9.1.2(a) The potential for causing death or serious physical injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back, thoracic and abdominal cavities, and the groin.

9.1.2(b) When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation is the desired goal and alternative target areas/response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the officer is encountering, and the established department safety priorities.

9.1.3 All 37/40mm or .68 less lethal delivery systems will be maintained by the SWAT Team or other authorized armorer.

9.1.3(a) This system will only be deployed by ~~SWAT~~ officers who have qualified with the weapon.

9.1.3(b) This system will be deployed with a lethal weapon cover officer.

- 9.2 Impact Device Deployment Areas
- 9.2.1 The use of kinetic energy impact projectiles is considered a Level V use of force when deployed to areas of the suspect's body that are considered unlikely to cause death or serious physical injury.
- 9.2.2 The use of kinetic energy impact projectiles is considered a Level VI-Deadly Force, if intentionally deployed at the head or neck.
- 9.2.3 The less lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.
- 9.2.4 The Monadnock PR-24 baton training chart is the recognized department model for determining contact areas for kinetic energy impact weapons, based on potential for injury.
- 9.2.4(a) Green Areas - These areas will be considered when incapacitation is necessary, and a minimal potential for injury is the appropriate response.
- 9.2.4(b) Yellow/Red Areas - These areas will be considered when an escalation of force above green (areas) is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.
- 9.2.4(c) Head/Neck - Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary, and appropriate.
- 9.3 Less Lethal Deployment Techniques
- 9.3.1 12 gauge/Pepperball launcher
- 9.3.1(a) The approved assigned less lethal shotguns will be distinguishable by an orange colored stock and fore-end. The less lethal shotguns will **ONLY** be carried with less lethal ammunition in the magazine.
- 9.3.1(b) The approved assigned Pepperball launcher will be distinguishable by yellow colored accessories.
- 9.3.1(~~cb~~) The qualified officer will carry the approved less lethal rounds within ready access at all times during a tour of duty, preferably attached to weapon.
- 9.3.1(~~de~~) Before utilizing the less lethal shotgun the officer shall consider:
- **The level of force being confronted;**
 - **The proximity/access of subject to officer;**
 - **The department safety priorities.**
 - **The officer will then determine if lethal cover is necessary and appropriate.**
 - **Special consideration of lethal cover should be made in all cases involving subjects with firearms.**
- 9.3.1(~~ed~~) Utilization
- **When a qualified officer makes the decision to utilize the less lethal shotgun, the following procedures shall be performed. The officer is solely responsible for the condition of the weapon (lethal vs. less lethal rounds).**
- 9.3.2 Where applications of impact weapons have been utilized, the following directives are to be followed:
- 9.3.2(a) Completion of a Use of Force form.
- 9.3.2(b) Photograph of impact area.

9.4 Impact Device Training

Training in the use of extended range kinetic energy impact projectiles, will consist of an approved department end user program and an annual re-certification.

10. TASER

10.1 The TASER is a hand held battery powered Conducted Energy Weapon. It is designed to override the sensory and motor functions of the central nervous system, causing uncontrolled contractions of the muscle tissue.

10.2 Employees who carry the TASER must have satisfactorily completed the RPD approved four-hour training course, and subsequent annual refresher training.

10.2.1 The TASER will only be used with power sources recommended by the manufacturer.

10.2.2 The TASER shall be carried fully armed with the safety on, in preparation for use in appropriate circumstances.

10.2.3 The TASER shall be carried by general duty patrol officers in an approved holster on the support side of the body. Those authorized to use the TASER who are not assigned to general duty patrol may use other department approved holsters, and carry the weapon consistent with department training.

10.2.4 Approved officers shall be issued a minimum of one spare cartridge, and have it accessible in case of cartridge failure or the need for reapplication.

10.3 Loading, aiming and firing

10.3.1 The TASER shall be pointed at the ground in a safe direction with the safety on, during loading, unloading, or other necessary handling outside of an operational deployment.

10.3.2 In preparation of firing, the TASER shall be pointed in a safe direction, taken off safe, aimed and fired in a manner consistent with RPD approved training.

10.3.3 Upon firing the TASER, the officer shall energize the subject no longer than necessary to accomplish the mission objective.

10.3.4 Upon gaining compliance, the deploying officer shall remove the TASER darts from the suspect in the field in the manner addressed in training, or cause the suspect to be transferred to a medical facility for dart removal based on the circumstances presented, and consideration of the RPD approved training program. Photographs of the affected area shall be taken after the darts are removed.

10.3.5 The TASER may also be used in exigent circumstances as a "drive stun" device. The unit is pressed firmly into an appropriate area based on RPD approved training.

10.3.6 When the TASER is used the officer will collect the air cartridge, the wire leads, and darts. If no serious injury has occurred to the subject the items will be sealed in a clear plastic bag, marked with the officers name and incident number, and given to their sergeant to maintain for thirty days, then destroyed. If as a result of the using TASER the subject sustains serious injury, all items will be logged into evidence.

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10.3.7 Officers who fire the TASER shall complete a Resistance Control Form and notify his/her supervisor as soon as practical.

11. INTERMEDIATE IMPACT WEAPONS

11.1 General requirements

11.1.1 A Department-approved baton and Department assigned TASER will be carried by uniformed officers in the field at all times while on duty.

11.1.2 Non-uniformed officers may carry an impact weapon at their own discretion.

11.2 Authorized impact weapons

11.2.1 Uniformed field officers will have readily available a department issued one-piece straight baton consisting of either natural wood or polycarbonate.

11.2.1(a) An expandable straight baton along with a carrier will be issued to all Operations Division field officers and sworn personnel assigned to Investigations Division, who have received training, or;

11.2.1(b) A one-piece straight baton that has been approved by the UOD Commander will be issued to all uniformed officers.

11.3 Baton Carriers

11.3.1 Carriers for batons will be consistent with established uniform standards and of the type and nature required to properly secure the baton.

11.3.2 Uniformed officers will be required to have only the carrier on their duty belt for the baton that is routinely carried while on duty.

11.3.3 Non-uniformed officers will not be required to use a belt carrier for securing the baton.

12. INTERMEDIATE WEAPONS TRAINING

Training will be designed to require the officer to demonstrate proficiency with the types of weapons carried and knowledge of the laws and policies concerning the use of an intermediate weapon.

12.1 All officers will complete a basic course of instruction in the proper use of and skill development of each type of approved impact weapon, prior to being authorized to carry the weapons while on duty.

12.2 Officers will complete an annual recertification course in the use of impact weapons.

12.3 All training courses will meet with CLEST approval along with approval of the Training Coordinator and the Chief of Police.

12.4 Remedial training shall be required of those officers who fail to achieve the minimum levels of proficiency that are required by the Department.

12.4.1 If the officer fails to meet the standard, the Training Coordinator will inform the supervisor, commander and the Chief of Police for further action.

12.4.2 Continued failure to meet the minimum standards may result in administrative action taken against the officer as described in SOG 103.8, "Administration of Discipline".

13. CHEMICAL AGENTS

- 13.1 Employees who carry the chemical agents must have satisfactorily completed the RPD approved four-hour training course, and subsequent bi-annual refresher training.
- 13.2 Chemical Agents will be available and used to incapacitate subjects when lower levels of force have failed in the apprehension or dispersal of these subjects.
- 13.3 Authorized tactics and application of chemical weapons shall be conducted in a manner consistent with approved training.
- 13.4 Uniformed and non-uniformed personnel will be limited to the use of Pepper Spray unless additional specialized training is received in the use of Chemical Agents.
- 13.5 The deployment of Chemical Agents other than the use of Pepper Spray must be authorized by a Commander. [Refer to SOG 103.5, Use of Force].
- 13.6 Chemical Agents will be deployed by the following means: 12-gauge shotgun, 37/40mm, Pepperball launcher, or, hand-deployed devices and aerosol projectors.

14. AEROSOL PROJECTORS

- 14.1 Def-Tec brand
 - 14.1.1 First Defense OC Spray
 - 14.1.1(a) Officers may be issued the 360 Stream Mark 3.
 - 14.1.1(b) The model Mark IX (high volume output) will be used for crowd control and tactical use.

15. LESS LETHAL/INTERMEDIATE IMPACT WEAPONS RECORDS

- 15.1 The Training Coordinator is responsible for maintaining a record for each issued weapon other than firearms.
- 15.2 The SWAT Team Commander is responsible for sending the Training Coordinator a record for each special weapon (firearm, less lethal, launchers, foggers, TASERS, etc.) maintained in that unit.
- 15.3 A record shall include:
 - 15.3.1 Type of weapon/munition
 - 15.3.2 Manufacturer
 - 15.3.3 Model Number, if any
 - 15.3.4 Serial Number, if any
 - 15.3.5 Number of Units (munitions)
 - 15.3.6 Address and location of storage
 - 15.3.7 Name of personnel issued to

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- 15.4 All weapons shall be inspected and found acceptable for use by the unit supervisor prior to deployment.

16. LESS LETHAL/CHEMICAL TRAINING & PROFICIENCY RECORDS

- 16.1 At least annually, each employee shall receive in-service training on use of force policy and demonstrate proficiency with each approved less lethal weapon and chemical weapon that the employee is authorized to use.
- 16.1.1 Such training shall be provided by an appropriate certified weapons instructor;
- 16.1.2 Proficiency training records shall include results from tests or demonstrations, dates, and rosters of attending officers. These records shall be maintained by the Training Coordinator.
- 16.1.3 Remedial training shall be scheduled for employees who are unable to qualify with an authorized weapon. The weapons system instructor shall notify the immediate supervisor and the Division Commander of the employee's remedial status.
- 16.1.3(a) Until the employee achieves full certification, s/he shall not be permitted to operate the specific weapons system other than in a training environment.
- 16.1.3(b) The employee may be temporarily reassigned pending successful completion of training and certification.
- 16.1.4 Upon the third failed attempt to achieve certification, the weapons system instructor shall forward copies of all training records to the employee's commander for possible administrative action.

17. MEDICAL AID

- 17.1 The officer responsible for deployment of any lethal or less lethal force will ensure that the subject is transported to a medical facility for medical attention if unconsciousness occurs or there are obvious signs of serious injury or subject requests medical attention.
- 17.1.1 Minor abrasions or bruises that can be treated with simple first aid do not require transportation to a medical facility unless requested by the subject.
- 17.2 A Shift Commander shall be notified as soon as possible whenever injuries have been inflicted by a department employee sufficient to cause the injured party to require medical attention at a medical facility. In the absence of a Shift Commander, the appropriate Division Commander or ranking officer shall be notified.
- 17.2.1 If the use of force is such that the affected individual is admitted to the hospital, the Shift Commander shall immediately notify the Office of Professional Standards.
- 17.3 Persons who are struck by a less lethal round shall be transported to a medical facility for examination.

ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Uniforms and Equipment-General Regulations		
NUMBER	304.6	EFFECTIVE DATE	August 12, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	March 10, 2020
Replaces G.O.	44	APPROVAL DATE	March 10, 2020
APPROVED BY	Chief Hayes <u>Minor Jonathan Best</u>	CALEA STANDARDS	

I. Policy

To establish regulations for the proper wearing of apparel for both uniformed and plainclothes police department personnel. Employees are placed in uniform so that they all appear in the same neat, clean and orderly clothing. The uniform represents both dignity and authority. Any ornamentation deemed necessary for the uniform will be described. Any additional articles intended to dress up the uniform will not be allowed or permitted except by the direct authorization of the Chief of Police.

II. Procedure

1. GENERAL REGULATIONS

- 1.1 While wearing the police uniform, no clothing or equipment other than that which has been approved or issued by the Department shall be visible.
- 1.2 The ownership and title to all issued equipment is vested in the City. Equipment shall be replaced on an as needed basis.
- 1.3 No issued item of uniform or equipment shall be transferred or exchanged by any department personnel without the approval of a supervisor.
- 1.4 It shall be the duty of each employee of the Department to produce any article(s) of issued equipment or any other item worn or carried on duty, upon demand of a supervisor.
- 1.5 When an employee of the Department vacates his position; all issued equipment shall be surrendered to the Department.
- 1.6 No employee shall wear any portion of the uniform while serving a suspension. Upon notification of being suspended, the employee shall immediately surrender his badge, identification cards, and issued firearms to the supervisor notifying him of the suspension, if directed by the Chief of Police.
- 1.7 Uniforms and civilian clothing shall not be intermixed at any time.

- 1.8 Uniform personnel shall not wear the uniform outside the city except while performing required duties or travelling to and from work.
- 1.9 An employee who loses or damages any city owned property shall immediately report such loss or damage to his supervisor in writing and may be held responsible for the replacement of the property when the loss or damage is due to the employee's negligence.
- 1.10 Personal Grooming
 - 1.10.1 All personnel shall practice good grooming habits. Uniforms and equipment shall be maintained in a clean serviceable condition and highly polished where applicable. Employees shall, by their appearance, set an example of neatness and conformity with these regulations.
 - 1.10.2 Male Officers
 - 1.10.2(a) Hair may be worn in contemporary styles as long as the hair at the back of the head is not formed in a duck tail, pigtail, fool's tail or does not touch the top edge of the collar when standing. The hair style shall present a tapered appearance on the sides and the back. The "block cut" is permitted as long as a tapered appearance is maintained. Hair may not extend over 1-1/2" from the sides of the head. Hair may not cover the tops of the ears and be styled in such a manner that it falls across the eyes under normal conditions. Sculptured haircuts, eccentric haircuts, and eccentric hair colors are prohibited.
 - 1.10.2(b) Sideburns shall not extend below mid-ear and shall, at no point, be more than 1" wide.
 - 1.10.2(c) Officers shall be clean shaven with the exception of mustaches. Mustaches shall be neatly trimmed and not extend below the corners of the mouth or the contour of the upper lip.
 - 1.10.2(d) Wigs are acceptable, provided they meet the requirements set out above.
 - 1.10.3 Female Officers
 - 1.10.3(a) Hair shall be of a length and style which insures safety. The hairstyle and length shall not interfere with the proper wearing of a hat or interfere with the proper use of equipment. Eccentric hair styles, pigtails, ponytails, long braid (s), bouffant, and eccentric hair colors are specifically prohibited. Conspicuous barrettes, pins, ribbons, or combs are not permitted.
 - 1.10.3(b) Wigs are acceptable as long as they meet the prescribed requirements for hair styles.
- 1.11 Eye Wear
 - 1.11.1 Sunglasses may be worn when required for protection from harsh sunlight. Acceptable frame colors are black, brown, chrome, gold or clear. Acceptable lens tints are brown, gray, green or photo-gray. Mirrored or reflective type lenses are prohibited. Frames shall be of conventional design and are subject to department approval.

- 1.11.2 Prescription glasses may be worn by employees. Acceptable frames and lens tint are the same as for sunglasses; however, exceptions may be made on an individual basis to avoid hardship on the employee.
- 1.11.3 Plain black elastic retention bands or plain black lanyards are permitted.
- 1.12 Personal Jewelry/Tattoo's
 - 1.12.1 Eccentric styles or excessive quantities or personal jewelry are prohibited.
 - 1.12.2 Earrings may be worn by female employees only.
 - 1.12.3 No visible body piercings will be allowed.
 - 1.12.4 No visible tattoos will be allowed.
- 1.13 Uniform Expenses
 - 1.13.1 Uniform Operations Division employees shall purchase uniform items on account per UOD Special Order 304.6. All non-UOD sworn personnel shall receive a paid uniform allowance as set by the Chief of Police.
 - 1.13.2 Employees who damage personal property while in the performance of their duties may apply for repair or replacement of the property. Normally, only those articles that would be considered necessary for the performance of duties will be replaced or repaired.
 - 1.13.3 Community Service Officers will not be eligible for a uniform allowance, as their items will be issued to them by the department.
- 1.14 Court Appearances
 - 1.14.1 All employees are required to appear in court as a witness either in their regular duty uniform or appropriate business attire.
 - 1.14.2 Emergency Response- Personnel who receive an emergency request from a court that they are needed immediately may respond in the clothing which they were wearing when they received the emergency notification.
- 1.15 In-Service Training Days
 - 1.15.1 The clothing standard for in-service training days shall be casual business attire suitable for office wear (i.e. open neck sport shirt and slacks, blue jeans in good condition), or the uniform of the day.
 - 1.15.2 T-shirts and tennis shoes are acceptable only on training days that include the range or defensive tactics.
 - 1.15.3 The same hygiene standards (i.e. clean shaven, etc.) apply for training days as regular duty days.
 - 1.15.4 The Training Coordinator will have the authority to allow exceptions to the above standards, if a special situation arises.

2. SWORN UNIFORMED PERSONNEL

2.1 Refer to UOD Special Order 304.6

2.2 Specialized Uniform Accessories & Equipment

2.2.1 Body Armor

2.2.1(a) Body armor shall be made available to all sworn personnel who are assigned to investigative or field operations functions. The Chief of Police may authorize additional personnel to receive body armor on a case by

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case basis, following a written request. All sworn personnel, when in uniform, shall wear body armor.

- Squad leaders shall conduct random field inspections to verify body armor is worn and shall document it as part of the line inspection process.

2.2.1(b) Wearing of body armor is mandatory for all sworn personnel involved in preplanned, high risk police operations.

- Planned felony or search warrant executions, drug raids, hostage/barricade operations are examples.
- Personnel may wear body armor on the exterior of the uniform for the duration of the operation provided that flaps are tucked in to the pants or folded up out of sight.
- Weather, medical or other personal conditions are not exemptions.

2.3 Personal Jewelry/Tattoo's

2.3.1 Eccentric styles or excessive quantities or personal jewelry are prohibited.

2.3.2 No visible neck chains, necklaces or bracelets shall be worn by sworn personnel while in uniform except for medical alert bracelets or chains. Uniformed employees may wear a wristwatch.

2.3.3 Earrings may be worn by female employees only.

2.3.4 A single, plain earring not exceeding 1/4" in diameter only shall be permitted for uniformed female employees. The earrings may be of the ball, pin or stud type with gold or silver finish.

2.3.5 Only one (1) ring per hand is permitted. A wedding set is considered one (1) ring.

2.3.6 No visible body piercings will be allowed.

2.3.7 No visible tattoos will be allowed.

3. NON-UNIFORM PERSONNEL (Includes sworn personnel, non-sworn personnel and sworn personnel assigned to light duty status.)

3.1. Non-Uniformed personnel shall dress in appropriate business attire suitable for office wear unless otherwise stated in this policy. Division Commanders are responsible for defining appropriate business attire.

3.2. Due to the nature of their assignment Narcotics Investigators are exempt from the dress standards of this policy. Narcotics Investigators shall dress consistent with the operational needs.

3.2.1 Officers assigned in a Narcotics position, due to the nature of their work, are allowed to wear beards and grow their hair longer than officers in other assignments within the department. Due to this provision it is even more incumbent upon officers to present a positive professional appearance when contacts are made with the general public, other law enforcement agencies or the Court.

3.3. Circumstances may arise which require unit supervisors to direct their personnel to dress differently than the policy permits.

- 3.4. Special Assignments- when officers are on special assignments, the dress will be commensurate with the assignment:
 - 3.4.1 Firearm Range
 - 3.4.2 Search Warrants
 - 3.4.3 Surveillance
 - 3.4.4 Or when directed or authorized by their supervisor.
- 3.5 RCD/Records personnel
 - 3.5.1 Trousers – No shorts
 - 3.5.1(a) Acceptable types are Dockers, Dickies, or similar brands, no denim jeans.
 - 3.5.1(b) Colors allowed will be appropriate for the workplace environment.
 - 3.5.1(c) Ladies may wear dresses or skirts, the type and length must be modest and appropriate for the workplace.
 - 3.5.2 Shirts
 - 3.5.2(a) Must have collars.
 - 3.5.2(b) Ladies may wear blouses without collars.
 - 3.5.2(c) Pull over and button up sweaters are allowed.
 - 3.5.2(d) All clothing worn must be modest and appropriate for the workplace.
 - 3.5.3 Hats or Caps will not be worn.
 - 3.5.4 Footwear
 - 3.5.4(a) Will consist of shoes, boots, or sandals (No “flip-flops” or “shower shoes”).
 - 3.5.4(b) Footwear must be in good condition and constructed of cloth or leather (No plastic).
 - 3.5.5 Hairstyles should be appropriate for the business workplace.
 - 3.5.5(a) Male Employees may have neatly trimmed beard or goatee.
- 3.6 Evidence/Property Unit
 - 3.6.1 Clothing will be the same as RCD/Records personnel with the following exceptions:
 - 3.6.1(a) Clothing will be commensurate with job duties. May include the wearing of jeans when approved by the Evidence room supervisor.
 - 3.6.2 Court Appearances
 - 3.6.2(a) Female employees will wear a dress or slack outfit.
 - 3.6.2(b) Male employees will wear slacks and dress shirt and tie.
 - 3.6.3 Hairstyles should be appropriate for the business workplace.
 - 3.6.3(a) Male employees may have neatly trimmed beard or goatee.
- 3.7 Community Service Officer
 - 3.7.1 Trousers
 - 3.7.1(a) Khaki pant similar to 5.11 Stryke Pant models.
 - 3.7.2 Utility Belt
 - 3.7.2(a) Finish shall be black nylon.
 - 3.7.2(b) Belt system shall consist of at least (2) two Handcuff cases/Handcuffs, OC spray Carrier/OC spray, Portable Radio Holder, Flashlight Holder, Rubber Glove Pouch, Taser holster and Taser, Belt Keepers (5). All accessories must match the belt worn.

- 3.7.3 Shirts
 - 3.7.3(a) Blauer Navy/ Yellow 8133 short sleeve Performance Polo with Community Service Officer screen printed on the back.
 - 3.7.3(b) Blauer Navy/Yellow 8143 long sleeve Performance Polo with Community Service Officer screen printed across the back.
- 3.7.4 Coats and Jackets
 - 3.7.4(a) Blauer 6113 HI-VIS Fleece lined bomber jacket with Community Service Officer screen printed across the back.
 - 3.7.4(b) Blauer 9848 HI-VIS B.DRY Response Parka with Community Service Officer screen printed across the back.
 - 3.7.4(c) Yellow HI-VIZ rain coat with Community Service Officer screen printed across the back.
- 3.7.5 Footwear
 - 3.7.5(a) All leather, lace-up, black shoe with a rounded toe(Similar to the Rocky Brand Oxfords) Plain black socks will be worn.
 - 3.7.5(b) Lace-Up black boot (Similar to Rocky #911). Nylon uppers are acceptable with this type of boot. Wing tips or boots with ornamental designs, buckles, or straps are not permitted.
 - 3.7.5(c) Footwear will be kept clean, highly polished and in good repair.
- 3.7.6 Personal Grooming
 - 3.7.6(a) Community Service Officers shall conform to the Personal Grooming standards set out in section 1.10 above.

ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Custody, Non-Custody Towing, Impounds and Inventory		
NUMBER	405.1	EFFECTIVE DATE	June 1, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	February 9, 2021
Replaces G.O.		APPROVAL DATE	February 9, 2021
APPROVED BY	Chief Hayes Minor	CALEA STANDARDS	

I. Policy

The Department hereby establishes policy for impounding motor vehicles and processing custody and non-custody vehicle tows by its employees as required in Arkansas State Statute 27-50-1202 and Rogers City Code Chapter 114.

It is the objective of the Rogers Police Department to see that any complaint arising as a result of a Custody Tow conducted by a company on the Wrecker Rotation List be resolved effectively and in the best interest of all parties.

II. Definitions

Custody - A vehicle is towed because it is parked illegally, stolen, and recovered, abandoned, disabled on a public street, ordered removed by the Police Department or other authorized agent of the City because of a violation of law and vehicles impounded by the Police Department. Tows resulting from accidents are Custody tows if the operator is arrested or incapacitated to the extent that he/she is unable to request a tow service. (AR. State Statute 27-50-1202 (3).

Non-custody- A vehicle is towed at the request of a citizen for assistance in the removal of his/her vehicle. (AR. State Statute 27-50-1202 (2).

Owner Preference- means the right of the owner, his or her agent, or any competent occupant of any disabled or inoperative vehicle to request some responsible and reasonable person, or wrecker service of his or her choosing to take charge and care of the vehicle.

Interested Party – An interested party may be:

1. The vehicle owner,
2. The lienholder of the vehicle,
3. An agent for the vehicles insurance company.

III. Procedures

1. TOWING VEHICLES BY LAW ENFORCEMENT OFFICERS

Numerous situations may occur that require police personnel to have vehicles towed from public and private property. Abandoned or unattended vehicles may be towed from public and private property, but only under certain specific circumstances.

1.1 Upon towing an abandoned or unattended vehicle, the officer shall complete an Arkansas Auto Storage Report ~~Rogers Police Department Vehicle Storage Form.~~

1.2 Completed Vehicle Storage Forms shall be ~~forwarded to the Records Unit as soon as possible after completion and approval given to the tow company up their receipt of the vehicle.~~

~~1.2.1 The pink page will be placed in the case file.~~

~~1.2.2 The white and yellow pages will be maintained on the vehicle impound log in the communications center until the vehicle is released, then the white copy is filed with the case file while the yellow copy is given to the owner of the vehicle.~~

~~1.2.3 The gold page will be given to the wrecker service for their records.~~

1.3 Towing from Public Right-of-Way or Public Property

Officers may tow a vehicle from the public right-of-way under the following circumstances (AR Statute 27-50-1202 and 27-50-1205):

1.3.1 Immediately when a vehicle creates a safety hazard.

1.3.2 Abandoned or unattended vehicles: Personnel must “tag” such vehicles in a manner that will allow time to determine if the vehicle is moved during the 24 hour period. Officers may “tag” vehicles abandoned, disabled, or inoperative that are located 3 feet or more from the roadway. Personnel that tag the vehicle shall return after 24 hours to recheck the vehicle and tow if still in violation or make arrangements with another officer to check it.

1.3.2(a) The tag or sticker shall show the date and time of tagging.

1.3.2(b) That the vehicle will be removed pursuant to A.C.A. 27-50-1205 unless the vehicle is removed within 24 hours.

1.3.2(c) The location and telephone number where more information may be obtained.

1.3.2(d) The identification of the officer

1.3.3 Any abandoned vehicle which has been reported as stolen or taken without consent of the owner;

1.3.4 Driver is arrested and cannot arrange for timely removal;

1.3.5 Where the vehicle is parked in a no parking zone or where the violation causes a safety hazard;

1.3.6 An impounded or seized vehicle as listed in AR Statute 27-50-1202.

1.3.7 Any other situation as listed in AR Statute 27-50-1202.

1.4 Towing from Private Property

Officers may tow from private property under the following circumstances:

1.4.1 Any abandoned vehicle which has been reported as stolen or taken without the owner’s consent.

1.4.2 Driver is arrested and cannot arrange for timely removal.

2. TOWING VEHICLES BY PRIVATE PROPERTY OWNERS WITHOUT AUTHORIZATION FROM LAW ENFORCEMENT

Any owner or lessee in lawful possession of real property may request a Non-Consent Licensed towing company to tow abandoned property without authorization from a law enforcement officer (AR Statute 27-50-1101 (2)(A)).

3. TOWING MOTOR VEHICLES AT THE REQUEST OF THE OWNER

3.1 The owner of a motor vehicle may request any wrecker service to tow the vehicle if it is not in the custody of law enforcement.

3.2 Consideration should be given to the situation and the amount of time needed by a particular tow service to respond.

3.2.1 Example- if the vehicle is creating a traffic congestion problem, the tow service should be able to respond within 20 minutes.

3.3 If there is no owner preference for a tow company, police personnel shall select the next available tow company from the authorized rotational non-consent tow list.

3.4 Personnel shall not recommend any tow service.

4. CUSTODY TOWS

4.1 All vehicles towed as a result of an arrest or when the owner is not capable of requesting a particular tow service, shall be towed as a custody tow.

4.2 All custody tows shall be completed by the city's contractual tow companies.

4.2.1 If the Rogers Police Department is responsible for seizing any vehicle, implement or piece of machinery for the purpose of evidentiary holding or forfeiture procedures, the department may utilize any State approved towing company for custody tows.

4.3 Personnel shall complete an Arkansas Auto ~~Vehiele~~ Storage Report and it will serve as the written record of all vehicles towed at the direction of police personnel.

4.4 The inventory section of the ~~Rogers Police Department Vehicle~~ Arkansas Auto Storage Report shall be completed as follows:

4.4.1 Under no circumstances may the inventory section be left blank.

4.4.2 All property with an estimated value of \$25 or more shall be inventoried.

4.4.3 If the vehicle is locked, it shall be noted on the inventory form in the notes section and a plain-view inventory shall be conducted as per sub-section 4.4.1.

4.4.4 In the case there are no items estimated as having a value of \$25 or more, the officer shall enter "Misc. (articles/papers/effects etc.)"

4.4.5 If there is any situation that prevents an inventory, the reason shall be documented in the ~~inventory section~~ notes section.

4.5 When there is a need to maintain custody of a towed vehicle, personnel completing the tow shall place a hold on the vehicle. The release of such vehicles shall be authorized by the person assigned to follow up investigation in the incident.

5. RELEASE OF CUSTODY TOWED VEHICLES

5.1 The ~~Records Unit~~ Tow Company is responsible for release of custody towed vehicles in accordance with applicable City Ordinances and State Statutes.

5.2 Detailed procedures for release processes shall be maintained in the Records Unit Procedure Manual.

6. IMPOUNDING OF VEHICLES

6.1 Officers may impound vehicles when he/she discovers a reasonable cause to believe that there has been a violation of state laws or there are medical reasons that the driver or owner is unable to operate a vehicle legally or safely. These discoveries may be from a traffic stop, a motorist assist, or when investigating an accident. During contacts with drivers that cannot legally or safely drive, officers shall attempt to contact the vehicle owner or a properly licensed person prior to impounding any vehicle. The following violations and reasons below are examples of situations in which to impound vehicles. These reasons are subject to the discretionary exceptions also listed hereafter.

6.1.1 Driver's license or privilege to drive has been suspended for any purpose

6.1.2 No Proof of Ownership or Bill of Sale

6.1.3 Driving While Intoxicated or Driving Under the Influence

6.1.4 No Driver's License

6.1.5 The driver flees the scene of the accident or traffic stop

6.1.6 The vehicle is considered as evidence and / or is suspected of having been used in the commission of a felony

6.1.7 The driver is arrested

6.1.8 The driver is incapacitated or incoherent and unable to drive

6.2 Discretionary exceptions for not impounding vehicles may be taken into consideration for the following circumstances if done in a reasonable time; a properly licensed passenger or person agrees to take possession of the vehicle with the owner's consent, or the owner agrees to leave the vehicle at the scene or location of the stop;

6.2.1 The driver, who is also the owner of the vehicle, is arrested for any charge may leave the vehicle with a properly licensed passenger or person, may call another person to come and take possession of the vehicle, or may leave the vehicle at the scene or location of the stop if the vehicle is properly parked and not causing a traffic hazard.

6.2.1(a) Officers may allow arrestees to drive to the police department for booking and processing if the officer intends to release the arrestee on a citation.

6.2.2 When the vehicle is operated by an unlicensed driver, who is also the owner, the owner may allow a properly licensed passenger or person to take possession of the vehicle or may call a person to come and take possession of the vehicle. Officers should not leave the vehicle at the scene with an unlicensed driver.

6.2.3 Vehicle at Residence - When the driver's or owner's vehicle is parked at or in the immediate vicinity of the owner's residence. Remove the ignition key and if it can be locked, lock the vehicle.

7. COMPLAINT PROCESSING

When a complaint against a towing company is received by the Rogers Police Department, it must be in writing and submitted to the Arkansas Towing and Recovery Board within five (5) days of its receipt. (AR Statute 27-50-1203 (e)(1)(C))

- 7.1 When a complaint is received it will be forwarded to the Supervisor on duty.
 - 7.1.1 The officer assigned will obtain a Call Number from RDC for the complaint.
 - 7.1.2 The officer assigned will have the interested party complete the Rogers Police Department Written Statement form (09-OP-0106) with complete contact information and details of the matter.
 - 7.1.3 The information will then be forwarded to the Support Services Lieutenant who will complete a brief memo addressed to the Arkansas Towing and Recovery Board to include:
 - 7.1.3 (a) The name of the towing company involved,
 - 7.1.3 (b) A brief narrative as to the nature of the complaint and any violations of SOG 405.1, Custody and Non-Custody Towing.
 - 7.1.3 (c) On-duty contact information for the assigned officer.
 - 7.1.4 The report will be faxed to the Arkansas Towing and Recovery Board and placed into the Call Notes that the complaint information was faxed and when it was faxed.
 - 7.1.5 The fax number for the Arkansas Towing and Recovery Board is (501) 278-5255.

ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	DWI Enforcement Procedures		
NUMBER	405.6	EFFECTIVE DATE	July 1, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	March 10, 2020
Replaces G.O.		APPROVAL DATE	March 10, 2020
APPROVED BY	Chief Hayes <u>Minor Jonathan Best</u>	CALEA STANDARDS	

I. Policy

It is the policy of the Rogers Police Department to seek out and remove impaired drivers from the streets of the city. These impaired drivers, whether due to alcohol or drugs, present a significant risk to the public. Such drivers kill and injure a number of people each year and cannot be tolerated.

II. Procedure

Members of the department shall take a proactive approach to detecting intoxicated drivers and removing them from the city streets. Enforcement of laws dealing with intoxicated drivers is the responsibility of all sworn personnel and should be a priority with personnel.

1. ALCOHOL ENFORCEMENT COUNTERMEASURES

Uniform Operations Division (UOD) personnel shall conduct special operations in order to deal with intoxicated drivers. All UOD personnel are responsible for DWI enforcement.

- 1.1 The Special Enforcement Sergeant shall analyze data supplied by the Rogers District Court personnel and Rogers Police Department Records Management in regard to the location, time, driver profile, and other information about DWI arrests. This information shall be supplied to UOD supervisors for use in planning DWI enforcement activities.
- 1.2 During peak DWI problem times (holiday periods, etc.) additional personnel may be assigned to concentrate on DWI enforcement.
- 1.3 All sworn personnel receive extensive training during a Standardized Field Sobriety Course on methods of detecting intoxicated drivers and the administration of standardized field sobriety tests.
- 1.4 On a random basis, concentrated enforcement efforts shall be conducted within the city.

2. DWI PROCESSING PROCEDURES

Various laws and ordinances deal with the processing of suspected intoxicated drivers. Personnel shall be familiar with these laws and familiar with the required procedures for handling these violators.

2.1 By state statute (A.C.A. 5-65-202), any person who operates a motor vehicle in Arkansas has given consent to submit to a test to determine the operator's blood alcohol content. This is the Implied Consent law.

2.1.1 Personnel processing a suspected intoxicated driver shall explain the Implied Consent law.

2.1.2 The Implied Consent Law Form is available in the jail booking area.

2.1.2(a) Officers shall also keep copies of the form as needed.

2.1.3 When a suspected intoxicated driver is unconscious personnel are not required to explain the Implied Consent law to them because they are deemed to have given consent to a chemical test(s).

2.1.4 The Implied Consent law applies to DWI arrests made on public roadways and streets as well as private property and to persons with out-of-state licenses.

2.1.5 There are currently three different subsections in the Implied Consent law Form (Driving While Intoxicated, Underage Driving While Intoxicated-DUI, and Commercial Vehicle Operators). Officers shall be trained to determine and read the appropriate Implied Consent subsection to their suspect.

2.2 Personnel processing a DWI arrest can request that the violator submit to a series of chemical tests to determine their blood alcohol/controlled substance content.

2.2.1 The three approved chemical tests are tests of breath, blood, and/or urine.

2.2.2 The primary test used by this department for alcohol testing is the breath test, and the primary test for drug testing is the urine screen.

2.2.3 When a suspected intoxicated driver is injured it becomes necessary to obtain a blood sample to perform a blood-alcohol/drug test. A blood sample or urine sample may be collected for drugs.

2.2.3(a) The Implied Consent law must be explained to the violator.

2.2.3(b) Qualified medical personnel (physician, qualified technician, registered nurse) must take the blood sample or urine sample.

2.2.3(c) After a blood sample is obtained personnel shall explain to the violator that they are released from custody, and a citation may be given if the officer has reasonable cause to believe that the violator is in fact intoxicated.

2.2.4 Officers may elect to seek a search warrant for the driver's blood.

2.2.4(a) Only qualified medical personnel are authorized to obtain the blood sample.

2.3 All violators who test to .08 % Blood Alcohol Concentration or higher or refuse to take a Blood Alcohol test shall be issued a Notice of Suspension/Revocation Form whether they have a valid driver's license or not. If an officer charges the driver with a DWI and the driver's BAC level is between .04 to .079 %, the officer shall issue the driver a Notice of Suspension/Revocation Form.

- 2.3.1 Personnel processing such violators shall complete the appropriate Notice of Suspension/Revocation form for the incident.
- 2.3.2 The 30-Day Temporary Driver's License is part of the Notice of Suspension/Revocation form. Personnel will complete this portion of the form in the following manner:
 - 2.3.2(a) If the violator has a valid Arkansas driver's license on his/her person, the officer will take custody of the license and turn it in with the Notice of Suspension/Revocation Form.
 - 2.3.2(b) If the violator does not have a valid Arkansas driver's license, (i.e.: Revoked, Suspended, Expired, or no license) the officer will complete the Notice of Suspension/Revocation Form.
 - 2.3.2(c) If the violator has an out-of-state driver's license, the officer will take custody of the license and will turn the license in with the Notice of Suspension/Revocation form.
 - 2.3.2(d) Officers will turn in the Notice of Suspension/Revocation Form, the seized driver's license, a copy of the blood alcohol breath test results, and a copy of the Implied Consent Form.
- 2.3.3 In a Driving Under the Influence (Underage Drunk Driving) cases enforcement; Where
 - 2.3.3(a) The violator is under age 21; AND
 - 2.3.3(b) He/she tests between .020% and .079% BAC, the arresting officer shall complete the Notice of Suspension/Revocation form; AND
 - 2.3.3(c) The officer shall issue any citations for Driving Under the Influence (DUI) and other charges for the vehicle stop; AND
 - 2.3.3(d) Shall cause a photograph of the suspect to be taken IF the offender is 18 years of age or older.
- 2.3.4 If the violator submits to the breath test and the result of the test is under .08% (eight-hundredths), the officer shall determine if the level of impairment does not match the BAC level. If, at that time, the officer suspects drugs other than alcohol to be involved, he/she ~~may~~shall notify their supervisor of the need for a Drug Recognition Expert (DRE).
 - 2.3.4(a) The supervisor shall ensure that a breath test has been conducted and the results are below .08%.
 - 2.3.4(b) The supervisor will notify Dispatch to contact local agencies to determine if they have a DRE available.
- 2.4 Some suspected intoxicated drivers might request to contact an attorney for consultation purposes prior to submitting to tests.
 - 2.4.1 Drivers will be allowed to call their attorney after submitting to a chemical test(s) or after refusing test.

3. DWI DETECTION

There are a number of things officers should be alert for in attempting to locate intoxicated drivers. Once a suspected intoxicated driver has been contacted, there are a number of standard steps that should be taken to determine the level of impairment prior to an arrest.

3.1 During nighttime driving conditions, officers should watch for the following possible signs of intoxicated drivers:

- 3.1.1 Turning movements with a wide radius;
- 3.1.2 A driver appearing to be intoxicated;
- 3.1.3 Weaving within a traffic lane or across lanes;
- 3.1.4 Driving off of the roadway;
- 3.1.5 Swerving or drifting actions;
- 3.1.6 Driving into opposing or cross traffic;
- 3.1.7 Signaling that is inconsistent with driving actions;
- 3.1.8 Slow response to traffic signals;
- 3.1.9 Turning abruptly or illegally.

3.2 When a suspected intoxicated driver is contacted, officers shall use standardized field sobriety tests that the driver is able to participate in to determine the degree of impairment. Officers shall be responsible for maintaining a competent level of proficiency in the area of Standardized Field Sobriety tests.

- 3.2.1 Of the three Standardized Field Sobriety tests, the Horizontal Gaze Nystagmus test is the most reliable and accurate indicator of impairment due to the presence of alcohol.
- 3.2.2 The Walk and Turn test is the second most reliable of the three tests. This is a divided attention test.
- 3.2.3 The One-Leg Stand test is the third of the three Standard Field Sobriety tests. It is also a divided attention test.
- 3.2.4 Officers who have been properly trained in the use of Portable Breath Tests (PBTs) may also administer a breath test on scene. This is NOT a chemical test for evidentiary purposes.

ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Disposition of Citations		
NUMBER	408.1	EFFECTIVE DATE	June 1, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	March 10, 2020
Replaces G.O.		APPROVAL DATE	March 10, 2020
APPROVED BY	Chief Hayes Minor Jonathan Best	CALEA STANDARDS	

I. Policy

It shall be the policy of the Rogers Police Department that citation forms shall not be destroyed or otherwise disposed of, except in accordance with the procedures set forth herein. Obsolete forms may be disposed of by the Support Services Division Commander or his designee and such destruction shall be fully recorded and documented.

II. Definitions

Issued – Where a citation has been completed and given to an alleged violator or placed on a vehicle when there is no operator present.

E-Citation – Ticket issued through the electronic ~~digiTicket~~Cite program.

III. Procedure

1. All citation forms used by this department are sequentially numbered. When a hard-copy citation book is issued to an officer, it must be recorded in the New World RMS, denoting the officer's name, four-digit employee number, the date, and the beginning and ending citation number of the book of forms. The supervisor must also have the officer sign for the citation book in the Ticket Book Register located in the UOD Sergeant's Office.

1.1 E-citations are checked out ~~by and issued to the~~ officer ~~by a supervisor~~ electronically.

2. CITATIONS ISSUED

2.1 Anytime a citation has been issued, only the appropriate prosecutor or court can legally take any action to effect a final disposition of the citation.

2.2 A citation that has been issued will not be voided, cancelled out, or otherwise disposed of by the issuing officer or other department employee.

3. CITATION ISSUED IN ERROR

- 3.1 When a summons has been issued and the issuing officer realizes that an error was made, the officer shall:
 - 3.1.1 Prepare a memorandum to their immediate supervisor explaining the error. The officer will not void nor solicit or recommend cancellation of the citation, but will only explain the facts or circumstances which explain the error.
 - 3.1.2 Three copies (white, green and yellow) of the citation will accompany the memorandum, which will be reviewed by the supervisor and immediately forwarded to the Records Unit. If a forgery is involved, the white copy will be entered into evidence.
 - 3.1.2(a) Only one copy of an E-citation is required in order to be Voided.
 - 3.1.3 Records Unit personnel will make a copy of the memorandum, which will be filed along with the department's copy (green) of the citation form.
 - 3.1.4 The original memorandum and the yellow citation (or copy of the E-citation) form shall be forwarded to the appropriate prosecutor as soon as possible for a determination of disposition.

4. VOIDING CITATIONS

- 4.1 Issuing officers may void a citation only when the officer realizes that there has been an error and the citation has not been issued.
 - 4.1.1 All original copies of a citation shall be accounted for in order for a citation to be voided. If any copy is missing, a memorandum must be written to explain the circumstances of the missing copy.
 - 4.1.2 E-citations require the violator's printed copy in order to be voided. If it has been printed, it must be submitted to the Records Unit.
 - 4.1.3 Write the word "**VOID**" in large letters across the front of the citation form.
 - 4.1.4 Officers shall write a clear and complete explanation for the voiding of the citation on the narrative portion of the form.
 - 4.1.5 All copies of the citation shall be left in the citation book. A photocopy of the citation shall be forwarded to the officer's supervisor, who shall review and initial the copy. The copies of the voided citation and reason for voiding shall then be forwarded to the Records Unit for accounting and filing in the voided citation file.
 - 4.1.5(a) With E-citations, the officer can Void the citation once the mistake has been discovered, charge shall be changed to Warning and the original violator's copy, with explanation, shall be turned in to the Records Unit.
 - 4.1.5(b) If the officer is unable to Void the citation electronically, a request should be submitted to the Records Supervisor to Void it.

5. INCORRECT COURT DATE

- 5.1 If an officer discovers he/she has issued a citation listing an incorrect court date, the officer will send either an email or memorandum, listing all affected ticket numbers, to his/her immediate supervisor.

- 5.2 Once a supervisor is informed of the error, or if the supervisor discovers the incorrect court date, he/she will notify the Records Supervisor.
- 5.3 Once notified, or if the error is discovered in the Records Unit, the Records Supervisor or designee will complete the Ticket-Court Date Change Form (Form #09-OP-0116) with the name and address of the violator, and will send the form (certified/return receipt requested) to the address written on the citation.
- 5.3.1 The Records Unit will attach a copy of the letter to the citation and submit them to Rogers District Court.
- 5.3.2 Once the return receipt is received, it will be filed in the Records Unit.
- 5.4 If the incorrect court date is discovered after the citation has been sent to court, the Records Supervisor will determine if Rogers District Court discovered the error and sent the violator a letter.
- 5.4.1 If a letter was sent by Rogers District Court, the Records Supervisor will obtain a copy and file in his/her records.
- 5.4.2 If a letter was not sent by the Court, the Records Supervisor will follow the procedure in Section 5.3 above.

ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Hazardous Conditions / Materials		
NUMBER	409.2	EFFECTIVE DATE	May 1, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	March 10, 2020
Replaces G.O.	57.1	APPROVAL DATE	March 10, 2020
APPROVED BY	Chief Hayes <u>Minor Jonathan Best</u>	CALEA STANDARDS	

I. Policy

The purpose of this directive is to establish the proper reporting and a safe response to hazardous conditions and hazardous materials incidents. It is the policy of the Rogers Police Department to detect and control hazardous situations that occur throughout the City of Rogers. Hazardous materials are used, stored, and transported throughout the city; therefore, the possibility of an accident involving a structure or a vehicle carrying hazardous substances is very real. The extent of damage and exposure that may result from an industrial accident, a vehicle or a railroad accident depends significantly on the response of emergency personnel and their ability to correctly identify and manage such an incident.

II. Procedure

1. HAZARDS TO THE PUBLIC

- 1.1 Officers shall be alert for defects, damage, or obstructions to any streets, roadways, sidewalks, parking strips, or other installations or properties, the result of which may be dangerous or detrimental to public welfare.
- 1.2 This also applies to inoperative or impaired City utility installations, such as street lights out or obscured by trees, traffic signs down, damage, or obscured by shrubbery, overhanging trees, or other objects.
- 1.3 Some of the most common which require special handling are;
 - 1.3.1 Fires – Officers shall investigate any smoke in their assigned area and respond to any fire calls they are assigned to.
 - 1.3.2 Utility service lines / wires – Officers who respond to a call or otherwise come upon the scene of “wires down”, shall consider all wires to be energized and dangerous until proven otherwise, telephone, cable and “guy” wires may be in touch with high voltage wires at some other point, and such wires may carry lethal electric charges.

- 1.4 If the hazard poses an immediate danger to the public, the officer or other authorized personnel, within the limits of available resources, shall safely maintain pedestrian and vehicular traffic control over the situation until it has been rendered safe by the appropriate agency, either in a temporary or permanent condition.
- 1.5 If the hazard was caused by a thunderstorm, ice, wind, or any other natural weather related event, and the city departments are already out clearing debris or maintaining traffic control devices, Officers shall notify the Communications Center of the hazard, who will then notify the appropriate agency for corrective action.

2. HAZARDOUS MATERIALS INCIDENTS

- 2.1 Because of the hazards which might exist or may result from an accident, especially a train derailment or overturned vehicle, transporting hazardous materials, officers must exercise extreme caution. Therefore, officers shall take the following actions when encountering such an incident.
 - 2.1.1 The U.S. Department of Transportation's "Emergency Response Guidebook" should be consulted when responding to a Haz-Mat situation. The guidebook will help responders identify and read hazard placards on transport vehicles. It will also provide responders with information on the hazards of a particular material, and steps to take when responding to Haz-Mat incidents.
 - 2.1.2 When responding to a hazardous materials incident, the first unit on-scene should:
 - 2.1.2(a) Approach the scene from upwind, if radiological materials are involved, do not approach the scene, wait for the arrival of Rogers Fire Department Haz-Mat team.
 - 2.1.2(b) Assess the need for, and request the assistance of additional resources as needed. The Rogers Fire Department has overall responsibility for response to and command of the Haz-Mat situation. They should be notified as soon as possible.
 - 2.1.2(c) Move people and keep them away from the scene, an initial safe perimeter is 500 feet. Any accident investigation procedures will be suspended until appropriate clearance has been given by the on-scene supervisor / agency.
 - 2.1.2(d) Perform life saving rescue and first aid, if safe to do so.
 - 2.1.2(e) If possible, without endangering personal safety, attempt to identify the hazardous material. Identification may be accomplished by the conveyance operator, shipping papers, chem.-cards, and placards.
- 2.2 When the Rogers Fire Department arrives and assumes command of the incident, the officers role shall be to participate in a unified command with RFD as the lead agency. This may include;
 - 2.2.1 Traffic and crowd control.
 - 2.2.2 Evacuation.
 - 2.2.3 First aid.
 - 2.2.4 Identifying and interviewing witnesses.
 - 2.2.5 Protection of property.
 - 2.2.6 Transportation of victims.

- 2.3 When the possibility of an evacuation of residences / inhabitants exists in part of the city, the shift commander / supervisor shall consider the following:
 - 2.3.1 Manpower requirements necessary to accomplish the evacuation.
 - 2.3.2 Methods of notifying persons to be evacuated (i.e. Benton County Alert, door to door, P.A. system, use of local radio stations, etc.).
 - 2.3.3 Size of the area and number of people in the area to be evacuated.
 - 2.3.4 Possible use of mass transportation to assist in the evacuation.
 - 2.3.5 Temporary shelter for evacuated persons, where possible, in local / county schools, churches, etc.
 - 2.3.6 Security of evacuated areas to prevent looting and premature return.
 - 2.3.7 The Fire Chief or his designee will make the decision when it is safe for non-emergency personnel to return to the area.
- 2.4 Key contact agency information and persons are available for evacuation assistance and the handling of hazardous materials incidents.
 - 2.4.1 Every effort must be made to obtain and provide the following:
 - 2.4.1(a) Information on the location of the accident.
 - 2.4.1(b) Hazardous material involved and shipper, if known.
 - 2.4.1(c) The color and number on any label on the carrier or cargo.
 - 2.4.1(d) Type of environment (residential, rural, business, etc.)
 - 2.4.1(e) Size of the container and the amount of product uncontained.
 - 2.4.1(f) If rail, location of hazardous material car from the head of the train, rail car number and description of car (i.e., tank car, box car, flat car, etc.)
 - 2.4.1(g) If aircraft, initial and number.
 - 2.4.2 Key agencies to notify or contact based on regulatory requirements, assistance with containment, control or clean up shall be accomplished by the Communications Center based on the established policies, procedures, and resources.

3. TRAINING

- 3.1 All sworn personnel shall be given initial hazardous materials awareness level training, and annual hazardous materials policy training.

ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Special Weapons and Tactics		
NUMBER	411.1	EFFECTIVE DATE	May 1, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	March 10, 2020
Replaces G.O.		APPROVAL DATE	March 10, 2020
APPROVED BY	Chief Hayes <u>Minor Jonathan Best</u>	CALEA STANDARDS	

I. Policy

The presence of a highly trained, highly skilled tactical unit has been shown to substantially reduce the risk of injury and loss of life to citizens, police officers, and suspects, when called upon to assist in the resolution of critical incidents. It is the intent of the Rogers Police Department to have such a unit as a tactical resource, and this document establishes the unit mandate, structure, and general operating procedures for the Special Weapons and Tactics (SWAT) Team.

The Rogers Police Department does not employ a dedicated, full time SWAT Team. Instead, the policy of the Rogers Police Department shall be to utilize a specialized unit consisting of specially selected police officers who are trained, equipped, and deployed in high risk law enforcement situations. The members of the Rogers Police Department's SWAT Team are assigned other full-time duties and serve on the SWAT- Team as needed.

II. Procedure

1. MISSION

1.1 The primary responsibility of the SWAT Team will be the resolution of difficult police situations outside the realm of ordinary patrol response, through the use of developed skills, tactics, and specialized equipment/capabilities. Incidents which meet these criteria include, but are not limited to:

- 1.1.1 Hostage Situations: The holding of a person(s) against their will by an armed or potentially dangerous person(s).
- 1.1.2 Barricade Situations: A stand-off created by an armed or potentially dangerous person, in any location, fortified or not, who is refusing to comply with police demands for surrender/compliance.
- 1.1.3 Sniper Situations: The firing upon citizens and/or police by an armed suspect, stationary or mobile.
- 1.1.4 High Risk Apprehension: The arrest or apprehension of armed or potentially dangerous suspects, where the likelihood of armed or violent resistance is high, or where potential risk to involved officers is higher than normal.

- 1.1.5 High Risk/Unknown Search Warrant Service: Search warrants requiring, or likely requiring, forced entry/dynamic room clearing techniques.
- 1.1.6 High Risk Surveillance: Surveillance and/or stake out operations involving suspects/operations with a high potential for armed encounter or violence.
- 1.1.7 Personal Protection: The security of special persons (i.e. visiting dignitaries, VIP's, witnesses/suspects), based on threat or potential threat to their safety and/or security.
- 1.1.8 Any other assignment approved by the Chief of Police or his designee.

2. COMMAND RESPONSIBILITIES

- 2.1 The Rogers Police Department supports the Incident Command System. The on-duty operations commander will be the incident commander until such time he is relieved by a higher ranking officer when an incident goes beyond the normal scope of uniformed patrol operations and the SWAT Team has been activated. The SWAT Team Commander or Team Leader will have operational command over tactical deployment/resolution. All tactical decisions will be made by the SWAT Commander. The SWAT Commander will be responsible for notifying the incident commander of all tactical decisions.
 - 2.1.1 The incident commander will establish and operate from a command post (CP). The SWAT Commander will establish and operate from a Tactical Operations Center (TOC). The SWAT Commander will ensure that ongoing and continuous liaison occurs throughout the duration of the event.

3. UNIT STRUCTURE

The SWAT Team unit structure consists of the following:

- 3.1 Team Commander-Lieutenant
- 3.2 Team Leader-Lieutenant or Sergeant
- 3.3 Assistant Team Leader(s)-Sergeant
- 3.4 The SWAT Team Chain of Command consists of the Uniformed Operations Division Commander (or his designee) and the Chief of Police.

4. DUTIES AND RESPONSIBILITIES

All SWAT/Perimeter Team members have as their primary responsibility their full time assignment. SWAT/Perimeter duties are secondary to those responsibilities except in times of SWAT operations and training days.

- 4.1 Team Commander
 - 4.1.1 The Team Commander is responsible and accountable for the overall operation of the SWAT Team. He is the operational supervisor for the Team Leader and all officers assigned to the SWAT team
 - 4.1.2 Coordinates and directs activities involving the SWAT Team and other units/organizations

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- 4.1.3 Ensures that team members maintain and document an adequate level of training, consistent with their duties and responsibilities.
- 4.1.4 Determines minimum team physical performance standards.
- 4.1.5 Determines minimum team marksmanship standards.
- 4.1.6 Maintains a sufficient level of tactical problem solving knowledge/skills, to manage situations the SWAT Team is likely to be called upon to resolve.
- 4.1.7 Determines the equipment needs of the team, and ensures that team members are adequately equipped to meet the requirements of their job.
- 4.1.8 Causes an inventory of all team equipment to be maintained.
- 4.1.9 Ensures that the Uniformed Operations Division Commander is fully apprised of team activities, including, but not limited to: equipment/training needs and personnel matters.
- 4.1.10 Determines selection criteria for officers assigned to the SWAT Team
- 4.2 Team Leader
 - 4.2.1 The Team Leader is a team member who acts as the Team Commander in the Commander's absence and assists in the completion of any other duties assigned by the Team Commander.
- 4.3 Assistant Team Leader
 - 4.3.1 The Assistant Team Leader is a team member who acts as the Team Commander or Team Leader in the absence of either and assists in the completion of any other duties assigned by the Team Leader.
- 4.4 Team Members
 - 4.4.1 Team members are officers of the Rogers Police Department who meet the qualifications of team membership outlined in this policy. They are assigned to the SWAT Team in a part-time capacity. Their direct supervisor is their unit/division supervisor of their full time assignment, with the SWAT Team Commander and/or Team Leader having operational authority during SWAT operations and training days. Team members will be given assignments by the Team Commander and Team Leader which will be duties included but not limited to: Entry Team, Perimeter Team, Long Rifle Marksmen, and Tactical Medicine.
- 4.5 Tactical Long Rifle Marksmen
 - 4.5.1 Officers assigned to this responsibility are called upon to provide observation, intelligence, and precision marksmanship in tactical situations. SWAT long rifle marksmen are selected by the Team Commander and Team Leader
 - 4.5.2 Long rifle marksmen will use the department firearms policy as a guide in determining what action they should take in the defense of persons from death or serious physical injury. Specific fire control may be established by the Team Commander, or higher authority, based on the circumstances of a particular situation.
 - 4.5.3 The Team Commander is responsible for determining the qualification course of fire and minimum proficiency/training standards for the long rifle marksmen.

- 4.5.4 The primary purpose of the long rifle marksmen is to resolve a situation with a precision shot. Their secondary purpose is to gather and report current intelligence information to the Team Commander and Team Leader.

4.6 Perimeter Team Personnel

- 4.6.1 Perimeter Team members are officers of the Rogers Police Department who meet the qualifications outlined in this policy. They are assigned to the SWAT Team in a part-time capacity. Their direct supervisor is their unit/division supervisor of their full time assignment, with the SWAT Team Commander and or Team Leader having operational authority during SWAT operations and training days. Perimeter Team will be given assignments by the Team Commander, Team Leader or Assistant Team Leader.
- 4.6.2 Perimeter Team members are responsible for perimeter security and containment, or any other support function as deemed necessary by the SWAT Team leadership.
- 4.6.3 Perimeter Team members will not make entry into a structure unless exigent circumstances exist prior to SWAT Team arrival.

5. SWAT / PERIMETER SELECTION PROCESS

The nature of SWAT/Perimeter operations requires disciplined, physically fit, competent, and well trained professional police officers. Accordingly, the SWAT/Perimeter Team will select team members through a fair and objective process, intended to measure those qualities deemed to be most important in meeting the unit's operational objectives.

- 5.1 When openings occur, a test will be conducted to establish an eligibility list for appointment to the SWAT/Perimeter –Team. This eligibility list will remain active for six months from the date of the test.
- 5.2 SWAT MM Minimum Requirements for Applicants.
- 5.2.1 Non-probationary member of the Rogers Police Department with a minimum of two years law enforcement experience.
- 5.2.2 Rank of Police Officer, Master Police Officer, Corporal.
- 5.2.3 No serious disciplinary issues within the preceding 12 months.
- 5.2.4 Satisfactory work history for the preceding 12 months based on evaluations by the candidate's supervisor.
- 5.3 SWAT Selection Process
- Each step in this process is will be graded either on pass/fail or a points system to proceed to the next step with the successful applicants total score used in the final selection. Each step in this process is pass/fail to proceed to the next step with the successful applicants total score used in the final selection.
- 5.3.1 The selection process will include:
- 5.3.1(a) Marksmanship
- 5.3.1(b) Physical Fitness
- 5.3.1(c) Written Examination
- 5.3.1(d) Performance Based Scenarios ~~oral board.~~
- 5.3.1(e) Interview with team members
- 5.3.2 Results of the tests will then be compiled and a list will be established. Final selection will be made by the Team Commander and Team Leader with approval for the selected applicants occurring via the Chain of Command.

5.3.3 Service with the SWAT Team is a privilege, and accordingly, all persons who are appointed to the team shall serve a period of one year probation. During this time, the Team Commander shall continuously evaluate the member's progress and development with the team. The Team Commander shall make recommendations to the Chain of Command to dismiss any member's assignment to the team during this probationary period for cause.

5.4 Perimeter Minimum Requirements for Applicants

5.4.1 Non-probationary member of the Rogers Police Department with a minimum of one year.

5.4.2 Rank of Police Officer, Master Police Officer, or Corporal.

5.4.3 No serious disciplinary issues within preceding 12 months.

5.4.4 Satisfactory work history for the preceding 12 months based on performance evaluations by the candidate's supervisor, or applicable FTO evaluations accompanied with supervisor probationary evaluations.

5.5 Perimeter Team Selection Process

Each step in this process is will be graded either on pass/fail or a points system to proceed to the next step with the successful applicants total score used in the final selection.

5.5.1 The selection process will include

5.5.1(a) Marksmanship

5.5.1(b) Physical Fitness

5.5.1(c) Written Examination

5.5.1(d) Performance Based Scenarios ~~Oral Board~~

5.5.1(e) Interview with team members

5.5.2 Results of the tests will then be compiled and a list will be established. Final selection will be made by the Team Commander and Team Leader with approval for the selected applicants occurring via the Chain of Command.

5.5.3 Service with the Perimeter Team is a privilege, and accordingly, all persons who are appointed to the team shall serve a period of one year probation. During this time, the SWAT Team Leadership shall continuously evaluate the member's progress and development with the team. The Team Commander shall make recommendations to the Chain of Command to dismiss any member(s) assignment to the team during this probationary period for cause.

5.64 Removal Process

5.6.14.1 Any current member of the team can lose their position. Members can be dismissed from the team for failure to comply with any training standard set forth by the Team Commander. Team members can be dismissed if the Team Commander can show cause that they can no longer safely perform their duties with the SWAT/Perimeter Team or the membership on the team creates a negative impact on their primary assignment. Members may also be dismissed at the discretion of the Division Commander if they receive any serious Departmental disciplinary action that may affect their duties on the SWAT/Perimeter Team.

6. PROCEDURE FOR ACTIVATING SWAT

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- 6.1 SWAT Team activation to a critical incident will take precedent over all other non-emergency assignments within the Rogers Police Department. The SWAT Team can be requested by any supervisory officer within the Rogers Police Department, and requests should be directed to the SWAT Team Commander or Team Leader. An exception to this would be a hostage situation, which would authorize any officer on the scene the ability to request a SWAT response.
- 6.2 Requests for the SWAT Team by outside agencies should be directed through the SWAT Chain of Command, with authorization for such use being decided by the Chief of Police or his designee.
- 6.3 SWAT Team activation requests, outside of emergency situations, will be made through the Team Commander or Team Leader. This will include, but not be limited to, activations for search warrants, felony arrests, surveillances, etc.
- 6.4 The Chief of Police or his designee shall be notified of any SWAT activation.

7. SEARCH WARRANT POLICY

The purpose of this policy is to establish guidelines for the service of search warrants by the SWAT Team.

7.1 Notification

7.1.1 When another agency or unit within the department develops information for a search warrant to be served by the SWAT Team, they will notify the Team Commander or Team Leader. Basic information to be given should include:

- 7.1.1(a) Address and description of place to be searched.
- 7.1.1(b) A copy of the search warrant .
- 7.1.1(c) Any known intelligence information with photographic documentation preferred.

7.1.2 Upon notification, the Team Leader will:

- 7.1.2(a) Determine the proper time for the warrant service (considering SWAT Team manpower, timeliness of the warrant service, other unit needs, and priorities, etc.)
- 7.1.2(b) Assign a SWAT Team member to the pre-raid investigation. If time allows, the Team Leader may complete this task himself or with the assistance of another team member.
- 7.1.2(c) Determine the level of tactics to be used.

7.2 Assigned Officer Responsibilities

7.2.1 The team member assigned (referred to as “the officer”) will proceed with the pre-raid investigation by using the warrant description to conduct a “drive-by” of the target location. The “drive-by” will assist the officer in determining:

7.2.1(a) Approach route for the entry team from the drop off point to the target location.

7.2.1(b) Obstacles to the approach (dogs, fences, counter-surveillance, etc.)

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- 7.2.1(c) Door information (type, location, strength, knob/hinge side, etc.)
- 7.2.1(d) Window information (type, location, field of view, etc.)
- 7.2.1(e) Primary and secondary entry points
- 7.2.1(f) Interior diagram (suspected)
- 7.2.2 A video camera should, when possible, be used during the “drive-by”. The recording allows all team members to view the target locations/primary entry point/obstacles, prior to arrival, which greatly assists team members during the pre-raid planning and briefing stages.
- 7.2.3 The officer will evaluate all information available to him as a result of the “drive-by” and intelligence passed on from the investigator obtaining the warrant. He will then contact the team leaders and they will determine what level of force will be used to effect entry and safely assume control of the occupants.
- 7.2.4 The primary consideration in this determination is occupant/officer safety. The secondary consideration is the preservation of evidence. The use of High Risk Police Tactics requires prior Team Commander approval, outside emergency circumstances.
- 7.2.5 The officer or Team Leader will then complete the team’s pre-raid form. This form is designed to ensure that all persons participating in the operation are fully aware of the nature of the mission and what is expected of them during the operation. The form outlines the nature of the operation, location, suspect location, known/suspected danger areas, obstacles, team member assignments, necessary equipment, target area/building diagram, transportation requirements, and any other information that will contribute to the success of the mission.
- 7.2.6 The officer shall ensure that the premises observed on the drive-by and detailed on the pre-raid form, is in fact, the premises described on the warrant. This should be done prior to the pre-raid briefing and is mandatory prior to serving the warrant. Any and all questions concerning the location to be raided will be resolved prior to serving the warrant.
- 7.2.7 Pre-Raid Briefing

The pre-raid briefing will be conducted by the Team Leader or his designee. The purpose of this briefing is to ensure that all officers involved have a clear understanding of the operation and their role in it. Other concerns to be addressed are as follows:

 - 7.2.7(a) The officer shall ensure that copies of the pre-raid briefing form are available to all personnel.
 - 7.2.7(b) Questions/concerns about the operation will be addressed at this time.
 - 7.2.7(c) High risk operations or those requiring difficult tasks, should be preceded by “run-throughs”. The “run-throughs” should be done after the briefing to ensure by demonstration, that each officer’s role is clearly understood.
 - 7.2.7(d) The team will then proceed to the target area. Prior to serving the warrant, the officer will confirm to the team leader that the target location is the location observed during the drive-by and described on the warrant.
- 7.2.8 Warrant Service
 - 7.2.8(a) The warrant will be served in the manner outlined and

discussed in the pre-raid briefing unless circumstances at the search warrant site change, causing need for an improvisation to the original plan. A member shall announce, "POLICE, SEARCH WARRANT" prior to effecting entry (when forced entry is utilized).

7.2.8(b) Other team members shall announce/identify when necessary and appropriate (such as when unusual delays occur in gaining entry or clearing the location) to ensure that the occupants understand that it is the police who are entering their home, why the entry is being made, and what is expected of them.

7.2.8(c) The team leader shall ensure that post raid assignments are completed. Officers acting in an operational capacity should be armed with their primary weapons/equipment, and should monitor the assigned radio frequency at all times during the mission. Officers are responsible for equipment assigned to them during the service of a search warrant. Issues relating to equipment left behind will be resolved based upon the assignments on the pre-raid form.

7.2.8(d) The Team Commander and Team Leader shall make arrangements, when possible, to video record all entries made by the team. These recordings shall become part of the team's after action reporting.

8. HIGH RISK POLICE TACTICS

The use of these tactics will be regulated to ensure that proper procedures are followed and reduce the likelihood of injury.

8.1 Definitions

8.1.1 High Risk Police Tactics (HRPT)-Police tactics, which by their nature have an increased potential of causing injury than conventional police tactics.

8.1.2 High Risk Operation-Police operation in which the circumstances indicate the potential for violence being directed towards officers/involved persons is higher than normal.

8.1.3 Noise/Flash Diversion Device (NFDD)-Produces a loud report and bright flash. Also referred to as a "distraction device" or "flash bang."

8.1.4 Explosive Techniques-The use of explosives to assist in furtherance of an operational objective.

8.1.5 Chemical Munitions-The use of chemical agents (CN/CS/OC) in furtherance of an operation objective.

8.1.6 Point of Compromised Authority-That point where an entry/rescue team may be visually compromised or come under fire. It is the point where the command post has relinquished decision making to the Team leader and/or designee in the entry team.

8.1.7 Grenadier-Officer assigned to deploy the NFDD or chemical munitions.

8.1.8 Primary Breacher - Officer assigned to prepare and deploy the explosive element of the operation.

8.2 Training

8.2.1 Certain HRPT require the completion of established training

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programs to prior to their use. Specifically, no department member shall use the following high risk police tactics without prior completion of their respective training programs:

- 8.2.1(a) NFDD-Rogers Police Department SWAT end user training program, with an instructor rating being encouraged and preferred.
- 8.2.1(b) Explosive Techniques-Explosive Breaching certification course and specialized training in explosive entry. The specialized training is a combination of practical and classroom instruction provided through a program recognized by the National Tactical Officer's Association's explosive/breaching expert, or commercial explosive entry courses. The explosive breacher will also participate in regular, documented training, in the preparation and use of explosive charges in a tactical environment.
- 8.2.1(c) Chemical Munitions-Rogers Police Department SWAT end user training program, with an instructor rating encouraged and preferred.

8.3 Authorization

- 8.3.1 The use of high risk police tactics should be preceded with approval by the Team Commander, or higher authority, in all cases outside of emergency circumstances.

8.4 Deployment

- 8.4.1 The use of high risk police tactics will be done with regard for the safety of all persons involved in the situation, considering the potential for injury to the involved persons should the tactics not be employed. They should be used when they will likely assist in resolving a potentially dangerous police situation, with a reduced potential of death or serious physical injury for those involved. These decisions will also be made based on the department recognized Safety Priorities of those involved:
 - 8.4.1(a) Hostages
 - 8.4.1(b) Innocent Persons
 - 8.4.1(c) Police Officers
 - 8.4.1(d) Suspects/Subjects
- 8.4.2 The decision to deploy such tactics and a later determination of "correctness" will be based only on the information known prior to the operation.
- 8.4.3 The Team Commander and Team Leader shall make arrangements to video record the use of all high risk police tactics when feasible. The feasibility of recording attempts shall be based upon the safety of the officer operating the video and the tactical nature by which it can be accomplished. The Team Commander, Team Leader, or an officer of higher authority should determine if the attempts to video the incident would compromise the team's ability to safely complete the assigned mission.

8.5 Special Deployment Considerations

- 8.5.1 NFDD-The use of an NFDD or explosive shall be limited to areas

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that have been visually inspected prior to deployment. The only exception to this is an operation in which the risk of inspection clearly outweighs the potential danger of a “blind deployment.” The authority for such a deployment requires prior Team Commander approval, outside of emergency circumstances.

- 8.5.2 Team Commander, Team Leader, and officers assigned as grenadiers/primary breachers will consider the following prior to deploying an NFDD or explosive:
 - 8.5.2(a) Flammable materials at or near point of deployment.
 - 8.5.2(b) Location of persons, especially children or elderly, near the point of deployment.
 - 8.5.2(c) Other conditions which create an obvious safety hazard.
- 8.5.3 Upon determining that an NFDD or explosive will be used, the grenadier/primary breacher will consider the issues noted above, up to and including the time of actual deployment. The pre-raid briefing will include an avenue for the grenadier/primary breacher to deploy the devices to a safe area, should the chosen location be determined unsafe during the operation. (“coming out” or “render safe” location).
- 8.5.4 Chemical Munitions-The use of chemical munitions in space deprivation scenarios will be preceded by a full deployment plan in all cases where deadly force is not authorized. All use of Chemical Munitions in tactical operations will be documented.

8.6 Equipment

- 8.6.1 The following equipment shall be used by officers involved in the use of HRPT:
 - 8.6.1(a) Eye protection
 - 8.6.1(b) Body armor
 - 8.6.1(c) Fire extinguisher
 - 8.6.1(d) Emergency medical kit (available at scene)
 - 8.6.1(e) Gas mask
 - 8.6.1(f) Ballistic helmet
 - 8.6.1(g) Gloves

9. PERFORMANCE STANDARDS

To achieve the standards set forth in this policy, each SWAT Team member must meet performance standards above that of the non-SWAT officer. These standards include, but are not limited to:

9.1 Physical Fitness

- 9.1.1 Due to the requirements placed on SWAT Team members during the performance of their operational duties, it is recognized that an increased level of fitness must be maintained. The level of fitness recognized is based on the minimum job requirements of tactical officers in this department and others across the nation.
- 9.1.2 Each SWAT Team member must pass a semi-annual physical fitness test. A total of two PT tests will be administered during the calendar year, with one of these tests counting as the qualification.

- 9.1.3 Failure to meet this qualification will result in the team member being placed on a 90 day probationary status. The team member

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will be retested within that probationary period and failure to pass on this occasion could result in removal from the team.

9.2 Marksmanship

- 9.2.1 It is recognized, that in the performance of their duties, SWAT/Perimeter Team members may be called upon to take a surgical shot on a violent suspect. To maintain the skills necessary to accomplish this, SWAT/Perimeter Team members are held to a higher standard for firearms qualifications.
- 9.2.2 The courses of fire for each weapon used will be set forth and documented by the Team Commander. Team members will participate in qualifications on all weapons assigned to them.
- 9.2.3 A variety of special weapons may be needed and used by team members. The Team Commander has the responsibility of ensuring high marksmanship standards for all team members.

10. PHILOSOPHY

- 10.1 Recognizing that, by their nature, tactical operations are hazardous situations, the successful management and resolution of an incident often involves the need for decisions that may affect the safety of persons involved. Due to this, all operational/tactical decision making will be made based on the Department's established priority of life known as the Safety Priorities.

10.2 Safety Priorities

- 10.2.1 Hostages
- 10.2.2 Innocent Persons/Citizens
- 10.2.3 Police Officers
- 10.2.4 Suspects/Subjects

- 10.3 Where possible, the safety of suspects will be a consideration; however, the life of a suspect will not take precedence over the life of Hostages, Innocent Persons/Citizens, or Police Officers, regardless of the state of negotiations or any other activity designed to take the suspect into custody.

10.4 Tactical Options

The dynamics of a situation relinquishes control to the suspect, who usually knows what they are going to do. The SWAT Team will attempt to use tactics and contingency planning to have options in place to achieve a successful tactical resolution. The following situations and options are not all inclusive and less lethal options will always be considered.

10.4.1 Hostage Situation

In Hostage situations, negotiation will be the main activity to achieve a resolution; however, the SWAT Team will be prepared to execute a tactical option when the opportunity for the highest chance of success exists. These options may include, but are not limited to:

- 10.4.1(a) Police Marksmen: A well placed surgical shot which neutralizes the threat. There should be an entry/securing element in place to clear the area and secure hostages.
- 10.4.1(b) Assault (open air): Movement of the team to neutralize the threat after the suspect has been lured into an "open

air” environment and is out of the stronghold. A marksman may be utilized in this situation.

10.4.1(c) Assault (entry): Movement of the team into the suspect’s stronghold to neutralize the threat(s), liberate the hostages, or separate the hostages from the suspects. This is the least desirable option as you are meeting the suspect(s) in their environment, known to them and unknown to you.

10.4.1(d) Combination: A combination of these options which may be adapted to deal with the variety of contingencies.

10.4.2 Barricade Situation

Negotiation will be the main activity to achieve a resolution; however, the Department recognizes that it is not reasonable for a barricade situation to deprive police services from the rest of the citizens of this community. Due to the manpower needed in these situations, officers are not able to answer priority calls for service. Thus, these situations should be resolved in a reasonable period of time depending on the circumstances.

The options for resolution are as follows:

10.4.2(a) Negotiation

10.4.2(b) Force the suspect out of his/her stronghold by use of chemical munitions.

10.4.2(c) Tactical Entry: Based on the Safety Priorities, an entry may be made.

10.4.2(d) If, in the opinion of Commanders on the scene, the wisest course of action to end the situation would be for all officers to stand down, the Incident Commander may order all officers to leave the scene.

11. TRAINING

11.1 The training philosophy of the SWAT Team centers on the mission statement of this policy. All training will be conducted to acquire and maintain the skills required to successfully conduct operations. These skills create the basis for training.

11.2 The Team Commander will be responsible for keeping the training applicable to current standards and practices of the team. All training will be documented and files kept for a minimum of five years.

11.3 The topics of training may include but are not limited to:

11.3.1 Hostage Rescue Techniques

11.3.2 Dynamic Entry

11.3.3 Cover Entry

11.3.4 Marksmanship

11.3.5 Immediate Action Drills

11.3.6 Defensive Tactics

11.3.7 Integrated Use of Force Scenarios

11.3.8 Chemical Munitions

11.3.9 Mechanical and Explosive Breaching

11.3.10 Various Specialty Equipment

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- 11.4 The Team Commander will attempt to provide the most realistic training situations available. The SWAT Team will be allowed to train a minimum of 16 hours per month. If manpower permits, the team will also be allotted a full 40 hour week for training annually.

11.4.1 Perimeter Team will be allowed to train a minimum of 8 hours per month, in accompaniment with a regularly scheduled SWAT training day, if man power permits. Perimeter Team will be allotted a full 40 hour week for training annually, if man power permits.

12. EQUIPMENT

To establish procedures to ensure the readiness and availability of equipment needed for response to various emergencies. The SWAT Team Commander, or his designee, will be responsible for a monthly check of the equipment to evaluate inventory levels and operational readiness of the equipment.

- 12.1 Each team member will be assigned specific equipment, outside of the officer's standard assigned gear, as needed for use in general SWAT functions. Equipment available for use will include, but is not limited to:

- 12.1.1 Ballistic Vest, level IIIA
- 12.1.2 Kevlar helmet
- 12.1.3 Gloves
- 12.1.4 Balaclava
- 12.1.5 Ballistic goggles/glasses
- 12.1.6 Tactical handgun holster (drop or thigh holster) Gas mask and carrier
- 12.1.7 Noise Flash Diversionary Device-one minimum Silent radio equipment

- 12.2 General equipment needed for use by SWAT members, which is not part of each team member's assigned equipment, shall be stored in the SWAT office or on the SWAT truck. Equipment available for use will include, but is not limited to:

- 12.2.1 Ballistic shields
- 12.2.2 Less lethal munitions
- 12.2.3 Observation gear
- 12.2.4 Rappelling gear
- 12.2.5 Medical gear
- 12.2.6 Fire extinguishers
- 12.2.7 Breaching tools and equipment

- 12.3 The SWAT Team Commander or his designee will maintain an inventory log which indicates the location, amount, maintenance, and inspection of these assigned items to ensure they are maintained for operational readiness.

- 12.4 The SWAT Team Commander or his designee will schedule twice monthly tests of the SWAT vehicles to ensure operational readiness.

ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Field Training Program		
NUMBER	412.3	EFFECTIVE DATE	August 12, 2009
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	June 25, 2024
Replaces G.O.		APPROVAL DATE	June 25, 2024
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	

I. Policy

It is the policy of the Rogers Police Department to utilize its Field Training Program to improve the quality of its police officers by providing systematic training to newly appointed police officers upon their graduation from any law enforcement training academy certified by the State of Arkansas. While the Field Training Program is but one phase of the Department's overall application and probationary officer screening process, it is intended to provide a measure of the performance level of new officers. The program also facilitates documentation that is to be considered by supervisors as they evaluate whether or not the officer should be retained by the Department during the officer's probationary period.

As a component of the Department's continual training process, the Field Training Program is designed to place a maximum emphasis on post-academy training in an "on-the-job" environment. The program provides a curriculum that is based on the most frequent tasks and duties of police officers. The program assists new officers by teaching them how to best make the transition from what they learned in the training academy to competently performing general law enforcement patrol duties in the field.

It is recognized that only those officers who possess the necessary capabilities and desire should be selected as field training officers. A clearly defined system of selection to this position will be followed.

II. Definitions

ALETA – Arkansas Law Enforcement and Training Academy

CLEST – Arkansas Commission on Law Enforcement Standards and Training

Field Training Officer (FTO) – A qualified police officer who is trained to effectively integrate the probationary officer into his new work environment.

Field Training Manager (FTM) – Qualified police supervisors who are responsible for reviewing Daily Observation Reports for each probationary officer and preparing the weekly Managers Reports. **Field Training Coordinator** – Designated by the UOD Commander and supervises the FTO Program.

Probationary Police Officer (PPO) – A police officer who has not yet completed his one (1) year probationary period.

III. Procedure

1. FIELD TRAINING PROGRAM

- 1.1 The Rogers Police Department's Field Training Program is an approach to the field training of recruit officers based on a system of formal, standardized, and structured teaching and evaluation techniques. The objective of the program is to train the officer to a level that he can function in a safe, skillful, and professional manner at the conclusion of this twelve week period of training.
- 1.2 From the first day of the FTO's observation, through final evaluation at the conclusion of the program, documentation checklists guide the recruit officers' path of instruction. The learning process, which begins with the academy training, will continue to be integrated with practical field instruction. The recruit officer must learn to relate his acquired knowledge to field assignments.
- 1.3 The UOD Commander shall have the overall responsibility for supervising the FTO Program. The immediate supervisor for each FTO will observe the FTO and any assigned recruits in field situations. The supervisor will ensure that all instructional material has been covered with the recruit officer by the FTO, and that observation and evaluation reports are completed in a timely manner.

2. FTO WAIVER

- 2.1 The recruit officer, who is the primary focus of the entire Field Training Program, shall undergo intensive field training immediately upon return from a state approved law enforcement training academy
 - 2.1.1 If the recruit officer is a former Rogers Police Department officer who has been out of the employment of the Rogers Police Department for up to 18 months, he/she shall participate in four (4) weeks of documented field training. The recruit will also work an eight (8) hour shift in RCD prior to being released to solo street duty; and eight (8) hours in the Property/Evidence room.
 - 2.1.2 If the recruit officer is a former Rogers Police Department officer and he/she has been out of the employment of the Rogers Police Department for 19 to 30 months, he/she shall participate in eight (8) weeks of documented field training. The recruit will also work an eight (8) hour shift in RCD prior to being released to solo street duty; and eight (8) hours in the Property/Evidence room.
 - 2.1.3 If the recruit officer is a former Rogers Police Department officer and he/she has been out of the employment of the Rogers Police Department for more than 30 months, he/she would repeat the field training process.
 - 2.1.4 If the recruit officer has been employed with another law enforcement agency, he/she would complete at least 4 weeks of the field training process.

3. FIELD TRAINING ROTATION

- 3.1 It is important for the new officer to be exposed to as many different types of situations as possible. Similarly, it is beneficial for the officer to be exposed to the styles of different field training officers. Therefore, field training for new officers, other than the exceptions mentioned above in section 2.1, will be conducted by at least two different FTO's and will be divided into the following four phases:
- 3.1.1 The first phase will be 120 hours in duration.
 - 3.1.2 The second phase will be 120 hours in duration.
 - 3.1.3 The third phase of the training will be 120 hours in duration.
 - 3.1.4 The fourth phase of training will be 120 hours in duration.
 - 3.1.5 The Shadow Phase will be 40 hours in duration. The recruit officer will be operating at a 100% level, and the FTO's responsibility is to override the recruit officer only in the event of an emergency.

4. REMEDIAL TRAINING

- 4.1 If at any point during the Field Training Program it is determined the recruit officer may have a *correctable* problem or weakness that the assigned FTO is unable to correct, the officer may be reassigned to another FTO for "remedial" training in the problem area/s.
- 4.2 The potential for remedial training also applies during the remainder of the officer's probationary status, even if the officer has been assigned to work alone. If a training deficiency is identified, the officer may be returned to an FTO for remedial training.
- 4.3 Only when a recruit officer has demonstrated the ability to satisfactorily meet the standards as prescribed by the training program does the officer "graduate" from field training to full duty. In the event that the recruit officer proves unable to meet the necessary standards, he/she is then subject to termination by the Chief of Police. All documentation that has been completed by the FTO, the FTO Coordinator, the FTO Manager and the Department's Administration during the field training should reflect not only the deficiencies of the recruit officer, but also a thorough description of the remedial steps taken to assist the recruit officer in overcoming these deficiencies.

5. SELECTION OF FIELD TRAINING OFFICERS

- 5.1 The selection process for FTO's is crucial to the success of the Field Training Program since many of the values, tactics, and attitudes of FTO's are transmitted to inexperienced officers. FTO's must be leaders and role models, not only for the recruit officers, but among their peers as well.
- 5.1.1 On an as-needed basis, the Field Training Coordinator will post an announcement soliciting candidates who wish to be *considered for inclusion* to the Field Training Officer's selection list. The announcement will include the minimum requirements for the position and the deadline for application. The announcement will be sent to all sworn personnel through the use of departmental e-mail. Additionally, all Shift Commanders will make reasonable efforts to notify the personnel under their command that are on leave of the announcement.

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- 5.1.2 The work of an FTO will be demanding and challenging. To ensure that only the most qualified officers are selected for assignment as an FTO, minimum requirements have been established as guidelines for those interested in becoming an FTO. The following requirements must be met on or before the application deadline:
- 5.1.2(a) The applicant for an FTO position must have a minimum of three years law enforcement experience and have completed a minimum of one (one) year of satisfactory service with the Rogers Police Department.
 - 5.1.2(b) The applicant must be well acquainted with the workings of the Uniform Operations Division function.
 - 5.1.2(c) Applicants must possess favorable personnel, disciplinary, and absentee records.
 - 5.1.2(d) The applicant must possess their General Certificate as awarded by the Arkansas Commission on Law Enforcement Standards and Training (CLEST)
 - 5.1.2(e) The applicant must have the desire to train.
 - 5.1.2(f) Applicants must have good written and verbal communication skills.
- 5.1.3 Any officer who meets the previously described qualifications and is interested in applying for an FTO position shall submit an IDC to their immediate supervisor, who shall forward the memo through the chain of command to the Uniform Operations Division Commander. The officer should include a description of any training they have received that they feel would be pertinent to the position as well as any qualities they possess that may be an attribute to the program. All those expressing interest in the program shall ensure their immediate supervisor, prior to the deadline, receives their memorandum.
- 5.1.4 The Uniform Operations Division Commander shall make a selection from the applicant pool.
- 5.1.5 In the event that no voluntary candidates are deemed suitable as Field Training Officers, the UOD Commander may select Officers who meet the criteria listed above, and shall appoint them as temporary Field Training Officers, provided they receive and pass a CLEST approved FTO class.
- 5.1.6 Certified FTOs who have a trainee assigned to them will be compensated with one hour of straight overtime in the form of pay or comp time. The overtime will be applied for each shift (day) that the FTO has a trainee.
- 5.1.6(a) It will be the responsibility of the FTO to complete the proper compensation time forms.

6. TRAINING ALIGNMENT

- 6.1 The Training Coordinator shall augment the department's Field Training Program with basic police training provided by state approved academies. This interaction will help to align the Department's field training program with the ALETA curriculum so that the FTO's are aware of the skills and subjects that have been taught in the academy and the role the FTO is to assume in the continuance of this training.

7. FTO CERTIFICATION

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- 7.1 Officers selected to serve as FTO's must successfully complete the "Field Training Officer Course", conducted by the ALETA staff or another agency in accordance with Arkansas Commission on Law Enforcement Standards and Training (CLEST) regulations, prior to assuming the role of an FTO. As soon as is practicable following appointment as an FTO, the FTO will attend an "Instructor Development Course" certified by CLEST. The FTO Coordinator shall also make available supplemental training to ensure that FTO's are aware of the skills and subjects that have been addressed in the academy curriculum and what roles FTO's are to assume. FTO's shall attend yearly in-service training.

8. EVALUATIONS

- 8.1 For the period of time the officer is assigned to an FTO, he is observed and evaluated to measure his potential success as a police officer. This evaluation process is based on a standardized performance evaluation procedure utilizing evaluation techniques designed to measure competency in required skills, knowledge, and abilities. The following evaluations are to be completed by the FTO:
- 8.1.1 *Daily Observation Report* – The FTO will evaluate the officer daily using the appropriate form. Specific comments will be required for each item that is rated a 1, 5 or "NRT" (Not Responding to Training). The FTO will also record the amount of "AT" (Additional Training time), if applicable.
 - 8.1.2 *Weekly Managers Report* – A Field Training Manager will evaluate the recruit officer at the end of each 40-hour work week using the Weekly Managers Report. The strongest and weakest areas of performance will be documented, as well as a recommended performance improvement plan for unacceptable performance.
 - 8.1.3 *Phase Summary Report* – A Field Training Manager will record the recruit officer's progress and either recommend the recruit officer advance receive additional time in the phase, or advance in his/her field training.
 - 8.1.4 *Field Training Officer Manual* – Outlines goals, objectives, duties and expectations of the field training program. This manual also lists the standardized evaluation guidelines for each performance category.
 - 8.1.5 *Probationary Officer Training Manual* – Outlines expectations and duties of the recruit officer.
 - 8.1.6 *Task Frequency List* – Tasks the recruit officer will be required to demonstrate proficiency in during the field training program.
 - 8.1.7 *Training briefs* – Documents which will be covered by the FTO and recruit officer concerning law, Rogers Police Department policy and procedure.
- 8.2 At the conclusion of the Field Training Program, the officer is eligible to be placed into duty alone, provided the officer has successfully accomplished the assigned field training curriculum. The officer remains in a probationary status until he reaches his first year anniversary date. During this time, the officer's immediate supervisor shall perform monthly performance evaluations. This evaluation shall include ratings in all job dimensions found on the Officer/Master Officer Performance Evaluation form (09-AD-0116).

- 8.3 A memorandum will suffice for supervisory documentation purposes, and, and shall be titled *Supervisors' Monthly Evaluation Report*. This report shall be added to the recruit's evaluation manual and retained as a part of his training records.

ROGERS POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Body Worn Cameras		
NUMBER	413.5	EFFECTIVE DATE	February 14, 2023
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	
Replaces G.O.		APPROVAL DATE	February 14, 2023
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	

I. Policy

Body Worn Camera (BWC) equipment has been demonstrated to be of significant value in the prosecution of traffic violations, narcotics interdiction, serious criminal offenses, protection of both officers and citizens in regards to allegations of civil rights violations, and in officer training and evaluation of performance. The technology application enhances this department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, provide evidence for investigative purposes, identify training needs and provide supporting documentation and protection against frivolous complaints.

The proper, consistent and effective use of BWC will provide accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, and the collection of evidence and testimony in court. In order to maximize the value and utility of this equipment in these and other related areas, officers shall follow the procedures for BWC use as set forth in this policy.

II. Definitions

Body Worn Camera (BWC)- refers to department authorized equipment designed to record and capture both video and audio, which is designed to be worn on the officer's person.

Unified Digital Evidence- refers to the video management software that is designed to operate the BWC equipment settings and captured media.

Mobile Video Recording (MVR) - defined as any recorded media regardless of format which captures and records audio and/or video signals.

III. Procedure

1. OPERATIONAL PROCEDURES

1.1 Officers shall adhere to the following procedures when utilizing the BWC:

1.1.1 BWC equipment shall be issued to all sworn personnel and Community Service Officers.

1.1.2 Officers shall only use departmentally approved BWC equipment.

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- 1.1.3 Officers shall ensure their BWC equipment is working satisfactorily at the beginning of each shift, to include being fully charged, and shall advise their immediate supervisor of any operational problems prior to the unit being placed into service.
- 1.1.4 The BWC shall be worn near the center of the officer's torso at approximately chest height. Considerations such as an officer's uniform limitations, height and/or body type may necessitate a slight off-center placement of their BWC to obtain the best field of view.
- 1.1.5 The BWC and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the Rogers Police Department. No officer shall copy any recording for personal use or share with unauthorized individuals.
- 1.1.6 BWC equipment shall be used only in conjunction with official law enforcement duties and not for personal use.
- 1.1.7 Tampering with or disabling BWC equipment, shielding, or taking any other action, which interferes with the proper operation of the BWC, hardware, or software is prohibited. Officers shall not attempt to edit, erase, delete, or alter BWC digital recordings in any manner.
- 1.1.8 All uniformed officers and community service officers shall wear and utilize the BWC while on duty. Additionally, officers working extra duty assignments or bike patrol shall wear and utilize the BWC according to policy while in the performance of their duties.

2. TRAINING

- 2.1 The training unit shall be responsible for ensuring that users and supervisors are trained in the proficiency and use of the BWC.
- 2.2 The training unit will be responsible for maintaining a record of all BWC training conducted.
- 2.3 Officers or supervisors should notify the training unit in the event a digital recording may contain material that may be helpful in the training unit.

3. ACTIVATION

- 3.1 When possible, officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
- 3.2 The BWC shall be activated in the following situations:
 - 3.2.1 Vehicle and pedestrian stops
 - 3.2.2 Consensual encounters
 - 3.2.3 DWI investigations
 - 3.2.4 Detentions and arrests
 - 3.2.5 Use of force incidents
 - 3.2.6 Searches of persons or property
 - 3.2.7 Transporting citizens or detainees
 - 3.2.8 K9 deployments
 - 3.2.9 Suspect/witness statements and interviews to include Miranda warnings when necessary
 - 3.2.10 Vehicle and foot pursuit
 - 3.2.11 Other incidents the officer reasonably believes should be recorded for Law Enforcement purposes
 - 3.2.12 When directed by a supervisor

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- 3.3 The BWC system is designed to record automatically whenever the system is triggered by any of the following:
 - 3.3.1 The manual activation button is depressed
 - 3.3.2 The officer's firearm is drawn from the holster
 - 3.3.3 Any event that triggers the officer's in-car MVR and the BWC is within range
 - 3.3.4 The officer's in-car MVR is manually activated
- 3.4 If asked the officer will inform the person they are being recorded.
- 3.5 At no time are officers expected to jeopardize their safety in order to activate the BWC. However, the BWC should be activated as soon as safely practical.

4. DEACTIVATION/NON-ACTIVATION OF BWC EQUIPMENT

- 4.1 Officers shall properly document any reason for deactivation by entering an audio explanation prior to deactivation. Officers shall also document the reason for deactivation in the CAD incident narrative or case report.
- 4.2 Employees of the Police Department are prohibited from surreptitiously recording fellow employees, through the use of any electronic surveillance device or system, including but not limited to the recording of sound or voice or a closed-circuit television system, or any combination thereof, unless specifically authorized by the Chief of Police.
- 4.3 During contact with an undercover officer or confidential informant.
- 4.4 Officers are not required to activate the BWC during non-law enforcement actions including, but not limited to, meal breaks, fueling, restroom breaks, report writing, etc. Officers also have discretion on deactivating the BWC in places where reasonable expectation of privacy exists, such as bathrooms, dressing rooms, locker rooms, etc.
- 4.5 No strip search or body cavity searches will be recorded.
- 4.6 Officers may deactivate or not activate the BWC when dealing with reluctant witnesses or victims. This deactivation/ non-activation shall be documented in the CAD incident narrative or case report.
- 4.7 When entering a residence that requires the consent of the resident, officers will inform the resident that he or she is wearing a BWC and request permission to continue recording the event. If the resident wishes not to be recorded in the interior of their home, officers will document the request and via the BWC and turn off the device. However, should exigent circumstances arise where the need to record the event outweighs any privacy concern, the officer will reactivate the BWC where feasible to do so irrespective of the resident's request.
- 4.8 Officers may deactivate the BWC during non-enforcement activities such as prolonged traffic control or crime scenes that are no longer active. However, officers should be mindful that the BWC may need to be reactivated should the circumstances of the non-enforcement activity change.
- 4.9 Upon prior approval from a supervisor.

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5. SUPERVISOR RESPONSIBILITIES

- 5.1 Ensure that each BWC-equipped officer follows established procedures for the use and maintenance of BWC equipment and the handling of video/audio recordings.
- 5.2 On at least a monthly basis, personally review at least two recordings per officer on their respective squad to assist in periodic assessment of officer performance, determine whether BWC equipment is being fully and properly used and to identify material that may be appropriate for training; supervisors shall document the specific recording reviewed and the date the review was accomplished.
- 5.3 Shall periodically inspect officer's BWC equipment to insure proper operation.
- 5.4 Ensure that repairs and replacement of damaged or nonfunctional BWC equipment is accomplished expeditiously through the SSD Supervisor.

6. CATERGORIES AND RETENTION OF BWC DATA

- 6.1 Video management software (unified digital evidence) that exports information from computer aided dispatch (CAD) and records management system (RMS) will be utilized to automatically tag most media. It will be the officer's responsibility to check and verify the files are categorized correctly.
- 6.2 Categories and associated retention rates shall be assigned as follows:
 - 6.2.1 BWC Tests - (30 days) – This category is for documenting the inspection and test of the body-worn camera. This category is also to be used for accidental activations of the BWC. Employees are required to manually tag these videos.
 - 6.2.2 Uncategorized – (Indefinite) – This is a default category for body-worn camera videos that are not categorized by the integration with the computer-aided dispatching / record management system.
 - 6.3.3 No action - (270 days) - Incidents that do not result in police action, circumstances with no known criminal offense, or minor incidents where prosecution is not required.
 - 6.3.4 Training – (90 days) – This category is only for practical training exercises that need to be kept and documented for department training.
 - 6.3.5 Misdemeanor - (4 years) - All misdemeanor criminal investigations, reports and arrests and traffic citations.
 - 6.3.6 Death Investigation – (7 years) – All death investigations not categorized as homicides. Employees should document all death investigations in this category. Criminal Investigation Division supervisors will be responsible for tagging the videos in another category if appropriate.
 - 6.3.7 Felony - (7 years) - All felony criminal investigations, reports and arrests.
 - 6.3.8 Permanent - (Permanent) - Officer involved shootings, homicides and crimes of violence as defined by ACA 5-42-203. Supervisors in the Criminal Investigation Division and Administration will manually tag the officer involved shooting and homicide videos.

- 6.3.9 Restricted - (Indefinite) -Videos under administrative review. The Office of Professional Standards will manage videos in this category.

7. STORAGE AND MANAGEMENT

- 7.1 Original digital files from the BWC will be downloaded and stored on a designated network server or other electronic network storage.
- 7.2 Officers will make reasonable attempts to download video/audio files before the end of each shift.
- 7.3 The overall management of the BWC system will be the responsibility of the SSD Supervisor or designee.
- 7.3.1 The SSD supervisor will ensure that any BWC equipment or software issues that cannot be resolved by the officer or supervisor is handled accordingly.
- 7.4 The Chief of Police or his designee will establish permission levels for users in the video management software. Permission levels will be determined by the employee's function within the department.
- 7.4.1 Authorized users will keep their user name and passwords confidential.
- 7.5 Requests for deletion of accidental recordings must be submitted in writing and approved by the Chief of Police or designee. All requests shall be kept on file with the SSD supervisor for a period of 3 years.

8. RELEASE OF RECORDINGS

- 8.1 All recorded media is subject to discovery under the provisions of the Freedom of Information Act. Any requests by a citizen will be handled as a FOIA request per state statute. BWC media may be redacted as required by state statute.
- 8.2 Unless for purposes of prosecution, recorded evidence shall only be released from the evidence room technician / supervisor at the direction of the Chief of Police, or the Division Commanders.
- 8.3 Prosecutors may be granted temporary access to the video management software by the SSD Captain or his designee.
- 8.4 Officers who need a recording duplicated for investigations or training must make the request to the SSD supervisor. When possible, this request should be made at least 48 hours prior to the date the recording is needed.
- 8.5 Officers who need a recording duplicated for court must make the request to the Evidence Unit. When possible, this request should be made at least 48 hours prior to the date the recording is needed.
- 8.6 When an officer has finished a court appearance the media file, if not retained by the court, will be returned to the property room for proper storage or disposal.
- 8.7 Recorded media may be released as authorized by the Chief of Police.

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9. REVIEW OF RECORDINGS

9.1 Employees are permitted to review theirs and other employee BWC/MVR recordings for the following reasons:

9.1.1 Review for the completion of reports.

9.1.2 Review prior to making statements in administrative and criminal investigations.

9.1.3 Investigative review during an organizational integrity, administrative or criminal investigation, or court hearing.

9.1.4 Review for evidentiary reasons.

9.2 An annual administrative review of the BWC/MVR program shall be conducted by command staff, and reviewed by the Chief.

ROGERS POLICE DEPARTMENT

SPECIAL ORDER

SUBJECT	Authorized Weapons and Ammunition Specifications		
NUMBER	SSD/SO 304.5	EFFECTIVE DATE	January 1, 2010
Scheduled Review Date	Annually beginning on January 1	REVISED DATE	June 25, 2024
Replaces G.O.		APPROVAL DATE	June 25, 2024
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	

I. Policy

It is the policy of the Rogers Police Department to equip its officers with weapons and ammunition, which are safe, of superior technology and quality. All weapons shall be inspected and recorded prior to carry by a qualified weapons instructor or armorer and unsafe weapons will be removed from use. (CALEA 1.3.9-c) Only those weapons described below are authorized for use by Rogers Police Officers acting under official duty.

II. Definitions

Firearms Training Officer – A sworn officer who has received specialized training in the instruction of firearms training and activities (firearms instructor school). The Firearms Training Officer shall be responsible for all aspects of firearms training, including the inspection, evaluation, maintenance and repair of all firearms authorized for use by the Rogers Police Department. The Firearms Training Officer shall be responsible for the development and coordination of firearms training, courses of fire, procurement of all firearms, ammunition, targets and all other supplies needed for the operation of the firing range and duty use. The Firearms Training Officer will primarily be responsible for either the In-Service Professional Development or the Academy Firearms Training.

Armorer – Any sworn officer who has received specialized training to provide firearms manufacturers authorized maintenance and repair for authorized firearms. ~~The armorer must be recommended by the Training Unit, and approved by the Chief of Police.~~ (The written approval shall specify which firearms the armorer is authorized to maintain and repair.)

Primary Department issued handgun – A Department issued handgun is the Glock 9mm caliber semi-automatic handgun or any other .38/.357 caliber revolver, or 9mm, .40 caliber semi-automatic handgun issued by the Department for use by its officers.

Personally owned handgun – A Department approved handgun, semi-automatic pistol or revolver that has been inspected and evaluated by ~~the Training Unit or designee~~ certified department armorer and approved by the Chief of Police.

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Primary Department issued shotgun – A Department issued Remington Model 870 Police Magnum, 12 gauge pump-action shotgun or any other semi-automatic shotgun issued by the Department for use by its officers.

Personally owned shotgun – A Department approved Remington Model 870 Police 12 gauge pump action shotgun, or Remington 1187 or Benelli 12 gauge semi-automatic shotgun, meeting the same specifications as the Department issued shotguns. The shotgun must be inspected and evaluated by ~~the Training Unit or designee~~ a certified department armorer and approved by the Chief of Police.

Authorized Automatic Firearms – Any Department issued automatic firearm as provided in Section 3, with which the officer has met approved levels of proficiency in firearms qualification training.

Projectile Launcher – Any Department authorized 12 gauge or 37/40mm with launcher which the officer has met approved levels of proficiency in firearms qualification training.

Less Lethal Force Philosophy – A concept of planning and force application, which meets operational objectives with less potential for causing death or serious physical injury than conventional police tactics/equipment.

Safety Priorities – The department safety priorities are established as follows:

- Hostages
- Innocent citizens
- Police officers
- Subject/Suspects

Subject – The person who is the focus of the police operation.

Defensive Tactics Instructor/Trainer – Any sworn officer who has received specialized training in the instruction of defensive tactics. The Defensive Tactics Instructor/Trainer shall be responsible for the development and coordination of the defensive tactics training and the training of Defensive Tactics Instructors.

Defensive Tactics Instructor – Any sworn officer who has received specialized training in the instruction of defensive tactics. Defensive Tactics Instructors shall service as assistants to the Defensive Tactics Instructor/Trainer.

Department Issued Impact Weapons – The Department issued impact weapons will consist of a collapsible straight baton and a solid straight baton.

Personally Owned Impact Weapons – Any high quality 2 or 3 piece expandable straight baton or a solid straight baton. Personally owned impact weapons are to be inspected and evaluated by the Defensive Tactics Instructor/Trainer or designee, and approved by the Chief of Police.

Rifles, Carbine Rifles – Approved

Any scoped rifle or carbine rifle, issued by the Department for use by its officers.

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III. Procedures

1. AUTHORIZED HANDGUNS

1.1 Primary, On-Duty Handgun Uniform Duty

1.1.1 An approved primary on-duty handgun is any Department issued handgun or personally owned handgun meeting the following requirements.

1.1.2 Specified SWAT personnel may be authorized to carry a Department issued pistol or personally owned pistol which has been inspected and evaluated by the designated SWAT armorer and approved by the Chief of Police. The SWAT officer assigned the pistol must demonstrate proficiency in qualification as set forth by the SWAT Commander and approved by the Chief of Police.

1.1.32 Criteria for Personally Owned Primary, On-Duty Handguns, Uniform Duty

1.1.32(a) Calibers

- 9mm
- .40 S&W
- .45 ACP
- 380 ACP (Honor Guard Officers only, when on assignment. The handgun must be carried concealed.)
- .38 Special
- .357 Magnum
- All authorized makes and models will be inspected and evaluated against criteria in this section.
- The Rogers Police Department will only provide training ammunition for auto-pistols that are 9mm.

1.1.32(b) Handgun Specifications

- Newly authorized handguns must be double action only or de-cock-only models. All previously authorized firearms will continue to be approved until a new handgun is acquired. Single-action handguns are not authorized.
- Minimum trigger pull weight. Factory trigger pull weight not less than five (5) pounds.
- Minimum barrel length: Not less than 3.5 inches and not more than 6 inches (*Honor Guard Officers exempt*).
- Minimum ammunition capacity: Five (5) rounds.
- Officers will be authorized to qualify with only one (1) on-duty handgun for Uniform Duty use per year, unless approved by ~~the Training Unit and~~ the Chief of Police or his designee.-

1.2 Primary On-Duty Handgun, Non-Uniform Duty

1.2.1 An approved primary on-duty handgun is any Department issued handgun or personally owned handgun meeting the following requirements.

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1.2.2 Criteria for Personally Owned Property, On-Duty Handguns, Non-Uniform Duty

1.2.2(a) Calibers

- .9 mm
- .357 Magnum
- .38 Special
- .40 S&W
- .45 ACP

Exceptions:

- .380 ACP (*undercover officer assignments only*)
- All authorized makes and models will be inspected and evaluated against criteria in this section.

1.2.2(b) Handgun Specifications

- Upon the effective date of this policy, newly authorized handguns must be double-action only or de-cocked only. All previously authorized firearms will continue to be approved until a new weapon is acquired. Single action handguns are not authorized.
- Minimum trigger pull weight: Factory trigger pull weight not less than five (5) pounds.
- ~~B~~Minimum barrel length: Not less than 2 inches and not more than 6 inches.
- Minimum ammunition capacity: Five (5) rounds.
- Handguns shall be carried in holsters.
- Additional calibers may be approved by the Chief of Police or his designee.

Exception:

- Undercover officers are not required to wear holsters.

1.3 Off-Duty Handguns

1.3.1 An approved off-duty handgun is any Department issued handgun or personally owned handgun meeting the following requirements.

1.3.2 Criteria for Personally Owned, Off-Duty Handguns

1.3.2(a) Calibers

- .380 ACP
- .38 Special
- .357 Magnum
- 9 mm
- .40 S&W
- ~~.~~45 ACP

• 10 mm

- All authorized makes and models will be inspected and evaluated against criteria in this section.
- Ammunition for any weapon other than one that has been departmentally issued will be the responsibility of the officer, and must be approved by ~~the Training Unit~~ a certified department armorer.

1.3.2(b) Handgun Specifications

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- Newly authorized handguns must be double-action only (DAO), single action, or de-cock only models double action Kellerman models. All previously authorized firearms will continue to be approved until a new weapon is acquired. ~~Single-action handguns are not authorized.~~
- Minimum trigger pull weight: Factory trigger pull weight not less than ~~four~~ive (45) pounds.
- Minimum ammunition capacity: Five (5) rounds.
- The handgun must be concealed and carried in a secure manner.

1.4 Back-up Handguns

1.4.1 If an officer chooses to carry a back-up handgun it must be carried in conjunction with the officer's primary on-duty handgun. The back-up handgun is for use in exigent circumstances when the officer's primary on-duty handgun cannot be used.

1.4.2 An approved back-up handgun is any Department issued Handgun or personally owned handgun meeting the following requirements.

1.4.3 Criteria for Back-up Handguns

1.4.3(a) Calibers

- .22 Long Rifle or .22 Magnum
- .25 ACP
- .32 ACP
- .38 Special
- .380 ACP
- .357 Magnum
- 9 mm
- .40 S&W
- ~~45~~5 ACP
- 10 mm
- All authorized makes and models will be inspected and evaluated against criteria in this section.
- Ammunition for any weapon other than one that has been departmentally issued will be the responsibility of the officer, and must be approved by ~~the Training Department~~a certified department armorer.

1.4.3(b) Handgun Specifications

- Any on-duty or off-duty approved handgun would be an approved back-up handgun.
- The handgun may be the following types of action: revolver, semi-auto, derringer.
- The handgun must be equipped with a form of firing safety device designed to prevent an unintentional discharge if the handgun is dropped. In addition, the make and model of weapon must have met the SAMMI standard for safety.
- Minimum trigger pull weight: Factory trigger pull weight not less than ~~four~~ive (45) pounds.
- Minimum ammunition capacity: Two (2) rounds.

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- The back-up handgun must be carried concealed in a secure manner.
- The back-up handgun shall not be carried as an off-duty handgun, unless it meets the criteria for off-duty handguns.

2. AUTHORIZED SHOTGUNS

- 2.1 Authorized Shotguns, Uniform and Non-Uniform Duty.
- 2.1.1 An approved shotgun is any Department issued shotgun or personally owned shotgun as defined in Section II.
- 2.1.2 Gauge
- 2.1.2(a) 12 gauge
- 2.1.3 All authorized makes and models will be inspected and evaluated against criteria in this section.
- 2.2 Authorized Modifications to Shotguns
- 2.2.1 Authorized modifications to Department issued or personally owned shotguns are allowed only if they are performed by the manufacturer, manufacturer authorized service center, or a Department approved armorer.
- 2.2.1(a) Authorized modifications are limited to the installation of:
- Sling
 - Forearm flashlight
 - “Side Saddle” type receiver mounted ammunition carriers
 - Factory magazine extension
 - Synthetic buttstock (standard or pistol grip, full length)
 - Synthetic “Speedfeed” type buttstock (standard or pistol grip, full length)
 - Synthetic forearm
 - Night Sights

3. AUTHORIZED RIFLES

- 3.1 Specified SWAT personnel may be authorized to carry a Department issued rifle or personally owned rifle which has been inspected and evaluated by the designated SWAT armorer and approved by the Chief of Police. The SWAT officer assigned the rifle must demonstrate proficiency in qualification as set forth by the SWAT Commander and approved by the Chief of Police.
- 3.2 Primary, On-Duty Rifle (Non-SWAT)
- 3.2.1 A primary on duty rifle is any Department issued rifle or personally owned rifle meeting the following requirements.
- 3.2.2 Criteria for Department issued/personally owned rifle.
- 3.2.2(a) Calibers
- Primary on duty rifles must be chambered for .223 caliber or 5.56 mm rifle ammunition.
 - Magazines are limited to a 30 round capacity.

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- ~~Only Factory Magazines are authorized.~~
- 3.2.2(b) Rifle Specifications
- Must be AR15 ~~style with A2 or A3 upper~~direct impingement or gas piston style.
 - Stock may either be fixed or adjustable.
 - Brands must be:
 - Colt
 - Bushmaster
 - Armalite (Eagle Arms)
 - Or other ~~Colt patent rifle~~approved designs from reputable companies.
 - Primary duty rifles must be semi-automatic action ONLY
 - Minimum trigger pull weight: Factory trigger pull no less than 4.5 pounds.
 - No set triggers
 - All rifles must be equipped with backup sights~~iron sights~~ on the rifle at all times.
 - All non-magnifying optics or low-magnification (1x – ~~64~~x maximum), powered (battery) or non-powered, must allow for immediate access to backup sights~~iron sights~~. Or be quickly removable to allow access to the backup sight~~iron sight~~ system if the supplemental sights fail for any reason.
 - All authorized makes and models will be inspected and evaluated against criteria in this section.

3.3 Authorized Modifications to Patrol Rifles

3.3.1 Authorized modifications to department issued or personally owned patrol rifles are allowed ONLY if they are performed by the manufacturer, manufacturer's authorized service center, or the department approved armorer. The department armorer must approve ALL modifications.

3.3.1(a) Authorized modifications include but are not limited to the installation of:

- ~~Sling~~
- Mounted optic
- Flashlight attachments
- Magazine carriers
- Night sights
- Bipods

4. Ammunition Specifications

4.1 Officers shall carry all approved firearms loaded with department issued ammunition, which shall not be modified in any way.

4.2 The Training Unit shall be responsible for purchasing and issuing all ammunition for all officers of the Department. All ammunition purchase

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requests shall be routed to the ~~Range Officer~~ Training Division and must be approved by the requesting unit's Division Commander.

4.2.1 All ammunition shall be produced by a major commercial manufacturer of such product.

4.2.2 All issued duty ammunition shall be rotated at least on an annual basis.

4.2.3 All issued duty, off-duty, back-up and training ammunition shall be approved by the Chief of Police.

* Training ammunition for hand guns other than 9mm, will be at the officer's expense.

4.2.4 Handgun Ammunition (FMJ and/or JHP)

4.2.4(a) .22 Long rifle and .22 magnum

4.2.4(b) .25 ACP

4.2.4(c) .32 ACP

4.2.4(d) .380 ACP

4.2.4(e) .38 Special +P

4.2.4(f) 9 mm

4.2.4(g) .40 S&W

4.2.4(h) .45 ACP

4.2.4(i) 10 mm

4.2.5 Shotgun Ammunition

4.2.5(a) 00 Buckshot

4.2.5(b) Rifled Slug

4.2.5(c) Less Lethal Projectile

4.2.5(d) 12 Gauge Tear Gas Projectile

4.2.5(e) Door Breaching Round

4.2.6(f) NFDD ammo (Bore Thunder)

4.2.6 Rifle Ammunition (FMJ and/or JHP)

4.2.6(a) .223/ 5.56mm

4.2.6(b) .300 Blk

4.2.6(~~c~~) .308

4.2.6(~~d~~) 9 mm

5. LESS LETHAL EXTENDED RANGE IMPACT DEVICES

5.1 There are many projectiles considered "less lethal". The primary types used by the Rogers Police Department are the:

5.1.1 Flexible baton – 12 gauge

5.1.2 Non-Flexible – 40 mm

5.2 TECHNICAL ASPECTS – Kinetic Energy Impact Projectiles

5.2.1 Flexible Baton – 12 gauge

5.2.1(a) The standard round is a 2 3/4 inch plastic 12 gauge cartridge, containing a fabric bag filled with lead shot.

5.2.1(b) Types of rounds issued by the Rogers police Department will be evaluated prior to use.

5.2.2 Pepper Ball—~~VKS pro~~ launcher

5.2.2(a) Glass breaker projectile

5.2.2(b) Marking paint solution projectile

5.2.3(c) Inert projectile

5.2.3(d) Pava powder projectile

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- 5.2.3 Multiple Projectiles –40 mm
 - 5.2.3(a) 40 mm cartridge containing either three or five wooden batons.
 - 5.2.3(b) 40 mm cartridge containing either three or five foam batons.
 - 5.2.3(c) 40 mm cartridge containing multiple .31 caliber sting balls.
 - 5.2.3(d) 40 mm cartridge containing multiple .50 caliber sting balls.

6. TASER

- 6.1 Axon brand
 - 6.1.1 Taser (X-26) and ammunition. The cartridges are referred to as 15-foot cartridge (yellow), 21-foot cartridge (silver), and 25-foot cartridge (green).
 - 6.1.2 Taser (7) and ammunition. The cartridges are all 25-foot and referred to as standoff live cartridge (3.5 degrees) and close quarters cartridge (12 degrees).

7. INTERMEDIATE IMPACT WEAPONS

- 7.1 General requirements
 - 7.1.1 A Department approved baton will be carried by uniformed officers in the field at all times while on duty.
 - 7.1.2 Non-uniformed officers may carry an impact weapon at their own discretion.
 - 7.1.3 Uniformed officers will have readily available a collapsible or straight baton.
- 7.2 Authorized impact weapons
 - 7.2.1 Uniformed field officers will have readily available a one piece straight baton consisting of either natural wood or polycarbonate. The length of the baton shall be no less than 24 and no greater than 72 inches. The diameter of the baton will be no less than 1 1/4 inches and no greater than 1 3/8 inches.
 - 7.2.1(a) An expandable straight baton along with a carrier will be issued to all Operations Division field officers and sworn personnel assigned to Investigations Division, who have received training.
 - 7.2.1(b) A one-piece straight baton or a collapsible baton will be issued to all uniformed officers.
- 7.3 Baton Carriers
 - 7.3.1 Carriers for batons will be consistent with established uniform standards and of the type and nature required to properly secure the baton.
 - 7.3.2 Uniformed officers will be required to have only the carrier on their duty belt for the baton that is routinely carried while on duty.
 - 7.3.3 Non-uniformed officers will not be required to use a belt carrier for securing the baton.

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8. CHEMICAL MUNITIONS AND AGENTS

40mm chemical munitions will consist of the following devices:

- 8.1 Tearing Agents, Pyrotechnics
 - 8.1.1 Short Range, CS
 - 8.1.2 Long Range, CS
 - 8.1.3 Multi-Projectile, CS
- 8.2 Tearing Agents, Non-Burning
 - 8.2.1 Muzzle blast dispersion, CS
 - 8.2.2 Muzzle blast dispersion, OC
 - 8.2.3 Barricade penetrating, liquid CS
 - 8.2.4 Barricade penetrating, liquid OC
 - 8.2.5 Barricade penetrating, powder CS
 - 8.2.6 Barricade penetrating, powder OC

Hand deployed chemical munitions will consist of the following devices:

- 8.3 Pyrotechnic Noise Flash Diversion Devices:
 - 8.3.1 Non-bursting canister
- 8.4 Pyrotechnic Tearing Agents
 - 8.4.1 Continuous discharge, CS
 - 8.4.2 Multiple continuous discharge, CS
 - 8.4.3 Blast dispersion, CS
- 8.5 Pyrotechnic Smoke
 - 8.5.1 Continuous discharge, various colors
 - 8.5.2 Multiple continuous discharge, various colors
 - 8.5.3 Blast dispersion
- 8.6 Less Lethal Projectiles
 - 8.6.1 Blast dispersion, multiple rubber balls
 - 8.6.2 Blast dispersion, multiple rubber balls, CS
- 8.7 Flameless Expulsion
 - 8.7.1 Powder, CS
 - 8.7.2 Powder, OC
 - 8.7.3 Liquid, OC

9. AEROSOL PROJECTORS

- 9.1 Def-Tec brand
 - 9.1.1 First Defense OC Spray
 - 9.1.1(a) Officers may be issued the 360 Stream Mark 3

9.1.1(b) The model Mark IX (high volume output) will be used for crowd control and tactical use.

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ROGERS POLICE DEPARTMENT POLICIES AND PROCEDURES

SUBJECT	Computer Forensic Investigations		
NUMBER	402.13	EFFECTIVE DATE	
SCHEDULED REVIEW DATE	Annually beginning on January 1	REVISED DATE	
Replaces G.O.		APPROVAL DATE	
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	LE 83.2.5

I. Purpose and Scope

The purpose of the following policy shall be to provide guidelines for the process of forensic examination and analysis of digital evidence. This information defines the structure of the examination and analysis process for the individual examiner, unit, and/or laboratory system.

II. Policy

It shall be the policy of the Rogers Police Department to utilize computer forensics to enhance the investigative analysis of computers and related media allowing for a more detailed investigative base through computer forensics and to preserve the integrity of seized computer evidence.

III. Procedure

1. The Computer Forensics Team will perform investigative analysis of digital evidence in any case where evidence or information pertinent to an investigation may be stored on a computer or other electronic media.
2. The Computer Forensics Team will provide technical assistance and guidance for members of the Rogers Police Department in the proper safeguarding and collection of digital evidence.
3. The Computer Forensics Team will assist outside agencies with computer forensics, with approval from the CID Lieutenant or Sergeant, or in the normal course of participation in approved task forces. The outside agency will be responsible for:
 - 3.1 Providing materials required for the exam, such as Hard Disk Drives (HDDs) and disks for archiving.
 - 3.2 Storage of all evidence related to their case which is not being held for analysis within the Computer Forensics Lab. This includes items on which an analysis is has been completed.

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IV. Physical Security and Inventory Control in Computer Forensics Lab

1. The Computer Forensics Lab will be housed in a locked room separated from the rest of the Criminal Investigations Team. This room shall be designated the "Computer Forensics Lab." This room is inside a secured Police Department building that has restricted access. The forensic equipment will have internet access that is separated from the network internet of the Rogers Police Department.
2. The Computer Forensics Lab will contain items of evidence; each of which will be assigned to a member of the Cyber Crimes Unit.
3. The Computer Forensics Lab will only be accessible by members of the Cyber Crimes Unit and the CID Division Commander or his designee.
4. Quarterly audits will be conducted of the evidence checked out to the Computer Forensics Lab.

V. Electronic Security in the Computer Forensics Lab

1. Any computer system used to store digital evidence files shall not be connected to the networked internet of the Rogers Police Department or the City of Rogers.
 - 1.1 Evidence files will be separated by case number and evidence tag number.
 - 1.2 When an investigation is completed (adjudicated); evidence files will be encrypted and stored on a server or a cloud-based storage system.
 - 1.3 Detectives who received preliminary evidentiary reports for non-CSAM investigations from the Cyber Crimes Unit are responsible for those reports.
 - 1.4 If further review is needed by a prosecutor or a defense attorney, the detective assigned to the case will coordinate with the Cyber Crimes Unit to schedule the review. When practical, attorney reviews will take place in the Computer Forensics Lab.

VI. Digital Evidence Integrity

1. It is the responsibility of the case investigator, whether assigned to the Computer Forensics Team or not, to ensure digital evidence submitted was properly seized. The Computer Forensics Team will not process digital evidence seized outside the scope of the Rules of Criminal Procedure or provided legal process.
 - 1.1 The Computer Forensics Team shall conduct examinations pursuant to the request and additional identified exams as necessary, pending appropriate legal authority. At a minimum an examination must consist of:
 - 1.1.1 Visual inspection - Determine the type of evidence, its condition, and relevant information to conduct the examination;
 - 1.1.2 Forensic duplication - Conducting analysis on original evidence media should be avoided if possible. Analysis should be conducted on forensic duplicates or forensic image files;
 - 1.1.3 Media analysis - analysis of the media should be completed in a logical and systematic manner;

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1.1.4 Evidence return - devices will be returned to their appropriate location.

2. The computer forensics examiner shall make all efforts to accomplish the following during the examination/analysis of the seized system and media:
 - 2.1 Ensure the original media and data are maintained in their original, unaltered state;
 - 2.2 Ensure no unauthorized writes are made to the media by viruses, the operating system (OS), write-back applications, or by other inadvertent means;
 - 2.3 Recover and access deleted files, hidden data, password-protected files and encrypted files;
 - 2.4 Examine unallocated and slack space for relevant data;
 - 2.5 Provide a report of findings to the case investigator;
 - 2.6 Maintain the integrity of the evidence files by following proper electronic evidence recovery and storage procedures;
 - 2.7 Evidence must be handled in a manner preventing cross contamination. Media used for the digital evidence must be wiped in a forensically sound manner to prevent any cross contamination prior to use.
3. The mobile device examiner shall make all efforts to accomplish the following during the examination/analysis of the seized device.
 - 3.1 Ensure the original device is extracted in a forensically sound manner.
 - 3.2 Conduct extractions of the device that would yield the best possible results
4. It shall be the policy of the Computer Forensics Team **not** to make hard copies of Child Sexual Abuse Material unless specifically requested to do so by the Prosecuting Attorney's Office. All such evidentiary files shall be turned over to the case investigator on electronic media with a chain of evidence form, if applicable. The case investigator shall then be responsible for ensuring the proper disposition of said evidence. All such media and reports will be marked as OBSCENE MATERIAL to avoid inadvertently exposing anyone to the images.
5. The Cyber Crimes Unit Detective that conducted the extraction and analysis will prepare a preliminary report of the extracted data which will be provided to the Detective assigned to the case.
6. The Cyber Crimes Unit Detective that conducted the extraction and analysis will prepare a written report of the forensic steps that were taken and the types of extractions that were performed.
7. The Cyber Crimes Unit Detective will ensure that a copy of the legal process and a receipt of seized items are included with the device after the extraction and analysis process is completed.

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VII. Tool Validation

1. Tool validation will be conducted in a manner that utilizes Repeatability and Reproducibility.
 - 1.1 Repeatability: refers to obtaining the same results when using the same method on identical test items in the same laboratory by the same operator using the same equipment with short intervals of time.
 - 1.2 Reproducibility: refers to obtaining the same results being obtained when using the same method on identical test items in different laboratories with different operators utilizing different equipment.
2. Tool validation will be conducted on forensic tools; such as, but not limited to; write blocking devices, Cellebrite UFED and Analyzer, Magnet AXIOM and Forensic Tool Kit (FTK).
3. Tool validation will occur at least bi-annually and after each major software update. The validation will be logged on a spread sheet type document that will include the date, tool, version and data set used.
4. Test images may be obtained from reputable organizations; such as, sourceforge.net or National Institute of Standards and Technology (NIST) Federated Testing Project at nist.gov.
5. Validations will utilize the “Cyber Validation Drive” for testing forensic tools. The drive will contain images, text documents, word documents, PDF’s and deleted items. A list of MD5 hash values will be included to compare with the items located by the tool.

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POLICIES AND PROCEDURES

SUBJECT	Collection and Preservation of Evidence - Computer Related Equipment		
NUMBER	413.6	EFFECTIVE DATE	
SCHEDULED REVIEW DATE	Annually beginning on January 1	ISSUE DATE	
Replaces G.O.		REVISION DATE	
APPROVED BY	Chief Jonathan Best	CALEA STANDARDS	LE 83.2.5

I. Purpose and Scope

1. The purpose of this policy is to establish guidelines for the secure field seizure of computers, peripherals, handheld devices, computer-related equipment, and the potential digital evidence contained within such devices. This policy shall apply to all members of the Rogers Police Department.
2. The Cyber Crimes Unit primarily investigates Internet Crimes Against Children (ICAC) offenses which involve the use of various devices; such as, desktop computers, laptop computers, tablets, and cell phones.
3. The Cyber Crimes Unit will assist other officers with investigations as the investigation relates to digital devices.
4. The Cyber Crimes Unit will be responsible for maintaining the forensic equipment and conduct forensic extractions of digital media.

II. Policy

1. As computers, their related storage devices, and other types of electronic communications devices proliferate in our society, so does their use in conducting criminal activity. Criminals employ technology as a means of communications, a tool for theft and extortion, and as a means to hide incriminating evidence or contraband material. Personnel specifically trained in computer forensics techniques and data recovery should be used when appropriate.
2. It shall be the policy of the Rogers Police Department to utilize lawful means available to identify, investigate, and prosecute individuals and organizations that use these technologies in support of their illicit activities.

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III. Definitions

1. Computer - an electronic, magnetic, optical, electrochemical, or other high-speed data processing device that performs logical, arithmetic, or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, or communication facilities that are connected or related to the device.
2. Computer network - the interconnection of two or more computer systems by satellite, microwave, line, or other communication medium with the capability to transmit information among the computers.
3. Computer forensics - the application of computer investigation and analysis techniques to gather evidence suitable for presentation in a court of law.
4. Computer system - the product of the use of a computer, the information stored in the computer, or the personnel supporting the computer, including computer time, data processing, and storage functions.
5. Computer software - a set of computer programs, procedures, and associated documentation related to the operation of a computer, computer system, or computer network.
6. Data - a representation of information, knowledge, facts, concepts, or instructions that is being prepared or has been prepared in a formalized manner and is intended to be stored or processed, is being stored or processed, or has been stored or processed in a computer.
7. Dongle - a small piece of hardware that connects to a computer. Originally used to refer only to software-protection dongles; however, currently "dongle" is used to refer to any small piece of hardware that plugs into a computer.
8. Faraday container - an enclosure formed by conductive material or by a mesh of such material, used to block electric fields and protect sensitive electronic equipment from external radio frequency interference.
9. Handheld device - a device such as a cell phone, smart phone, tablet, mp3 player, etc.
10. Peripherals - any device on the outside of a computer used in conjunction with a computer for the purpose of processing, manipulating, storing, transmitting, printing or displaying the product of a computer. (e.g., monitors, modems, keyboards, printers, disk drives, media storage drives, mouse, or cables).
11. Removable media - digital storage media such as CDs, DVDs, Zip disks, Jazz disks, floppy disks, external hard drives, memory cards, thumb drives, SIM cards, etc.

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12. SIM - a Subscriber Identity Module (SIM) card is a portable memory chip used mostly in cell phones.
13. UPS - an uninterruptible power source that provides power to the computer in the event of a power failure.
14. PC card- a type of peripheral interface designed for laptop computers.

IV. Other Electronic Devices and Digital Evidence

1. Electronic devices, such as the ones in the list below, may have the capability to store digital data and therefore may contain potential digital evidence associated with criminal activity. Unless an emergency exists, the device should not be operated. Should it be necessary to access information from the device, all actions associated with the manipulation of the device should be documented to preserve the integrity of the data. Many of the items listed below may contain data that could be lost if not handled properly.
2. Examples of other electronic devices, including computer peripherals:
 - 2.1 Audio recorders;
 - 2.2 Handheld devices;
 - 2.3 Digital cameras;
 - 2.4 Dongles;
 - 2.5 Drive duplicators;
 - 2.6 External drives;
 - 2.7 Fax machines;
 - 2.8 Memory cards/flash drives;
 - 2.9 Floppies, diskettes, CD-ROMs;
 - 2.10 GPS devices;
 - 2.11 Palm Pilots/electronic organizers;
 - 2.12 Computer components;
 - 2.13 Printers (if active, allow to complete printing);
 - 2.14 Scanners;
 - 2.15 Smart cards/secure ID tokens;

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- 2.16 Telephones;
- 2.17 Video game consoles;
- 2.18 Wireless access points.

V. Procedures

These procedures should be adapted as necessary based upon the situation. The Computer Forensics/Cyber Crimes Unit (CFU) is available for call out to respond to crime scenes to seize and/or process digital evidence when requested by a supervisor. The supervisor will contact a Criminal Investigations Division (CID) supervisor, who will determine the necessity of sending out a Computer Forensics Analyst. If adequate direction can be given remotely, the Computer Forensics Analyst may direct field personnel to seize the equipment. **Any actions taken should not add, modify, or destroy data stored on a computer or other media.**

1. Legal - it is the responsibility of the case investigator, whether assigned to the CFU or not, to ensure digital evidence submitted is properly seized. The CFU will not process digital evidence seized outside the boundaries of the Arkansas Rules of Criminal Procedure. Before an investigator can use evidence obtained from a computer in a legal proceeding, the following legal requirements must be met:
 - 1.1 The investigator must establish probable cause for the issuance of a search warrant or develop a lawful exception to the warrant requirement;
 - 1.2 The investigator must use appropriate collection techniques so as not to alter unnecessarily or destroy any potential evidence;
 - 1.3 The investigator should ensure trained personnel, in a speedy fashion, with expert testimony available at the time of trial, complete the forensic examination of the evidence.

VI. GENERAL

1. Ensure the safety of all individuals at the scene and secure the crime scene in a manner consistent with existing RPD Policy.
2. Ensure all persons are removed from the immediate area from which evidence is to be collected.
3. Evaluate the scene and formulate a search plan.
4. Identify potential evidence. The recognition of potential electronic evidence is of primary importance to the investigator. The investigator must be able to answer the following questions:

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- 4.1 Is the device contraband or fruit of a crime? (e.g., Was the software or hardware stolen?);
- 4.2 Is the device a tool of the offense? (e.g., Was the equipment actively used to commit the offense, such as making fake IDs or other counterfeit documents?);
- 4.3 Is the device incidental to the offense? (e.g., Was the equipment being used to store evidence of the crime?);
- 4.4 Is the computer equipment integral to the offense *and* to storing evidence of that offense? (e.g., Was the computer used to attack other systems and store the stolen information?);
- 4.5 Keyboards, the computer mouse, diskettes, CDs, or other components may have latent fingerprints or other physical evidence that should be preserved. Chemicals used in processing latent prints can damage equipment and data. Therefore, latent prints should be collected after electronic evidence recovery.
5. Once a computer or device's role in the crime is identified, the investigator should evaluate the following questions:
 - 5.1 Does probable cause exist to seize the hardware;
 - 5.2 Does probable case exist to seize the software;
 - 5.3 Does probable cause exist to seize the data;
 - 5.4 Where will the search be conducted;
 - 5.5 Is it practical to search the computer system on site or must the examination be conducted at a laboratory?
 - 5.6 If the system is removed from the premises to conduct the search, must the computer system or copies of the seized data be returned to the owner/user before trials?
6. Protect the integrity of the evidence. Un less an emergency exists, the device should not be accessed. Should it be necessary to access the device, all actions associated with the manipulation of the device should be noted in order to ensure its admission in court.

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7. All potential evidence should be secured, documented, and/or photographed.
 - 7.1 The first responding investigator assigned should secure the computer or device as evidence.
 - 7.2 Documentation of the scene is an ongoing process throughout the investigation. It is important to accurately record the location and condition of computers, storage media, other electronics devices, and related conventional devices. The investigator should document the following in detail:
 - 7.2.1 Observe and document the physical scene, such as the position of the mouse and the location of the components relative to each other;
 - 7.2.2 Document the condition and location of the computer system, including power status of the computer;
 - 7.2.3 Identify and document related electronic components that will not be collected;
 - 7.2.4 Photograph the entire scene to create a visual record as noted by the first officer to arrive on the scene; and
 - 7.2.5 Photograph the front of the computer as well as the monitor screen and other components. Also, take written notes as to what appears on the monitor screen.
8. Conducting interviews: Investigators should obtain as much information as possible, including;
 - 8.1 Names of all users of the computers and devices.
 - 8.2 All computer and internet user information.
 - 8.3 All login names and user account names.
 - 8.4 Purpose and uses of computers and devices.
 - 8.5 All passwords.
 - 8.6 Any automated applications in use.
 - 8.7 Type of internet access.
 - 8.8 Any offsite storage.
 - 8.9 Internet service provider.
 - 8.10 Hardware and software documentation.

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- 8.11 All e-mail accounts.
 - 8.12 Security provisions in use.
 - 8.13 Webmail account information.
 - 8.14 Data access restrictions in place.
 - 8.15 All instant message screen names.
 - 8.16 All destructive devices or software in use.
 - 8.17 Instagram, Snapchat, Facebook, or other online, social networking website account information.
 - 8.18 Any other relevant information.
9. PCs, desktops, all-in-ones, laptops, Macs, etc.
- 9.1 The scene should be searched to determine if any wireless networks or networking devices exist. For networked or business computers, the investigator shall consult a computer specialist for assistance prior to seizing the computer or any component thereof. The investigator should not pull the plug on a networked or business computer as this could result in:
 - 9.1.1 Severe damage to the system;
 - 9.1.2 Disruption of legitimate business; and
 - 9.1.3 Unnecessary liability for the RPD and the officer.
 - 9.2 If the evidence computer or device is connected to a network:
 - 9.2.1 Assistance should be sought from the system administrator in isolating the computer or device from the network, presuming the administrator is not a suspect in the case. Note: If the system administrator is a suspect in the case, assistance should be sought from personnel knowledgeable in the network's operation;
 - 9.2.2 Isolate and remove the evidence computer or device from the network immediately.
 - 9.3 Document the location and condition of all computers and/or devices. Photograph the entire scene.
 - 9.4 Document any open file(s) on the computer. Photograph the computer monitor screen or any other displays.
 - 9.5 The examiner may choose to capture live memory. See Live Capture Module.

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10. Shutdown procedures:

- 10.1 STOP! If data encryption is in use on a computer, data storage device, or other electronic device and it is improperly powered off during digital evidence collection, the data it contains may become inaccessible. Consult a CFU member for guidance.
- 10.2 Power the computer down normally via the operating system (OS).
- 10.3 If the device is powered by an internal battery, remove it. If this is not possible, power the device down normally via the OS.
- 10.4 Place evidence tape over any drive slots.
- 10.5 Remove any connected external media after device is powered down and document where the device was inserted.
- 10.6 Document all connections to the computer. Photograph all wired connections.
- 10.7 Search the scene for passwords, account numbers, or other pertinent information.
- 10.8 Document all actions taken.

11. Removable Media

- 11.1 Document and photograph the location and condition of all removable media.
- 11.2 Remove any connected external media (e.g., external drives or thumb drives) after the computer has been powered down.

12. Handheld Devices

- 12.1 Document and photograph the location and condition of all handheld digital devices, including on-screen data.
- 12.2 Turning the device off could activate lockout procedures.
- 12.3 Handheld devices may lose data or activate security measures if the battery is allowed to fully discharge. If you suspect the battery will die before the device is processed by the CFU, contact a CFU member for guidance.

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- 12.4 If the phone is off, remove the battery if possible. It's okay to store the battery in the same evidence container as the phone.
 - 12.5 Photograph the screen(s).
 - 12.6 Interview suspects /witnesses to attempt to obtain PINs, pattern codes, or other security codes.
 - 12.7 Put the device into "Airplane Mode" and disable Wi-Fi and Bluetooth or similar functions.
 - 12.8 The courts have held that actions taken to preserve data are generally not 4th Amendment violations and do not constitute a search.
 - 12.9 Do not look at any other data on a device unless exigent circumstances are present.
 - 12.10 Search the scene for any removable media, passwords, or other data and evidence. In cases of water submerged devices, contact the CFU immediately so we can start the process of cleaning/drying and minimize corrosion and data loss.
 - 12.11 Document all actions taken.
13. Evidence - Any item to be removed from the scene should be properly packaged and secured. Special precautions should be taken when packaging, transporting, and storing electronic evidence. To maintain chain of custody of electronic evidence, document its packaging, transportation, and storage. The electronic evidence will be packaged, transported, and stored in the following manner:
 - 13.1 Packaging procedure:
 - 13.1.1 Ensure all collected electronic evidence is properly documented, labeled, and inventoried before packaging;
 - 13.1.2 Pay special attention to latent or trace evidence and take actions to preserve it;
 - 13.1.3 Pack magnetic media in antistatic packaging. Avoid using packaging materials that can produce static electricity;
 - 13.1.4 Avoid folding, bending, or scratching computer media such as diskettes, CD-ROMs, and tapes;
 - 13.1.5 Ensure all containers used to hold evidence are properly labeled
 - 13.2 Device storage:
 - 13.2.1 Secure all seized devices in the appropriate location in evidence.

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13.2.2 If a member of the Cyber Unit is available, coordinate with them for best practice.

13.3 Evidence Preservation: Crime Scene/Field Response

13.3.1 The purpose of this procedure is to secure digital evidence located at a non-laboratory location to preserve its integrity for further forensic processing. **When requested, the CFU will assist any case investigator with the proper drafting and execution of search warrants or consensual searches for digital evidence to ensure the evidence is properly seized.**

13.3.2 This module describes procedures to follow when providing digital forensics assistance at non- laboratory locations. The physical seizure of evidence from any crime scene can be conducted by any peace officer following the current guidelines for seizing electronic evidence. **The CFU will conduct training in the proper seizure procedures as requested and as necessary. All standard procedures regarding evidence handling apply.**

13.3.3 A digital forensics field response kit may contain some of the following:

- 13.3.3(a) Digital camera;
- 13.3.3(b) Sterilized removable media;
- 13.3.3(c) Forensic computer or laptop;
- 13.3.3(d) Hardware and software write-blockers;
- 13.3.3(e) Forensically sound boot disks;
- 13.3.3(f) Mobile device acquisition tools;
- 13.3.3(g) Tool kit (screw drivers, flashlight, etc.);
- 13.3.3(h) Evidence packaging materials;
- 13.3.3(i) Notepads;
- 13.3.3(j) Gloves;
- 13.3.3(k) Evidence logs;
- 13.3.3(l) Anti-static bags;
- 13.3.3(m) Radio frequency shielding material.

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ORDINANCE NO. 25-_____

AN ORDINANCE REPEALING CHAPTER 14, SECTION 715 OF THE CITY OF ROGERS CODE OF ORDINANCES; REPEALING THE DOWNTOWN NEIGHBORHOOD TRANSITION ZONING DESIGNATION; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Department of Community Development desires to repeal Chapter 14 § 14-715 of the City's Code of Ordinances and to remove the Downtown Neighborhood Transition Zone (D-NBT) as the City's official zoning map no longer contains that designation;

WHEREAS, the elimination of the D-NBT zoning designation after one year was contemplated with the passing of the Unified Development Code through Ordinance No. 24-34; and

WHEREAS, the Planning Commission recommended approval of this ordinance at its July 15, 2025 meeting.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS, THAT:

Section 1: The City of Rogers' Code of Ordinance § 14-715 is hereby repealed and the Municode Corporation is hereby instructed to make said revision;

Section 2: Emergency Clause: The need to repeal § 14-715 of the City of Rogers Code of Ordinances as described in this Ordinance is immediate in order to protect the public peace, health, safety, and welfare. An emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director, Department of Community Development

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 25- _____

AN ORDINANCE ACCEPTING AN EASEMENT PLAT OF HONEYSUCKLE LANE TRAILER MAINTENANCE SHOP, ROGERS, BENTON COUNTY, ARKANSAS; THE DEDICATION OF EASEMENTS AND OTHER PUBLIC WAYS THEREIN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Easement Plat has been submitted for Honeysuckle Lane Trailer Maintenance Shop in Rogers, Benton County, Arkansas which is more particularly described as follows, to-wit:

BEING ALL OF LOTS 1A, 2E, AND 2F OF THE HONEYSUCKLE LANE COMMERCIAL ADDITION IN THE CITY OF ROGERS ACCORDING TO THE OFFICAL PLAT THEREOF RECORDED AS INSTRUMENT NUMBER L202335447 IN THE RECORDS OF BENTON COUNTY, ARKANSAS, ALSO DESCRIBED AS BEING A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS.

WHEREAS, the City Council finds that said Easement Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Easement Plat be approved and the dedication of easements and other public ways be accepted and confirmed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS, THAT:

Section 1: The Easement Plat of Honeysuckle Lane Trailer Maintenance Shop in Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed;

Section 2: All dedication of easements and public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat;

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development

Prepared by: John M. Pesek, Senior Staff Attorney