


# FORT SMITH POLICE DEPARTMENT

## POLICIES AND PROCEDURES

SUBJECT	Police Vehicle Operations		
NUMBER	1102.04	EFFECTIVE DATE	August 20, 1999
SCHEDULED REVIEW DATE	Annually beginning April 1	ISSUE DATE	August 20, 1999
DATE REVIEWED	May 27, 2025	REVISION DATE	December 21, 2023
APPROVED BY		CALEA STANDARDS	LE41.2.1; LE 41.2.2; LE 41.3.1; LE 41.3.2; LE 41.3.3; LE 61.3.3

### I. Purpose and Scope

- A. The purpose of this policy is to define the policies and procedures governing the operation of Fort Smith Police Department vehicles.
- B. This policy shall apply to all members of the Fort Smith Police Department.

### II. Policy

- A. The Fort Smith Police Department (FSPD) recognizes that the operation of a motor vehicle can be an inherently dangerous procedure, particularly if the vehicle is being operated under emergency conditions. It is the policy of the FSPD that any motor vehicle owned, rented, leased, controlled, or seized by the FSPD shall be operated in a manner that provides the maximum consideration for safety, both to the officer and to the public.

### III. Definitions

- A. Emergency Driving/Emergency Response/Code Three Response (non-pursuit situations): Emergency Driving is defined as the operation of an authorized emergency vehicle (emergency lights and siren in operation) by a police officer in response to a life-threatening situation or a violent crime in progress, exercising due regard for the safety of others.
- B. Marked Police Vehicle - A Marked Police Vehicle is defined as a conspicuously-marked patrol car readily identified as a FSPD vehicle. A marked FSPD vehicle will have exterior and/or interior mounted emergency blue lights, siren, and reflective striping and lettering of the police department. The FSPD's name and emergency number will be on all marked police vehicles.
- C. Unmarked Police Vehicle - An Unmarked Police Vehicle is defined as a vehicle not distinctly identified as an FSPD vehicle.

### IV. Emergency Driving Procedures - General (Non-Pursuit Situations)

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- A. The FSPD's primary concern in emergency driving situations is the protection of the lives and safety of all citizens and officers. During emergency driving situations, officers will operate their vehicles with extreme caution and in compliance with A.C.A. § 27-37-202, which requires the emergency light bar and siren to be activated on authorized emergency vehicles. Emergency driving does not relieve the officer from the duty to drive with due regard for the safety of all persons, nor will these provisions protect the driver from the consequences of his disregard for the safety of others.
- B. The decision to engage in emergency driving will be discretionary with each individual officer, based on the following considerations:
1. When deciding to initiate or continue emergency driving, officers shall consider such factors as traffic volume, time of day, and potential hazard or liability to themselves and the public.
  2. Emergency responses shall be made only when the call involves a life-threatening situation or a violent crime in progress. These calls will be designated by the Communications Unit through the CAD system as Priority Levels "0," "1," and "2."
  3. Officers shall have sufficient information to justify the decision to engage in emergency driving.
  4. Officers responding to an "officer needs assistance" call must bear in mind that even though a rapid response is important, they must arrive at the scene safely in order to be of assistance.
  5. Officers who are performing emergency driving should not operate the vehicle's emergency flashers because the operation of emergency flashers will make the turn signals inoperative.
  6. Officers shall not engage in an emergency response to those calls believed to be "routine" or non-emergency in nature.
- C. Upon deciding to make an emergency response to any authorized situation, officers will immediately notify Communications of their decision.
1. When making an emergency response, all officers will notify Communications by using the term "Code Three." This will indicate the officer will be employing an emergency response using emergency blue lights and siren.
  2. Patrol supervisors shall override the officer's decision to make an Emergency/Code Three Response if, in their judgment, it is not warranted or cannot be done safely. The supervisor of the officer making an emergency response will normally be responsible for making this determination.
- D. No officer shall operate a police vehicle in Emergency/Code Three response if any passengers other than another police officer or a person who has signed a release or waiver of liability occupy the police vehicle.
- E. Police vehicles without emergency lights and siren will not make Emergency/Code Three responses.

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F. FSPD unmarked police vehicles shall not be routinely used for traffic enforcement. This does not prohibit the use of unmarked police vehicles from observing violations and making the actual stop in extreme situations or where the general public's safety is in peril.

G. Police Escorts

1. Non-emergency police escorts involve an officer in a police vehicle assisting a motorist in another vehicle to a specific location during which all motor vehicle laws are obeyed, both by the officer and the escorted party. Non-emergency escorts may be performed by a unit:
  - a. Upon notification to Communications, if the escort does not leave the officer's assigned area of responsibility; or,
  - b. Upon approval from a supervisor and notification to Communications, if the escort leaves the officer's assigned area of responsibility.
2. Planned escorts of dignitaries, public officials, emergency vehicles, oversized loads, and hazardous materials may be authorized as part of an approved Special Event Application, an approved Unusual Occurrence Notification, or at the discretion of the Chief of Police or his/her designee. The department does not routinely provide escorts of funerals. Requests for such escorts will be reviewed and evaluated by, the Patrol Special Operations Captain or his/her designee.
3. Unless authorized under section G.2. of this policy, *Officers shall not engage in police escorts of private vehicles in emergency response mode.*

V. **Non-Emergency Operation of Departmental Vehicles**

- A. Personnel who operate any City of Fort Smith-owned, rented, leased, controlled, or seized vehicles are required to possess a valid state driver's license. License validations will be conducted annually.
1. All employees who are covered by this policy shall be deemed to have consented to the periodic verification of their driving status by the FSPD as a condition of employment.
  2. In the event an employee shall have his/her driving privileges revoked, suspended, or restricted by judicial order, he/she shall immediately notify his/her supervisor, who shall notify the Office of Professional Standards. No employee shall operate a City-owned vehicle while their driving privileges are revoked, suspended, or restricted by judicial order, unless such operation is authorized under that order.
- B. Police employees will comply with all city ordinances and state laws when operating vehicles owned, rented, leased, controlled, or seized by the City.
- C. Employees will use seat belts at all times when operating any city vehicle.
1. As an exception to this requirement, officers may remove their seatbelt when they are within a reasonable distance from, and/or within a reasonable time of stopping their police vehicle at a location that would likely require a rapid egress from the police vehicle. Examples of such situations might include arrival at a disturbance

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call, initiating a traffic stop in which the officer has observed indications the driver may flee on foot, or driving slowly down an alley while looking for a suspect.

- D. Employees will ensure their assigned vehicles have sufficient gas and oil for their assigned shift and the tires are properly inflated.
- E. All officers will inspect their assigned vehicles prior to their shift for damage or missing equipment and will inspect the rear seat area for contraband or evidence. (Officers shall inspect the rear seat area after transporting every prisoner.)
- F. All vehicle damage or missing equipment will be reported to a supervisor prior to the vehicle being placed into service. (After the vehicle is in service, the operating officer shall be responsible for any damage or missing equipment.) The supervisor will initiate an investigation to determine the cause and document his findings. The reports will be forwarded through the chain of command to the Division Commander for resolution.
- G. Employees shall ensure their police vehicles are kept clean and free of trash.
- H. Officers will, at all times, ensure the spare tire is in its proper location and secured to avoid damage to radio equipment. When a police vehicle has a flat tire at any time, the assigned officer will have the tire repaired/replaced, after approval of a supervisor.
- I. Vehicle operators shall secure all city-owned vehicles upon leaving them unattended.
- J. Careless, abusive, negligent, or reckless handling of any vehicle by any employee shall result in disciplinary action.

#### **VI. Assigned Vehicles**

- A. Assigned vehicles will be used for departmental business and response to incidents when the assigned operator is required to respond to the scene.
- B. These vehicles are not provided for the personal use of their operators, but for the benefit of the department in case their operators are required to respond to any situation. Generally, the use of these vehicles shall be limited to duty-related activities. Family members and/or other non-departmental employees shall not be routinely transported in departmental vehicles. Exceptions to this policy must have prior approval of a supervisor.
- C. Departmental vehicles will not be driven beyond the limits of counties immediately contiguous to Sebastian County without the approval of the individual's immediate supervisor.
- D. The maintenance of the vehicle is the responsibility of the person assigned to the vehicle. Modifications will not be made to the vehicle without supervisory approval.
- E. Each person is responsible for maintaining any equipment they might need in the vehicle.

#### **VII. Crashes and Damage to City Vehicles**

- A. Any officer or civilian employee who damages a city vehicle or becomes involved in a motor vehicle crash with a city owned, rented, leased, controlled, or seized vehicle, will immediately notify his/her supervisor. If his/her supervisor is not available, any on-duty police supervisor will be notified.

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B. If the crash occurs within the city limits of Fort Smith, a patrol supervisor will have an Arkansas Motor Vehicle Accident Report or incident report completed.

1. The investigating supervisor and investigating officer will sign the report.
2. The investigating supervisor shall be responsible for the report's content.
3. Accidents resulting from or involving a motor vehicle pursuit or when serious but non-fatal injury or extensive property damage occurs, the on-duty supervisor shall proceed to the scene to directly supervise the investigation. He/she may request the assistance of a supervisor or officer trained in accident reconstruction and/or advanced accident investigation to complete the investigation. If the accident is a fatality, a request to the Arkansas State Police to conduct the investigation will be made by the Chief of Police or his/her designee. Should the ASP decline the request, an officer trained in accident reconstruction and/or advanced accident investigation shall conduct the investigation.
4. The investigating supervisor is responsible for having the State SR-1 form completed.
5. **The investigating supervisor will be responsible for completing BlueTeam entries for crashes occurring within the city limits and will ensure they are completed prior to the conclusion of the shift. BlueTeam entries shall then be forwarded through the chain of command.**

C. If the crash occurs outside the city limits of Fort Smith, the employee will contact the police agency having jurisdiction to complete an official crash or incident report, if such service is available in that jurisdiction. The employee is responsible for ensuring all necessary documentation regarding the damage or crash is submitted. The supervisor notified by the employee shall be the investigating supervisor.

1. If the crash results in any of the following:
  - a. Fatality; or
  - b. Serious injury; or
  - c. Extensive property damage; or
  - d. Involves a pursuit, the investigating supervisor shall proceed to the scene if it is within a radius of twenty-five miles from the city limits of Fort Smith. The investigating supervisor will gather information about the crash, aid the investigating agency, aid the employee, evaluate the employee's condition, and initiate a drug test, if appropriate.
2. The investigating supervisor is responsible for having the State SR-1 form completed if the crash occurs in Arkansas.
3. **The investigating supervisor will be responsible for completing the BlueTeam entries for damage or crashes occurring outside the city limits and will ensure they are completed prior to the conclusion of the current shift or prior to the conclusion of the next shift if after hours. The BlueTeam entries shall then be forwarded through the chain of command.**

D. The BlueTeam entry shall include:

- a. Investigating supervisor's evaluation;
- b. Crash report (copy);

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- c. Involved officer's memorandum;
  - d. Arrest report (copy, if any);
  - e. SR-1 form (copy);
  - f. Copies of Workers' Compensation forms if an injury has occurred to an involved employee;
  - g. Any photographs, audio and videotapes.
- E. Any employee who is involved in a traffic crash in an FSPD vehicle resulting in physical injury to any person or a vehicle being immobilized to the point it has to be towed from the scene will be tested for drugs and alcohol as soon as practical following the incident.
- F. Any employee who damages an FSPD vehicle resulting in physical injury to any person, or a vehicle being immobilized to the point it has to be towed from the scene, will be tested for drugs and alcohol as soon as practical following the incident.
- G. The Special Operations Division Commander or his/her designee shall compose a monthly report in regards to accidents involving department vehicles. The report will be disseminated to all members of the department and the Human Resource representative for Risk and Safety Management.

#### **VIII. Crash Review Board**

- A. When an officer or civilian employee is involved in a motor vehicle crash while driving a city vehicle, the officer or civilian employee's supervisor will evaluate the file but will not make a final recommendation.
- B. A Crash Review Board shall evaluate submitted crashes where there is a belief the employee was at fault. Their evaluation shall be based on:
- 1. Ability to avoid the crash;
  - 2. Adequacy of training;
  - 3. Adherence to training and departmental policies; and
  - 4. Past driving record.
  - 5. Seriousness of the crash.
- C. The Crash Review Board shall be comprised of:
- 1. A captain, who will chair the board;
  - 2. A supervisor of any rank; and,
  - 3. An officer of any rank appointed by the Office of the Chief of Police, or his designee, who does not work with the involved officer.
- D. After conducting the review, the Crash Review Board will develop its findings and disciplinary recommendations.

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1. If the board recommends informal discipline and the Chief of Police agrees, the matter will be resolved by the board's recommendation.
  2. Should the board recommend formal discipline, the matter will be referred to the employee's supervisors who will review the file and the board's recommendation and make a final recommendation to the Chief of Police.
- E. All investigations, board reviews, and chain-of-command reviews of police-involved traffic crashes shall be completed within twenty (20) calendar days from the date of the crash unless investigative considerations warrant delay and the Chief of Police or his designee approves.
- F. Upon final disposition of the review, the officer or civilian employee shall receive a copy of the Crash Review Board's final recommendations.

**IX. Off-Duty Police Officers - Private Vehicle Crashes**

- A. When a sworn police officer is involved in any motor vehicle crash as the driver, whether on private property or a public thoroughfare, in a private vehicle within the city limits of Fort Smith, an on-duty police supervisor will be notified. The supervisor will respond to the scene and be responsible for supervising the crash investigation. In the event a crash report is completed, both the supervisor and the investigating officer will each sign the crash report.
- B. A police officer will investigate crashes involving cadets and civilian employees when they are driving a private vehicle within the city limits of Fort Smith. A supervisor shall respond to the scene for an evaluation. If any injury or unusual circumstances are noted, all pertinent information shall be passed on to the Administrative Services Division via inter-office memo.

**X. Monthly Vehicle Inspection**

- A. Division Commanders shall be responsible for ensuring all vehicles assigned to their respective divisions are inspected monthly utilizing the online inspection form, with all documentation completed by the 1st of the month and forwarded to the Fleet Coordinator.

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