

**LITTLE ROCK POLICE DEPARTMENT  
GENERAL ORDER**

<b>G.O. 107 LIMITS OF AUTHORITY</b>
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<b>DATE:</b> 07/25/2016	<b>DISTRIBUTION:</b> DEPARTMENTAL	<b>REPLACES:</b> G. O. 107 (06/09/2010)	<b>NUMBER:</b> G.O. 107
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**I. Limits of Authority**

- A. Officers of the Little Rock Police Department shall at all times enforce the laws, resolutions, and ordinances of the City of Little Rock and the laws of the State of Arkansas relating to crimes committed within the City and take appropriate enforcement action.
- B. In cases where circumstances indicate a violation of Federal Law has been committed the appropriate Federal agency will be notified. Officers of the Little Rock Police Department have the authority to enforce Federal law where concurrent jurisdiction exists.
- C. For the purposes of protecting life and property, officers shall always be considered on duty while in the City of Little Rock and shall be prepared to act any time circumstances indicate their services are required.
- D. All officers shall perform their duties as required or directed by law, departmental rule, policy, directive, or by order from a supervisory officer.
- E. All personnel, while representing themselves to be acting in an official capacity, shall provide official agency photo identification, upon request from any individual questioning their identity. Exception: when the withholding of that information is necessary for the performance of police duties or is authorized by proper authority.
- F. Pursuant to ACA 5-73-104 and 5-73-120, a law enforcement officer may carry and use weapons, which would otherwise be illegal.
- G. All newly employed recruits will be required to satisfactorily complete the basic recruit training program, prior to being sworn in as a police officer for the Little Rock Police Department. Only upon completion of this program, will a probationary officer be allowed to carry a weapon or be placed in a position to make an arrest.

**II. Constitutional Requirements During Criminal Investigations**

- A. Little Rock Police Department personnel who are engaging in criminal investigations or law enforcement actions shall make sure that all persons are afforded the rights and protection guaranteed by the Constitution of the United States. Sworn personnel shall not perform their duties in any manner that shall cause a suspect to be coerced to admit or involuntarily confess to a crime.
- B. Little Rock Police Department personnel shall not cause any unnecessary delay in arraignment nor shall they fail to inform defendants of their rights against self-incrimination.

- C. Little Rock Police Department personnel shall not deprive any person counsel or contribute to any pretrial publicity that would tend to prejudice a fair trial.
- D. Whenever a member of the Little Rock Police Department initiates a custodial interview of a suspect, the individual shall immediately be read the “Miranda Warning” from the Little Rock Police Department form which states:
1. You have the right to remain silent.
  2. Anything you say can and will be used against you in court.
  3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
  4. If you can not afford to hire a lawyer, one will be appointed to represent you before any questioning at no cost to you, if you wish.
  5. You can decide at any time to exercise these rights and not answer any questions or make any statements.
- E. After the warning has been read and signed, the “Waiver of Rights” on the Little Rock Police Department form should be read to the suspect. The “Waiver of Rights” states:
1. I have read the above statement of my rights and fully understand each and every right. No promises or threats have been made to induce me into making this statement. With full knowledge of my rights, I hereby waive those rights and agree to answer questions concerning the offense which I am suspected of committing.
- F. Should the suspect state he will not answer any questions, all questioning of the suspect will cease immediately.
- G. Should the suspect agree to answer questions but wishes to talk to an attorney or have an attorney present:
1. All questioning of the suspect will cease immediately.
  2. The suspect shall be allowed to contact his attorney, or if the suspect wishes an attorney but he cannot afford an attorney, the Public Defender’s Office shall be immediately notified by the officer handling the case. The Public Defender will be allowed to establish whether or not the suspect fits the criteria for assistance from the Public Defender’s Office. All questioning of the suspect will cease until the attorney arrives and confers with the suspect.
- H. Should the suspect agree to talk to the officer, whether the suspect is in custody, not in custody, or has an attorney present, the questioning of the suspect shall be deemed an official interview.

**III. Authority to Request Cooperation**

- A. An officer may request any person to furnish information or otherwise cooperate in the investigation or prevention of crime. Officers may request the person to respond to questions, to appear at the nearest appropriate police facility, or comply with any other reasonable request.
- B. In making a request, no officer shall indicate that a person is legally obligated to furnish information or to otherwise cooperate if no such legal obligation exists. Compliance with the request for information or other cooperation shall not be regarded as involuntary or coerced solely on the ground that such a request was made by a law enforcement officer.
- C. Officers requesting any person to come to or remain at the nearest appropriate police facility, Prosecuting Attorney's Office or other similar place, shall take such steps as are reasonable to make it clear that there is no legal obligation to comply with such a request.

**IV. Stopping and Detaining of Persons**

- A. An officer lawfully present in any place may, in the performance of their duties, stop and detain any person who they reasonably suspect is committing, has committed, or is about to commit a felony or a misdemeanor involving danger of forcible injury to persons or of appropriation of or damage to property, if such action is reasonably necessary either to obtain or verify the identification of the person or to determine the lawfulness of his conduct. An officer may require the person to remain in or near such place in the officer's presence for a period of not more than fifteen minutes or for such time as is reasonable under the circumstances. At the end of such period the person detained shall be released without further restraint, or arrested and charged with an offense.
- B. Officers who have detained a person shall immediately advise that person of their official identity and the reason for the detention.
- C. Officers may use such nondeadly force as may be reasonably necessary under the circumstances to stop and detain any person for the purpose authorized in this General Order.
- D. If an officer has detained a person he reasonably suspects is armed and presently dangerous to the officer or others, the officer or someone designated by him may search the outer clothing of such person and the immediate surroundings for, and seize, any weapon or other dangerous thing which may be used against the officer or others. In no event shall this search be more extensive than is reasonably necessary to ensure the safety of the officer or others.
- E. Whenever an officer has reasonable cause to believe that any person found at or near the scene of a felony is a witness to the offense, he may stop that person. After having identified himself, the officer must advise the person of the purpose of the stopping and may then demand of him his name, address, and any information he may have regarding the offense. Such detention shall in all cases be reasonable and shall not exceed 15 minutes unless the person shall refuse to give such information, in which case the person, if detained further, shall immediately be brought before any judicial officer or Prosecuting Attorney to be examined with reference to his name, address, or the information he may have regarding the offense.
- F. Use Of Discretion By Officers
  - 1. A decision not to arrest when there are grounds to arrest is, at times, considered good law enforcement practice. Public empathy can be enhanced by the careful use of discretion,

and potential ill will can be avoided between police contacts and officers of the department.

2. If an arrest is not made at the time of the offense, officers, if they find it necessary, may obtain a warrant of arrest against the offender at a later date.
3. If an officer makes a decision not to arrest, his decision should be based on but not limited to:
  - a) The arrest would cause greater danger to the public than not attempting to arrest the offender.
  - b) The arrest would cause harm to an offender who poses no threat of danger to the public; such as a juvenile offender whose wrong doing could best be handled by a warning or informal discussion with parents.
  - c) The officer should always consider the seriousness of the offense and its consequences.
  - d) Should any questions arise concerning a particular incident, the officer involved should confer with a supervisor.

#### **V. Recommendations for Driver's License Retest**

- A. A law enforcement officer may encounter motorists whom, in his opinion, are incapable of exercising reasonable care while operating a motor vehicle. The motorist may be incompetent, have a physical disability or mental disease which affects that persons ability to operate a motor vehicle. When that occurs the officer should:
  1. Complete all reports related to the action or incident for which the motorist was stopped.
  2. Write on the front of the ticket "Officer recommends retest".

#### **VI. The Issuance of Written Warning for the Violations of Act 247 and 197**

- A. A law enforcement officer will issue warning citations on the Arkansas Uniform Traffic Citation for violations of A.C.A. 27-51-1603 and 27-51-1604, which are secondary offenses.
  1. It is a violation of 27-51-1603 if the operator of a motor vehicle who is under the age of 18 uses a wireless telephone for talking, typing, texting messages, email, or accessing the internet, and will be issued a warning for the first offense.
  2. It is a violation of 27-51-1604 if the operator of a motor vehicle who is at least 18, but under 21 years of age uses a wireless telephone for talking, typing, texting messages, email, or accessing the internet unless the operator is utilizing a hands free wireless phone, and will be issued a warning for the first offense.
  3. The law enforcement officer will note the violation on the Arkansas Uniform Traffic Citation and denote it is a warning if a first offense. The law enforcement officer will not set a court date for the warning.

4. The warning citation will be processed in the same manner as regular citations. The Little Rock Municipal Traffic Court will forward the warning citations to the State Traffic Violation Records.
5. When it is determined that the operator has had a warning issued for violation of either statute, the operator shall be issued an Arkansas Uniform Traffic Citation in accordance with current departmental policy.

## **VII. Arrest Procedures**

### **A. Authority to Arrest Without a Warrant**

1. A law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed:
  - a) A felony;
  - b) A traffic offense involving:
    - (1) Death or physical injury to a person;
    - (2) Damage to property; and/or,
    - (3) Driving a vehicle while under the influence of an intoxicating liquor or drug;
  - c) Any violation related to Domestic Abuse; and,
  - d) Any violation of law in the officer's presence.
2. A private person may make an arrest where he has reasonable grounds for believing that the person arrested has committed a felony.
3. An arrest shall not be deemed to have been made on insufficient cause hereunder solely on the ground that the officer or private citizen is unable to determine the particular offense which may have been committed.
4. A warrantless arrest by an officer not personally possessed of information sufficient to constitute reasonable cause is valid where the arresting officer is instructed to make the arrest by a police agency which collectively possesses knowledge sufficient to constitute reasonable cause.

**B.** Any law enforcement officer may arrest a person pursuant to a warrant in any county in the state.

**C.** An officer is not required to have a warrant in his possession at the time of an arrest, but upon request he shall show the warrant to the accused as soon as possible. If the officer does not have the warrant in his possession at the time of arrest, he shall inform the accused of the fact that the warrant has been issued.

- D. An unsuccessful attempt to serve a warrant shall be documented on a Warrant Tracking Form (LRPD 5600-141) and forwarded to the Warrants Unit.
- E. Procedures on Arrest
1. Upon making an arrest, an officer shall:
    - a) Identify himself as such unless his identity is otherwise apparent;
    - b) Inform the arrested person that he is under arrest; and,
    - c) As promptly as is reasonable under the circumstances, inform the arrested person of the cause of arrest.
  2. Any person arrested shall be brought promptly to the Pulaski County Regional Jail, nearest appropriate police facility, or other similar place. The arresting officer may, however, first take the person to some other place, if:
    - a) The person so requests; and/or,
    - b) Such action is reasonably necessary for the purpose of having the person identified;
      - (1) By a person who is otherwise unlikely to be able to make the identification; and/or,
      - (2) By a person near the place of the arrest or near the scene of a recently committed offense.
- F. No officer shall question an arrested person if the person has indicated in any manner that he does not wish to be questioned, or that he wishes to consult counsel before submitting to any questioning.
- G. Authority to Issue Citations
1. An officer in the field acting without a warrant who has reasonable cause to believe that a person has committed any misdemeanor may issue a citation in lieu of arrest or continued custody.
  2. When a person is arrested for any misdemeanor, the ranking officer on duty at the place of detention to which the arrested person is taken may issue a citation in lieu of continued custody.
  3. Any suspect arrested for an offense related to Domestic Abuse will not be issued a Citation to Appear.
  4. Upon the recommendation of the Prosecuting Attorney, the ranking officer on duty at the place of detention to which the arrested person is taken may issue a citation in lieu of continued custody when the person has been arrested for a felony.

5. In determining whether to continue custody or issue a citation, the officer shall inquire into and consider facts about the accused, including but not limited to:
  - a) Place and length of residence;
  - b) Family relationships;
  - c) References;
  - d) Present and past employment;
  - e) Criminal record; and,
  - f) Other relevant facts such as:
    - (1) Whether an accused fails to identify himself satisfactorily;
    - (2) Whether an accused refuses to sign a promise to appear pursuant to citation;
    - (3) Whether detention is necessary to prevent imminent bodily harm to the accused or to another;
    - (4) Whether the accused has ties to the jurisdiction reasonably sufficient to assure his appearance and there is a substantial likelihood that he will respond to a citation; and,
    - (5) Whether the accused previously has failed to appear in response to a citation.

### **VIII. Arrest Procedures on any Educational Institution Properties**

- A. A supervisor shall be contacted in the event an officer is required to enter the property of an educational institution under the following condition.
  1. In the event that officers are called to respond to any educational institution where criminal allegations are made against school personnel, they shall immediately notify their supervisor.
  2. Officers will notify their supervisor prior to the attempted service of a warrant on any school personnel currently on the property of an educational institution.
  3. Except under emergency conditions, school personnel will not be arrested and/or forcibly removed from a classroom until a supervisor has arrived and evaluated the circumstances. If possible, an arrest will not be made in the presence of children.
  4. A supervisor will be notified and will respond to the scene of any Little Rock school campus where felony criminal allegations are made against school personnel.

**IX. Consent to Search**

- A. Authority To Search And Seize Pursuant To Consent
1. An officer may conduct searches and make seizures without a search warrant or other color of authority if consent is given to the search or seizure.
  2. Prior to a search by consent, officers of the Little Rock Police Department will whenever possible have the person consenting to the search sign a Little Rock Police Department Consent to Search Form.
  3. A verbal consent may be given under certain circumstances when a written consent to search form is not practical. Wherever possible two sworn officers should witness consent, and a written report will immediately be prepared listing facts surrounding the verbal consent and any and all witness of the consent. A supervisor will immediately be notified of the circumstances involving the consent to search and the documentation involved.
- B. The consent justifying a search and seizure can only be given, in the case of:
1. Search of an individual's person, by the individual in question or, if the person is under fourteen years of age, by both the individual and his parent, guardian, or a person in loco parentis;
  2. Search of a vehicle, by the person registered as its owner or in apparent control of its operation or contents at the time consent is given; and,
  3. Search of premises, by a person who, by ownership or otherwise, is apparently entitled to give or withhold consent.
- C. A search based on consent shall not exceed, in duration or physical scope, the limits of the consent given.
- D. A consent given may be withdrawn or limited at any time prior to the completion of the search, and if so withdrawn or limited, the search under authority of the consent shall cease, or be restricted to the new limits, as the case may be. Things discovered and subject to seizure prior to such withdrawal or limitation of consent shall remain subject to seizure despite such change or termination of the consent.

**X. Search and Seizure**

- A. An officer who is making a lawful arrest may, without a search warrant, conduct a search of the person or property of the accused for the following purposes only:
1. To protect the officer, the accused, or others;
  2. To prevent the escape of the accused;
  3. To furnish appropriate custodial care if the accused is jailed; and/or,

4. To obtain evidence of the commission of the offense for which the accused has been arrested or to seize contraband, the fruits of crime, or other things criminally possessed or used in conjunction with the offense.
- B. An officer making an arrest and the authorized officials at the police station or other place of detention to which the accused is brought may conduct a search of the accused's garments and personal effects ready at hand, the surface of his body, and the area within his immediate control.
- C. Search of the Person: Search of Body Cavities and Strip Searches.
1. When time, conditions, and circumstances permit a search warrant will be obtained before continuing any strip or search or body cavity search.
  2. Search of an accused's blood stream, body cavities, and subcutaneous tissues conducted incidental to arrest may be made only:
    - a) If there is a strong probability that it will disclose things subject to seizure and related to the offense for which the individual was arrested;
    - b) If it reasonably appears that the delay consequent upon procurement of a search warrant would probably result in the disappearance or destruction of the objects of the search; and,
    - c) If it reasonably appears that the search is otherwise reasonable under the circumstances of the case, including the seriousness of the offense and the nature of the invasion of the individual's person.
    - d) When the search pursuant to this section is conducted by a physician or a licensed nurse.
  3. When a body cavity search is performed, the arresting officer must justify, in writing, the circumstances for the search. A supervisor will be notified as soon as possible and the circumstances involving the search will be documented.
  4. When a strip search is deemed necessary, the officer conducting the strip search will be of the same sex as the person being searched, and will be conducted out of public view. Any time a person is strip searched, a supervisor will be notified as soon as possible and the circumstances involving the strip search will be documented.
  5. Any search pursuant to this section shall be conducted in a location where the privacy of the individual is assured.
- D. Search and Seizure Incidental to Arrest
1. If, at the time of arrest of a recent occupant of a vehicle, the arresting officer may search the vehicle if the arrestee is within reaching distance of the passenger compartment at the time of the search or if it is reasonable to believe that the vehicle contains things which are connected with the offense for which the arrest was made. Under these circumstances, the arresting officer may seize any things subject to seizure that are discovered during the course of the search.

2. The search of a vehicle pursuant to this section shall only be made contemporaneously with the arrest or as soon thereafter as is reasonably practicable.

E. Search of Premises: Permissible Circumstances, Time and Scope

1. The arresting officer may search such premises or part thereof for such things, and seize any things subject to seizure, if at the time of arrest:
  - a) The accused is in or on premises, all or part of which he is apparently entitled to occupy; and
  - b) In view of the circumstances, the officer has reason to believe that such premises or part thereof contain things which are:
    - (1) Subject to seizure;
    - (2) Connected with the offense for which the arrest is made; and,
    - (3) Likely to be removed or destroyed before a search warrant can be obtained and served.
2. Search of premises pursuant to this subsection shall only be made contemporaneously with the arrest, and search of building interiors shall only be made consequent upon an entry into the building made in order to affect an arrest therein. In determining the necessity for and scope of the search to be undertaken, the officer shall take into account, among other things, the nature of the offense for which the arrest is made, the behavior of the individual arrested and others on the premises, the size and other characteristics of things to be searched for, and whether or not any such things are observed while making the arrest.

F. Custodial Taking of Property Pursuant to Arrest; Vehicles

1. Things not subject to seizure which are found in the course of a search of the person of an accused may be taken from his possession if reasonably necessary for custodial purposes. Documents or other records may be read or otherwise examined only to the extent necessary for such purposes, including identity checking and ensuring the physical well being of the person arrested.
2. A vehicle impounded in consequence of an arrest, or retained in official custody for other good cause, may be searched at such times and to such extent as is reasonably necessary for safekeeping of the vehicle and its contents.

G. Vehicular Searches

1. An officer who has reasonable cause to believe that a moving or readily movable vehicle is or contains things subject to seizure may, without a search warrant, stop, detain and search the vehicle and may seize things subject to seizure discovered in the course of the search where the vehicle is:
  - a) On a public way or waters or other area open to the public;

- b) In a private area unlawfully entered by the vehicle; or,
    - c) In a private area lawfully entered by the vehicle, provided that exigent circumstances require immediate detention, search and seizure to prevent destruction or removal of the things subject to seizure.
  - 2. The officer may search the suspected occupants (except that this subsection shall not apply to individuals traveling as passengers in a vehicle operating as a common carrier) if the officer does not find the things subject to seizure by his search of the vehicle, and if:
    - a) The things subject to seizure are of such a size and nature that they could be concealed on the person; and,
    - b) The officer has reason to suspect that one or more of the occupants of the vehicle may have the things subject to seizure so concealed;
- H. Search and Seizure of Computers: Taking possession of the Computer
  - 1. Computer equipment can be severely damaged or data lost due to improper shutdown or start-up procedures.
  - 2. All rules of criminal procedure regarding search and seizure shall be observed.
  - 3. When seizing computer equipment, either operating or non-operating, disks (all types), drives, peripheral equipment, and other devices capable of storing data in an electronic format, the following procedures shall be followed:
    - a) Access to the computer system shall be denied to all persons. If a subject is at the keyboard, remove him or her immediately.
    - b) If the computer is "off," DO NOT TURN IT ON;
    - c) If the computer is "on," DO NOT TOUCH IT;
    - d) Document in detail any information that is observed on screen;
    - e) If the designated on-call personnel are not on the scene, Communications will be notified to dispatch personnel from a call-out list. The designated on-call personnel are trained in computer seizures; and,
    - f) If the designated on-call personnel determines that the seized equipment will not fit in the property room lockers, the property room supervisor will be called out for storage in the main property room.
  - 4. Documentation of the circumstances of the search and seizure and the storage of the computer and its components are the responsibility of the officer(s) conducting the search.
- I. An officer may, without a search warrant, enter and search such premises and vehicles, and the persons therein, to the extent reasonably necessary for the prevention of such death, bodily harm, or destruction, if he has reasonable cause to believe that the premises or a vehicle contain:

1. Individuals in imminent danger of death or serious bodily harm;
2. Things imminently likely to burn, explode, or otherwise cause death, serious bodily harm, or substantial destruction of property; and/or,
3. Things subject to seizure which will cause or be used to cause death or serious bodily harm if their seizure is delayed.

**XI. Alternatives to Arrest**

- A. When attempting to resolve various types of problems, officers are encouraged to seek alternatives to physical arrest when no hazard(s) to the community, victim, suspect or officer will occur. The decision not to arrest will be guided by law, departmental policy and facts of the situation.
- B. Officers may choose to issue:
  1. Warnings - When the offense is of a minor nature, a verbal warning or other direction may be given. Officers should bear in mind that frequently a warning to persons guilty of very minor offenses will be sufficient, and that an arrest in such cases should not be made unless the violation is deliberate or repeated.
  2. Referrals - Often minor offenses may be resolved by referral to social service agencies such as the Department of Human Services, Salvation Army, or other appropriate agencies. The Little Rock Police Department Victim Services Program is a valuable information and referral service to assist officers. Whenever possible, juveniles should be referred to social service agencies and diverted out of the criminal justice system.

Additions and revisions are *italicized and underlined*.