



**City Council
Meeting Agenda
May 14, 2024
6:00 PM
Bentonville City Hall**

Note – The public, members of the City Council, and City staff, may have the option to attend this meeting by remote means. For public health reasons, those who attend in person should keep in mind hygiene, the use of facial coverings, and social distancing.

Bentonville residents can make public comments in the following ways:

- Public comments can be made in person at the meeting which is held at 305 SW A Street in Council Chambers.
- Public comments can be submitted by email to cc.comments@bentonvillear.com by at least 4:00 p.m. on the day of the meeting. This email includes the Mayor and City Council email addresses.
- Public comments can be made virtually by registering for the Council meeting at the Zoom link listed below. This requires you to register with your name, address, phone number and email address. The pre-existing limitations (3 minutes) and procedures concerning oral public comments will still apply.

*If you would like to attend virtually, please register at the following link by 4:00 p.m. on May 14, 2024:

https://us02web.zoom.us/webinar/register/WN_uwcCnHxmRNOz1HduBti-DQ

Council Questions/Discussion Concerning the Business Meeting

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: April 23, 2024

I. New Business - Public Comment to be Heard with Agenda Item

1. Proclamation recognizing "National Drug Court Month"

Proclamation

Proclamation recognizing the month of May as "National Drug Court Month."

2. **May Commercial Landscape Award to Best Friends Animal Society located at 1312 Melissa Drive** **Informational**
Recognition by City Council of the landscaping on commercial property located at 1312 Melissa Drive, the Best Friends Animal Society. The property was selected by the Tree & Landscape Advisory Committee and is the May 2024 Commercial Landscaping of the Month award winner.
3. **May Residential Landscape Award to the Property at 310 Huffman Street** **Informational**
Recognition by City Council of the landscaping of residential property at 310 Huffman Street. The property was selected by the Tree & Landscape Advisory Committee and is the May 2024 Residential Landscaping of the Month award winner.
4. **Resolution Endorsing Permanent Installation of Artwork in Phillips Park** **Resolution**
Resolution endorsing the permanent installation of artwork titled "Bentonville Bat" by artist Jim Collins on public property in Phillips Park. No budget adjustment is needed.
5. **Resolution to Award Bid IFB-24-21 to Purchase AreaRAE Rapid Deployment Kit** **Resolution**
Resolution to award bid # IFB-24-21 to Northside Sales for the purchase of the Honeywell AreaRAE Rapid Deployment Kit. No budget adjustment is needed.
6. **Ordinance to Purchase Additional Public Safety Radio Equipment from 2021 Bond Extension Interest** **Ordinance***
Ordinance to waive competitive bidding requirements, in an amount not to exceed \$129,644.59 for the purchase of additional public safety radio communications equipment from two providers used during the RFP, Racom Corporation and Ka-kom, Inc. No budget adjustment is needed.
7. **Resolution to Adopt the Police Department 2024 Policy and Procedures Manual (Revisions)** **Resolution**
Resolution is to adopt the Bentonville Police Department 2024 Policy and Procedures Manual with all revisions and new standards. No budget adjustment is needed.
8. **Ordinance approving a Bid Waiver to Flock Group Inc. for Security Cameras in our Park System** **Ordinance***
Ordinance for a waiver of bid to Flock Group Inc. in the amount of \$56,040.00 for security cameras in our park system. No budget adjustment is needed.
9. **Resolution to Amend Contract for Little Sugar Creek Restoration** **Resolution**
A resolution authorizing the Mayor and City Clerk to enter into an amended agreement, in the amount of \$130,862.00, for final design, permitting, bidding documents prep, and construction administration for dam removal and stream restoration on the Little Sugar Creek. A budget adjustment is needed.
10. **Resolution authorizing a Budget Adjustment for Repair of the Wishing Springs Trail** **Resolution**

Resolution authorizing a budget adjustment for approximately 365 LF of trail for the amount of \$65,359.23.

11. **Resolution Authorizing Application for TAP Grant Funding for Moberly to MLK Trail Improvements** **Resolution**
Authorization for the Mayor and City Clerk to apply for ARDOT TAP grant funding for the Moberly to MLK trail project. No budget adjustment needed at this time.
12. **Resolution Authorizing Application for TAP grant funding for Elm Tree Road Sidewalk Improvements** **Resolution**
Authorization for the Mayor and City Clerk to apply for ARDOT TAP grant funding for the Elm Tree Road Sidewalk Improvements. No budget adjustment is needed at this time.
13. **Resolution to Award Bid IFB-24-31 to APAC Central for SE J and SE Walton Overlay** **Resolution**
Resolution to award bid IFB-24-31 for the Overlay of SE J Street and SE Walton Blvd to APAC Central, Inc. No budget adjustment is needed.
14. **Ordinance - Street Specification Amendment** **Ordinance***
Approval of an Ordinance amending the City Street Specifications. No budget adjustment is needed.

II. Utility Board

1. **Ordinance Waiving Competitive Bidding to Order 1/0 Underground Wire** **Ordinance***
Approval of an Ordinance to waive competitive bidding to purchase 1/0 UG Wire from Stuart Irby with Unit Prices and estimated quantities attached for \$472,500.00, plus applicable taxes. Approved by Utility Board 5-0. No budget adjustment is needed.
2. **Resolution to Award Bid IFB-24-28 for the Purchase of Wood Poles** **Resolution**
Awarding Bid IFB-24-28 for the Purchase of Wood Poles from Carpenter's Pole and Piling. Approved by Utility Board 5-0. No budget adjustment is required.
3. **Resolution to Award Bid IFB-24-32 for the 48" Water Main Repair Materials** **Resolution**
Awarding Bid IFB-24-32 for the purchase of 48" Water Main Repair Materials from Northwest Arkansas Winwater and Southern Pipe and Supply. Approved by Utility Board 5-0. No budget adjustment is required.
4. **Resolution to Award Bid IFB 24-02 Re-Bid to MVA Power, Inc. for Steel Poles & Switches** **Resolution**
The City of Bentonville recommends awarding IFB 24-02 re-bid for the t-line switches/steel poles for the transmission line connection between Substation "G" and Substation "I" to MVA Power, Inc. for \$335,941.17 and associated budget adjustment. Approved by Utility Board 5-0. A budget adjustment is needed.
5. **Resolution to Purchase Two (2) Dump Trucks through Sourcewell Cooperative (Co-Op)** **Resolution**
Resolution requesting Council approval for the purchase of two dump trucks from National Auto Fleet Group through participation in the Sourcewell Cooperative (Co-Op) contract

060920-NAF, in the amount of \$258,587.80. Utility Board approved 5-0. No budget adjustment is needed.

6. **Resolution Approving a Budget Adjustment for Emergency Repair of 48" Water Transmission Main** **Resolution**

Budget adjustment to recognize total expenses for the repair of the City's 48-inch water transmission main in the amount of \$96,373.64. Utility Board approved this item 5-0. A budget adjustment is needed.

7. **Resolution to enter Agreement with Crossland Heavy Contractors for Construction Manager at Risk** **Resolution**

Authorizing the Mayor & City Clerk to enter into an agreement with Crossland Heavy Contractors, Inc. as Construction Manager at Risk for pre-construction services associated with the Water Resource Recovery Facility Improvements Project in an amount not to exceed \$511,945.00. Approved by Utility Board 5-0. A budget adjustment is needed.

8. **Public Hearing to Authorize the Issuance of 2024 Bonds** **Ordinance***

Public hearing authorizing the issuance of a revenue bond in the amount of \$97,759,381 for the purpose of financing capital improvements to the downtown wastewater facility and the sale of the bond to the Arkansas Development Finance Authority as part of the State Clean Water Revolving Loan Fund Program. An ordinance will be forthcoming at a future meeting.

III. Planning

1. **Property Line Adjustment - Lot 1 of Isom Addition - 509 Northwest D Street (PLA24-0006)** **Ordinance***

The Planning Commission voted 6-0, recommending approval.

An Ordinance Accepting A Property Line Adjustment Of Previously Unplatted Land Creating New Lot 1 Of Isom Addition To The City Of Bentonville, Arkansas; And For Other Purposes.

2. **Future Land Use Map Amendment - Haney Enterprises, LLC - Low Density Residential to Medium Density Residential - 841, 843, 855, & 857 Northwest 14th Street (RZ24-0017)** **Resolution**

The Planning Commission voted 6-0, recommending approval.

A Resolution Amending The City Of Bentonville Future Land Use Map For A Specific Area From Low-Density Residential To Medium-Density Residential; And For Other Purposes.

3. **Rezoning - Haney Enterprises, LLC - C2, General Commercial to R-2, Medium Density Two Family and Townhome Residential - 841, 843, 855, & 857 Northwest 14th Street (RZ24-0017)** **Ordinance***

The Planning Commission voted 6-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of C-2, General Commercial To R-2, Medium Density Two Family and Townhome Residential; And For Other Purposes.

4. **Lanterns on 4th** **Ordinance***

Southeast 4th Street **The Planning Commission voted 6-0, recommending approval.**

An ordinance amending a previously approved PUD, changing unit dispersion and decreasing overall building height.

5. **Tree Protection and Preservation** **Ordinance***

The Planning Commission voted 6-0, recommending approval.

Approval of an ordinance adopting the Tree Protection and Preservation Manual.

6. **Art. 1300 Tree Preservation and Protection Amendments** **Ordinance***

The Planning Commission voted 6-0, recommending approval.

Approval of an ordinance amending Article 1300: Tree Preservation and Protection.

IV. Other Business/Announcements/Comments

Adjournment

Public Comments Concerning Matters of City Related Business



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Jennifer Jones
Phone:	479-271-3120	For Department(s):	District Court
Email:	jenniferj@bentonvillear.com		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	Proclamation recognizing "National Drug Court Month"
Action Recommendation & Justification:	Proclamation recognizing the month of May as "National Drug Court Month."
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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PROCLAMATION

- WHEREAS:** Treatment courts have been restoring lives and families for more than three decades; and
- WHEREAS:** There are now more than 4,000 treatment courts nationwide; and
- WHEREAS:** Treatment Courts are the cornerstone of justice reform sweeping the nation; and
- WHEREAS:** Treatment Courts have served over 1.5 million individuals; and
- WHEREAS:** Treatment Courts are now recognized as the most successful criminal justice intervention in our nation's history; and
- WHEREAS:** City of Bentonville is in the 13th year of our DWI Court program, having had 63 participants in the program and 30 graduates to date. The graduates represent 600+ hours of treatment; and
- WHEREAS:** Treatment Courts save an average of \$6,000 for every individual they serve; and
- WHEREAS:** Treatment Courts reduce crime and significantly improve substance use treatment outcomes at less expense than any other criminal justice strategy; and
- WHEREAS:** Treatment Courts improve education, employment, housing and financial stability, promote family reunification, reduce foster care placements and increase the rate of addicted mothers delivering babies who are fully drug free; and
- WHEREAS:** Treatment Courts facilitate community-wide partnerships, bringing together public safety and public health professionals in the fight against addiction and crime; and
- WHEREAS:** Treatment Courts demonstrate that when one person rises out of addiction and crime, we all rise.

NOW, THEREFORE, I Stephanie Orman, Mayor of the City of Bentonville do hereby proclaim the month of May 2024, as "**National Drug Court Month**" in the City of Bentonville, Arkansas, in honor of the Treatment Courts, the team members and the participants who strive to address substance abuse and keep our City and citizens safe.

Given this 14th day of May 2024, in Bentonville, in the great State of Arkansas, in the United States of America.


Stephanie Orman, Mayor
City of Bentonville





City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Taylor Allen
Phone:	479-271-3122	For Department(s):	Planning
Email:	tallen@bentonvillear.com		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	May Commercial Landscape Award to Best Friends Animal Society located at 1312 Melissa Drive
Action Recommendation & Justification:	Recognition by City Council of the landscaping on commercial property located at 1312 Melissa Drive, the Best Friends Animal Society. The property was selected by the Tree & Landscape Advisory Committee and is the May 2024 Commercial Landscaping of the Month award winner.
Additional Comments for Consideration (Optional):	

Amount for Approval:	\$ 0
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Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

Tree & Landscape Committee

**Best Friends Animal Society
1312 Melissa Drive**

May 2024

Commercial Landscape of the Month Award



**Commercial Landscaping of the Month Award
May 2024**

Presented to:

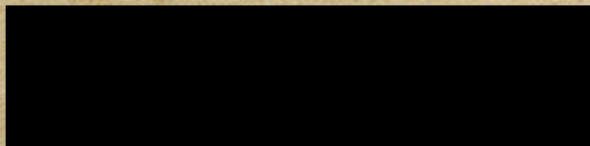


**Best Friends Animal Society
1312 Melissa Drive**

Bentonville, Arkansas

Presented by:

Tree & Landscape Advisory Committee
City of Bentonville, Arkansas



Mayor Stephanie Orman

5-14-2024
Date



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Taylor Allen
Phone:	479-271-6822	For Department(s):	Planning
Email:	tallen@bentonvillear.com		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	May Residential Landscape Award to the Property at 310 Huffman Street
Action Recommendation & Justification:	Recognition by City Council of the landscaping of residential property at 310 Huffman Street. The property was selected by the Tree & Landscape Advisory Committee and is the May 2024 Residential Landscaping of the Month award winner.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

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Please Recycle!

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Tree & Landscape Committee

May 2024

Residential Landscape of the Month Award

Sean and Elizabeth Fuller

310 Huffman Street



**Residential Landscaping of the Month Award
May 2024**

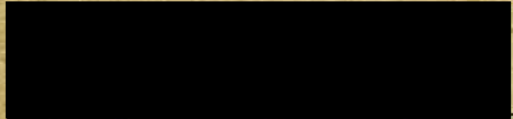
Presented to:

**Sean and Elizabeth Fuller
310 Huffman Street
Bentonville, Arkansas**



Presented by:

**Tree & Landscape Advisory Committee
City of Bentonville, Arkansas**


Mayor Stephanie Orman

5-14-2024
Date



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Shelli Kerr
Phone:	479-271-6822	For Department(s):	Planning/Public Art Advisory Committee
Email:	skerr@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Endorsing Permanent Installation of Artwork in Phillips Park
Action Recommendation & Justification:	Resolution endorsing the permanent installation of artwork titled "Bentonville Bat" by artist Jim Collins on public property in Phillips Park. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	The Public Art Advisory Committee recommended approval of the artwork on April 9, 2024 and the Parks and Recreation Advisory Board recommended approval on May 6, 2024. Funding is provided by the Bentonville Youth Baseball Board and there is no upfront cost to the City. Memo attached.
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

MEMO

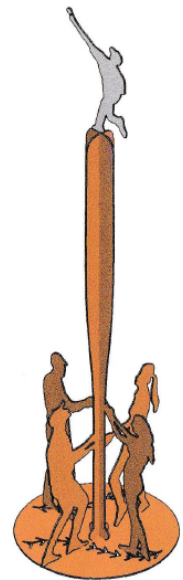
To: Mayor Stephanie Orman and Bentonville City Council
From: Shelli Kerr, AICP, Comprehensive Planning Manager
On behalf of: Bentonville Public Art Advisory Committee
CC date: May 14, 2024
RE: Permanent Installation of Artwork in Phillips Park

Request. Approval of a resolution endorsing the permanent installation of public art titled “*Bentonville Bat*” by artist Jim Collins on public property in Phillips Park.

Proposed Artwork:
Bentonville Bat
by Jim Collins

Background. The Bentonville Youth Baseball Board approached Bentonville Parks and Recreation (PRAB) about donating money for an art piece to be installed in the newly renovated Phillips Park to commemorate the history of Bentonville Youth Baseball and the impact of youth baseball in the community. The Public Art Advisory Committee (PAAC) issued a Request for Proposals last fall. By the deadline of February 5, 2024, five proposals were received. “*Bentonville Bat*” by Jim Collins was selected by the Bentonville Youth Baseball Board.

Description of Artwork. The artwork is an 18’ tall piece with a baseball player standing atop a baseball bat being held up by four people representing coaches, families and volunteers standing on the shape of a baseball. The design is laser-cut Corten steel that is anchor bolted to a circular concrete foundation.



Display Site. The proposed display site is in Phillips Park.

Display Period. This is a permanent display that will be installed when the park renovation is complete. The Corten steel used to fabricate the artwork is durable for long-term outdoor use and requires minimal maintenance.

Funding. Funding is provided by the Bentonville Youth Baseball Board.

Recommendation. PAAC, PRAB, and the Bentonville Youth Baseball Board recommend this artwork at the proposed display site.

From: noreply@civicplus.com
To: [Shelli Kerr](#)
Subject: Online Form Submittal: Public Art Proposal
Date: Tuesday, January 16, 2024 12:04:36 PM

Public Art Proposal

Proposal for Public Art

Type of Proposal	Response to RFP: Youth Baseball
Date	1/16/2024
Is the project a collaboration among multiple artists?	No
Is the project curated by someone or an organization other than the artist?	Yes

1) ARTIST INFORMATION

Complete this section with the primary artist's information. If this is a collaborative project with multiple artists, we will reach out for additional information on the other artists.

Name	Jim Collins
Address	[REDACTED]
City	Signal Mountain
State	TN
Zip Code	37377
Email Address	j[REDACTED]
[REDACTED]	[REDACTED]
Upload artist resume / CV	Collins-Resume -3 page.doc
Artist portfolio	Three past sculptures.docx
Artist website	collins3d.com

2) CURATOR CONTACT INFORMATION

Complete this section with the primary contact of the curator of this project, if applicable. If the project is being submitted by the artist, process to Section 3) Artwork Details.

Name	<i>Field not completed.</i>
Title	<i>Field not completed.</i>
Organization Name	<i>Field not completed.</i>
Street Address	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Email Address	<i>Field not completed.</i>
Phone Number	<i>Field not completed.</i>

3) ARTWORK DETAILS

Title of artwork	BENTONVILLE BAT
Medium	CorTen and stainless steel
Height	18 feet
Width and depth	60" x 60"
Can the artwork be scaled smaller or larger?	Yes
Description of artwork	Narrative: My proposed sculpture presents the youth league as the star of the sport. Interacting with the one piece of equipment that defines the game. The ball. He represents all members of a team who are active during the game. The bat is a symbol used as a plinth making the sculpture a landmark/wayfinding feature for the park. At the base of the bat is presented the support team: coaches, parents, and supporters. Construction will be of, laser-cut, CorTen steel for the bat, figures, and base all anchor bolted to a concrete foundation. The player will be fabricated of stainless steel. Using these materials will ensure that the sculpture is maintenance-free for many, many years of safe commemoration to this lasting sport.

The sculpture will be anchor bolted to a circular concrete foundation. Corten steel provides a safe, beautiful, maintenance-free lasting 50+ years of service.

Upload description of artwork	<i>Field not completed.</i>
-------------------------------	-----------------------------

Upload image of artwork	BB- Collins drawing.jpg
-------------------------	---

4) INSTALLATION AND MAINTENANCE

Is the proposal for temporary or permanent display?	Permanent
---	-----------

If temporary, what is the requested display period?	Not applicable
---	----------------

Is the artwork already complete?	No
----------------------------------	----

If yes, artwork is complete, is it currently on display?	Not applicable
--	----------------

If artwork is currently on display, when will it be available?	<i>Field not completed.</i>
--	-----------------------------

If no, artwork is not complete, how much time is needed for fabrication?	3-6 months
--	------------

Is the artwork best suited for indoor or outdoor display?	Outdoor
---	---------

Is a foundation required to install the artwork?	Yes
--	-----

If a foundation is required, indicate the size and shape needed.	70" X 70" circle
--	------------------

Does the artwork	No
------------------	----

require access to electricity?

Does the artwork require access to water?

No

What is the life expectancy of the artwork?

11 or more years

Are there any special maintenance needs for this artwork?

No

If there are maintenance needs, please describe here.

Field not completed.

5) BUDGET & FUNDING

(a) Material costs

\$4250.00

Describe materials costs.

CorTen and stainless steelBENTONVILLE YOUTH BASEBALL SCULPTURE PROPOSAL

Jim Collins

Estimated Budget

Materials: CorTen steel and stainless steel \$4,250.00

Fabrication: programing, engineering, laser cutting, welding, labor \$5,500.00

Installation: crane rental, concrete foundation, local labor, gear and parts \$1,300.00

Artist fee: \$4,000.00

Total: \$15,050.00

Liability Insurance: \$1,000,000.00 coverage \$310.00

Crating and shipping: Chattanooga to Bentonville \$2,500.00

Travel, housing, meals \$1,250.00

Contingency: \$500.00

Documentation: photography concept to completion \$200.00

Grand total: \$19,810.00

(b) Production costs

\$5500.00

Describe production costs.

Fabrication: programing,engineering, laser cutting, welding,labor.

\$1300.00

(c) Installation costs

Describe installation costs.	Crane rental, concrete foundation,local labor, parts and gear.
(d) Total fabrication budget	\$11050.00
(e) Artist's fee	\$4000.00
(f) Travel costs	\$3750.00
(g) Total budget	BENTONVILLE YOUTH BASEBALL SCULPTURE PROPOSAL Jim Collins Estimated Budget Materials: CorTen steel and stainless steel \$4,250.00 Fabrication: programing, engineering, laser cutting, welding, labor \$5,500.00 Installation: crane rental, concrete foundation, local labor, gear and parts \$1,300.00 Artist fee: \$4,000.00 Total: \$15,050.00 Liability Insurance: \$1,000,000.00 coverage \$310.00 Crating and shipping: Chattanooga to Bentonville \$2,500.00 Travel, housing, meals \$1,250.00 Contingency: \$500.00 Documentation: photography concept to completion \$200.00 Grand total: \$19,810.00
What is the planned funding for this proposal?	Funding as part of a Request for Proposals.

Email not displaying correctly? [View it in your browser.](#)

JIM COLLINS
[REDACTED]
Signal Mountain, Tennessee 37377
[REDACTED]

Education:

Marshall University, Huntington, West Virginia, A.B. in Art and Education
University of Michigan, M.P.H. in Public Health Education
Ohio University, Athens, Ohio, M.F.A. in Sculpture

Selected Public Collections:

Huntington Museum of Art Huntington, WV
Tennessee State Museum, Nashville, TN
Mrs. Harry L. Bradley Collection, Milwaukee Art Center, WI
Regions Bank, Sweetwater, TN
Rockland County, New City, NY
City of Chattanooga, TN
Limerick County Council, Ireland
City of Plano Texas
Downtown Columbus, GA
Louth County Council, Ireland
Balbriggan, County Dublin Ireland
The University of Tennessee
Gulfport, MS
Missouri City, Texas

www.collins3D.com

Public Art



2023 OZ ART NWA, permanent installation, two sculptures. Hill Climb, Bentonville, AR
8TH ANNUAL SCULPTURE PARK, Vandalia, OH
SCULPTURE TRAIL, Bascom Art Center, Highlands, NC
SCULPTURE BIENNIAL, Johnson City, TN
SCULPTURES ON THE SQUARE, Troy, OH
14th ANNUAL MSI, City of Hastings, MI
“Salon Des Refusés” *Pyramid Hill Sculpture Park*, Hamilton, OH

2022 SALISBURY SCULPTURE SHOW, Big HILL CLIMB, Salisbury, NC
PURCHASE, City of Hickory, NC, Etain and Her Dog, permanent collection.
ARTTAKEOVER, BUCK on a BLADE, Carrollton, GA
ART IN PUBLIC PLACES, Resting Red Eared Cow, Knoxville, TN
ArtSS In the Open, Sandy Springs, GA
Outdoor Exhibit, MEDLEY. Alpharetta, GA

2021 SALISBURY SCULPTURE SHOW, Salisbury, NC
BASCOM SCULPTURE EXHIBITION, The Bascom Art Center, Highlands, NC
PUBLIC ART EXHIBITION, 2021-2022. Fayetteville, NC
PUBLIC ART PROJECT, Gadsden, AL

2020 ARTAROUND Roswell 2020-21 Sculpture Tour, Roswell GA
BIENNIAL LaGrange Southeastern Regional, GA
YOKNA SCULPTURE TRAIL, University of Mississippi, Oxford, MS
ST. JOSEPH SCULPTURE WALK 2020, MO
JOSEPHINE SCULPTURE PARK EXHIBITION, Frankfort, KY
MSA Outdoor Sculpture Show, Pyramid Hill Sculpture Park & Museum, Hamilton, OH

2019 SPACES SCULPTURE TRAIL, four sculptures, Huntsville, AL
ART AROUND ROSWELL – Sculpture tour, Roswell, GA
SCULPTFUSION, 2019-2020 Zoo Entrance Michigan City, IN
ROSEMARY BEACH Sculpture Exhibition, Rosemary Beach, FL
KOKOMO SCULPTURE WALK 2019-2021, Kokomo, IN
TOWN OF CLAYTON SCULPTURE TRAIL 2019-2020, Clayton, NC

2018 *SECOND LAGRANGE SOUTHEAST REGIONAL*, mixed media collage, Juror Merit Award plus two purchase awards: Lagrange College and Lagrange Art Museum, LaGrange, GA
SALISBURY SCULPTURE SHOW, two sculptures, Salisbury, NC
PUBLIC ART COMMISSION, "Sienna Plantation Kennel Collection," eleven larger than life-sized stainless-steel dogs, COMMISSION, Sienna Plantation, Missouri City, TX
 POP-UP SHOW, The Bascom Art Center, Highlands, NC

2017 *WATCHER*, The Edwin Hotel, Chattanooga
BEAR FAMILY, Highlands, NC
AIR, Public sculpture, Roanoke, VA
SUWANEE SCULPTOUR, 2017-2018, Suwanee, GA
MIDWEST SCULPTURE INITIATIVE, 2017-2018 MI and OH
SCULPTFUSION, 2017-2019 Zoo Entrance Michigan City IN
Outdoor Sculpture Exhibition, 2017-2018 Castlewood Park, Lexington KY
JUST, Jackson, TN 2017-2019

2016 *ARTAROUND - A SCULPTURE TOUR*, April-December, Roswell Georgia
CHILI PEPPER, University of Indiana Kokomo, IN
Director's Choice, ENCORE 16, OCAF, Watkinsville, GA
ART IN PUBLIC PLACES, Knoxville, TN
COLLABORATIVE OUTDOOR SCULPTURE, Bristol, TN/VA
PUBLIC SCULPTURE, Johns Creek, GA
ST. JOSEPH SCULPTURE WALK 2016, MO

2015 *SUWANEE SCULPTOUR*, 2015-2017, Suwanee, GA
OUTDOOR SCULPTURE SHOW, Gulfport, MS
 Found Image Collage, Invitational - Group Show, The Bascom - Highlands, NC
ART IN PUBLIC PLACES, 2015-2016. Bristol, TN/VA
MIDWEST SCULPTURE INITIATIVE, 2017-2018 MI and OH

2014 *PUBLIC ART CORRIDOR EXHIBITION*, 2014-2015, Johnson City, TN
SPACES EXHIBITION, 2014-2015, Huntsville, AL
ART IN PUBLIC, 2014-2015, Gadsden, AL
MIDWEST SCULPTURE INITIATIVE, 2014-2015, Canton, Hastings, and Fenton, MI

2013 *SALISBURY SCULPTURE SHOW*, 2013-2014, Salisbury, NC
ART IN PUBLIC PLACES, 2013-2014, Knoxville, TN
SCULPTURE WALK VII, 2013-2014, Kingsport, TN
SUWANEE SCULPTOUR, 2013-2015, Suwanee, GA
MIDWEST SCULPTURE INITIATIVE, 2013-2014, Fenton, Tecumseh, and Kochville, MI
27th ROSEN EXHIBITION, 2013-2014, Appalachian State University, Boone, NC
PUBLIC ART EXHIBITION ON HILTON HEAD ISLAND, 2013-2014, Hilton Head, SC

2012 *ABSOLUTELY AMBIGUOUS*, Solo Show of Mixed Media Collages, Coker College, Hartsville, SC
PUBLIC ART LEAGUE SCULPTURE EXHIBITION, Champaign-Urbana, Illinois, 2012-2013
ART IN PUBLIC PLACES, 2012-2013, Knoxville, TN
SUWANEE SCULPTOUR, 2012-2013, City of Suwanee, GA
MIDWEST SCULPTURE INITIATIVE, 2012-2013, Canton, MI
ART ON THE STREETS, 2012-2013, Colorado Springs, CO
THREE SHADES OF GREEN, Sculpture Commission, The University of Tennessee, Chattanooga
MAJOR SCULPTURE COMMISSION, St. George National School, Balbriggan, Ireland

2011 *IRISH ENCOUNTERS*, Dooradoyle Library, County Limerick, January - February and RUA RED, Dublin, June - July
ART IN PUBLIC PLACES, Merit Award, "People's Choice Award" 2011-2012, Knoxville, TN
SCULPTURE WALK V, 2011 - 2012, Kingsport, TN ("Kavanagh Himself" Purchased for City Collection)
 SOLO SHOW (Mixed Media Collage), *DIRECTOR'S CHOICE, OCAF*, Watkinsville, GA
DISCOVER WHAT'S OUTSIDE, Sculpture Exhibition, April - December, Salisbury, NC
THE MIDWEST SCULPTURE INITIATIVE, *Big Wheel Watcher*, Westerville, OH

- 2010** *IRISH ENCOUNTERS*, A solo touring exhibition of 20 mixed media collages at several venues throughout Ireland. Opening in Kilkenny in June.
ART IN PUBLIC PLACES, March -- October, Knoxville, TN
DISCOVER WHAT'S OUTSIDE, April - January 2011, Salisbury, NC
5TH ANNUAL DOWNTOWN SCULPTURE EXHIBITION, Asheboro, NC
ARTSS in the Open, 2010-2011, Sandy Springs, GA
- 2009** *ROME ART COTERIE*, Seventh National Juried Exhibition, Rome, GA
ART IN PUBLIC PLACES, April – November, Knoxville, TN
SOUTHWORKS, Watkinsville, GA
PUBLIC ART COMMISSION: an individual sculpture each for the three villages of: Carlingford, Collon, and Heynestown in County Louth Ireland
FLYING COWS, Arts at the Airport - Flying Solo, Nashville International Airport, TN
- 2008** *SCULPTURE WALK (Public Art)*, *Best of Show*, (Mickey Watcher) 2007-2008, Columbus, GA
ARTSS in the Open, (Public Art), 2008-2009, Sandy Springs, GA
MAJOR PUBLIC SCULPTURE COMMISSION - Number1 Fire Station, Plano, Texas
RIVER SCULPTURE FESTIVAL (Public Art), Asheville, NC
SCULPTURE WALK (Public Art), (Kavanagh Himself) 2008-2009, Columbus, GA
- 2007** *SOLO SHOW- ENCOUNTERS* (Jan – March), Huntsville Museum of Art, AL
MILE MARKERS, (September), Nine powder-coated stainless steel sculptures on the Tennessee Riverwalk, Chattanooga, TN
JACKSON, TN/UNION UNIVERSITY SCULPTURE TOUR, *Purchase Award*, “Mother and Child”
- 2006** *SOLO SHOW* (Jan - Feb), Appalachian Center for Craft, Smithville, TN
SOLO SHOW (June), Mixed media collage and the *Doll Series*, The University of Tennessee at Chattanooga, TN
SOLO SHOW (June), *THE WATCHER (In Two-dimension)*, River Gallery, Chattanooga.
SOLO SHOW (June 2006 – May 2007), *THE WATCHER (New Sculpture)*,
River Gallery Sculpture Garden, Chattanooga, TN
4th Annual North Carolina Outdoor Sculpture Exhibition (Public Art), Greensboro, NC
21st ANNUAL SCULPTURE CELEBRATION, Lenoir, NC
Commission: TUCKER MEMORIAL CHAPEL, St. Peter's Episcopal Church, Chattanooga
- 2005** *ART IN PUBLIC PLACES*, Sculpture Invitational, Downtown Stamford, CT
THE RED CLAY SURVEY, Huntsville Museum of Art, AL
RIVERBEND SCULPTURE BIENNIAL, Owensboro Museum of Art, KY
20th ANNUAL SCULPTURE CELEBRATION, Lenoir, NC, *Juror's Cash Award*
- 2004** MAJOR COMMISSION: (Public Art) “Limerick Herd”, 32 silhouettes of life-sized animals, powder-coated aluminum, four sites along dual carriageways in County Limerick, Ireland
DISTINGUISHED ARTIST AWARD, Presented by Mayor Bob Corker, City of Chattanooga
WATCHERS 10 sculptures by invitation, Kilkenny Arts Festival, Kilkenny, Ireland
Commission: “Two Cows”, powder-coated aluminum, Athens, TN
Commission: “Two Cows”, powder-coated aluminum, Sperryville, WV
Commission: (Public Art) “Three Cows”, powder-coated aluminum, Art District, Chattanooga
BLACK AND AMBER WATCHER, (Public Art) Langton's, Kilkenny, Ireland
- 2003** North Carolina Outdoor Sculpture Exhibition, City of Greensboro, NC
APPALACHIAN CORRIDORS, Avampato Discovery Museum, Charleston, WV
ART OF TENNESSEE, *A survey of visual arts through time and in every region of the state.*
Frist Center for the Visual Arts, Nashville, TN
Commission: (Public Art) “FOOTBALL WATCHER”, stainless steel and powder-coat,
Mattoon High School, Mattoon, IL
BOOK, *Jim Collins Art: 1963-2003*, a survey published by Two Hands Art Publishing
- 2002** CONVERSATION PIECES, Invitational, Craft Alliance, St. Louis, MO
ART WITH A SOUTHERN DRAWL, University of Mobile, AL
SOUTHWORKS, Oconee Cultural Arts Foundation, Watkinsville, GA
17TH ANNUAL SCULPTURE CELEBRATION, Lenoir, NC
Featured Artist: Two Hands Studio, Cashiers, NC



THREE SHADES OF GREEN
Powder coated aluminum and
heavy fiberglass.
University of Tennessee -
Chattanooga

My sculpture concept for this project is based on our contemporary environmental concerns. The sculpture presents three figures setting on recycled turbine blades in various shades of green. Each figure represents the students of UTC and reminds them that they will and do hold the answers to today's problems and the future belongs to them.



EVERYONE GOES HOME

Plano Texas Fire Department
Powder coated stainless steel and
aluminum.

The concept here was to pay tribute to all working Fire Fighters showing them in uniform and in action. The sculpture depicts the standard fire crew with Dalmatians running around the activity. The Plano Fire Department has been blessed in only one loss of life in the past fifty-eight years. Using the dogs allows for a more light-hearted approach to commemoration to the men and women that protect and serve communities throughout the world.



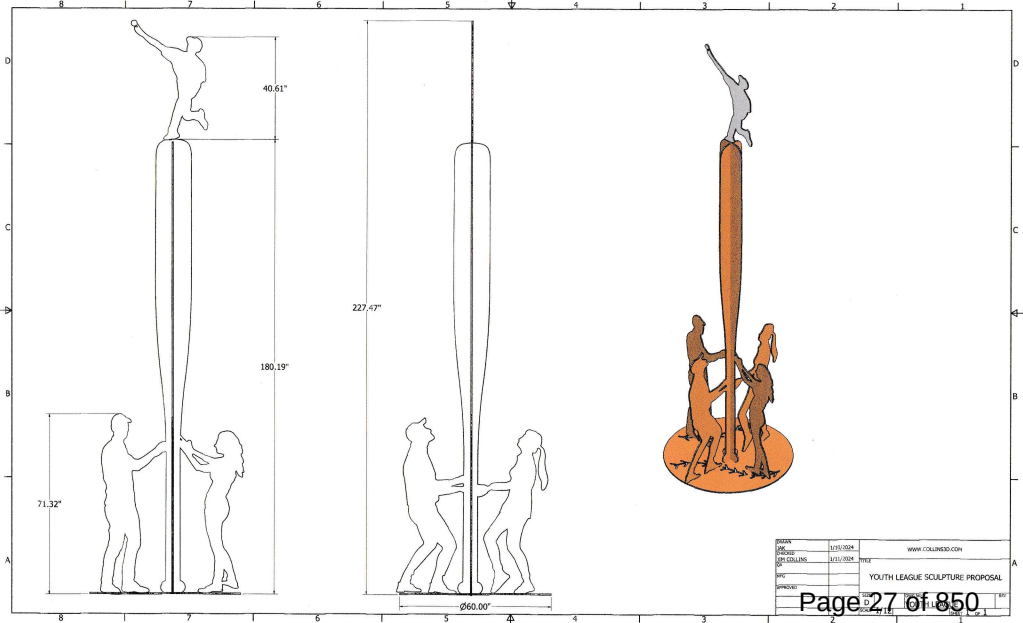
BUCK and the BLADE

Powder coated aluminum figure on top
and a heavy fiberglass tall section on a
powder coated
steel circular base.

Carrolitan, GA

My sculpture style has been characterized
by the use of silhouettes of people and
animals.

Constructed of stainless steel, aluminum
and other metals. The concept for this
sculpture is the bringing together nature
and technology. The plinth that is holding
up the deer is made from a recycled
turbine blade. The deer is stepping off of
the blade suggesting a cooperation
between the two working together for a
united future.



DESIGN	1/15/2024	WWW.COLLINS3D.COM
DRAWN	1/15/2024	
CHECKED	1/15/2024	
DATE		
BY		
APPROVED		
YOUTH LEAGUE SCULPTURE PROPOSAL		
Page 27 of 850		

RESOLUTION NO. _____

**A RESOLUTION ENDORSING THE PERMANENT
INSTALLATION OF ARTWORK TITLED “BENTONVILLE BAT”
BY ARTIST JIM COLLINS ON PUBLIC PROPERTY IN PHILLIPS
PARK; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council of the City of Bentonville has established the importance of integrating public art into the daily lives of the citizens of Bentonville by adopting a Public Art Policy with Ordinance No. 2013 – 40 on May 14, 2013;

WHEREAS, the proposal for the Artwork was submitted in response to a Request for Proposals; and

WHEREAS, the Public Art Advisory Committee, Parks and Recreation Advisory Board, and the Bentonville Youth Baseball Board recommend approval of the Artwork.

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

Section 1: That the City Council of the City of Bentonville, Arkansas hereby endorses the installation of artwork titled "Bentonville Bat" by artist Jim Collins on public property in Phillips Park;

Section 2: That the Bentonville Youth Baseball Board is funding the purchase and installation of the artwork and there is no cost to the City;

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 Provisions: 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.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Malorie Marrs, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Kevin Boydston
Phone:	(479) 271-3151	For Department(s):	Fire
Email:	kboydston@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☒ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Award Bid IFB-24-21 to Purchase AreaRAE Rapid Deployment Kit
Action Recommendation & Justification:	Resolution to award bid # IFB-24-21 to Northside Sales for the purchase of the Honeywell AreaRAE Rapid Deployment Kit. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	The AreaRAE RDK is a set of devices deployed to monitor air quality during public and civic events to efficiently cover large area or congested areas. The purchase includes the area monitors, software, calibration kit, warranty, and training. See attached memo for further justification. Northside Sales was the second lowest bid. The lowest bidder did not submit unit pricing including all costs, as specified in the Bidding Documents. For this reason, the All Safe Bid was rejected during Bid Evaluation.
Amount for Approval:	\$ 99,965.69

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☒ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

This purchase was approved in the 2024 budget.

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712



Inter-office Memorandum

To: Chief Justin Scantlin
From: Division Chief Kevin Boydston
CC:
Date: April 22, 2024
Re: AreaRAE Rapid Deployment Kit

With the increasing number of events that draw a large populus, our ability to provide a safe environment is becoming more complex. The Honeywell, AreaRAE Rapid Deployment Kit will allow our Hazardous Material personnel to monitor air quality in large, congested areas. This system is remotely operated and will monitor the air quality looking for gamma radiation, VOCs, combustibles, toxics and oxygen. These units can be dispersed without requiring an individual operator and providing us with better efficiency managing an event.



CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT

FORMAL SEALED BID TABULATION

Date of Bid Opening:	4/3/2024	Time of Bid Opening:	1:00PM	Solicitation ID Number:	IFB-24-21
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Solicitation Title: AreaRAE Pro RDK Air Monitoring Kit with Gamma Detection, As Specified

Bidders:			Northside Sales Co.	All Safe Industries, Inc.
Line Item	Quantity (Unit of Measure = EA)	Description	Unit Price	Unit Price
1	1	AreaRAE Pro Rapid Deployment Kit (RDK) Air Monitoring Kit, As Specified	\$99,965.69	\$81,588.21
2	1	Add on: Gamma Detection	\$0.00	\$0.00
3	1	Calibration Equipment and On-Site Training	\$0.00	\$11,092.67
		Total Bid Price	\$99,965.69	\$92,680.88

All Safe Industries did not submit unit pricing including all costs, as specified in the Bidding Documents. For this reason, the All Safe Bid was rejected during Bid Evaluation. Northside Sales Co. included all costs for lines 2 and 3 in line item 1.

purchasing@bentonvillear.com - (479) 271-3115

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID IFB-24-21 TO NORTHSIDE SALES FOR THE PURCHASE OF A HONEYWELL AREARAE RAPID DEPLOYMENT KIT IN THE AMOUNT OF NINETY-NINE THOUSAND NINE HUNDRED SIXTY-FIVE DOLLARS AND SIXTY-NINE CENTS (\$99,965.69); AND FOR OTHER PURPOSES.

WHEREAS, Northside Sales is the second lowest bidder for bid IFB-24-21;

WHEREAS, the lowest bidder, All Safe, did not submit unit pricing including all costs, as specified in the bid and was therefore rejected;

WHEREAS, this contract covers the purchase of a Honeywell AreaRae Rapid Deployment Kit used to monitor air quality during public and civic events;

WHEREAS, this purchase includes the area monitors, software, calibration kit, warranty, and training; and

WHEREAS, this will be paid with budgeted funds.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Northside Sales, for the purchase of a Honeywell AreaRAE Rapid Deployment Kit for the City of Bentonville Fire Department, in the amount of ninety-nine thousand nine hundred sixty-five dollars and sixty-nine cents (\$99,965.69);

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.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

Stephanie Orman, MAYOR

ATTEST:

Malorie Marrs, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Chief Ray Shastid
Phone:	479-271-3170	For Department(s):	Police Department
Email:	ray.shastid@bentonville.arkansas.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☒ Waiver of Bid	☒ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Ordinance to Purchase Additional Public Safety Radio Equipment from 2021 Bond Extension Interest
Action Recommendation & Justification:	Ordinance to waive competitive bidding requirements, in an amount not to exceed \$129,644.59 for the purchase of additional public safety radio communications equipment from two providers used during the RFP, Racom Corporation and Ka-kom, Inc. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	This amount is accrued interest from the 2021 bond extension and must be used towards this project. See attached memo.
Amount for Approval:	\$ 129,644.59

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☒ OTHER: 2021 bond extension (interest)

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712



MEMORANDUM

Police Department

TO: City Council and Mayor Stephanie Orman

FROM: Ray Shastid, Chief of Police

DATE: May 14, 2024

SUBJECT: Waiver of Bid - additional items to purchase from 2021 bond extension (interest)

The Bentonville Police Department is completing the Public Safety Radio Communication System approved during the 2021 bond extension. This project has accrued an additional \$129,644.59 in interest since the drawdown of the bond funds. These funds must be used towards the overall public safety radio project and spent before July 31, 2024.

The department is requesting to use interest funds for additional equipment that was not in the original request for proposal (RFP). These items include portable radio holders for both police and fire personnel, one additional radio console in our emergency communications center, gateways, equipment for upgrading all of our storm siren systems, charging bays and miscellaneous two-way communication accessories.

It is neither practical or feasible to solicit competitive bids for these items since they would be purchased from the same provider in the RFP, Racom Corporation or Ka-kom, Inc. This allows consistency with service agreements and warranties of our new radio system.

The purchase of these items would require an ordinance to waive competitive bidding based on items being purchased solely from the same contractors selected for the radio project, Racom Corporation and Ka-kom, Inc.

No budget adjustment is needed.

ORDINANCE NO. _____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF PUBLIC SAFETY RADIO EQUIPMENT FOR THE BENTONVILLE POLICE DEPARTMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT, NOT TO EXCEED ONE HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED FORTY-FOUR DOLLARS AND FIFTY-NINE CENTS (\$129,644.59), WITH RACOM CORPORATION AND KA-KOM, INC., FOR THIS PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Bentonville Police Department requires a standardized and centralized providers for public safety radio equipment;

WHEREAS, to allow consistency with current radio system agreements and warranties, it is neither practical or feasible to solicit bids for these items since they would be purchased from the same providers in the RFP, Racom Corporation and Ka-kom, Inc.; and

WHEREAS, this agreement will be funded with accrued interest from the 2021 Bond Extension.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Racom Corporation and Ka-kom, Inc., for the purchase of public safety radio equipment for the Bentonville Police Department, in an amount not to exceed one hundred twenty-nine thousand six hundred forty-four dollars and fifty-nine cents (\$129,644.59);

Section 2: This purchase will be made using accrued interest from the 2021 Bond Extension;

Section 3: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council; therefore, waives the requirements of competitive bidding for the purchase of public safety radio equipment for the Bentonville Police Department;

Section 4 - Emergency Clause: The need to make this purchase is immediate and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its 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 _____, 2024.

APPROVED:

ATTEST:

STEPHANIE ORMAN, Mayor

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Chief Ray Shastid
Phone:	479-271-3170	For Department(s):	Police Department
Email:	ray.shastid@bentonville.arkansas.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Adopt the Police Department 2024 Policy and Procedures Manual (Revisions)
Action Recommendation & Justification:	Resolution is to adopt the Bentonville Police Department 2024 Policy and Procedures Manual with all revisions and new standards. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	See attached memo and policy & procedures manual

Amount for Approval:	\$
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Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

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MEMORANDUM

Police Department

TO: City Council and Mayor Stephanie Orman
FROM: Ray Shastid, Chief of Police
DATE: May 14, 2024
SUBJECT: Bentonville Police Department – Policy and Procedures Manual Updates

The Bentonville Police Department enrolled in the CALEA Accreditation at the end of FY 2022 and began the (3) year process for accreditation. CALEA is considered the Gold Standard in Public Safety Accreditations. The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA®), was created in 1979 as a credentialing authority through the joint efforts of law enforcement’s major executive associations:

- International Association of Chiefs of Police (IACP)
- National Organization of Black Law Enforcement Executives (NOBLE)
- National Sheriffs' Association (NSA)
- Police Executive Research Forum (PERF)

The Accreditation is a 5 Step Process:

1. Enrollment,
2. Self-assessment,
3. Assessment,
4. Commission Review and Decision, and
5. Maintaining Compliance and Reaccreditation.

Since the acceptance into the program, the Bentonville Police Department has reviewed and modified all of its current Policies and Procedures. Command Staff and the Accreditation Manager have referenced numerous other CALEA accredited agencies, Lexipol policies, International Association Chief of Police and Arkansas Chief of Police model policies to ensure we have implemented the best practices. Furthermore, the department has added 169 applicable “Standards” specific to the tier 1 CALEA accreditation.

All policies and procedures have been reviewed by legal. Additional policies and procedures may be developed as we continue this process and will be submitted to the City Council at a later time.

This resolution is to adopt the Bentonville Police Department 2024 Policy and Procedures Manual with all revisions and standards.

CALEA® Standards for Law Enforcement Agencies

Below is a comprehensive list of standard titles in the Law Enforcement Standards Manual 6th edition. The 183 **bold** standards constitute the tier 1 option, **CALEA® Law Enforcement Accreditation Program**. Note: Out of 183 standards, only 169 are applicable to the Bentonville Police Department as of this date.

STANDARD

1 Law Enforcement Role and Authority

1.1 Law Enforcement Agency Role

1.1.1 Oath of Office

1.1.2 Code of Ethics

1.1.4 Consular Notification

1.2 Limits of Authority

1.2.1 Legal Authority Defined

1.2.2 Legal Authority to Carry/Use Weapons

1.2.3 Compliance with Constitutional Requirements

1.2.4 Search and Seizure

1.2.5 Arrest with/without Warrant

1.2.6 Alternatives to Arrest

1.2.7 Use of Discretion

1.2.8 Strip/Body Cavity Search

1.2.9 Biased Policing

1.2.10 Duty to Intervene

2 Agency Jurisdiction and Mutual Aid

2.1 Agency Jurisdiction and Mutual Aid

2.1.1 Geographical Boundaries

2.1.2 Concurrent Jurisdiction / *(Benton County Commission consideration & rules)*

2.1.3 Written Agreements for Mutual Aid

2.1.4 Requesting Assistance: Federal Law Enforcement/National Guard

3 Contractual Agreements for Law Enforcement Services

INTRODUCTION

3.1 Contractual Agreements

3.1.1 Written Agreement for Services Provided

3.1.2 Employee Rights

4 Use of Force

INTRODUCTION

4.1 Use of Force

4.1.1 Use of Reasonable Force

4.1.2 Use of Deadly Force

4.1.3 Warning Shots

4.1.4 Use of Authorized Less Lethal Weapons

4.1.5 Rendering Aid after a Use of Force Incident

4.1.6 Vascular Neck Restrictions

4.1.7 Choke Holds

4.2 Use of Force Reporting and Review

4.2.1 Reporting Uses of Force

4.2.2 Written Use of Force Reports and Administrative Review

4.2.3 Operational Assignment

4.2.4 Analyze Reports from Use of Force

4.2.5 Assault on Sworn Officer Review

4.3 Weapons and Training

4.3.1 Authorization: Weapons and Ammunition

4.3.2 Demonstrating Proficiency with Weapons

4.3.3 Annual/Biennial Proficiency Training

4.3.4 Prerequisite to Carrying Lethal/Less Lethal Weapons

4.3.5 Firearms Range

11 Organization and Administration

INTRODUCTION

11.1 Organizational Structure

11.1.1 Description of Organization

11.2 Unity of Command

11.2.1 Direct Command, Component

11.3 Authority and Responsibility

11.3.1 Responsibility/Authority

11.3.2 Supervisory Accountability

11.3.3 Notify CEO of Incident with Liability

11.3.4 Police Action Death Investigations

11.4 General Management and Administration

11.4.1 Administrative Reporting Program

11.4.2 Accountability for Agency Forms

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Bentonville Police Department

LAW ENFORCEMENT CODE OF ETHICS

(1) The Law Enforcement Code of Ethics shall be subscribed to each certified law enforcement officer. Violation of any portion of the Code may, upon Arkansas Commission direction, result in revocation of law enforcement certification.

(2) THE LAW ENFORCEMENT CODE OF ETHICS should be administered as an oath to all trainees during the Basic Course for the State of Arkansas.

AS A LAW ENFORCEMENT OFFICER my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency; I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life. I will be exemplary in obeying the law, and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.....law enforcement.

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Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Oath of Office, Code of Ethics and Conduct	101.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 1.1.1, LE 1.1.2, LE 26.1.1, LE 26.1.3	XX
NOTES:	ACA 21-8-304 (2011), 21-1-501, 21-1-503, 21-8-301, 21-8-302, 21-8-303, 21-8-304, 21-8-305, 14-52-109	REVISION DATE:
APPROVAL	Ray Shastid, Chief of Police	PAGES:
		7

PURPOSE

Law enforcement personnel are the most conspicuous representatives of the City of Bentonville, and their conduct is closely scrutinized. If the public perceives Bentonville Police Department personnel actions or appearance are excessive, unwarranted, or unjust, the criticism will be more severe than for others for comparable conduct. The public expects personnel to provide reliable service while following the laws, rules, regulations, and meeting the highest standards of law enforcement.

Excellence in service calls for Department personnel to help ensure the highest quality of life in the City of Bentonville. Failure to follow these rules and regulations is cause for disciplinary action.

POLICY

It is the policy of this Department to maintain the highest standard of integrity by working diligently to maintain the community's trust. All Departmental employees must recognize they are held to a higher standard than the private citizens they protect, in addition to representing the Department and the law enforcement profession.

Conduct, on and off duty, must be beyond reproach. Department personnel must avoid any conduct that might compromise the integrity, morale, operations, or efficiency of the Department. Violation of Federal, State and Local laws, as well as Department Policy may result in disciplinary action up to and including termination.

DEFINITIONS

Ethical Conduct: Is defined as actions that reflect the ethical standards consistent with the rules and values published by this Department.

Public Servant/Public Employee: Is an individual who is employed, appointed, or represents this Department.

Sworn Officer: An employee of this Department who is a probationary or certified officer as defined by the laws, rules, and regulations of the state of Arkansas.

Harassment: A form of discrimination defined as any conduct directed toward another because of that person's race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, veteran status, or any other basis that is inappropriate or offensive as determined by using a reasonable person standard. The "reasonable person" standard considers whether a reasonable person would find the behavior or conduct in question offensive.

Sexual Harassment: Means unwelcome sexual advances; requests for sexual favors; and other verbal and physical conduct when:

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

Quid Pro Quo Harassment: A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor.

Hostile Work Environment: A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct.

Sexual Discrimination: The disparate treatment of an employee with respect to work benefits, conditions, assignments, promotions, etc. based upon the gender of the employee, unless such disparate treatment is necessary based upon some bona-fide occupational qualification (*i.e., undercover assignment where a male is necessary due to the nature of the infiltration.*)

Domestic Misconduct: The Department defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the Department by the involved employee and other members of the Department. A domestic relationship involves any employee who is or has been married to the other party; involves any member of the employee's household; who is living or has lived with the other party; has had a child with the other party; or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.

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

Sexual Misconduct: Any sexual activity while on-duty, stemming from official duty or violates the law. Sexual misconduct includes but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct.

PROCEDURES

101.01 PROHIBITED ACTIVITIES IN ACCORDANCE WITH A.C.A. 21-8-304 (2011)

No public servant shall use or attempt to use their official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.

No public servant shall accept employment or engage in any public or professional activity while serving as a public official, for which they might reasonably expect would require or induce them to disclose any information acquired by them by reason of his or her official position that is declared by law or regulation to be confidential.

No public servant shall disclose any such information gained by reason of their position, nor shall they otherwise use such information for their personal gain or benefit.

101.02 OATH OF OFFICE/LAW ENFORCEMENT CODE OF ETHICS

Oath of Office:

All sworn employees will take and abide by an oath of office upon assuming sworn status with a law enforcement department. The oath of office will be administered by appropriate legal authority. A copy of this oath will be signed by the officer and maintained in the employee's personnel file. [L.E 1.1.1]

Law Enforcement Code of Ethics:

All sworn officers shall abide by the Law Enforcement Code of Ethics as outlined in CLEST Regulation 1020 Specification S21. A copy of the Code of Ethics will be signed by the employee and maintained in the employee's personal file. All personnel will receive training on the Code of Ethics at least biennially. [LE 1.1.2]

101.03 CODE OF CONDUCT [LE 26.1.1]

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to Department service: In addition to this policy adopted by the Bentonville Police Department, all employees are expected to comply with Section 3 (Conduct) of the City of Bentonville personnel policy.

A. Abuse of Position:

Employees shall not use their departmental position, identification card, or badge for:

1. Personal or Financial gain.

2. Obtaining privileges not available except in performance of official duty.
3. Avoiding consequences of illegal acts.
4. The solicitation of any gifts, service, gratuity, discount, or anything of value where there is any direct or indirect connection between the solicitation and their Departmental membership, without the expressed written permission of the Department head; or
5. The acceptance of any gift, service, gratuity, discount, or anything of value, the acceptance of which might tend to influence directly or indirectly their actions in any police business; or which might tend to cast an adverse reflection on the Department or any employee thereof.

B. Associating with Criminal Element:

Officers should not knowingly commence or maintain a relationship with any person who is under criminal investigation; indictment; arrest or incarceration, by this or another law enforcement Department; and/or who has a known criminal reputation in the community (i.e. persons whom they know, should know, or have reason to believe are involved in felonious activity or crimes of moral turpitude), except as necessary for performance of official duties, or where unavoidable because of familial or personal relationships. Officers should disclose to their supervisor any personal relationships with such individuals that may bring discredit to the Department.

C. Informants:

Employees shall maintain a professional relationship with Department informants and shall not have any social, business or any other relationship beyond that required for purposes of Department business with the informant.

D. Employee responsibilities:

Employees must exercise judgment, initiative, and sound reasoning in all official transactions; strive for efficiency and effectiveness; exercise restraint in difficult situations; seek self-improvement through formal and informal training; and assist fellow officers whenever possible. In situations where no written directive or supervisory guidance is available, employees are expected to analyze the situation and react in accordance with the mission statement and the core values of this Department.

E. Faithful Discharge of Duties:

In the performance of their duty, officers are called upon to make difficult decisions and must exercise discretion in situations where rights and liabilities are affected by conduct and judgment. Decisions are not made easily, and they involve choices that may cause hardship or discomfort. Police Officers must be faithful to their oath of office, the mission statement of this Department, the principles of professional police service, and the objectives of the Department. In the discharge of duty, they must not allow personal motives to govern decisions and conduct.

F. Unbecoming Conduct:

The conduct of an employee, on and off duty, reflects upon the Department. Employees must avoid conduct that might discredit themselves or adversely affect the morale, operations, or efficiency of the Department. This Department will not tolerate any form of illegal harassment, including any behavior on the part of employees, clients, customers, vendors, etc., that impairs an employee's ability to perform their duties.

G. Professionalism:

Effective law enforcement depends on a high degree of cooperation between the Department and the public. While the urgency of a situation might preclude ordinary social amenities, lack of professionalism will not be tolerated. Employees shall strive to be courteous and civil to the public, as well as fellow employees; avoid harsh, violent, profane, or insolent language or demeanor and shall maintain objective attitudes regardless of provocation.

H. Attention to Duty:

As most police work is performed without close supervision, responsibility for proper performance of duty lies primarily with the employee. An officer has a responsibility for the safety of the community and their fellow officers and discharges that responsibility by faithful and diligent performance of duty.

I. Financial Obligations:

Employees shall knowingly avoid incurring financial obligations that are beyond their ability to satisfy.

J. Harassment [LE 26.1.3]:

Supervisors and all employees have an obligation to provide a work environment free of all harassment. This includes taking steps to ensure that the Department can control prohibited harassment whether it is done by supervisors, co-workers, or non-employees (such as vendors working with the Department or supplying services).

1. Reporting Requirements: All employees within the Department have an obligation to report violations of this policy promptly. Reportable violations include but are not limited to illegal harassment, sexual harassment, sexual discrimination or indicators of a hostile, offensive work environment. violations should be reported if the employee experiences, witnesses, or otherwise has knowledge of the violations.
2. The Department shall promptly investigate all complaints regarding harassment or discrimination regardless of their origin.
3. Complaints should be made to an employee's immediate supervisor. If the immediate supervisor is involved in the allegation or the employee is uncomfortable with making a report to their immediate supervisor, they may bypass the chain of command to report the harassment or

discrimination. Alternate reporting options include the Human Resources Manager, Legal Department or other governing body administration.

K. Domestic Misconduct:

The Department shall take immediate action when notified of any act of domestic misconduct involving an employee of this Department.

When the incident occurs within the jurisdiction of this Department:

1. Assign the call for response by two uniformed officers and a supervisor, if available. In cases where no supervisor is on duty, a supervisor will be notified and respond.
2. Once the incident is contained, the supervisor shall call for a response by a Department's domestic violence investigator.
3. The decision to arrest a Department employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor. When probable cause exists, the employee shall be arrested and processed in the same manner as a non-employee.

L. Sexual Misconduct:

Sexual activity of any nature while on duty is prohibited. Any use of official position and official resources to obtain information for purposes of pursuing sexual conduct is prohibited. Sexual Misconduct is prohibited and shall be disciplined up to and including termination.

M. Retaliation:

No employee shall be retaliated against for reporting allegations of illegal harassment, sexual harassment, or discrimination. Any employee who believes he/she has been retaliated or discriminated against in any manner whatsoever due to a filing a complaint, assisting another employee in filing a complaint, or participating in an investigative process, should immediately notify the Chief of Police or their designee and/or other applicable authority.

N. Duty to Know and Obey Laws, Policies, Rules and Regulations:

It shall be the responsibility of every employee to know and adhere to federal, state, and local laws and policies/directives of this Department applicable to their job function and conduct to the extent reasonably possible.

O. Refusal to Work:

No employee of this Department shall engage in any strike, work stoppage, slow down, or in any way refuse to fulfill their responsibilities.

P. Compliance with Lawful Orders:

Employees will respond to and obey the lawful order of a supervisor to the extent reasonably possible in keeping with the rules and regulations of this department.

Failure or deliberate refusal to obey a lawful order given by a supervisor shall be considered insubordination and therefore prohibited.

Q. False Statements:

No employee of this Department shall intentionally or knowingly make a false statement; provide false information; or give false testimony in any official report, judicial proceeding, official hearing, administrative inquiry, or any other matter related to their employment.

R. Bribery:

All employees are required to report bribery attempts. Such reports will be made via written memorandum addressed to the Department head forwarded via their chain of command.

S. Incompetence:

Employees should execute their duties in a professional and competent manner. Employees should meet and maintain reasonable measures of job performance. Repeated incidents of carelessness or a pattern of errors, neglect, and/or inattentiveness to job performance is considered incompetence.

T. Duty to Report:

It is the responsibility of any employee to provide the Department with specific notice whenever they are involved in or aware of any acts of misconduct.

101.04 TRAINING

The Department shall conduct annual training regarding, illegal harassment, sexual harassment, and sexual discrimination for all employees that includes instruction on the reporting requirements of such conduct. This training shall be documented to ensure that all employees received the training. Additionally, all personnel shall receive training on the Code of Ethics adopted by the Department at least biennially. [LE 1.1.2]

Bentonville Police Department

Policies & Procedures

	SUBJECT: Law Enforcement Authority	POLICY NUMBER: 102.00
	CALEA STANDARDS: LE 1.2.1, 1.2.5, 1.2.6	EFFECTIVE DATE: XX
	NOTES: [AR 16-81-106] , [AR 12-15-202], [AR 16-93-106], [5-1-102], ARCP 3.1	REVISION DATE: 04/23/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 6

PURPOSE

This policy details the authority, guidelines and circumstances where sworn personnel should use alternatives to arrest and pre-arraignment confinement. Officers have a responsibility to recognize and follow civil rights established by State and Federal Constitutions of the United States as well as Federal and Arkansas State Revised Statutes.

POLICY

Bentonville Police Department personnel use individual discretion and alternatives to arrest in the best interest of justice, fairness, and welfare of the public. The department ensures the constitutional rights of every person.

DEFINITIONS

Probable Cause (arrest): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.

Reasonable Suspicion (temporarily detain): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

Arrest: An arrest is the taking of a person into custody so that he may be held to answer for the alleged commission of a public offense.

Fresh pursuit: Is the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony in this state. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used here shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

102.01 LAW ENFORCEMENT AUTHORITY [LE 1.2.1]

Authority Granted: Police personnel are granted full law enforcement authority and powers as prescribed by State Revised Statutes and ordinances of the City of Bentonville by taking the Oath of Office. [\[AR 16-81-106\]](#)

Actions Based on Legal Justifications: Law Enforcement personnel must have legal justification for their actions in every situation. What is reasonable for proper law enforcement action, or what is probable cause, varies with each situation. Different facts may justify either an investigation, a detention, a search, an arrest, or no action. Law Enforcement personnel shall always act within limits of authority to protect the rights of both individuals and the public.

Equality of Enforcement: Laws shall be enforced fairly and impartially. Failure to equally enforce the law may result in a loss of respect and an increased resistance to its enforcement.

Uniform Application of the Law: The department uses flexibility in deployment and methods of enforcement to respond to the varying law enforcement needs in different parts of the City. The department formulates enforcement policies based on the total jurisdiction and applies them uniformly.

Actions Based on Circumstances: Like circumstances call for like treatment of groups and individuals; however, the department must use methods to gain compliance with the law, or to make arrests, based on the existing circumstances of each situation.

Willful Misuse of Authority: You are not authorized to exceed lawful authority in any conduct. Misuse of authority is justification for disciplinary action, possible criminal prosecution and/or civil lawsuit. It should also be noted that several federal civil rights acts serve to protect citizens. These laws provide for both criminal and civil penalties. If found innocent of criminal charges in state court, you may still be liable for a federal civil rights violation, resulting in further criminal charges or a civil lawsuit.

102.02 POLICE IDENTIFICATION

All Certified Police and Retired Police Officers shall be issued and carry their Departmental Police ID while carrying concealed handguns. Refer to Bentonville Police Department Policy #314 (Uniform and Appearance Policy) for further details.

Upon receiving a request to view personnel identification from a member of the public or any authorized individual, Department personnel are required to comply as soon as practical. When not in full uniform, officers shall present their official agency identification upon request, ensuring it is easily accessible at all times while on duty. *[LE 22.1.8(a)]*

A. Official Agency Identification [LE 22.1.8(b)]:

Official agency identification shall be issued to all personnel and must include the following:

1. Personnel's full name
2. Rank within the Department
3. A recent and clear photograph of the personnel
4. Department logo or emblem
5. Badge number

B. Provision of Official Agency Identification:

Officers shall ensure they carry their official agency identification with them at all times while on duty.

In situations where non-uniformed personnel are required to interact with members of the public, personnel shall prominently display their official agency identification, ensuring that the photograph and relevant details are visible.

If an officer's official agency identification is lost, stolen, or damaged, it must be reported immediately to their supervisor for replacement.

C. Verbal Identification Protocol [LE 22.1.8(c)]:

When providing verbal identification over the telephone, personnel shall clearly identify themselves by stating their:

1. Name
2. Rank or position within the Department
3. Department affiliation

102.03 USE OF DISCRETION [LE 1.2.7]

Officers shall always use discretion to carry out their many duties.

A. Individual Discretion:

Discretion shall be based on good judgment, experience, and training. Laws and directives must be interpreted correctly and recognize that the use of discretion is not permitted when activities are mandated by law. Departmental directives or supervisory direction shall be followed unless justifiable cause for deviation is present.

NOTE: Officers should seek direction from a supervisor when the proper course of action is in doubt.

B. Discretion:

Of special concern is physical arrest and confinement of a person. This must be considered a very serious action. When a subject is deprived of their liberty to move

about, Officers must already know the legal justification for their actions. Never arrest first and establish facts afterwards.

C. Arrest:

An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established, an officer may take custody of the subject and involuntarily transport the subject.

102.04 UNDER ARKANSAS LAW

A. Procedure on Arrest:

Upon making an arrest, a law enforcement officer shall:

1. Identify themselves as such unless their identity is otherwise apparent.
1. Inform the arrested person they are under arrest; and
3. As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest.

B. Authority to arrest without warrant:

A law enforcement officer may arrest a person without a warrant if:

1. The Officer has reasonable cause to believe that such person has committed a felony.
2. The Officer has reasonable cause to believe that such person has committed a traffic offense involving:
 3. Death or physical injury to a person; or
 4. Damage to property; or
 5. Driving a vehicle while under the influence of any intoxicating liquor or drug.
6. The Officer has reasonable cause to believe that such person has committed any violation of law in the officer's presence.
7. The Officer has reasonable cause to believe that such person has committed acts which constitute a crime under the laws of this state and which constitute domestic abuse as defined by law against a family or household member and which occurred within four (4) hours preceding the arrest if no physical injury was involved or 12 (twelve) hours preceding the arrest if physical injury, as defined in AR Code § 5-1-102, was involved;
8. The officer is otherwise authorized by law.

C. Arrest with Warrant [LE 1.2.5]:

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

A law enforcement officer need not have a warrant in their possession at the time of an arrest, but upon request, they shall show the warrant to the accused as soon as possible. If the officer does not have the warrant in their possession at the time of the arrest, he shall inform the accused of the fact that the warrant has been issued.

D. Authority to Arrest Outside of this Department's Jurisdiction:

It is the policy of this Department to assist local, state, and federal law enforcement agencies in their legitimate law enforcement operations when requested. To provide such assistance, members of this Department may travel outside this jurisdiction when requested by another law enforcement agency; under the terms of a mutual aid agreement; or when acting pursuant to applicable law.

An officer of this Department may make an arrest outside of this Department's jurisdiction within the State of Arkansas under the following circumstances:

1. Fresh Pursuit; (16-81-301)
2. Warrant for Arrest; (16-81-104; ARCP 4.2)
3. When requested by the local law enforcement agency for assistance and the officer requested is from an agency that has a written policy covering arrests outside of their jurisdiction; (16-81-106 (c) (3)(4))
4. When a county sheriff requests or grants permission for an officer from a contiguous county to come into the sheriff's county for purposes of investigating and making arrests for violation of controlled substances laws. (12-12-102)

102.05 ALTERNATIVES TO ARREST/CONFINEMENT [LE 1.2.6]

It is important to know and use alternatives to arrest and confinement when proper. Officers should ensure that determination of the disposition is not guided by personal feelings.

Additionally, Officers shall not release any arrestee in custody for a valid warrant until such arrestee has posted the proper bond or signed proper documents for an "Own Recognizance" release.

A. Citations:

Officers may use criminal citations for adult misdemeanor arrests per the guidelines provide by the Municipal Court Judge. Adult felony arrestees may be released with a citation with the approval of a Benton County Prosecutor. Use traffic citations on violations related to traffic infractions.

B. Warnings:

You are authorized to issue warnings for minor traffic and ordinance violations if you believe a warning is sufficient for the situation. Generally, do not use warnings for serious violations or for those violations where laws or directives call for arrest and confinement.

C. Referral:

Make proper referrals to other components of the Police Department, City, other government agencies or social service agencies. Referrals outside the department may include, but are not limited to:

1. Federal Law Violations: You may refer federal law violations to the proper federal authorities.
2. Mental Health Cases: You may refer persons with mental problems to a mental health organization.
3. Hot Checks: Refer cases involving Felony and Misdemeanor hot checks to the Benton County Prosecutor's Office.
4. Benton County Prosecutor's Office: You may refer investigated Felony cases to the Prosecutor's Office for evaluation and arrest warrants when the situation is called for.
5. Bentonville City Prosecutor's Office: You may refer investigated Misdemeanor cases to the Bentonville City Prosecutor's Office for evaluation and arrest warrants when the situation is called for.

D. Informal Resolution:

You may solve some problems without arrest, citation or referral. Informal resolution is an excellent method to deal with minor violations.

1. **Agreement/Probable Cause:** An essential element to informal resolution is an agreement by all involved parties that there should be no arrest; or the investigating officer determines inadequate probable cause exists for an arrest.
2. **Victims Decline Charges:** In disputes such as neighborhood squabbles, landlord/tenant disagreements, when victims do not wish to file charges (note: exceptions for domestic violence situations), etc., use informal resolution.

102.07 ARKANSAS EXEMPTIONS FROM ARREST

- A. The organized militia shall be privileged from arrest during their attendance at muster and attendance at drills and in going to and returning from attendance at muster and drills in all cases except treason, felony, and breach of the peace.**

- B.** The volunteer and militia forces shall in all cases (except treason, felony, and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.
- C.** All witnesses shall be privileged from arrest in all cases except treason, felony, or breach of the peace during their attendance on any court where their attendance is required by subpoena and going to and returning from the place where they may be required to appear to testify, allowing one (1) day for every twenty-five (25) miles from their residence.
- D.** The members of the Senate and House of Representatives and the clerks, sergeants-at-arms, and doorkeepers of each branch of the General Assembly shall be privileged from arrest during the session of the General Assembly and for fifteen (15) days before the commencement and after the termination of each session.
- E.** All persons qualified to vote for representatives in the General Assembly shall be privileged from arrest during their attendance at any election and while on their way going to and returning from the election.
- F.** No person shall be arrested while doing militia duty under the order of his commanding officer or while going to or returning from the place of duty or parade.
- G.** No person shall be arrested in the Senate chamber or House of Representatives during their sitting or in any court of justice during the sitting of the court.
- H.** Nothing contained in this section shall be so construed as to extend to cases of treason, felony, or breach of the peace or to privilege any person named from being served at any time or place specified in this section with a summons or notice to appear.
- I.** Electors shall, in all cases (except treason, felony, and breach of the peace,) be privileged from arrest during their attendance at elections and going to and from the same.

**Bentonville Police Department
Policies & Procedures**

	SUBJECT: Search and Seizure	POLICY NUMBER: 103.00
	CALEA STANDARDS: LE 1.2.4, 1.2.5, 1.2.8	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 04/23/2024
	APPROVAL: Ray Shastid, Chief of Police (10pt Font)	PAGES: 7

PURPOSE

This policy details the authority, guidelines and circumstances where sworn personnel may need to execute a search for weapons, contraband or items of evidentiary value. Officers have a responsibility to recognize and follow rights established by State and Federal Constitutions of the United States as well as Federal and Arkansas State Revised Statutes.

POLICY

The United States Constitution, Revised Statutes of Arkansas, and judicial interpretation define the laws of search and seizure to protect individual rights of all persons. The Bentonville Police Department uses legal justification and means for all arrests, searches and seizures.

DEFINITIONS

Arrest: An arrest is the taking of a person into custody so that he may be held to answer for the alleged commission of a public offense.

Consensual Contact: An interaction between a member of law enforcement and the public that is voluntary in nature. The law enforcement member has shown no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the officer's efforts. Under this type of contact, an officer has no power to detain an individual who chooses not to participate in the contact.

Frisk (weapon): A limited type of search where an officer may only conduct a search for weapons. With respect to a person, such a search is limited to a pat down of the subject's outer clothing.

Probable Cause (search): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.

Probable Cause (arrest): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.

Reasonable Suspicion (temporarily detain): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

Reasonable Suspicion (frisk): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.

Strip search: The removal or rearrangement of clothing that results in the exposure or observation of a portion of the genitals, the buttocks, or the breasts of a female.

PROCEDURES

103.01 CONSENT SEARCH

Officers may conduct a search of any person, place, or thing without probable cause when the person having apparent legal control (sole or common authority or standing) over that area consents to the search.

The consent must be freely and voluntarily given. The burden of proof for the voluntariness of the obtained consent is on the officer. The person giving consent may withdraw that same consent at any time. The consent may also limit the scope of the search in any way the individual wishes. If the search exceeds the authorized scope, it is unlawful.

Consent should generally be documented on a written form approved and supplied by the Department. Officers should be mindful that two people sharing a dwelling or vehicle may both have an expectation of the right to privacy. Consent should be obtained, when appropriate, from all subjects, necessary to legitimize the consent. See Rule 11.1

Rule 11.1: Authority to Search and Seize Pursuant to Consent

- a. An officer may conduct searches and make seizures without a search warrant or other color of authority if consent is given to the search.
- b. The state has the burden of proving by clear and positive evidence that consent to a search was freely and voluntarily given and that there was no actual or implied duress or coercion.
- c. A search of a dwelling based on consent shall not be valid under this rule unless the person giving the consent was advised of the right to refuse consent. For purposes of this subsection, a "dwelling" means a building or other structure where any person lives or which is customarily used for overnight accommodation of persons. Each unit of a structure divided into separately occupied units is itself a dwelling.

103.02 FRISK FOLLOWING DETENTION

Although an officer may have reasonable cause to stop an individual, there must be a separate belief, based on articulable facts, that a suspect is armed in order to justify a frisk. A frisk is defined as a limited pat-down of outer garments for weapons or items that could reasonably be used as a weapon. If a heavy overcoat is worn, the officer may require the subject to remove the coat so that a pat-down search may be conducted. The search is not

limited only to the person of the detained suspect if reasonable suspicion exists that the person poses a danger.

Scope in such cases is limited to the reach of the person where a weapon might be found. A lawful protective search extending beyond the person where no probable cause exists to arrest must have ALL the following elements present:

- A lawful detention of a person or vehicle;
- Reasonable suspicion that the suspect poses a danger based on “specific and articulable facts, which taken together with the rational inferences from those facts, reasonably warrant the officer to believe the suspect is dangerous and that the suspect may gain immediate control of weapons”
- Search must be limited to those areas where a weapon may be placed or hidden.
- Search must be limited to the area within the subject's immediate grasp.

103.03 SEARCH INCIDENT TO ARREST OF A PERSON [LE 1.2.5]

When an Officer arrests a person on the street, the Officer may conduct a thorough search of the subject's person (not strip search) and the subject's immediate area of control.

When possible and practicable, pat-downs and searches will be conducted by an authorized person of the same sex as the arrestee. In the event a sworn personnel of the same sex is unavailable, the personnel on scene will conduct the necessary and appropriate searches of the individual. Effort should be made to facilitate the use of available recording equipment.

The purpose of this search is the following:

1. Protecting the officer from attack.
2. Preventing the person from escaping.
3. Discovering or seizing the fruits of the crime for which the person has been arrested; or
4. Discovering or seizing any instruments, articles, or things that are being used, or which may have been used, in the commission of the crime for which the person has been arrested.

This search may include the subject's pockets as well as any items they are in possession of at the time of the arrest.

Cell phone search incident to arrest: Officers are required to obtain either written consent from the arrestee, a court authorized search warrant, or articulate the existence of exigent circumstances before a cellular phone or hand-held device is opened and searched.

103.04 **STRIP/CAVITY SEARCH** [LE 1.2.8]

To conduct a strip search of an individual two threshold issues must be met:

The person must first be arrested based upon probable cause to believe that person has or is committing a crime.

A. Field: The officer must have probable cause to believe that the arrestee is concealing evidence, contraband, or weapons on their person. These searches shall be conducted at the police station or jail, unless exigent circumstances exist that make the search necessary to protect the officer or others from serious bodily harm or death. In such a case, the officer shall obtain supervisory authorization before making this search, unless no supervisor is available. In all cases, the officer must seek a private area to conduct the search that is out of view of the public and other persons. This shall also require the presence of a second officer.

B. Booking:

Strip searches during the booking process may only be conducted when officers can articulate reasonable suspicion to believe that the subject is concealing weapons or contraband. [LE 1.2.8 a]

1. All strip searches conducted shall be performed by persons of the same sex as the arrested person, in a professional manner, and on premises where the search cannot be observed by persons not physically conducting the search.
2. Officers performing strip searches must obtain authorization from a supervisor to approve the strip search.
3. In all cases where a strip search has been conducted, the officer will document the following:
 - a. The name of the person searched.
 - b. The person who conducted the search.
 - c. The supervisor who authorized the search.
 - d. The offense the suspect was arrested for.
 - e. Facts and circumstances that led the officer to believe that the suspect was hiding weapons or contraband on his or her person.
 - f. The way the search was conducted.
 - g. The persons who were present during the search.
 - h. The location where the search occurred.
 - i. The items that were recovered as a result of the search.

C. Body Cavity Searches:

No search of any body cavity other than the mouth shall be conducted without a duly executed search warrant. Any warrant authorizing a body cavity search shall specify the following [LE 1.2.8a]:

1. The search must be performed under sanitary conditions.
2. The search must be conducted by or under the supervision of a physician or registered nurse licensed in this state.

D. Warrantless Search by Officer for a Supervised Probationer or Parolee:

A person who is placed on supervised probation or is released on parole is required to agree to a waiver as a condition of his or her supervised probation or parole that allows any certified law enforcement officer to conduct a warrantless search of his or her person, place of residence, or motor vehicle at any time, day, or night, whenever requested by the certified law enforcement officer. A warrantless search that is based on a waiver shall be conducted in a reasonable manner [AR 16-93-106].

Examples of a law enforcement concern include but are not limited to: Anonymous tips/reports that would otherwise not be sufficient to conduct a search; parolee/probationer found in known crime areas or otherwise under suspicious circumstances less than reasonable suspicion for a terry stop; parolee/probationer is a party to a lawful traffic stop or other detention whereby a search would otherwise be unlawful. Officers are prohibited from using this statute to harass.

Prior to a 4th amendment seizure (detention or stop) and or search of a parolee/probationer based on the sole fact that the person is merely a parolee/probationer, a member of this department shall verify the status of the person believed to be on supervised probation or parole and that a waiver exists prior to conducting a seizure and or search by one of the following methods:

1. As part of a consensual contact, a person admits to being on probation or parole, admits that a waiver exists, and consents to search. Under this scenario, no seizure has occurred, and the Officer is conducting a search under the consent to search doctrine without having verified that a waiver exists via logical means.
2. Officer determines person is on probation/parole via ACIC and confirms that a waiver is on file.
3. Officer determines person is on probation/parole and that a waiver exists through personal contact with the Departments of Correction or Community Correction or by contacting a Community Correction Officer prior to any warrantless search being conducted.

The officer conducting the search must make a request to search the supervised probationer or parolee prior to search; however, obtaining consent to search is not required if it is determined through appropriate means that a waiver exists as a condition of release.

Authority granted under this statute does not preclude other restrictions that may be applicable under law including third party rights, co-occupants, etc.

In the event a co-occupant or other lawful third party prevents the search of a residence where a parolee or probationer resides based on applicable law, Officers will advise the third party that the parolee/probationer may be in violation of his/her parole based on their lawful objection and the Officer will report the incident to Parole/ Probation for their consideration of enforcement.

Officers will document all parole/probation searches or attempts to search in a manner approved by the Department. The report or incident notes shall document the date, time, location, parolee/probationer searched, scope of the search, the law enforcement concern that led to the search or an otherwise lawful stop, and the result of any such search.

In addition to typical enforcement that may occur, the discovery of any criminal violation will be immediately reported to the appropriate Parole/Probation Officer for further administrative consideration.

103.03 VEHICLE SEARCH EXCEPTION

Officers shall be guided by the following basic principles and will be kept apprised of changes in case law from the state and federal courts by the Professional Standards and Training Unit.

Due to the inherent mobility of a motor vehicle, the courts have historically held officers to a standard of probable cause for their search. This means that there are some conditions under which the officer does not need a search warrant in order to search a motor vehicle. Officers may search a motor vehicle without first obtaining a search warrant under the following conditions:

- The passenger compartment incident to and contemporaneous with the arrest of an occupant if the arrestee is unsecured and within reaching distance of the passenger compartment at the time of search or the officer has reason to believe the vehicle contains evidence of the offense of the arrest. (AZ v. Gant)
- Based on probable cause to believe that the mobile vehicle contains evidence of a crime or contraband. This search is only limited by the scope of where those items could be concealed.
- In the event of a detention of the driver or occupant, and the officer has a basis for a frisk of that person, the frisk may extend into the vehicle to the areas where he might leap or lunge for a weapon.
- Unless the search is performed on the basis of consent, the officer shall not conduct the search of a motor vehicle without a search warrant unless there is a clear exception in law to that requirement.

103.04 CRIME SCENE SEARCH

Officers will adhere to the following guidelines with respect to searches of crime scenes: if the crime scene includes a constitutionally protected area, and a possible suspect might have a reasonable expectation of privacy in the scene, it will be searched pursuant to a search warrant.

Exceptions:

- Officers may conduct protective sweeps of a crime scene for their protection prior to securing the scene pending a warrant or consent.
- Upon exigent entry, the scope of any search is limited to providing aid to those believed to be in need of assistance or to secure evidence in plain view. Once aid is provided, a search warrant must be obtained before searching for evidence or contraband.
- Constitutionally protected areas may be searched with the consent of a person with apparent standing to give it.
- When the suspect is arrested in the crime scene, officers may search the area under the immediate control of the suspect if it is contemporaneous with the arrest.
- Officers may enter and search a constitutionally protected area under lawful exigent circumstances to include medical emergencies, or public safety issues such as a violent felony in progress or the reported presence of a bomb. This exception only extends to the termination of the emergency. If search is to continue, another justification to the warrantless exception must exist.

At a crime scene, absent consent of the person having apparent legal control over the premises or exigent circumstances as described above, officers will proceed with the application for a warrant.

103.05 ADDITIONAL STATE AND FEDERAL PROVISIONS

- A.** Officers may enter an open field and search it for items subject to seizure when they have reason to believe that the stated item(s) are to be found at the location. The fourth amendment affords no protection to open fields. An open field is the area in proximity to a dwelling, but not within the curtilage of that dwelling.
- B.** Officers may search public places when they have reason to believe that items subject to seizure are at the location. The fourth amendment affords no protection to public places. Public places are those locations owned or controlled by public entities that are available for public use. An example would be a public park.
- C.** Officers may search private locations open to the public when they have reason to believe that items subject to seizure are at that location. The fourth amendment affords no protection to private places open to the public. These are locations that are privately owned but are available for public use. An example would be the lobby of a bank.

- D.** Officers may seize items that are immediately apparent as evidence when they come into view and the officer is lawfully searching in connection with a crime or he otherwise has a right to be where he is at the time.
- E.** Officers may search abandoned property if it can be established that the owner or person in possession of the property intended to abandon it and did so freely.
- F.** School Situations: School administrators must meet a standard less than probable cause for searches by school personnel. However, when a trained police officer enters into discussion or preparation for the search, the higher standard of probable cause may be required. (New Jersey v. TLO, 469 U.S. 325 (1985))
- G.** Private school administrators and staff may search student, student locker, and personal property at any time for any reason without a finding of probable cause. However, because the 4th Amendment protects against government intrusion, once a police officer directs or causes school staff to search, 4th Amendment requirements apply.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Foreign Consular Notification	POLICY NUMBER: 104.00
	CALEA STANDARDS:	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 04/24/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 7

PURPOSE

This policy contains instruction and guidance on consular notifications and access required upon the arrest, detention, or death of foreign nationals.

POLICY

It is the policy of the Bentonville Police Department to adhere to the guidance provided by the U.S. Department of State concerning consular notification and access based on treaty obligations. Adherence to these obligations helps foreign governments provide assistance to foreign nationals arrested in the United States and helps the U.S. government protect U.S. citizens abroad. The Department shall ensure that all foreign nationals are treated with respect and provided with immunities under international law where applicable (see the model policy on diplomatic immunity).

DEFINITIONS

Consul or Consular Officer: A citizen of a foreign country employed by that government and authorized by both the sending and the host countries to provide assistance on behalf of that government to its citizens in another country. Such persons are generally assigned to a consular section of an embassy in Washington, D.C., or to a consulate in another U.S. city. Consular officers or consuls who are accredited by the U.S. Department of State bear identification cards to that effect issued by the U.S. Department of State.

Detainee: A detainee in this context is a foreign national who is arrested or placed in custody pending investigation or judicial appearance, or both. Brief stops of such persons for motor vehicle violations or similar incidents are not considered detentions for purposes of this policy.

Diplomatic Immunity: A requirement by international law under which certain foreign government officials are not subject to the jurisdiction of local courts and authorities, for both their official and, to a large extent, their personal activities.

Inviolability: A principle embodied in international law that generally precludes law enforcement officials from handcuffing, arresting, or detaining certain foreign diplomatic officials, in any

form, and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Where public safety is in imminent danger or it is apparent that a violent felony may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity or defend themselves or others from personal harm.

Foreign National: For the purposes of consular notification, a foreign national is any person who is not a U.S. citizen. Lawful permanent resident aliens (or LPRs) who have resident alien registration cards (green cards) retain their foreign nationality and must be considered foreign nationals. The terms foreign national and alien are used interchangeably. Undocumented or illegal aliens are also foreign nationals.

Mandatory Notification: As identified in this policy, certain foreign nations have entered into specific bilateral agreements with the United States requiring that their consulate or embassy be notified of any arrest or detention of a foreign national of their country regardless of the desires of the arrested or detained foreign national.

Notification at the Foreign National's Option: Foreign nationals from countries that are parties to the Vienna Convention on Consular Relations (VCCR) must be provided with the option of having the consulate notified of their arrest or detention. If the detainee requests notification, a responsible detaining official must ensure that notification is given to the nearest consulate.

PROCEDURES

104.01 IDENTIFICATION

Officers shall identify the foreign national's citizenship in the most efficient manner possible (by passport, travel document, or diplomatic card, for example).

Only an identity card issued by the U.S. Department of State's Office of Protocol or by the U.S. Mission to the United Nations may be used as valid identification for diplomats and consular officials. The identification cards are color coded as follows:

1. Blue border: diplomatic officers and their families
2. Green border: embassy administrative, technical and service staff
3. Red border: consular officers, employees, or their families

If an officer discovers through the identification process that a foreign national has or may have diplomatic immunity, please see the Diplomatic Immunity Policy.

104.02 CONSULAR NOTIFICATION OBLIGATIONS

Consular notification obligations are triggered upon any one of the following situations:

1. The arrest or detention of a foreign national.
2. The death or serious injury of a foreign national
3. A wreck or crash in U.S. territory of a ship or aircraft under foreign registry

In cases where a foreign national is the victim of a serious crime or felony, the officer or supervisor shall ask the victim whether he or she would like consular notification to be made.

The Federal Bureau of Investigation (FBI) shall be notified when any of the following acts have been committed against a foreign national:

1. Murder or attempted murder
2. Conspiracy to commit murder
3. Manslaughter or attempted manslaughter
4. Kidnapping or attempted kidnapping

Officers who suspect that a person being arrested or detained is not a U.S. citizen shall inquire about his or her nationality in order to determine whether any consular notification obligations apply. When such requests are made, the officer should explain the purpose of the inquiry.

If an arrestee or detainee indicates that they are a foreign national, they should be asked for a passport or green card as identification. Officers shall determine the foreign national's country using the identification information provided. Undocumented illegal aliens are also entitled to consular notification and access. Absent any citizenship documentation, accept the foreign national's own statement about nationality. If it is determined that the person is an illegal alien, the officers may send the information to the U.S. Immigration and Customs Enforcement (ICE) upon approval of a supervisor and document the notification in the incident report.

Individuals who indicate that they are U.S. citizens shall be presumed to be citizens. If they indicate that they are dual citizens of another country, and the United States shall be treated as a U.S. citizen. In other words, consular notification is not required.

104.03 MANDATORY vs OPTIONAL NOTIFICATION

Foreign nationals shall be informed of the option to communicate with their consular officials whenever they are arrested or detained.

1. In most cases, foreign nationals shall have the option of deciding whether to have their consular representative notified of the arrest or detention. This applies in all cases except foreign nationals who are citizens of the states listed in annex 1 of this policy.
2. Those nations listed in annex 1 of this policy have bilateral treaties with the United States that require authorities to make notification to consular officials of the arrest or detention of one of their nationals, regardless of that national's wishes.

The arresting officer or supervisor shall notify an arrested or detained foreign national when a mandatory notification has been made to his or her consulate or embassy.

The individual shall be advised that he or she is not required to accept the consulate's assistance, but that the consulate may be able to help obtain legal counsel, contact family members, and visit the individual in detention, among other things.

In most cases, the reason for the arrest and detention does not have to be volunteered to the consular official; it should be provided only when specifically requested by the official or when it is required under a specific provision in a bilateral treaty.

Mandatory notification requirements must be honored, even if the officer has reason to believe that the foreign national may suffer persecution or mistreatment by his or her government, though precautions should be taken to prevent the release of sensitive information.

Under no circumstances shall any information indicating that a foreign national has applied or is considering applying for asylum be disclosed to a foreign national's government official.

104.03 PROVIDING NOTIFICATION

When an officer believes that consular notification may be required, he or she should notify a supervisor. The supervisor should verify the country of origin of the foreign national and determine whether consular notification is at the option of the foreign national or whether it is mandatory. In the case of optional notifications, the supervisor or detaining officer shall ascertain whether the foreign national desires that the notification be made.

Statements shall be provided to foreign nationals for review and signature as provided in annex 2 of this policy. Translations of these statements are available in the Consular Notification and Access booklet provided by the Department of State or through the State Department's Web site at www.travel.state.gov/law/consular/consular_749.html. A signed copy of this form shall be retained in the arrest or booking file. 5. Notifications to consuls or embassies should be made by facsimile transmission as soon as reasonably possible and a copy of the completed fax transmission verification sheet retained with arrest or booking records. A suggested fax sheet for notification to foreign consuls and a list of foreign embassies and consulates in the United States with contact information is provided on the State Department's Web site at www.travel.state.gov/law/consular/consular_753.html. 6.

The prosecutor's office should be notified whenever a consular notification has been made.

Consular officials shall also be notified in the foregoing manner upon the death of a foreign national that comes to the attention of this Department and in incidents involving wrecks or crashes in U.S. territory of ships or airplanes registered to foreign countries.

The Department shall keep a written record of each instance a consul has been contacted to demonstrate that it has complied with the notification requirements set forth by the U.S. Department of State.

104.04 CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS

The Department shall provide consular officers with reasonable access to detainees who request such access consistent with this department's policy and procedures governing visitation of detainees. Authorized personnel shall permit the transmission of communications from foreign nationals to their respective consular official provided the transmissions are of reasonable duration and frequency.

Consular officials shall not serve as legal counsel for their foreign national constituents and do not retain attorney-client privileges. However, consular officials may be allowed to converse privately with their constituent if they so request and the request can be reasonably accommodated.

Consular officers may provide the following types of assistance to a detainee under the terms of international agreements, although such services vary by the capabilities of country representation in the United States:

1. Determine the detainee's situation and needs.
2. Arrange for legal counsel and monitor case progress.
3. Contact authorities concerning the conditions of confinement.
4. Bring personal items to the detainee as permitted by departmental policy.
5. Contact the detainee's family on their behalf.

104.05 REFERENCE INFORMATION

Information on notification requirements, procedures, and contact numbers may change. The U.S. Department of State Website at www.travel.state.gov/law/consular/consular_753.html shall be consulted periodically to update information on the following:

1. Requirements pertaining to foreign nationals.
2. Steps to follow when a foreign national is arrested or detained.
3. Mandatory notification countries and jurisdictions
4. Suggested statements to arrested or detained foreign nationals.
5. Suggested translation procedures.
6. Suggested fax sheet and telephone and fax numbers.
7. Consular identification cards

Annex 1. Countries and jurisdictions that by bilateral treaty require consular notification are as follows:

Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Brunei, Bulgaria, China (notification is not mandatory in the case of persons who carry Republic of China passports issued by Taiwan; such persons should be informed without delay that the nearest representative of the Taipei Economic and Cultural Representative Office can be notified at their request), Costa Rica, Cyprus, Czech Republic, Dominica, Fiji, Gambia, Georgia, Ghana, Grenada, Guyana, Hong Kong (notification should be made to nearest Chinese consulate), Hungary, Jamaica, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Malaysia, Malta, Mauritius, Mexico, Moldova, Mongolia, Nigeria, Philippines, Poland (nonpermanent resident aliens only), Romania, Russia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Slovakia, Tajikistan, Tanzania, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Ukraine, United Kingdom (includes England, Scotland, Wales, Northern Ireland and Islands, and the British dependencies of Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands; their residents carry British passports), U.S.S.R. (passports may still be in use), Uzbekistan, Zambia, Zimbabwe.

Annex 2. Consular notification statements for foreign nationals:

When consular notification is at the foreign national's option under the VCCR: As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular officers here in the United States of your situation. You are also entitled to communicate with your consular officers. A consular officer may be able to help you obtain legal representation and may contact your family and visit you in detention, among other things. If you want us to notify your consular officers, you can request this notification now, or at any time in the future. Do you want us to notify your country's consular officials?

☐ Yes ☐ No

Signature: _____ Date: _____

When consular notification is mandatory:

Because of your nationality, we are required to notify your country's consular officers here in the United States that you have been arrested or detained. We will do this as soon as possible. In addition, you are entitled to communicate with your consular officers. You are not required to accept their assistance, but your consular officers may be able to help you obtain legal representation and may contact your family and visit you in detention, among other things.

Diplomatic and Consular Privileges and Immunities From Criminal Jurisdiction Summary of Law Enforcement Aspects

This table is provided by the U.S. Department of State and can be referenced in the Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities booklet.

Category		May Be Arrested or Detained	Residence May Be Entered Subject to Ordinary Procedures	May Be Issued Traffic Citation	May Be Subpoenaed as Witness	May Be Prosecuted	Recognized Family Member
Diplomatic	Diplomatic Agent	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Service Staff	Yes ²	Yes	Yes	Yes	No-for official acts. Otherwise, yes. ²	No immunity or inviolability. ²
Consular	Career Consular Officers	Yes, if for a felony and pursuant to a warrant. ²	Yes ⁴	Yes	No-for official acts. Testimony may not be compelled in any case.	No-for official acts. Otherwise, yes. ²	No immunity or inviolability. ²
	Honorary Consular Officers	Yes	Yes	Yes	No-for official acts. Yes, in all other cases.	No-for official acts. Otherwise, yes.	No immunity or inviolability.
	Consular Employees	Yes ²	Yes	Yes	No-for official acts. Yes, in all other cases.	No-for official acts. Otherwise, yes. ²	No immunity or inviolability. ²
International Organization	International Organization Staff ⁵	Yes ³	Yes ³	Yes	No-for official acts. Yes, in all other cases.	No-for official acts. Otherwise, yes. ³	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	Yes	Yes	Yes	No-for official acts. Yes, in all other cases.	No-for official acts. Otherwise, yes.	No immunity or inviolability.

Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts..

This table presents general rules. Particularly in the cases indicated, the employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

A small number of senior officers are entitled to be treated identically to “diplomatic agents.” * Note that consular residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Written Directives (12pt Bold)	201.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 11.4.2, LE 12.2.1, LE 12.2.2, COM 2.1.5, 2.1.6	XX
NOTES:		REVISION DATE:
		04/12/2024
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police (10 pt/Bold)	6	

(1 space)

PURPOSE

Clear written directives enhance service and protection to our citizens. They help ensure compliance with policies of the City of Bentonville and applicable laws. Written directives guide in determining courses of action. Bentonville Police Department written directives give guidance to operations, promote uniformity and aid cooperation among employees and units.

POLICY **(1.5 spacing)**

The Department provides a guide for developing written directives that govern operations of the Department. All directives affecting the Department shall be accomplished in writing and disseminated to all personnel.

DEFINITIONS

Written Directive: A written directive is a document used to guide or affect the performance or conduct of Department employees. A written directive includes any Policy, Personnel Order, Memorandum, Standard Operating Procedure, and instructional material issued by the Chief of Police or on the Chief's authority, or by any supervisor authorized by this order.

Policy: A statement of Department policy or procedure that is generally applicable throughout the Department or order that specifies responsibilities and or duties. Policies will be issued by the Chief of Police and will be distributed to every Department employee.

Policy & Procedure Manual: An indexed set of written directives which includes rules and regulations, policies, and procedures provided to each employee of the Department upon hire via automated access. [LE 12.2.1g, COM 2.1.5g]

Memoranda: Are issued to provide information. Memoranda may be issued by all supervisory personnel, affecting only employees under their supervision. [LE 12.2.1c, COM 2.1.5c]

Personnel Order: Issued by the appropriate supervisor, with the approval of the Chief of Police, both for direction and for providing information. Personnel Orders provide official

authorization of transfers, promotions, and demotions. They may also be used to inform employees of disciplinary action above the level of written reprimand, commendations, awards, and position vacancies. [LE 12.2.1c, COM 2.1.5c]

Policy Statement: A broad statement of department principal(s). A policy statement generally does not establish rules or a set procedure for conduct of a particular activity, but rather, provides a framework for development of procedures and rules and regulations. All Department Policies will contain a policy statement. [LE 12.2.1f, COM 2.1.5f]

Special Order: A new or revised written directive issued through memorandum by the Chief of Police or designee to immediately address a time-sensitive or emergency issue. Temporary Special Orders shall include the date the order will expire. If the order is to become a permanent policy, employees shall sign for the policy in the current document management system when distributed.

Standard Operating Procedure: Issued by the highest level of authority in each departmental component, affecting or involving the personnel of that component. SOPs relate to the component's organization, operations, emergency procedures, and any other directives the Component Assistant Chief or Manager believes necessary for carrying out department activities. [LE 12.2.1c/h, COM 2.1.5c/h]

Training Manuals: When necessary for instruction, each Component shall maintain a Training Manual containing step - by - step procedural instructions. These will be used to assist new employees and for remedial training of experienced employees. Preparation of training manuals will be coordinated with the Training Component. Individual employee copies need not be issued, but a copy should be readily available for employee use as needed.

PROCEDURES

201.01 AUTHORITY

The Chief of Police has the authority to issue, modify or approve Departmental written directives. [LE 12.2.1b/c, COM 2.1.5b/c]

- A.** The Chief of Police is authorized to issue, modify, and provide final approval of Departmental Policies, Standard Operating Procedures and Special Orders.
- B.** The Chief of Police has delegated the authority to issue Personnel Orders to the Command Staff.
- C.** The Chief of Police has delegated the authority to issue internal memoranda to the Command and Supervisory Staff.
- D.** The Chief of Police has delegated the authority to issue Training Bulletins to the Command Staff.
- E.** Exceptions to Approval Process:
The Policy Analyst/Accreditation Manager may make certain changes to policy without review or approval. Examples of these changes include:

1. Name or title change of a committee, unit, section, division, or bureau (i.e., “Juvenile Unit” changed to “Crimes Against Children Unit”).
 2. Changes in terminology which do not affect the policy in which the term is used (i.e., “Accident” changed to “Crash”)
 3. Minor grammar, spelling, and formatting corrections which do not change the meaning or intent of policy.
 4. Policy renumbering that does not affect the policy content or meaning or change policy headings and titles.
 5. CALEA standard number revisions.
 6. Changes or corrections to policy and legal statute references mentioned in policy language (i.e., “Refer to G.O. 204.03 A.” changed to “Refer to G.O. 204.03 B.”).
- F.** These changes must not result in revisions to the content, intent or meaning of the policies.
- G.** Policy renumbering, terminology changes, and name/title changes not documented in revisions shall be documented in a Special Order.

201.02 TERMINOLOGY AND MEANING

No provision or item in any written directive is to be construed to mean something other than the plain meaning of the language used.

No provision or item is to be construed to defeat its obvious intent.

Use of gender specific terms is discouraged. The use of non-gender specific terms (Officer, employee, personnel, and similar words) is encouraged.

Use of words “shall” and “will” are directory instructions that do not necessarily create an entitlement. Use of the word “may” will indicate permissive circumstances. Use of the word “should” will indicate that the procedure is not mandatory but is in the best interest of the department and employee.

Titles used will not govern, limit, modify, or affect the scope of meaning or intent of any directive.

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

201.03 WRITTEN DIRECTIVE FORMAT [LE 12.2.1d/e, COM 2.1.5d/e]

Department Policies shall be numbered consecutively and indexed, according to the following categories:

- 100.00-LE Role and Authority

- 200.00-Organization and Administration
- 300.00-Personnel
- 400.00-General Operations
- 500.00-Field Operations
- 600.00-Investigation Operations
- 700.00-Equipment
- 800.00-Support Services

Memoranda: The format for Memoranda is specified in Appendix A of this policy.

Personnel Orders: The format for Personnel Orders is specified in Appendix B of this policy. Personnel Orders shall be numbered consecutively by year.

Example: *Personnel Order # 2022 – 01*

Standard Operating Procedures and Training Manuals: Standard Operating Procedures and Training Manuals are created and maintained by each respective unit.

201.04 INDEXING, PURGING AND REVISING DIRECTIVES [LE 12.2.1e/COM 2.1.5e]

The Accreditation Manager shall coordinate the numbering, indexing and publication of written directives. These written directives shall be published and available to all employees in the current document management system.

The Command Staff, after consulting with the supervisory and non-supervisory staff, shall annually report recommended updates, purges, and revisions of the Policy Manual. Those reports are to be submitted by the second Tuesday in January to the Chief of Police.

The affected Command Staff, after consultation with affected supervisory and non-supervisory staff, shall annually report recommended updates, purges and revisions of Standard Operating Procedure manuals. Those reports are to be submitted by the second Tuesday in January to the Chief of Police.

201.05 DISTRIBUTION OF WRITTEN DIRECTIVES

A. Initial Introduction: All employees of the Department are introduced to the Policy & Procedure Manual at the time of their initial employment.

B. Existing, new, or newly revised directives are disseminated to the appropriate personnel through the current document management system. [LE 12.2.2a, COM 2.1.6a]

C. Master Electronic Version: Written directives are stored on the current document management system and are available to all police employees. [LE 12.2.2b, COM 2.1.6b]

- D. Employee Responsibility:** Each employee is responsible for reading and becoming familiar with the contents of Department manuals.
- E. Updates:** The Accreditation Manager is responsible for notification of new and newly revised directives by assigning the documents to employees in the current document management system.
- F. Employee Acknowledgement:** Affected personnel shall acknowledge receipt and review of disseminated directives through the current document management system. Acknowledgement also indicates agreement to abide by the directives. *[LE 12.2.2c, COM 2.1.6c]*
- G. Personnel Orders and Memoranda:** Personnel Orders and Memoranda shall be distributed to those individuals and Department components that are affected. A master file of all Personnel Orders and Memoranda will be maintained in the Office of Professional Standards.
- H. Distribution Method:** The method of distribution for written directives (all written directives except initial issuance of Department Policies, Standard Operating Procedure Manuals, and training manuals) shall be through the current document management system. Supervisors shall take necessary steps to track the distribution of written directives and retain the tracking information for future use.
- I. Special Orders:** Special Orders shall be distributed by email and later followed up with signature requirement on the current document management system.

201.06 DRAFT POLICY AND PROCEDURE REVIEW *[LE 12.2.1i, COM 2.1.5i]*

Any employee may discuss and propose a new or revised directive with co-workers, supervisors, and accreditation manager.

An employee may submit a new or revised directive proposal through the employee's chain of command to the lieutenant. The lieutenant shall submit new and revised proposals to the Chief of Police and Command Staff for review. Pending approval of the Chief of Police, the policy will be forwarded to the Accreditation Manager for deconfliction and accreditation compliance.

The Accreditation Manager shall submit the draft version to the appropriate Command Staff for review and revisions as needed. The captain shall submit the final draft to the Chief of Police for approval, prior to final approval by City Council and dissemination.

201.07 FORMS ACCOUNTABILITY *[LE 11.4.2]*

Each Division shall be responsible for its own review, development, modification of its respective forms used by the Department.

Forms are stored, controlled, and uploaded to the Department's digital document management system by the Accreditation Manager

Organizational components considering the use of new forms or changes to current forms shall submit proposals through the component's chain of command to its Division Commander for consideration and approval.

The Administrative Division Commander shall conduct a periodic review of established forms to determine accuracy. This may be done during the staff inspection process.

201.08 BRIDGING POLICIES AND PROCEDURES [LE 12.2.1]

The purpose of a bridging policy is to ensure continuity of administrative and operational functions and to provide consistent performance and service delivery expectations to all agency employees during the transition of command.

Pursuant to a change in leadership at the Bentonville Police Department, all written directives approved by the previous Chief of Police shall remain in effect for all agency personnel until amended, revised, or rescinded on the authority of the next Chief of Police.

If the position of Chief of Police is occupied by an employee in an acting capacity, the authority to amend, revise, or rescind written directives will be held by that employee until the next Chief of Police is appointed.

A bridging document shall be completed during each transition of command. See Appendix C.

APPENDIX A
(Note: forms to be applied to the Chief stationary letter head)

Bentonville Police Department

TO: All Sworn Personnel

FROM: Ray Shastid, Chief of Police

DATE: September 1, 2022

SUBJECT: Memoranda Format

This is the Bentonville Police Department memorandum format to be used within the Department.

The heading and inside address can be generated from an auto text entry using Microsoft Word.

The four-line addressee, sender, subject, and date lines are to be in all capital letters. The date may be expressed in digits or by use of the text format as indicated above.

The memo text is to be in the block paragraph format. Paragraphs start at the left margin. The right margin should be justified. Single line spacing (or in Microsoft Word the “exactly” paragraph line spacing for the type of point used) is to be used within paragraphs. There is one blank line between paragraphs.

There is no salutation or complimentary closing on a department memo. The issuing authority’s approval of the memo is shown by the initiator’s written signature placed after their name and title on the “FROM” line of the inside address. A memo without the initiator’s signature is of no effect.

The typist initials, if other than the initiator, should be indicated as shown below.

Enclosures, attachments, and copies are indicated as shown below.

When sending a memo to an identifiable group, such as ‘ALL SUPERVISORS’, individual names of supervisors are not indicated. Multiple recipients, who are not addressed as a group, are each identified in the heading.

AB

Enc:

CC:

APPENDIX B
(Note: forms to be applied to the Chief stationary letter head)

Bentonville Police Department

Personnel Order # 2022 - 01

TO: All Sworn Personnel

FROM: Ray Shastid, Chief of Police

DATE: September 1, 2022

SUBJECT: Personnel Order Format

This is the Bentonville Police Department Personnel Order format to be used within the department.

The heading and inside address can be generated from an auto text entry using Microsoft Word.

The four-line addressee, sender, subject, and date lines are to be in all capital letters. The date may be expressed in digits or by use of the text format as indicated above.

The memo text is to be in the block paragraph format. Paragraphs start at the left margin. The right margin should be justified. Single line spacing (or in Microsoft Word the “exactly” paragraph line spacing for the type point used) is to be used within paragraphs. There is one blank line between paragraphs.

There is no salutation or complimentary closing on a department memo. The issuing authority’s approval of the memo is shown by the initiator’s written signature place after their name and title on the “FROM” line of the inside address. A memo without the initiator’s signature is of no effect.

The typist initials, if other than the initiator, should be indicated as shown below.

Enclosures, attachments, and copies are indicated as shown below.

When sending a memo to an identifiable group, such as ‘ALL SUPERVISORS’, individual names of supervisors are not indicated. Multiple recipients, who are not addressed as a group, are each identified in the heading.

(Typist Initials)

Ec:

Cc:

APPENDIX C
(Note: forms to be applied to the Chief stationary letter head)

Bentonville Police Department

TO: All Personnel

FROM: (New or Acting Chief of Police)

DATE: June 20, 2022

SUBJECT: Bridging Document

Pursuant to assuming command of the Bentonville Police Department on *(insert date and time)*, all written directives approved by the previous Chief of Police shall remain in effect for all agency personnel until amended, revised, or rescinded on my authority.

The purpose of this bridging document is to ensure continuity of operations for administrative and operational functions and to provide consistent performance and service delivery expectations to all agency employees during the transition of command.

(Chief or Acting Chief of Police Name)

(Chief or Acting Chief Signature)

(Chief or Acting Chief Title)

(Effective Date)

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Mutual Aid	202
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 2.1.3	XX
NOTES: A.C.A.16-81-106	REVISION DATE:	
	04/18/2023	
APPROVAL	PAGES:	
Ray Shastid, Chief of Police	05	

PURPOSE

It is the policy of this Department to maintain a close working relationship with other law enforcement agencies, to exchange information on criminal activity, to seek mutual aid for current events that impact community safety, and security and to aid other law enforcement agencies in time of need and under exigent circumstances.

The purpose of this policy is to provide direction to personnel as to appropriate responses when requesting Mutual Aid or receiving requests for Mutual Aid. The circumstances in question do not include regular daily occurrences such as assisting personnel from another agency with traffic stops, warrant services, etc. This policy is meant to pertain instances involving natural or man-made disasters, exigent circumstances, joint operations, and/or training to critical incidents, rare circumstances, such as rapidly evolving, suspect apprehension efforts or large-scale public demonstrations.

POLICY

In compliance with [A.C.A.16-81-106](#). Authority to Arrest, this Department has a written policy on file regulating the actions of its employees relevant to law enforcement activities outside its jurisdiction.

This Department will provide mutual aid to other jurisdictions under emergency circumstances following a request for assistance from an agency, or when there is a foreseeable need for certified law enforcement officers to augment manpower needs of that agency or provide resources as necessary. This Department may also seek mutual aid from other jurisdictions under emergency circumstance or when there is a foreseeable need for certified law enforcement officers to augment the manpower needs of this department. Memorandums of Understanding may be employed to govern mutual aid activities of a semi-permanent nature such as task forces or police services to unincorporated areas that are surrounded, or only accessible through, another agency's jurisdiction. This policy does not circumvent, restrict or alter any MOU that may already be in effect between this Department and any other entity.

PROCEDURES

202.01 RECEIVING REQUEST FOR MUTUAL AID FROM AN OUTSIDE AGENCY

When a member of this Department receives a police assistance request for mutual aid, the request will be forwarded to the highest-ranking on-duty supervisor. If the request for aid is to assist in an ongoing emergency, the supervisor is authorized to dispatch Officers of the Department outside the jurisdiction and shall notify the Chief of Police or their designee as soon as is practical. *[See Command Notifications]*

If the request for mutual aid is not an ongoing emergency the highest ranking on-duty supervisor will obtain as much information regarding the request for mutual aid and notify the Chief of Police or their designee who will assume the responsibility to either grant or deny the request.

This Department will provide personnel, specialized units, and equipment to the requesting agency only to the degree that it will not deplete the Department's own resources to provide basic emergency services to this City.

Requests for Short Term Assistance (less than four hours) by another agency will be made in person, by telephone or radio channel and verified by teletype message or other written communication initiated by the official authorized to make such requests.

- A.** The request for assistance will include, but not be limited to, the following information:
1. The name and position of the official making request.
 2. The nature of the emergency or public safety occurrence and location.
 3. The number of personnel requested and whether specialized personnel are essential to the assistance.
 4. The type of equipment needed for assistance.
 5. The name, rank, and location of the officer to which the assisting personnel will report.
 6. The highest-ranking supervisor on duty will evaluate the request for short-term assistance and notify the requesting agency of the personnel, specialized units, and equipment that will be provided.
 7. The Chief of Police or designee will be notified of any assistance sent to another jurisdiction as soon as possible.

B. Requests for Long Term Assistance from Outside Jurisdiction (in excess of four hours):

1. All requests from outside jurisdictions for long-term assistance must come from the Chief of Police, Sheriff or acting 2nd in Command of the requesting agency.
2. These requests may be made in person, by telephone or radio and must be verified by teletype and subsequently by a follow-up letter from the requesting agencies Chief of Police or Sheriff.
3. The information required for long-term assistance will be the same as a short-term request, but the requesting Chief of Police or designee will evaluate the request for long-term assistance and notify the requesting agency of the personnel, specialized units, and equipment that will be provided.

C. Radio Communications

1. Officers responding to requests for mutual aid from another jurisdiction will utilize police vehicles with radio-scan capabilities and set radios to the appropriate frequency of the jurisdiction where they are assigned.
2. If the requesting agency's radio frequency is unavailable, the officers of this department will secure a portable radio from the requesting agency if available.
3. Should no portable radios be available, arrangements should be made with the requesting agency to assign a liaison officer to the responding team of officers.

202.02 EMERGENCY SCENE RESPONSIBILITY

The designated supervisor of the requesting agency shall be in charge at the emergency site. All loaned personnel shall follow their lawful orders. However, where the provided mutual assistance involves the loan of a SWAT Team, hostage negotiation, or canine unit, the commander of that specialized unit shall be responsible for the implementation of the mission to be accomplished, as determined, and directed by the field commander of the requesting agency.

In response to requests for assistance to in-progress emergencies, the Shift Supervisor shall designate a sergeant or senior officer to lead the assisting personnel. This will also include being the primary point of contact with the supervisor of the requesting agency and this Department's Shift supervisor.

When taking law enforcement actions at the emergency site, including uses of force, Officers from this Department shall always adhere to agency policies and procedures, and utilize only those weapons and tactics with which they have qualified.

Officers on loan from this Department to an emergency site shall regularly apprise our communications section concerning the continued status of the emergency, line of duty injuries, or need for relief.

Officers may only take those law enforcement actions permitted under state law for emergency allocation outside the original appointing jurisdiction.

Department personnel providing mutual assistance shall only make arrests for offenses directly related to the emergency situation and shall assist in the preliminary processing of the arrestee as follows.

1. Identification of arrestee.
2. Control of property obtained from arrestee.
3. Completion of arrest reports.
4. Transportation of arrestee
5. Court duty.

202.03 MAKING REQUEST FOR MUTUAL AID FROM AN OUTSIDE AGENCY

During routine police operations when an emergency incident occurs that requires the immediate assistance of an outside agency, the highest ranking on-duty supervisor of this Department is authorized to make a request for mutual aid and shall notify the Chief of Police or their designee as soon as is practical.

During routine police operations, when an incident occurs that would benefit from mutual aid assistance from an outside agency, but the incident is not an immediate emergency, the highest ranking on-duty supervisor will notify the Chief of Police or their designee, who will make the final decision on the request for mutual aid.

When planned community events occur, which require law enforcement services that exceed the capabilities and manpower of this agency, the Chief of Police or their designee may seek mutual aid from outside jurisdictions to assist in fulfilling the mission of the Department, i.e., the safety and security of the event attendees and the community in general.

Any request for long-term assistance made on behalf of the Department will be initiated by the Chief of Police or designee.

Possible uses for mutual aid may include but are not limited to:

1. Mass processing of arrestees
2. Transportation of prisoners

3. Operation of temporary detention facilities
4. Support for large special events, gatherings, or other specified activities.

202.04 FEDERAL AND STATE LAW ENFORCEMENT AGENCY ASSISTANCE

Member agencies may request emergency assistance from a federal law enforcement agency where a federal crime is involved, or when the emergency site is an area in which the federal and requesting agency share concurrent jurisdiction.

The Arkansas National Guard may be contacted for emergency assistance whenever a state of emergency exists in their jurisdiction. This request must be made by the mayor of the city effected through the governor's office.

202.05 AUTHORITY TO ARREST [A.C.A.16-81-106](#)

A. Authority Granted

Police personnel are granted full law enforcement authority and powers as prescribed by State Revised Statutes and ordinances of the City by taking the oath of office.

B. Actions Based on Legal Justification

A sworn officer must have legal justification for their actions in every situation. What is reasonable for proper law enforcement action, or what is probable cause, varies with each situation. Different facts may justify either an investigation, a detention, a search, an arrest, or no action. Officers shall always act within limits of their authority to protect the rights of both individuals and the public.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Bias-Based Policing	POLICY NUMBER: 301.00
	CALEA STANDARDS: LE 1.2.9	EFFECTIVE DATE: XX
	NOTES: BPD 309, BPD 402, ACA:12-12-1401, ACA:12-12-1402,	REVISION DATE: 11/07/2023
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 4

PURPOSE

The purpose of this policy is to establish that the Bentonville Police Department will not condone law enforcement activities that are the result of bias-based policing. Bias based policing is unethical, illegal, and serves to foster distrust of law enforcement among the community.

POLICY

It shall be the policy of the Department that officers base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the U.S. Constitution and the Arkansas Constitution. This policy serves to:

1. Reaffirm Bentonville Police Department's commitment to unbiased law enforcement practices.
2. Further clarify the circumstances in which Officers may consider race or ethnicity when making enforcement decisions, and
3. Reinforce procedures that assure the public that this Department is providing service and enforcing laws in a fair and impartial fashion.

Therefore, the Department prohibits the use of bias-based policing in all aspects of its operations.
[LE 1.2.9.a]

DEFINITIONS

Bias Based Policing: The selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to race, ethnic background, national origin, immigration status, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, political affiliation, or other identifiable groups.

Enforcement Activities: Activities both on and off-duty, undertaken by Department personnel that arise from their authority related to employment, oath of office, state statute, or federal law.

Activities include traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture, and general law enforcement contact with citizens.

Probable Cause: A set of facts or circumstances based on reliable information, personal knowledge, or observation by an officer, which are sufficient to warrant a prudent officer's belief that a particular person has committed, is threatening, or is about to commit some criminal violation of the law.

Racial profiling: The practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity. Racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect when the description is thought to be reliable and relevant. This definition is subject to federal and state court interpretation and other applicable law.

Reasonable Suspicion: A suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion.

Reasonable Cause to Believe: A basis for belief in the existence of facts which, in view of the circumstances, is substantial, objective, and sufficient to satisfy applicable constitutional requirements.

Specified Characteristic: Specified characteristics refer to real or perceived personal characteristics, to include but are not limited to race, ethnic background, national origin, immigration status, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.

301.01 OFFICER RESPONSIBILITY

Members of this Department, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.

Officers shall base all detentions, investigative activities, or arrests on a standard of reasonable suspicion or probable cause and in doing so shall not violate this policy.

Upon initial contact, when reasonable and feasible to do so, each law enforcement officer shall provide their name, jurisdiction and the reason for the pedestrian or motor vehicle stop to the accused. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the law enforcement officer shall oblige, when it is reasonable to do so, by providing such information.

When stopping a pedestrian or driver of a vehicle for a violation, each law enforcement officer shall consider circumstances associated with each individual pedestrian or motor

vehicle stop and shall use discretion in determining whether to issue a verbal warning, a written warning, or a citation.

Officers shall not participate in or encourage any actions or statements that could be reasonably perceived as racial/bias-related profiling, including, but not limited to, racial slurs or derogatory references about a minority group.

Officers shall report any acts of racial/bias-related profiling to their immediate supervisor as is more specifically defined herein.

All officers creating a self-initiated “Stop and Detain” incident on either a motorist or pedestrian shall complete a “Bentonville Stop & Detain Report”. Self-initiated conduct shall include any action taken by an officer on the basis of their own observations.

1. This will not include a “Stop and Detain” based on such incidents as a crime broadcast, BOLO, etc.
2. This report will include all parties involved in the “Stop & Detain” incident.
3. This report shall be completed on the officer’s MDT at the completion of the self-initiated incident and digitally submitted.

301.02 SUPERVISOR RESPONSIBILITIES [LE 1.2.9c]

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Internal Affairs Policy (*BPD 309*).

- A.** Supervisors should discuss and document any issues with the involved officer in a timely manner.
- B.** Supervisors shall review all audio/video recordings available used to document contact between officers and the public to ensure compliance with BPD Policy 402/BWC Policy.
- C.** Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- D.** Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- E.** Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this Department who discloses information concerning bias-based policing.

301.03 TRAINING [LE 1.2.9b]

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

All sworn members of this Department will be scheduled to complete Racial Profiling training annually, as it relates to Bias Based Policing.

It is encouraged that Officers receive annual training in the following areas:

1. Basic Spanish or foreign language that best represents your community.
2. Cultural Competence.
3. The Arkansas Rules on Criminal Procedure specific to Search and Seizure.
4. The Fourth Amendment to the U.S. Constitution
5. Interpersonal Communication Skills.

301.04 ADMINISTRATIVE REVIEW [LE 1.2.9c]

The Chief of Police or their designee shall complete an annual review of this Department policy, to include documented citizen concerns and the subsequent corrective measures that were considered or implemented.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Hiring of Police Officers	POLICY NUMBER: 302.00
	CALEA STANDARDS: LE 31.4.7, 31.4.1, 31.5.1	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 03/15/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 4

PURPOSE

The purpose of this policy is to establish procedures for the recruitment and hiring of personnel to fill vacancies for all sworn positions for the Bentonville Police Department.

POLICY

The recruitment and selection processes are vitally important elements in the Department's effort to attract and appoint only the most qualified personnel. It is the policy of the Department to ensure that in the recruitment and selection process, equal employment opportunity is guaranteed to all persons without regard to race, creed, color, sex, national origin, age, religion, mental or physical disability, sexual orientation, or any other factors not related to merit and fitness for the position.

The Department operates under the *Equal Employment Opportunity Policy* adopted by the City of Bentonville. This policy is maintained by the City of Bentonville's Human Resources Department and is available for all employees to review upon request.

The recruiting and selection process shall be a joint effort of the Department and the City of Bentonville's Human Resources Department.

PROCEDURE

302.01 ELIGIBILITY REQUIREMENTS [LE 31.4.7]

SAFETY-SECURITY SENSITIVE:

In the interest of protecting the health and safety of all co-workers, citizens, first responders and all those we serve, the City of Bentonville has classified the position of Police Officers, as "safety sensitive." A "safety sensitive" position is any job position in which impaired performance could result in harm to the health and/or safety of self or others. Any applicant/employee that is actively engaged in the use of medical marijuana,

even if in possession of a valid medical marijuana card, will be excluded from employment in a “safety sensitive” position.

The minimum requirements for an appointment to the position of Police Officer for the City of Bentonville are as follows [CLEST 1002]:

- Be a U.S. Citizen
- Be at least 21 years old.
- High School Graduate or Equivalent.
- Have No Felony Convictions.
- Submit fingerprints for a state and national criminal record check.
- Possess Valid Arkansas Driver’s License.
- Be of good character as determined by a thorough background investigation.
- Be examined by a licensed physician and meet the physical requirements.
- Be free of a misdemeanor domestic violence conviction, in accordance with 18 USC section 922.
- Able to pass pre-employment drug testing.

302.02 TESTING PROCEDURES [LE 31.4.1]

The selection process will include several testing phases (see below). These phases will take place in the following order:

- A.** Candidates must submit a complete and thorough written application to the City of Bentonville Human Resources Department.
- B.** Candidates may be required to take a written examination of a type and form approved by the Department and Bentonville City Human Resources Department (Lateral vs Entry Level Applicant).
- C.** Candidates shall submit to a physical fitness agility examination administered by Department personnel. The physical fitness agility examination is intended to assess the candidate’s ability to perform physical tasks that can reasonably be expected to be performed by a police officer, consistent with the Department’s job description for a police officer. Testing will identify individuals that will meet minimum standards to attend an Arkansas Law Enforcement Training Academy.
- D.** Candidates will submit to an oral examination. This examination will be administered by a board comprised of a Bentonville Police Supervisors. While, not required, a representative from the City of Bentonville Human Resources may be present.
- E.** Candidates will be subjected to a thorough and complete background investigation. The purpose of the background investigation is to find character traits that might prevent the applicant from becoming a successful law enforcement officer. (Arkansas’ Commission on Law Enforcement Standards and Training (CLEST))

Minimum Standards Manual, Section 1002, Subsection “e” requires that complete background investigations be conducted for each applicant employed as a law enforcement officer).

1. Background investigations shall be conducted by members of the Department, as assigned by the Chief of Police or his designee.
 2. Candidates will be required to complete a release of information form along with a CLEST form F-3 (Personal History Statement) prior to the background investigation being initiated.
 3. Background investigations will include, at a minimum, verification of qualifying credentials, a thorough review of any criminal history record found, and verification of *at least three* personal references. [LE 31.5.1a,b,c]
 4. Background investigations shall include a review of employment, education and credit history of the candidate. [LE 31.5.1d]
 5. Background investigations shall include fingerprints and photographs of the candidate by Department personnel. (Arkansas’ Commission on Law Enforcement Standards and Training (CLEST) Minimum Standards Manual, Section 1002, Subsection “c” and “d” requires fingerprinting of all potential candidates, and that a search be initiated of state and national fingerprint files to disclose any criminal record for the candidate)
 - The employment of persons as police officers who have pled guilty or been convicted of a crime, the punishment for which could have been imprisonment in a federal penitentiary or state prison, is prohibited by Arkansas law.
 6. Background investigations will include the candidate submitting to a “Voice Stress Analysis” (VSA) examination. This test will be administered by a qualified examiner from the Department. *(The results of the VSA examination will not be permitted as the single determinant of employment status. However, any admissions made to the VSA examiner prior to, during, and after the test, combined with other information, may be considered to support decisions relevant to employment status)*
 7. The background investigation will include a review of relevant national or state decertification resources if available. [LE 31.5.1f]
- F. Based on the above phases, the most qualified person(s) will be selected to meet with the Chief of Police or his designee for purposes of a follow-up interview. After this interview, the Chief of Police or his designee may select a candidate and make a conditional offer of employment; the selected candidate(s) must submit to two additional examinations. These examinations are as follows:

- A medical examination is conducted by a licensed physician, at the City's expense. The purpose of the medical examination is to certify that the candidate is in good health and is physically capable of performing the essential job functions of a police officer. A drug test is also administered during the physical examination. Failing this examination disqualifies the candidate from further consideration for appointment as a police officer.
- A psychological examination is administered by a licensed health professional, at the City's expense. The purpose of the psychological examination is to determine the applicant's emotional stability. Failing this examination disqualifies the candidate from further consideration for appointment as a police officer.

302.03 APPOINTMENT TO POSITION

Candidates who successfully pass the two additional examinations (medical and psychological) are appointed to the position of patrol officer for the Department. For the first twelve months of employment, the Officer shall serve in a probationary status during which time the new Officer will participate in basic training at the Arkansas Law Enforcement Training Academy (if not previously certified) and in the Department's Field Training Program.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Evaluations	POLICY NUMBER: 304.00
	CALEA STANDARDS: LE 35.1.2	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 11/07/2023
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 3

PURPOSE

Personnel management involves a continuous process of documented personnel evaluations. The process develops a body of objective information for supervisory raters to consider. To make an impartial evaluation, successful supervisors make notes on relevant employee observations, good or bad. Bring strengths or weaknesses to employees' attention immediately when observed and in written annual evaluations.

Always base performance evaluations on demonstrated performance and abilities. Never base them on "gut" feelings, rumor, innuendo, or the latest significant event that comes to mind.

POLICY

Bentonville Police Department evaluates employees annually on proven performance and abilities related to their assigned tasks. Supervisors tell the employee of strengths and weaknesses on a continuous basis, and supervisory raters keep notes to provide objective evaluations.

PROCEDURES

304.01 PERFORMANCE EVALUATION SYSTEM

A. Annual Performance Evaluation:

There will be an annual performance evaluation of all Department personnel. [LE 35.1.2]

- **Period Covered:** Rate each employee for a twelve-month period. Prepare reports and submit them no later than the employee's annual evaluation date as directed by the City of Bentonville Human Resources Department.
- **Based on Performance:** Base rating on employee performance during the rating period covered.
- **Specific to Position:** Rate employees on the dimensions as specifically applicable to their assignment during the rating period covered.

- Documentation: Document employee performance evaluations on the current system Human Resources authorizes for evaluations (BambooHR). The rater's immediate supervisor and each other level of supervision will review the evaluation.

B. Police Officer II Grade Increase:

A sworn officer may be considered for an increase in grade to Police Officer II if the sworn officer meets the following criteria:

- Has completed 1 year of law enforcement experience.
- Has overall evaluations that meet all standards (may require a special evaluation should the sworn employee have previous law enforcement experience).
- Has not been placed on restricted sick leave in the previous 12 months.
- Has no disciplinary action in the previous 12 months except those considered minor or at the Chief of Police's discretion.
- Officers may be hired at this grade if they meet the requirements upon starting their employment with the City of Bentonville.

C. Corporal Grade Increase:

Upon completion of a sworn officer's fifth year or combination thereof certified (sworn) law enforcement experience, and their annual evaluation, the officer may be considered for an increase in grade to Corporal if the officer meets the following criteria:

- Has completed 5 years of experience as a certified law enforcement officer, to include 1 year of continuous service at the Department.
- Has overall evaluations that meet all standards.
- Has obtained a State of Arkansas issued General Law Enforcement Certificate
- Has not been placed on restricted sick leave in the previous 24 months.
- Has no disciplinary action in the previous 24 months except those considered minor or at the Chief of Police's discretion.
- Shall have satisfactorily completed six (6) semester hours of college English or its equivalent from an accredited institution, approved in accordance with CLEST Rules, with at least a 2.0 grade average on a 4.0-point scale. [CLEST 1009]
- Recommendation letter from their immediate supervisor.

D. Special Performance Evaluation:

Upon conclusion of the field training officer program, new Officers shall be rated on a City Performance Evaluation form. Although a new officer is not expected to be a “seasoned,” the new employee shall be rated according to an Officer having the same amount of police tenure.

A police supervisor may initiate a special evaluation when he/she deems it necessary to document an employee’s performance. This evaluation may be completed even though the employee’s annual review date has not arrived.

The category described as “appraisal type” shall be listed as “other”.

E. Employee Evaluation System:

Department personnel and their immediate supervisor will rate the individual’s performance using the City of Bentonville Employee Performance Evaluation System. (The use of goals and performance markings should include those from the job descriptions and assignment).

Bentonville Police Department

Policies & Procedures

	SUBJECT: Promotion Policy	POLICY NUMBER: 305.00
	CALEA STANDARDS: LE 34.1.1, LE 34.1.2, LE 34.1.3, LE 34.1.5, 34.1.6,	EFFECTIVE DATE: XX
	NOTES: CLEST 1009	REVISION DATE: 01/20/2024
	APPROVAL Ray Shastid, Chief of Police	PAGES: 7

PURPOSE

The vitality of the Bentonville Police Department is maintained through the selection and promotion of the most qualified personnel to positions of increased responsibility. The Department must help with the selection process by accurately rating and evaluating employees and candidates for promotion and by advancing the most highly qualified officer. [LE 34.1.1]

POLICY

The Department provides police personnel with guidelines for promotion within the Department. These guidelines establish a process for advancement, including the qualifications, testing, and selection. [LE 34.1.2]

PROCEDURES

305.01 ELIGIBILITY REQUIREMENTS

No officer shall be eligible for promotional testing to the rank of Sergeant until that person has six (6) years of certified law enforcement experience and a minimum of an Intermediate Certificate. [CLEST 1009]

For lateral transfers, the officer must serve at least three (3) years of continued service with the Department combined with three (3) years or more as a certified law enforcement officer at a prior agency. [LE 34.1.3]

In the sworn ranks, lateral entry is not authorized for supervisory positions up through the rank of Captain. In the civilian ranks, lateral entry is authorized. Although the intent of the Department is to promote from within, there are circumstances and specialized assignments that may require the lateral entry of civilian supervisors. [LE 34.1.3]

No officer shall be eligible for promotional testing to the rank of Lieutenant unless they have already obtained the rank of Sergeant.

It should be noted that “continued service” means three years of **current** employment with the Department with no lapse. (i.e.: prior experience with the Bentonville Police will not be credited toward the three years.)

Personnel wishing to be examined for the position of Sergeant or Lieutenant must apply in writing to the Chief of Police at least one week (7 days) prior to the written examination.

The position of Captain shall be decided by the Chief of Police. This person may be selected from any of the ranks at the discretion of the Chief of Police.

Additionally, the position of Assistant Chief shall be decided by the Chief of Police. Although the intent of the Department is to promote from within, there are circumstances that may require this position to be filled by an external candidate. An external or internal appointment to this position is at the discretion of the Chief of Police.

305.02 DISQUALIFIERS

No officer shall be eligible for promotional testing to the rank of Sergeant or Lieutenant if at the time of testing the officer has any of the following:

1. Subject of an active investigation for Criminal or Inappropriate Conduct as listed under City or Department Policy.
2. On a Performance Improvement Plan (PIP)
3. On Restricted Sick Leave according to City Policy.

305.03 REQUIREMENTS FOR PHYSICAL FITNESS EVALUATION

Recognizing physical fitness in law enforcement is vital as it relates to the Department's wellness program. All officers interested in promotion are required to take one physical fitness evaluation yearly. This test will be scheduled by the Training supervisor. Though a numerical score is not obtained for fitness and there is no ranking, each officer must complete all categories and show completion of the physical fitness evaluation. Failure to complete the physical fitness evaluation during the scheduled times will make an officer non-qualified for promotion; did not complete task as instructed. A follow-up testing day will be conducted two weeks after the initial fitness evaluation for those that may have been on vacation or training.

If an officer is considered on light-duty or restricted-duty by a medical provider, a physical fitness test will be made available once returned to full-duty, if wanting to be considered for promotion.

The physical fitness evaluation may include but not limited to following types of physical activities:

1. 300-meter run
2. Vertical Jump
3. Sit-ups
4. Push-ups
5. 1.5-mile run

305.04 PROMOTIONAL ANNOUNCEMENTS [LE 34.1.5]

The Department will announce all openings for the rank of Sergeant, Lieutenant, and Captain. This announcement will take place at least one week prior to the selection process. Supervisory promotions and positions can come from resignations, retirements, or approved positions within the year by the City Council and Mayor.

305.05 WRITTEN TESTS

A written test shall be administered on a yearly basis by a ranking member of the Department. This test will be conducted on the first Thursday of each October. The testing topics may include the following:

1. Bentonville Police Department Manual
2. Arkansas Criminal Code
3. Arkansas Rules of Criminal Procedure
4. Arkansas Traffic Code
5. Bentonville City Ordinances
6. Search and Seizure
7. English
8. Math
9. Arkansas Court Cases
10. US Court Cases
11. Current news events

305.06 ORAL INTERVIEWS

All officers desiring promotion shall be subjected to an oral examination. The persons conducting this examination may include the Patrol Captain, Detective Captain, Administrative Captain, and Operations Captain, as well as members of a command staff and administration from outside the Department. Using additional members on the board outside of the Department is strongly encouraged. The oral board may cover such topics as the following:

1. Bentonville Police Department Manual
2. Arkansas Criminal Code
3. Arkansas Rules of Criminal Procedure
4. Arkansas Traffic Code
5. Arkansas and US Court Cases
6. Bentonville City Ordinances
7. Search and Seizure
8. General supervisory/leadership knowledge

305.07 DEVELOPMENT OF ELIGIBILITY LISTS [LE 34.1.6]

Two eligibility lists of candidates will be established by scoring the results of an officers written examination (40% overall), oral examination (50% overall), and experience (10%

overall). One list shall be established for the rank of Sergeant and a second list for the rank of Lieutenant. Experience is from longevity (years in certifiable police service) along with certificates possessed from the "Arkansas Commission on Law Enforcement Standards." Experience points will be applied to all individuals testing and will be figured as follows:

1. One percent for every 3 years of certifiable police service, including lateral transfer time (maximum of five percent).
2. One percent for each "Arkansas Commission on Law Enforcement Standards" certificate (Basic, General, Intermediate, Advanced, Senior-maximum of five percent).

Upon reaching a total of all scores from the above categories, a list shall be established in alphabetical order using the following categories:

1. "Highly Qualified"- top 3 from numerical value.
2. "Qualified"- 4 and below to a determined numerical value.
3. "Non-Qualified"-a numerical value assigned to a cut off based on the scoring of the overall testing.

A Chief of Police interview will be conducted with the "Highly Qualified" officers. The Chief of Police will review all information contained within the Officer's promotion packet and should consider the following: service to the public, performance evaluations, disciplinary records, job performance, work history, core values, attendance, experience, leadership and any other relevant information. Furthermore, a survey will be conducted with current supervisors in the rank of Sergeant, Lieutenant, and Captain to assist the Chief of Police in the final selection of the supervisory role.

The Chief will select a Sergeant or Lieutenant from any officer within the "Highly Qualified" lists.

In cases of a tie score, the tie will be broken by whichever officer has longer tenure with the Department.

305.08 USING ELIGIBILITY LISTS

The promotional eligibility lists shall be in effect until the following year's test date or as determined by the Chief of Police. Upon expiration, all rights of priority pursuant to these lists shall cease.

The Chief of Police shall select a person for promotion to the rank of Sergeant or Lieutenant from the applicants established by the lists. This choice shall be made from the "Highly Qualified" on the list. When a selection is made from one of the top three "Highly Qualified" persons, the next person on the list shall become one of the next "Highly Qualified" persons on the list.

305.09 REQUESTS FOR TRANSFER

If a supervisory vacancy occurs in a division of the Department, all officers of the same rank having a desire to apply for the vacant position shall notify the Chief of Police in writing. The Chief of Police will consider all eligible candidates for the position, including any newly appointed supervisory officers of the same rank as the vacant position.

305.10 PROCEDURES FOR REVIEW AND APPEAL OF RESULTS

The Department promotional policy allows an impartial review and appeal process.

Review of Testing Documentation:

Examination records and papers are not public documents. Applicants shall not be entitled to review notes and scores of individual oral board results or those of other applicants but are entitled to review their own final percentile score given to each part of the examination.

Examination Appeal:

An applicant may review their examination results and may file an appeal by request to the Human Resources Department. The request for a review of examination results must be submitted within seven days from the date the examination results were issued. If the review discloses any errors, the examination record of all those affected shall be modified by the Human Resources Department to show a corrected record. All affected applicants shall be notified of the corrected record.

Appeal Results:

Upon the completion of any appeals process, The Human Resources Department will send a memo to each candidate regarding their final/official test scores and the status of their eligibility and position on the list.

Re-Testing:

Employees who were not successful in the promotional process may re-apply and re-test at the next scheduled promotional process.

305.11 DEVIATION AND REVIEW OF PROMOTIONAL POLICY

The Chief of Police or their designee is responsible for the annual review and evaluation of the Department's promotional process. Recommended changes will be forwarded to the Chief of Police for final approval. The designee will work with the Human Resources partner in the development and administration of all promotional testing.

All deviations from the promotional policy shall be done at the discretion of the Chief of Police.

305.12 SECURITY OF PROMOTIONAL MATERIALS

The Chief of Police or his designee will ensure that the promotional materials are secured from unauthorized access when not in use [LE 34.1.3.h].

Promotional files to include individual scoring will be kept electronically for a minimum of five (5) years on a secured drive only available to the Professional Standards Office and Command Staff.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Specialized Assignments	306.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 35.1.2	XX
NOTES:	REVISION DATE:	
	04/05/2024	
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	2	

PURPOSE

The purpose of this policy is to define and identify specialized and temporary assignments in the Bentonville Police Department, and outline procedures for advertisement and selection when openings are created.

POLICY

The needs of the Department are such that on occasion, only a member with special skills and training can adequately perform certain tasks or functions. In some cases, the member may possess the needed specialized skills at the time they are appointed to the Department. In other cases, the member may receive the necessary training in anticipation of, or after appointment to a specific assignment. Regardless, the Chief of Police, at their discretion, may determine that specialized skills are necessary for a particular *specialized assignment*, authorize appointment to that position, and determine if additional compensation or benefits are appropriate for the specialized assignment.

PROCEDURES

306.01 SPECIALIZED ASSIGNMENT

Specialized assignments are those assignments often characterized by an increased level of responsibility and specialized training, but within a given position classification. In some cases, specialized assignments may carry with them higher pay or additional benefits.

306.02 ROTATING SPECIAL ASSIGNMENTS

When practicable, the Department will utilize temporary (rotating) assignments in certain areas within the Department. The purpose of this practice is for officers to gain experience with a broader range of Departmental assignments they otherwise might not have been exposed to. Additionally, this practice provides officers an opportunity to enhance their job skills and to broaden their career opportunities.

306.03 SELECTION CRITERIA

A. Advertisement of Specialized Assignment:

The Department acknowledges that advertising within the agency for people interested in specialized assignments often provides a larger base of candidates and gives members a greater choice of career opportunities. Therefore, whenever feasible, the Department will advertise, within the Department, when a specialized assignment becomes available. Additionally, the commanding officer of the specialized assignment shall advertise the basic criteria for a selection to that assignment. The criteria should include, but not limited to the following:

1. Special skills, knowledge, or abilities required for the assignment.
2. Training requirements, if any.
3. Length of experience or service with the Department.
4. Total length of law enforcement experience required.
5. Interest and attitude toward the assignment or position.
6. Level of performance as determined by a review of performance evaluations, attendance records, and comments from current supervisors.
7. Method of response (letter, email, etc.) and a deadline for the response.

B. Selection Process for Non-Supervisory Personnel:

All appropriate responses to an announcement for an opening in a specialized assignment, which meet the minimum requirements, will be considered. The commanding officer of the specialized assignment will establish a fair and impartial selection process. This process may include an oral examination for the purpose of evaluating all the criteria.

The Division Commander will then make a recommendation for selection to the Chief of Police. The Chief of Police will approve or deny the recommendation.

C. Selection Process for Supervisory Personnel:

Selection of a specialized assignment supervisor (i.e.: Sergeant) shall be made by the commanding officer. This selection shall be forwarded to the Chief of Police as a recommendation. The Chief of Police will approve or deny the recommendation.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Training	POLICY NUMBER: 307.00
	CALEA STANDARDS: LE 33.1.2, 33.1.4, 33.1.5, 33.1.6, 33.1.7, 33.4.1, 33.5.1, 33.5.3, 33.5.4, 33.8.2	EFFECTIVE DATE: XX
	NOTES: BPD 309, BPD 402, ACA:12-12-1401, ACA:12-12-1402	REVISION DATE: 04/24/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 6

PURPOSE AND SCOPE

The purpose of this directive is to establish procedures for the Bentonville Police Department Training Program. It is the policy of this Department to administer a training program that will provide professional growth and continued development of its personnel. The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates.

The Department makes training available to prepare all employees for their specific duties and responsibilities. The Department complies with all training requirements and certification as required by law.

PROCEDURES

307.01 ADMINISTRATION

The training function of the Department will be administered by the Training Coordinator. The Training Coordinator is the supervisor assigned to the Professional Standards and Training Unit, which is a component of the Administrative Division. The Training Coordinator is responsible for ensuring the quality and quantity of the Department's training. They shall also evaluate the training needs of the Department with input from each Division and develop appropriate, needs based training plans.

The Training Unit is responsible for the planning, developing and implementation of training programs for Department Training. Additionally, the Training Unit will coordinate training events for Department personnel, evaluate the content provided and maintain attendance records for training events. The Training Unit will also facilitate the Instructor Selection process for Department Instructors.

The Training Unit shall maintain the records, consistent with CLEST requirements, for training attended by Department personnel. These records will, at minimum, include [LE 33.1.6]:

- a. Course content (lesson plans)
- b. Names of agency attendees
- c. Performance of individual attendees as measured by tests, if administered

- d. Certificates obtained

307.02 TRAINING ATTENDANCE

The Training Coordinator will notify all officers in the Department as well as supervisors of upcoming Department training as soon as possible. This is for the purpose of allowing personnel to plan in their own schedules and attend the training. Supervisors will ensure that all officers under their command sign up and attend mandatory training.

The Training Coordinator or supervisor may grant exceptions to attendance for reasonable excuses of conflicting nature to include court appearance, illness, Departmental business, and personal emergency. Personnel unable to attend mandatory training will be required to attend a scheduled make-up training session.

The Training Coordinator will document training attendance of all personnel for the department. As personnel complete training programs, the date of the training, the types of training received, any certificates received, attendance, and any applicable test scores should be recorded.

All Department personnel attending training courses outside the department shall submit documentation of completion to the Training Coordinator.

Reimbursements to employees attending training in respect to mileage, meals, housing, fees, books, or materials will be provided in accordance with the City of Bentonville Travel Policy.

The refusal or failure to complete the assigned training can result in disciplinary action against the Officer. [LE 33.1.2]

307.03 REMEDIAL TRAINING [LE 33.1.5]

The Department recognizes remedial training may be necessary to ensure employees do not suffer from deficiencies in basic skills, knowledge and abilities required to perform their assigned tasks:

When a supervisor has identified personnel with a deficiency in basic ability to perform assigned tasks, that supervisor may direct the Officer/employee, in writing, to attend a specific remedial training program. The supervisor should collaborate with the Training Coordinator in selecting the most appropriate training content to assign for the officer.

All remedial training of employees shall include a timeframe and description of the training provided.

As soon as practical, the employee will take part in a training session to address the noted deficiency.

The progress of the personnel in correcting the deficiency will be continually evaluated by the assigning supervisor and potentially command staff. Determinations for further action will be made on a case-by-case basis.

307.04 POLICE ACADEMY

All sworn personnel of the Department must meet mandatory basic training requirements. The Department will meet the following requirements as applicable:

As required by A.C.A. 12-9-106, the Department will utilize state approved law enforcement training academies for the purpose of providing basic training to all sworn employees.

The Training Coordinator, in a liaison role, is responsible for maintaining a positive working relationship with the staff of the state's law enforcement training academies.

As prescribed in A.C.A 12-9-107, the expenses of attending the basic training at state academies shall be furnished by the state. The Department will be responsible for the Officer's salary and travel expenses related to attending the state academy.

Newly hired Officers will participate in a Departmental orientation period overseen by the Training Coordinator in addition to academy requirements to include, but not limited to:

- An overview of the operations of the Department, an introduction to the criminal justice system, defensive tactics and an introduction to firearm safety and proficiency.
- A portion of the orientation will be dedicated to the study of the Department's Policy, Procedures and Rules, Use of Force and an overview of the CALEA Accreditation process. [LE 33.5.3a]

All Officers will complete or have completed a basic law enforcement academy prior to assignment in any capacity in which they are allowed to carry a weapon or is able to make an arrest, except as part of a formal Field Training Program. [LE 33.4.1]

307.05 TRAINING IMPLEMENTATION [LE 33.5.1]

Sworn personnel of the Department will be required to attend 40 hours of CLEST approved in-service training annually.

Sworn personnel will also be required to complete annual in-service training consistent with the positions held and functions performed through the following:

1. Annual in-service training mandated by the State of Arkansas as coordinated through the Training Unit.
2. Departmental policy updates provided by the Administration Division and through each supervisor to their personnel.
3. Legal updates on those changes that most affect law enforcement operations.

307.06 CONTINUED PROFESSIONAL DEVELOPMENT [LE 33.8.2]

The Department recognizes the importance of providing job-related training to all newly promoted personnel to ensure they are adequately prepared for their enhanced responsibilities and duties. Training for newly promoted personnel shall be conducted in accordance with the following guidelines:

A. Training Requirement:

The Department shall provide comprehensive job-related training to all personnel who are promoted to new positions within the Department.

Training shall be tailored to the specific duties and responsibilities associated with the newly promoted position, addressing areas such as leadership, decision-making, supervision, and any specialized skills or knowledge required for the role.

B. Timing of Training:

Whenever possible, training for newly promoted personnel shall be conducted prior to their promotion to allow for a smooth transition into their new role.

In cases where pre-promotion training is not feasible, training shall be provided within the first year following promotion to ensure that personnel receive the necessary skills and knowledge to effectively perform their duties.

C. Content of Training:

Training for newly promoted personnel shall cover a range of topics relevant to their new position, including but not limited to:

1. Leadership and management principles.
2. Supervisory techniques and best practices.
3. Department policies, procedures, and protocols.
4. Legal and ethical considerations related to the position.
5. Any specialized skills or knowledge required for the role.
6. Training content shall be developed and delivered by qualified instructors with expertise in the relevant subject matter.

D. Evaluation and Feedback:

The effectiveness of training for newly promoted personnel shall be evaluated through assessments, performance reviews, and feedback from participants and supervisors.

Feedback obtained from newly promoted personnel shall be used to continuously improve and refine the training curriculum and delivery methods.

E. Documentation:

Records shall be maintained to document the training received by newly promoted personnel, including the topics covered, dates of training, and participants' attendance and performance.

Commentary: Training provided to newly promoted personnel should be designed to equip them with the knowledge, skills, and confidence needed to succeed in their new roles. By offering comprehensive and relevant training, the Department demonstrates its commitment to supporting the professional development and success of its personnel.

Feedback from participants should be actively solicited and used to enhance the training curriculum, ensuring that it remains current, engaging, and effective.

307.06 ACCREDITATION ORIENTATION [LE 33.5.3]

When applicable, the Departments' Accreditation Manager will ensure agency personnel shall receive information regarding the accreditation process:

1. To all newly hired personnel within thirty days after beginning employment or within thirty days after completing the training academy.
2. To all personnel during the self-assessment phase associated with achieving initial accreditation.
3. To all personnel prior to an on-site assessment.
4. Any personnel assigned to the position of Accreditation Manager shall receive formal training within one year of being appointed. [LE 33.5.4]
5. The Accreditation Manager shall be responsible for providing appropriate training to other agency personnel assigned to the accreditation process.

307.07 INSTRUCTION REQUIREMENTS

A. Personnel assigned to the training function as instructors must be certified by the State of Arkansas and must receive training to include:

1. Lesson plan development
2. Performance objective development
3. Instructional techniques
4. Testing and evaluation techniques
5. Resource availability and use

B. Lesson Plans [LE 33.1.4]

All training courses conducted by the Department, as relevant, should include the following:

1. A statement of performance and job-related objectives.
2. The content of the training and specification of the appropriate instructional techniques.
3. Identify resources used in the development of the curriculum.
4. Identify resources required in the delivery of the program.
5. Identify tests used in the training process.
6. Lesson plans shall be submitted to the Training Coordinator for review and approval prior to the implementation of the training.

7. Submission of lesson plan to CLEST for CLEST approval

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT: Discipline	POLICY NUMBER: 308.00
	CALEA STANDARDS: LE 26.1.4	EFFECTIVE DATE: XX
	NOTES: BPD 310, COB Personnel Manual 3.11	REVISION DATE: 04/23/2024
	APPROVAL: Rav Shastid, Chief of Police	PAGES: 3

PURPOSE

Positive discipline is a form of training or instruction and a tool for personnel development. It must be encouraging, even motivational to foster personnel willingness to follow policies and procedures. Discipline should stimulate efficiency and effectiveness, attainment of Bentonville Police Department's goals and objectives, and encourage public support.

Violations of policy and procedures or law call for prompt and impartial action. When complaints are sustained, punitive action should be viewed as a necessary and constructive method for correction. Punitive actions should enable each employee to change their own behavior upon receiving an unsatisfactory conduct.

POLICY

The Department shall make every effort to make show appreciation, utilize discipline as a remedial and punitive process. Personnel rights and those of the public are preserved. The Department tries to stay aware of personnel behavior and takes proper disciplinary actions, when necessary, in a fair, impartial and timely manner.

PROCEDURES

308.01 PERFORMANCE RECOGNITION SYSTEM

Recognition begins internally by supervisors or the Chief of Police. They will recognize employees for 'a job well done' and for outstanding acts of public service.

A. Types of Appreciation:

Depending on the importance of employee action, one of the following types is proper:

1. Verbal Appreciation: Appreciation expressed verbally; or
2. Letter of Appreciation: Appreciation expressed in memorandum form.
3. Written Commendation: A written commendation by supervisor or Chief of Police. The Chief of Police keeps written commendations on file in agency personnel records.

An incident commendation form (see Appendix 1 - Incident Commendation Form) is used to report minor acts worthy of commendation. This commendation may be made by any Department supervisor regarding another employee. Incident commendations will be placed in an employee's personnel file.

B. Documentation of Performance Recognition:

Supervisors will consider incidents of appreciation/commendation when completing annual performance evaluations of their assigned personnel. All records of positive recognition will be retained in the employee's IA Pro file. (BPD 310)

308.02 REMEDIAL DISCIPLINARY SYSTEM

Remedial discipline begins with an undesirable behavior or action. Opportunities to improve skills and behaviors through training or counseling may be necessary for employees.

A. Informal Counseling:

Managers and supervisors may engage in informal counseling, both verbal and written, as situations and circumstances may dictate.

B. Verbal Counseling:

Immediate supervisors have the responsibility and authority to give verbal counseling. Record verbal counseling on notes and keep them for consideration at annual performance evaluation. If documented in the Early Intervention System, notes may be purged, upon review by the Chief of Police, after one calendar year has passed from the date of the counseling.

C. Verbal Reprimand:

A manager/supervisor may give an employee a verbal reprimand without further review outside his/her department. The manager/supervisor should document such action taken for future reference. If a verbal reprimand is documented, a copy shall be forwarded to the Human Resources Office for filing in the employee's personnel file. The HR Office shall be responsible for maintaining a tickler file and removing verbal reprimands from employees' files after twelve (12) months if approved by the manager/supervisor and if no additional verbal reprimands are received.

D. Documented Counseling:

The Chief of Police chooses and authorizes documented counseling as a remedial disciplinary action. Sustained complaints call for documented counseling.

1. Counseling of Employee: An employee's immediate supervisor normally counsels the employee.
2. Documentation: The supervisor documents counseling in a memorandum, recording the date, time, employee, offense and remedial action taken. This counseling may be accompanied by a "Notice to Correct", listing specific corrective actions to be completed immediately.

3. IA Pro Records: An employee's IA Pro file includes any documented counseling reports, Internal Affairs Investigations, findings, dispositions. (BPD 310)

E. Performance Improvement Plan (PIP):

If an employee is having performance problems that have not been effectively dealt with using verbal or written reprimands, the manager/supervisor can place the employee on a PIP. The PIP outlines, in writing, past performance history and sets performance standards that the employee is obligated to meet to continue their employment. Typically, the PIP is the last step prior to suspension, demotion, or termination. If the individual is placed on a PIP, the employee must sign it, and a copy shall be forwarded to the Human Resources Office for filing in their personnel file. PIPs become a permanent part of the personnel file and are not removed. [COB 3.11.3.4]

F. In-service Training:

The Chief of Police may authorize in-service training as a remedial disciplinary action. In-service training may be recommended by supervisors because of sustained complaints. An employee's IA Pro file includes documentation of any remedial in-service training.

308.03 PUNITIVE DISCIPLINARY SYSTEM

Flagrant or repetitious, unacceptable behavior or actions calls for punitive discipline. Documentation of the disciplinary action becomes part of an employee's personnel record.

A. Authority for Punitive Discipline:

The Chief of Police chooses and authorizes punitive disciplinary actions. Punitive discipline may be required for flagrant or repetitious unacceptable employee behavior or actions.

B. Types of Punitive Discipline:

Depending on the seriousness of employee action, the Department applies one of the following types of punitive discipline for sustained complaints:

1. Reprimand: Letter of Reprimand;
2. Transfer: Transfer to another assignment;
3. Suspension: Suspension for a specific number of days without pay;
4. Demotion: Demotion to a lower pay grade; or
5. Dismissal: Termination from the Department.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Internal Affairs	309.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 4.2.3, 26.2.1, 26.2.2, 26.2.4, 26.3.2, 26.3.3, 26.3.5, COM 1.4.2, 1.4.4, 1.4.5, 1.4.9, 1.4.10, 1.4.12	XX
NOTES: A.C.A. 14-52-301-307 (2011); 12-9-601-603	REVISION DATE:	
		04/23/2024
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	7	

PURPOSE

It is imperative that the Bentonville Police Department operates in a degree of transparency and is responsive to complaints alleging misconduct by Department personnel and external concerns regarding the operation of the department. Members of the public should be provided with a reasonable avenue for any redress of grievances they may have with the service received by Department personnel or the conduct of the Department.

This policy provides members of the Department with the procedures for the acceptance of complaints; the initiation of the administrative investigative process; the process for conducting a fair and reasonable investigation; the proper methods for adjudication of these administrative investigations; and the methods for the administration of fair, reasonable, and defensible discipline.

POLICY

It is the policy of the Department to accept and document all complaints alleging personnel or misconduct of the Department. This is meant to ensure complaints alleging personnel or Department misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations. [LE 26.2.1]

Investigating personnel should be able to identify areas of misunderstanding by the complaining citizen and identify personnel whose attitude, behavior and/or performance needs correction and supervisory intervention.

In doing so, this will assist in protecting Department personnel and the Department from erroneous complaints. Additionally, Department policies, training and/or practices in need of reevaluation, clarification and/or correction may be identified.

DEFINITIONS

Complaint of Personnel Misconduct: A complaint is an allegation from any source of an act or omission by a Department personnel, which if proven true, would be considered misconduct or a violation of department policies, rules, or regulations.

Note: Complaints regarding the validity of traffic citations or parking tickets are not considered complaints for this definition and the party should be referred to the proper court for resolution.

Complaint of Department Dissatisfaction: A complaint from an external source of dissatisfaction with a Department policy or practice.

Public Concerns Regarding Law Enforcement Operations not amounting to a complaint: A concern expressed by a member of the public that does not meet the Department's definition of a complaint but must be documented by the personnel receiving the information from the member of the public.

Public Service Report: A form made available to the public that informs them of the compliment/complaint process.

PROCEDURES

309.01 SOURCES OF COMPLAINTS

A complaint can originate from any of the following sources:

1. Individual aggrieved person
2. Third party
3. Anonymous
4. Department personnel
5. News media
6. Governmental department
7. Notice of civil claim

309.02 COMPLAINT INITIATION [LE 26.2.4, COM 1.4.12]

The procedure for registering complaints or commendations is publicly available via the Department's community relations programs as well as online. Complaints can be initiated in any of the following ways:

1. In person
2. By telephone
3. By letter
4. Email/Other electronic media
5. Department website/online form

303.03 CLASSIFICATION OF COMPLAINTS

Classification of complaints are:

Class I: Serious or criminal misconduct complaints that allege needless or excessive force, brutality, violations of criminal law, corruption, breach of civil rights, abuse of authority, false arrest, intentional discrimination, and others so classified by the Chief of Police.

Class II: Noncriminal, other less serious complaints that allege inadequate public service, discourtesy, improper procedure, or other misconduct as directed by the Chief of Police.

309.01 PERSONNEL RESPONSIBILITY

Whenever personnel become aware of a citizen's complaint meeting the above complaint definition or becomes aware of misconduct of another employee, they shall:

1. Immediately notify an on-duty supervisor and ensure that follow-up to the complaining person will not be delayed.
2. If a supervisor cannot be made available or the party making the complaint refuses to wait for the supervisor, the personnel will gather all available information regarding the complaint and contact information for the complainant. This will serve the purpose of verification the complaint has been received. [COM 1.4.5 (a)]
3. The personnel shall ensure that this information is given to a supervisor as soon as practicable.
4. Failure to follow these provisions may result in disciplinary action against the involved personnel.

309.02 SUPERVISOR RESPONSIBILITIES *LE 26.3.3, COM 1.4.4, 1.4.5 (b)]:*

Whenever a supervisor (or senior person on-duty) becomes aware of a person requesting to make a complaint or an incident which will likely result in a complaint or administrative investigation, the supervisor will conduct an immediate preliminary investigation. Every reasonable effort will be expended to satisfactorily conclude the investigation in a timely manner. The investigating supervisor will make every effort to complete the investigation within 90 calendar days. Extensions may be provided with approval of the Chief of Police or their designee. The complainant should receive notification of the results within 30 days of the conclusion. Supervisors conducting the investigations will generally include the following steps:

1. Meet with the complaining party to ascertain the nature of the complaint.
2. Attempt to resolve the issue with the complaining party.

3. If the issue cannot be resolved with the complaining party, a supervisor will provide the complainant with an explanation the Department's complaint process.
4. Upon completion of written documentation of the initial complaint, the documents will be forwarded to the Chief of Police or their designee for review and disposition. *[LE 26.3.2, COM 1.4.2]*

The complaint initiation process is not incumbent on cooperation of the complaining person. If the complaining person refuses to cooperate with the investigation or there is no identifiable complainant and the information known to the supervisor satisfies the Department's definition of a complaint, the complainant will be listed as Department and signed by the supervisor.

The Department will maintain specific investigative and reporting protocols for each classification of complaint and will ensure that every complaint is reviewed, processed, and where appropriate, assigned for investigation.

The personnel assigned to conduct the administrative investigation shall:

1. Evaluate and investigate the complaint, determine if the complaint qualifies as a Class I or Class II allegation.
2. Obtain all police reports, communications/dispatch records, MDT transmissions, audio or video recordings, and other police documents.
3. Determine the specific allegations of the complainant and identify any other possible Department violations, whether alleged by the complainant or not.
4. Conduct interviews normally in the following sequence:
 - a. Reporting Party
 - b. Other public witnesses
 - c. Department witnesses
 - d. Accused subjects

309.03 PERSONNEL RESPONSIBILITIES:

Prior to any interview or special examination, the subject of the investigation will receive a written statement of the allegations as well as the personnel's rights and responsibilities as they relate to the investigation. Notification may be withheld at the discretion of the Chief of Police based on the sensitive nature or criminal allegations alleged in the investigation. *[LE 26.3.5, COM 1.4.6]*

Prior to an interview, personnel under investigation, and all witnesses who are Department personnel, will be advised of their duty to cooperate with the investigator and to answer questions in a truthful manner. These interviews will be conducted while the personnel are in a paid status.

Personnel under investigation shall not be subjected to offensive language, threatened

with dismissal or other disciplinary action during the interview. No promises shall be made by the investigator conducting the interview. Subjects of an investigation may contact the assigned investigator and/or designee to receive information on the status of the investigation of a complaint filed against them.

Personnel or their representatives will not be permitted to review any portion of the investigatory file during the investigation. Subjects to a complaint investigation are prohibited from contacting the complainant during the investigation.

Garrity warnings will be issued where appropriate. Additionally, personnel are prohibited from bringing a third party into the interview.

309.04 INVESTIGATION/REASSIGNMENT [LE 4.2.3]

Temporary relief from duty is an administrative action reassigning personnel to temporary duties, or total relief of duties. If a use of force results in death to any person, the Chief of Police will relieve the officer from line duty.

The Chief of Police may relieve the officer from duty when a use of force results in a serious injury to any person or following serious allegations of misconduct. Temporary relief from duty is:

Non-disciplinary: Temporary relief from duty is a non-disciplinary action without loss of pay or benefits and does not show or imply an officer acted improperly.

In Officer's Interest: Temporary relief from duty is to protect the interests of personnel and minimize the possibility of from community confrontation, regardless of validity of the force that was used.

Community Interest: Temporary relief from duty is to protect the community's interest when an officer's use of force may not have been justified.

309.05 DISPOSTION

The investigating personnel will prepare the investigative report, the "conclusion of fact" and submit it to the Chief of Police or their designee for adjudication and disposition. [COM 1.4.9]

A. Disposition Categories:

The Chief of Police or their designee will decide regarding the disposition of the complaint using the following categories:

1. **Unfounded:** Allegation is false or not factual;
2. **Sustained:** Enough evidence to prove allegation;
3. **Not Sustained:** Not enough evidence to prove or disprove allegation;

4. **Exonerated:** Incident happened, but employee's actions were lawful and proper.
5. **Policy and/or Training Deficiency:** the allegation occurred but was the fault of deficiencies in Department policy and/or training; therefore, the subject of the complaint cannot be held accountable.

When allegations are sustained, based upon the specific official charges and or findings of the investigation, any disciplinary or corrective actions will be conducted according to the practices of the Department and the City of Bentonville.

B. Post Disposition Procedure:

The Chief of Police or their designee will [COM 1.4.5(c)]:

1. Notify the complainant of the disposition of the investigation.
2. Review all final complaint investigations to ensure that they are consistent with the practices of the Bentonville Police Department and the city of Bentonville.
3. Maintain records of the process
4. Maintain the completed investigative and adjudication files in a secure, confidential manner.

C. Criminal Allegations:

When criminal allegations (Complaint Class 1) involving a member of the Department are identified, the Chief of Police and or a member of the Command Staff shall be notified immediately:

1. Crime within Department jurisdiction:

The appropriate criminal investigation unit will investigate the criminal aspect unless the department elects to have the investigation conducted by an outside entity. The administrative investigation will be conducted and is not dependent on the conclusion of the criminal investigation. Normally the initiation of a complaint and the start of the administrative investigation will proceed concurrently with the criminal investigation.

2. Crime outside Department jurisdiction:

The Department will:

- Develop and maintain liaison with the involved department, and
- Conduct the administrative investigation the same as it would have had the incident occurred within this Department's jurisdiction.

D. When an officer is terminated due to the outcome of an administrative

investigation, the Chief of Police shall notify the Arkansas Commission on Law Enforcement Standards and Training as prescribed by State Law.

309.06 RECORDS, MAINTENANCE AND SECURITY [LE 26.2.2, COM 1.4.10]:

The Department will maintain a record of all complaints against the Department, as well as Department personnel. These records will be maintained securely with controlled access for the purpose of protecting confidentiality and security of the involved or named individuals.

The Department will maintain statistical summaries or complaints and internal affairs investigations, which will then be reviewed on an annual basis.

DRAFT

**Bentonville Police Department
Policies & Procedures**

	SUBJECT: Personnel Early Identification and Intervention System	POLICY NUMBER: 310.00
	CALEA STANDARDS: LE 35.1.9	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 04/25/2024
	APPROVAL: Ray Shastid, Chief of Police (10pt Font)	PAGES: 7

POLICY

It is the policy of the Bentonville Police Department to gather data concerning personnel activities pertaining to incidents involving use of force, pursuits, accidents, administrative inquiries, inquiries from citizens, and complaints from citizens to facilitate accurate reporting as mandated by DOJ regulations. Furthermore, it is the policy of the Department to utilize this data to identify training needs for personnel and the Department, as well as to pinpoint personnel whose conduct may necessitate further attention. These measures are all aimed at ensuring the integrity of the Department's actions. The IA Pro Software Program is intended to aid in achieving the aforementioned objectives.

PURPOSE

The objective of the IA Pro software system is to establish a centralized information network for compiling data and details concerning incidents involving the use of force (as defined by Policy 401), along with other designated areas outlined in "Reportable Events." This information will assist supervisors in fulfilling the use of force reporting requirements mandated by the State of Arkansas, accreditation bodies and in identifying training needs within the Department.

Additionally, the system will be utilized to identify personnel who may require intervention or other forms of support. Furthermore, it will serve as a repository for administrative reviews of use of force incidents. The IA Pro System is intended to address matters such as early intervention, policy adherence, training needs assessments, and liability concerns.

DEFINITION

Alert: An advisory notification made by the software program that personnel has exceeded the alert threshold set for reportable events. Alerts in and of themselves are not considered negative. Alerts trigger the early warning review.

Alert Threshold: The IA Pro software aggregates the number of reportable events for each officer. The software can be programmed to initiate an advisory notification ("Alert") once a predetermined number of reportable events occurs over a given time period. The number at which that alert is generated is called the "Alert Threshold." The Alert Threshold is determined by the Chief of Police.

Blue Team: The Blue Team module is an application designed to allow supervisors and managers to electronically review and report personnel uses of force, citizen complaints, and other specific events to the Professional Standards Unit.

310.01 BLUE TEAM

The Blue Team module is an application designed to enable supervisors and Command Staff to electronically review and report personnel uses of force, citizen complaints, and other specific events to the Professional Standards and Accountability Unit. [LE 35.1.9a]

A. Blue Team Entries

Blue Team entries are compulsory for the following incident types:

1. Administrative Investigations
2. Citizen Complaints
3. Citizen Inquiries
4. Firearm Discharge
5. Uses of Force
6. Vehicle Accidents
7. Vehicle Pursuits

Files will be purged from Blue Team in accordance with the Police Department retention schedule and state and federal law regarding the destruction of public records.

310.02 FORCE REVIEW AND APPROVAL PROCESS

Administrative investigations, citizen complaints, citizen inquiries, and vehicle accidents will not be subject to the force review and approval process.

Firearm discharges, use of force incidents, vehicle pursuits, and vehicle containment techniques will require the following force review and approval process:

- A.** The officer involved in an incident as outlined above, is responsible for completing the Blue Team Entry. A review is required by this policy and will be completed by a shift lieutenant and forwarded to the Division Commander for a final disposition. This review aims to independently determine whether the actions taken by the officer(s) complied with Department policy given the circumstances known to the officer(s) at the time, as well as being in accordance with state, and federal law. In the Blue Team entry, the officer will document the steps taken and evidence reviewed to reach this determination. [LE 35.1.9f]
- B.** The Blue Team entries will be completed by the officer involved, or as otherwise directed by the on-duty supervisor. The Blue Team entry will be considered “Immediate Attention” and completed by the end of the same shift, unless otherwise approved by an on-duty supervisor. If the reviewing supervisor is not the individual’s immediate supervisor, the reviewing supervisor will forward the Blue Team entry to the individual’s immediate supervisor for their information. The reviewing supervisor will then forward the entry to their Shift Lieutenant or next in command using the “Forward Up Chain” button on the routing screen.

1. Officer Involved Shootings will be investigated by the assigned investigative unit, in conjunction with the Benton County Prosecuting Attorney's Office. The review and approval will be completed by the Division Commander. If, following this review, a formal administrative investigation is deemed necessary, the Professional Standards Unit will conduct the investigation.
2. In-custody deaths will be investigated by the assigned investigative unit, and potentially the Benton County Prosecuting Attorney's Office. The review and approval will be completed by the Division Commander. If, following this review, a formal administrative investigation is warranted, the assigned investigative unit will conduct the investigation. The Professional Standards Unit will review the entry, associated comments, and disposition, and input the Blue Team entry into the IA Pro database.
3. The Shift Lieutenant or Division Commander will analyze the final Blue Team/IA Pro entry to ensure the review process was comprehensive and thorough. They will independently assess whether the conduct of the officer(s) adhered to Department policy given the circumstances known at the time, as well as state and federal law. If the Shift Lieutenant or Division Commander determines that the officer's conduct was within policy, they will endorse the Blue Team entry and may include additional information in the approval comments section of the routing screen. Subsequently, the Shift Lieutenant or Division Commander will transmit the Blue Team entry to the appropriate Division Commander and the Professional Standards Unit using the "Forward to IA Unit" button on the routing screen.
4. If the reviewing supervisor or Command Staff member concludes that the action(s) deviated from Department policy, they will take necessary measures to provide training, counseling, or initiate a formal administrative investigation.
 - a) The supervisor, in consultation with the Division Commander, will consider departmental policy and officer safety concerns when deciding whether the incident warrants formal or informal handling.
 - b) If the Shift Lieutenant, with the agreement of the Division Commander, deems that addressing the incident at the shift level is most suitable, they will implement necessary training or counseling measures and duly document the actions taken.
 - c) If the Shift Lieutenant, with the agreement of the Division Commander, determines that the incident may necessitate formal disciplinary action, they will initiate a formal Administrative Investigation.
 - d) The resolution of the incident will be recorded in the approval comments section of the Blue Team routing screen before being forwarded to the relevant Division Commander and the Professional Standards and Accountability Unit.

5. The Professional Standards Unit will review the entry, associated comments, disposition and input the Blue Team entry into the IA Pro database.
6. The Division Commander will review the completed Blue Team entry and ensure appropriate steps were taken.
7. Each Division Commander will periodically, but not less than quarterly, review Blue Team/IA Pro entries with the Chief of Police.

310.03 IA PRO SOFTWARE

The Professional Standards Unit will serve as the facilitator of the early identification and intervention system. Consequently, it will function as the central hub and storage facility for all IA Pro-related matters. The Professional Standards Unit will oversee the management, data entry, review, training, and reporting of IA Pro information. This is meant to ensure compliance with policies, accuracy of reporting, completion of required follow up measures and provide reporting as needed to the public.

310.04 REPORTABLE EVENTS FOR IA PRO [LE 35.1.9d]

The following reportable events will be inputted into IA Pro for the purpose of identifying situations requiring supervisory review to determine if early intervention is necessary:

1. Administrative Investigations
2. Citizen Complaints
3. Commendation
4. Drug Testing
5. Firearm Discharges
6. Forced Entry
7. Internal Complaints
8. K-9 Utilization (Bites Only)
9. Secondary Employment
10. Supervisor Counseling
11. Use of Force
12. Vehicle Accidents
13. Vehicle Pursuits

Files will be removed from the IA Pro system in compliance with the Police Department Retention Schedule and relevant state and federal regulations governing the disposal of public records.

310.05 ALERTS/ALERTS THRESHOLD/REVIEW [LE 35.1.9b/c]

The Chief of Police will establish the number of reportable events related to an individual within a specified timeframe that should trigger an "alert." This designated number is referred to as the alert threshold. An alert will be triggered whenever a Department member surpasses the designated alert threshold. Quarterly reports will be

generated querying all personnel, with an "Alert" generated whenever personnel exceed the alert threshold.

Upon the occurrence of an alert, the individual's Division Commander or designated representative, along with the individual's Shift Lieutenant and immediate supervisor, will convene to review the alert and any pertinent information. This review aims to determine whether corrective actions are necessary or if the personnel's actions do not warrant immediate corrective measures. Alerts should not draw conclusions or make determinations regarding job performance. Their purpose is to aid supervisory personnel in evaluating and guiding their subordinates. Alerts alone should not serve as the sole basis for disciplinary action.

If, after review, no intervention is deemed necessary, the supervisor shall inform the individual that an IA Pro advisory/threshold alert has been received and reviewed, and no further action will be taken at that time. This information will be documented in the IA Pro program by their Shift Lieutenant or, if there is no Lieutenant in the Chain of Command, then by their immediate supervisor. The individual will be informed about the events that led to the advisory/threshold alert notification.

It is essential to note that reviews of alerts themselves are not part of disciplinary actions, evaluations, or promotions, although the behavior underlying the alert could potentially influence such decisions.

310.06 INTERVENTION

It is the aim of the Department, for the benefit of both the Department and its personnel, to address issues of personnel performance proactively, striving for the highest level of organizational effectiveness. The goal is to engage in early intervention whenever feasible, aiming to modify the behavior of an individual or group before it leads to disciplinary action, legal disputes, injuries, or other adverse outcomes. Early intervention and proactive measures encompass counseling and training.

When evaluating the events leading to an alert and determining the need for intervention, the Division Commander, together with the personnel's immediate supervisor and shift supervisor, should consider the following factors to determine the appropriate corrective action:

1. The unique circumstances of the personnel
2. The overall context of the situation
3. The officer's current assignment
4. Patterns of behavior
5. Significant changes in job performance

If intervention is deemed potentially beneficial for the personnel, the personnel's supervisor will be tasked with crafting a performance improvement plan, with guidance and oversight from the next level of supervision.

Corrective actions may encompass various measures, including but not limited to training, counseling, departmental adjustments, voluntary or involuntary reassignments. All rights and privileges granted by the Garrity Warning, City Administrative

Regulations, and Memorandum of Understanding agreements will be respected when implementing corrective actions. [LE 35.1.9g]

Personnel will have the opportunity to review their personal data and personnel files by contacting the Professional Standards Unit.

In the event of a negative comment entered in the IA Pro database, personnel will receive notification from their shift supervisor. The individual retains the right to submit a rebuttal memorandum within 30 days, in the form of a Departmental memorandum attached to an email. This should be addressed to the Professional Standards Unit, with copies sent to the supervisor who made the initial entry into IA Pro, and to the individual's shift supervisor or division commander.

When applicable for a given situation, the personnel identified as the subject of the negative comment may also be referred to the City's EAP and/or Peer Support Team. [LE 35.1.9h]

State law permits the purging of negative comments resulting from Administrative Investigations or Citizen's Complaint Investigations. The minimum duration specified for retaining this information is three (3) years for internally generated complaints and seven (7) years for citizen complaints. Department policy typically follows these minimums for purging files from IA Pro, unless specific circumstances dictate otherwise. Consequently, internally generated administrative investigations are usually purged after three (3) years, while Citizen's Complaints are purged after seven (7) years. The only exception is administrative investigations dealing with sexual harassment, workplace respect violations, racially biased complaints, excessive use of force and officer-involved shootings, which are retained indefinitely.

310.07 RELEASE OF INFORMATION CONTAINED IN IA PRO

Information will only be disclosed to an external entity upon presentation of a valid Court Order, or another lawful request.

310.08 IA PRO DATA EVALUATION/REPORTING

The Professional Standards Unit will be tasked with maintaining all records associated with the program and updating the related computerized records.

The Professional Standards and Accountability Unit will act as the primary point of contact and will be responsible for collecting and reporting IA PRO data, comparing it to historical norms.

The IA Pro data will undergo quarterly evaluation to assess the overall effectiveness of the program. The Professional Standards Unit will compile and submit a written assessment of the IA Pro data to the Chief of Police and Command Staff.

The report will include, at a minimum, the following information from the previous quarter:

- Total number of IA Pro advisories/alerts compared to the same period in the previous year.

- Comparison of the total number of advisories/alerts for the department in each category compared to the previous quarter and calendar year.
- A summary of all sworn personnel listed in the IA Pro program, excluding any details associated with specific reportable events.

The Professional Standards Unit will determine if any personnel surpass performance indicator criteria norms, and if so, the personnel's supervisor will be notified through the Chain of Command.

Annually, at the conclusion of each calendar year, the Professional Standards Unit will compile, as part of the annual IA Pro report, a summary of the early identification and intervention system data for all personnel along with any recommendations. This report will anonymize personnel and will be submitted to the Chief of Police. *[LE 35.1.9e]*

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER
	Employment Related Injury or Death	311.00
	CALEA STANDARDS:	EFFECTIVE DATE
	LE 22.1.5, COM 3.2.7	XX
NOTES:	REVISION DATE	
	08/28/2023	
APPROVAL:	PAGES	
Ray Shastid, Chief of Police	9	

PURPOSE

This policy establishes procedures to ensure the proper support and emotional care for a Department member's family following an Employment Related Injury or Death.

POLICY

The Bentonville Police Department will provide liaison assistance to the immediate survivors of Department personnel who die or are injured while in the performance of work-related duties. This assistance is provided for all employment related injuries or deaths and retired personnel as requested by surviving family members.

The Chief of Police may institute certain parts of this policy for cases of natural death. The Department will also provide a clarification and comprehensive study of survivor benefits as well as emotional support during this traumatic period for the surviving family. Funeral arrangements of the deceased member are to be decided by the family, with their wishes taking precedence over the Department's. [LE 22.1.5]

Any deviation from this policy, for any reason, will be at the sole discretion of the Chief of Police or their designee.

DEFINITIONS

Employment Related Injury or Death: Any action, felonious or accidental, which claims the life or seriously injures a Bentonville Police Officer who is performing work-related functions either while on or off duty.

Survivors: Immediate family members of the deceased officer; spouse, children, parents, siblings, fiancée, and/or significant others.

Beneficiary: Those designated by the officer as recipients of specific death benefits.

Benefits: Financial payments made to the family to ensure financial stability following the loss of a loved one.

Critical Incident Stress Debriefing (CISD): Meeting designed for the mitigation of psychological impact of a traumatic event, minimize the chance of developing post traumatic stress disorder and serve as an early identification mechanism for individuals possibly requiring professional mental health follow-up. CISD's are structured meetings or discussion during which personnel are provided the opportunity to discuss their thoughts and reactions concerning a traumatic event in a controlled environment under the direction of a mental health professional and Peer to Peer support personnel.

Incident Debrief: Structured and organized process of reviewing and discussing an incident, situation, or operation that law enforcement personnel were involved in. The primary purpose of an incident debrief is to gather information, analyze the actions taken, and identify lessons learned from the event. This helps to improve the performance, effectiveness, and safety of future law enforcement operations.

Funeral Payments: Financial payments made to the surviving families of an officer killed in the line-of-duty that are specifically earmarked for funeral expenses.

PROCEDURE

Coordination of events following the line-of-duty death of a police officer is an extremely important and complex responsibility. Professionalism and compassion must always be exhibited as an obligation to the member's survivors and to the law enforcement community. To provide the best possible services and support for the member's family, specific tasks may be assigned to selected members of the Department. Their titles are:

- Notification Officer
- Hospital Liaison Officer
- Family Liaison Officer
- Department Liaison Officer
- Benefits Coordinator
- Chaplains

An explanation of each of these responsibilities is contained in this policy. A member may be called upon to perform more than one role. Members are encouraged to maintain a current "Confidential Line-of-Duty Death Information" form in the Administration Division. The information will be of extreme comfort to members' families and the Department in fulfilling the deceased officer's wishes.

311.01 NOTIFICATION

It is the responsibility of the Captain, or their designee (Notification Officer) to ensure proper notification is made to the next of kin of a member who has suffered severe injuries or died. The Captain, or their designee will contact the Police Chaplain, to assist with and be present for the notification. The Chaplain, or designee will either personally accompany the Captain or designated staff personnel.

The name of the deceased member will not be released to the media by the Department before the immediate family living in the area is notified.

If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the residence at the time of notification.

Notification will be made in person and never alone. The Police Chaplain may accompany The Notification Officer or their designee, close friend, or other police survivor. However, if the persons are not readily accessible, notification should not be delayed until these people can gather. The family should learn of the death from Department personnel first and not from the press or other sources.

Inform family members slowly and clearly of the information that you have. If specifics of the incident are known, the Notification Officer should relay as much information as possible to the family. Be sure to use the member's name during the notification. If the member has died, relay that information. Never give the family a false sense of hope. Use words such as "died" and "dead" rather than "gone away" or "passed away."

If the family requests to visit the hospital, they should be transported by police vehicle. It is highly recommended that the family does not drive themselves to the hospital. If the family insists on driving, a member should offer to accompany them in the family car.

If young children are at home, the Notification Officer must arrange for babysitting needs. This may involve co-workers' spouses, transportation of children to a relative's home, or similar arrangements.

Prior to departing for the hospital, the Notification Officer should notify the hospital staff and the Hospital Liaison (by telephone if possible) that a member(s) of the family is enroute.

The deceased or severely injured member's parents should also be afforded the courtesy of a personal notification whenever possible.

If immediate survivors live beyond Benton or Washington County, the Notification Officer will ensure that the Communications Division sends a teletype message to the appropriate jurisdiction, requesting a personal notification. The Notification Officer shall call the other jurisdiction by telephone in addition to the teletype message. Arrangements should be made to permit simultaneous telephone contact between the survivors and the Department.

The Chief or a high-ranking representative should respond to the residence or the hospital to meet with the family as quickly as possible.

In the event of an on-duty death, the external monitoring of police frequencies may be extensive. Whenever possible, communications regarding notifications should be restricted to the telephone. If the media has obtained the member's name, they will be advised to withhold the information, pending notification of next of kin.

The Notification Officer will ensure that all members of the Department are notified when there is an on-duty-death or severe injury to a department member.

311.02 ASSISTANCE FOR AFFECTED MEMBERS

Members who were on the scene or who arrived moments after a member was critically injured or killed should be relieved as quickly as possible.

Police witnesses and other members who may have been emotionally affected by the serious injury or death of another member will attend a Critical Incident Stress Debriefing. This is not an in-depth Incident Debrief or formal interviews of involved/witnessing individuals.

Peer to Peer support will be available within the Department and externally available, based on circumstances of the incident.

311.03 ASSISTING THE FAMILY AT THE HOSPITAL

The first official, other than the Chief or their representative, to arrive at the hospital becomes the Hospital Liaison. The Hospital Liaison is responsible for coordinating the activities of hospital personnel, the member's family, police officers, the press, and others. These responsibilities include:

1. Arranging with hospital personnel to provide an appropriate waiting facility for the family, the Chief of Police, the Notification Officer, and others requested by the immediate survivors,
2. Arranging a separate area for fellow police officers to assemble,
3. Establishing a press staging area,
4. Ensuring that medical personnel relay pertinent information regarding a member's condition to the family on a timely basis and before such information is released to others,
5. Notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased member are directed to the City of Bentonville, Human Resources Department. The family should not receive any of these bills at their residence. This may require the Hospital Liaison to re-contact the hospital during normal business hours to ensure that proper billing takes place.
6. Ensuring that the family is updated regarding the incident and the member's condition upon their arrival at the hospital, and
7. Arranging transportation for the family back to their residence.

If it is possible for the family to visit the injured member before death, they should be afforded that opportunity. A Police Chaplain or Police official should “prepare” the family for what they might see in the emergency room and should accompany the family into the room for the visit if the family requests it. Medical personnel should advise the family of visitation policies and, in the event of death, explain why an autopsy is necessary.

The Notification Officer(s) should remain at the hospital while the family is present.

Do not be overly protective of the family. This includes sharing specific information as to how the member died, as well as allowing the family time with the deceased member.

311.04 SUPPORT OF THE FAMILY DURING THE WAKE AND FUNERAL

The Chief of Police, or a designee, will meet with the member’s family at their home to determine their wishes regarding Departmental participation in the preparation of the funeral or services. All possible assistance will be rendered.

With the approval of the family, the Chief will assign a Family Liaison Officer. The Chief will also designate a Department Liaison Officer and a Benefits Coordinator.

311.05 FAMILY LIASON OFFICER

The selection of a Family Liaison Officer is a critical assignment. An attempt should be made to assign someone who enjoyed a close relationship with the member and their family. When possible, male/female “teams” should be utilized as Family Liaison Officers, thus preventing bonding between the survivor(s) and member during a vulnerable time in the survivor’s life.

This is not a decision-making position, but a “facilitator” between the family and the Department.

Responsibilities of the Family Liaison Officer include:

1. Meet with the family and tell them what their responsibilities will be during this time,
2. Ensuring that the needs of the family come before the wishes of the Department,
3. Assisting the family with funeral arrangements and making them aware of what the Department can offer if they decide to have a police funeral. If they choose a police funeral, briefing the family on funeral procedure (i.e., presenting the flag, playing of taps, firing party).
4. Apprising the family of information concerning the death and the continuing investigation, as well as any court proceedings. The Family Liaison Officer should be with the family during all related court proceedings.

5. Providing as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging for food for the family, meeting childcare and transportation needs, etc.,
6. Being constantly available to the family (readily available by phone).
7. Determining what public safety, church, fraternal and labor organizations will provide in terms of financial assistance for out-of-town family travel, food for funeral attendees following the burial, etc.,
8. Coordinate the return of the deceased officer's personal property to the family and the return of departmental property from the family.
9. Notifying Concerns of Police Survivors (C.O.P.S.), (573) 346-4911. Members are available to provide emotional support to surviving families.

311.06 DEPARTMENT LIAISON OFFICER

This position is normally assigned to a lieutenant because of the need to effectively coordinate resources throughout the Department.

Responsibilities of the Liaison Officer include working closely with the Family and to ensure that the needs of the family are fulfilled.

The Liaison Officer is responsible for handling the news media throughout the ordeal. If the family decides to accept an interview, a Department member should attend to "screen" questions presented to the family so as not to jeopardize subsequent legal proceedings.

The Liaison Officer, or their designee, shall meet with the following persons to coordinate funeral activities and establish an itinerary:

1. Chief of Police, Department Commanders, and Police Chaplains
2. Funeral director,
3. Family priest or minister,
4. Cemetery director,
5. BPD Honor Guard Commander

The Liaison Officer is responsible for assisting the Police Chaplain in directing the funeral activities of the Department and visiting police departments according to the wishes of the family.

The Liaison officer shall ensure a Teletype message is sent, to include the following:

1. Name of deceased
2. Date and time of death.
3. Circumstances surrounding the death.

4. Funeral arrangements (determine if private or a police funeral)
5. Uniform to be worn.
6. Expressions of sympathy in lieu of flowers, and
7. Contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information,

The Liaison Officer should consider establishing a command center, given the complexity of the funeral proceedings and management of resources.

The Liaison Officer will assist in arranging various details associated with the service as desired by the family. This includes obtaining an American flag and/or coordinating a flag presentation by the Chief, if desired by the family. If the family desires a burial in uniform and selecting a member to obtain a uniform and all accouterments (except weapons) and deliver them to the funeral home, the Liaison Officer will facilitate the following arrangements with the Chief of Police's office.

1. Assigning members for usher duty at the church,
2. Arrange exterior sound system at the chapel, for potential overflow crowd.
3. Arranging for delivery of the member's personal belongings to the family,
4. Briefing the Chief and staff concerning all funeral arrangements,
5. Family should be recognized and properly seated during the funeral and procession.
6. Arranging for a standby doctor for the family, if necessary.
7. Coordinate traffic flow with the Traffic Sergeant and with other jurisdictions during the viewing, funeral and procession.
8. Assign an officer to remain at the family home during the viewing and funeral.
9. Maintaining a roster of all Departments sending personnel to the funeral, including:
 - Name and address of responding agencies.
 - Name of the Chief of Police.
 - Number of officers attending.
 - Number of officers attending the reception after the funeral.
 - Number of vehicles.
10. Assisting in making the necessary accommodations for food, lodging, etc.,
11. Acknowledging visiting and assisting departments.
12. Arrange for residence checks of the survivor's home by patrol for 6-8 weeks after the funeral.
13. Coordinate with outside agencies to provide patrol functions during the service.

311.07 BENEFITS COORDINATOR

The Benefits Coordinator will gather information on benefits/funeral payments available to the family. The Benefits Coordinator has the Department's full support to fulfill this responsibility to the survivors and is completely responsible for filing the appropriate

benefit paperwork and following through with the family to ensure that these benefits are being received. This role may be fulfilled by Department personnel and/or personnel from the Human Resources Department of the City.

The Benefits Coordinator is responsible for:

1. Filing Worker's Compensation claims and related paperwork,
2. Contacting Human Resources without delay to ensure that the beneficiary receives death and retirement benefits, the member's remaining paychecks and payment for remaining vacation and compensatory time,
3. Gathering information on all benefit/funeral payments, to include the Public Safety Officers Benefits Act, that is available to the family,
4. Setting up any special trust funds or educational funds,
5. Notifying police organizations such as HEROES, Inc., the Fraternal Order of Police, the Arkansas Police Chiefs Association, etc., of the death and ensuring that all entitlements are paid to the beneficiary. These agencies may also offer legal and financial counseling to the family at no cost.
6. Preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries and contacts at various benefits offices, and when they can expect to receive payment.
7. Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time.
8. If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the child(ren) may be receiving.
9. Attention should be given to the revocation of health care benefits. Many providers allow a 30-day grace period before canceling or imposing monthly payments upon survivors, and
10. Meeting again with the family in about six months to ensure they are receiving benefits.

311.08 OTHER RESPONSIBILITIES

The funeral procession, its route, and traffic control concerns will be the responsibility of the Traffic Sergeant.

The Department Liaison Officer, Family Liaison Officer, and the Police Chaplain will work together to coordinate all activities and to keep all levels of command informed. (See Procedure governing funerals)

The Honor Guard Commander will coordinate with the Family Liaison Officer with respect to the family's wishes for the funeral arrangements. (See Procedure governing funerals)

311.09 CONTINUED SUPPORT FOR THE FAMILY

Members of the Department must remain sensitive to the needs of the survivors long after the member's death. The grief process has no timetable. More than half of the surviving spouses can be expected to develop a post-traumatic stress reaction to the tragedy.

Survivors should continue to feel a part of the "police family." They should be invited to Department activities to ensure continued contact.

Members of the Department are encouraged to keep in touch with the family. Close friends, co-workers and officials should arrange with the family to visit the home from time to time so long as the family expresses a desire to have these contacts continue.

The Chief of Police should observe the member's death date with a short note to the family, flowers on the grave and/or wreath placement at the National Law Enforcement Officers Memorial.

Holidays may be especially difficult for the family, particularly if small children are involved. Increased contact with the survivors and additional support is important at these times.

The Family Liaison acts as a long-term liaison with the surviving family to ensure that close contact is maintained between the Department and the survivors and that their needs are met for as long as they feel the need for support.

If no court proceedings surround the circumstances of the member's death, the Family Liaison will relay all details of the incident to the family at the earliest opportunity.

If criminal violations surround the death, the Family Liaison will:

1. Inform the family of all new developments prior to press release,
2. Keep the family apprised of legal proceedings,
3. Introduce the family to the victims' assistance specialists of the court,
4. Encourage the family to attend the trial, and accompany them whenever possible, and
5. Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Extra-Duty Employment	POLICY NUMBER: 313.00
	CALEA STANDARDS: LE 22.2.5	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 04/25/2024
	APPROVAL: Ray Shastid, Chief of Police (10pt Font)	PAGES: 5

PURPOSE

The purpose of this policy is to regulate additional employment by personnel of the Bentonville Police Department, define extra-duty employment, and establish procedures relating to extra-duty employment.

POLICY

One of the primary functions of the Department is the protection of lives and property of the citizens and visitors in Bentonville. To provide the highest level of police service to those citizens and visitors, the Department must ensure its personnel are physically and mentally able to devote complete attention to their job assignments while on duty.

Personnel of the Department will not be permitted to work off duty or voluntary employment more than six (6) hours on any scheduled workday, apart from the last day of a scheduled work week, unless specifically authorized by the Chief of Police or their designee. These requirements are essential for the efficient operations of the Department, the safety of its personnel, and the protection of the community.

DEFINITIONS

Additional employment: the provision of a service, whether in exchange for a fee, gift, or other service.

Extra-Duty employment: any employment by sworn personnel conditioned on the actual or potential use of law enforcement powers in the provision of services other than for the City of Bentonville. Special Details/Vendor Paid Details are employment opportunities that are coordinated via the Department.

Secondary employment: (non-police-related employment) employment of any personnel of the Department not requiring the use or potential use of law enforcement powers in the provision of services other than for the City of Bentonville. This includes any business or corporation that a Department personnel owns totally, or in part, or is run, operated, or supervised by the personnel.

PROCEDURES

313.01 GUIDELINES AND RESTRICTIONS OF ADDITIONAL EMPLOYMENT

Any employment opportunities sought by Department personnel will require the explicit approval of the Chief of Police, or their designee. Personnel desiring to work secondary employment, shall obtain written approval from the Chief of Police, or their designee. (See Appendix 1- Work Permit). Upon approval, all Work Permit Forms will be digitally uploaded into the personnel's record by the Chief of Police or designee. [LE 22.2.5a]

A. Disallowed Additional Employment Types

Personnel may not engage in employment that is could be seen as a negative impact to status and dignity of law enforcement as a professional occupation. Examples of these types of establishments may include but are not limited to:

1. Employment at establishments that promote obscenity or pornography as defined by the Arkansas Criminal Code.
2. Any employment that is in or upon the premises of a licensed tavern, bar, private club, retail liquor store. This will also include bartending at any establishment where the primary source of revenue is from food service. Furthermore, this includes any establishment involved in the sales/marketing of THC or CBD related products.
3. Any employment where gambling occurs, in any form. (This does not include civic fund-raising events where the proceeds are used to support legitimate charities or other nonprofit agencies).
4. Any employment where the employer expects the police personnel to enforce the employer's rules and regulations.

Personnel will not engage in any additional employment that might affect the objectivity and independence of their judgment or conduct in performing their official duties and responsibilities.

Personnel will not engage in any additional employment that might present potential conflicts of interest for personnel between departmental duties and their duties for a secondary employer.

Any personnel on leave per the Family Medical Leave Act (FMLA) shall not be eligible to work any extra-duty or secondary employment assignments.

B. Additional Employment Requirements [LE 22.2.5c]

Sworn personnel must have completed the Field Training program before being eligible to work off-duty employment. Sworn personnel may work secondary employment except during basic police academy training. Telecommunicators must complete their training program before being eligible for secondary employment.

Non-sworn personnel must have completed their initial training before being eligible to work additional employment.

Work hours for all additional employment must be scheduled in a way that does not conflict nor interfere with the personnel's official performance of duty. Special consideration will not be given to scheduling of the personnel's duty hours to accommodate additional employment. It is essential for all Department personnel that are subject to callout, will be expected to maintain their call-out obligation as their primary responsibility, even while engaged in additional employment.

Personnel absent from duty, due to sickness, may not engage in additional employment for twenty-four (24) hours following the end of the shift for which they reported sick. Personnel will not report to duty physically or mentally exhausted to the point where their performance is affected because of any additional employment.

Personnel may, because of disciplinary action as directed by the Chief of Police, be prohibited from working additional employment.

Personnel of the Department may not accept employment or have a financial interest in any private investigation agency.

All sworn personnel working additional employment are required to take enforcement action, within the jurisdiction of the Department, in an emergency. Emergency enforcement action shall require the sworn personnel leave their additional employment to take appropriate police action. *[LE 22.2.5b]*

Personnel may not engage in any additional employment where their official position might be used to advance private interests. All Department personnel shall conduct themselves in a manner consistent with the Department Code of Conduct and Oath of Office while engaging in any additional employment.

Additionally, no personnel will be authorized to participate in any extra duty or secondary employment while out on FMLA Leave.

313.02 OFF-DUTY NOTIFICATION PROCEDURES

Sworn personnel will contact the Communications Center non-emergency number prior to working any police-related, off-duty employment. This contact is to provide the Communications Center with the officer's badge number, location, and starting time. The officer will then be assigned a radio call number. At the conclusion of the off-duty employment, the officer should again notify dispatch to be removed from the Computer Aided Dispatch (CAD) system.

This information will be logged into the CAD system by the Telecommunicator receiving the telephone call from the off-duty officer. Telecommunicators will not delete any entry from the system unless a mistake is recognized, and the entry is re-entered after deletion.

Each officer working the detail is considered "on-duty" and the officers are paid time and a half at their hourly rate. "Time and a half" refers to the amount of extra compensation that personnel working overtime are entitled to receive and requirements are set in the Federal Fair Labor Standards Act (FLSA).

The total amount due will be billed by the City of Bentonville after the event and payment will be made directly to the City of Bentonville

313.03 CONDITIONS OF SECONDARY EMPLOYMENT

Any Department personnel who owns or operates any private business, works on a commission, or receives compensation in any form from any person, firm, or corporation other than the City of Bentonville is required to submit a request through the chain of command to the Chief of Police to engage in secondary employment. The request must be approved by the Chief of Police prior to entering business or employment.

1. Any change of business or employment description will require the filing of a new request.
2. Personnel who become injured while engaging in secondary employment are not covered by the City of Bentonville workers' compensation provider.

313.04 REVOCATION OF APPROVAL

Once granted, approval for additional employment can be revoked or annual renewal denied when, in the judgment of the personnel's chain of command, the additional employment becomes incompatible with departmental employment or adversely affects the personnel's job performance or efficiency. A supervisor may deny any additional employment request if they believe the employment is not in the best interest of the department or the personnel.

In considering the denial of a request or the revocation of approval, supervisors will consider:

1. The personnel's work performance, attendance record, and disciplinary history
2. The personnel's overall health and fitness
3. The personnel's medical restrictions, injury, and sick leave status
4. The nature of the proposed employment

Failure to obey a denial or revocation of additional employment may result in disciplinary action up to and including termination.

313.05 ANNUAL RENEWAL

All on-going Additional, Secondary, and Courtesy Officer Employment information must be renewed on an annual basis. Any information regarding Additional, Secondary, or Courtesy Officer employment must be renewed with the Office of Professional Standards and Training by January 31st of each year in which the employment is to be worked.

Failure to renew the Secondary Employment forms may result in the revocation of additional employment approval.

313.06 RECORDS [LE 22.2.5d]

The Office of Professional Standards and Training Unit shall maintain all Off-Duty, and Secondary Employment records. This includes Courtesy Officer positions within housing/apartment developments. Employment Requests for three years from the date of submission. This shall include both *approved and denied* additional, off-duty and secondary employment forms.

The Office of Professional Standards and Training, at the direction of the Chief of Police, shall investigate any complaints against a member of this department while employed in an off-duty or secondary employment.

The Office of Professional Standards and Training, at the direction of the Chief of Police, shall investigate any violations of this policy.

A computerized record of all off-duty jobs will be maintained in the digital personnel records system. These logs will be maintained for at least one year. These records will contain a brief description of the specific extra-duty employment that was applied for. [LE 22.2.5e]

Bentonville Police Department

Policies & Procedures

	SUBJECT: Uniform and Personal Appearance	POLICY NUMBER: 314.00
	CALEA STANDARDS: LE 22.1.6, 41.3.5, 41.3.6	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 5

PURPOSE

In order to project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

POLICY

Department personnel represent both the Department and City throughout the course of their duties and interactions with the community. All personnel shall be neat, clean and professional in appearance at all times. Unless excluded by the Chief of Police or their designee, all personnel shall follow applicable grooming and uniform standards.

***For current uniform specifications refer to the Uniform Specifications with Photographs and the Quartermaster's Authorized Uniform and Equipment Lists maintained on the computer network. ***

PROCEDURE

314.01 GROOMING FOR SWORN PERSONNEL

Hairstyles: Keep hair clean, neat, and trimmed. To help ensure safety, officers shall keep hair cut to a length not extending below the bottom of the ear on the sides nor the bottom of the shirt collar on the back. The Department prohibits unnatural hair colors, such as, but not limited to blue, green, or pink. The Department also prohibits extreme hairstyles, such as mohawks or shaved designs.

Facial Hair: Sideburns - Keep sideburns neatly trimmed. Do not allow them to extend below the bottom of the earlobe or to flare out at the base. Mustaches - You may wear a well-trimmed mustache that does not extend below your upper lip or beyond the corners of your mouth. Keep the remainder of your face clean shaven.

Earrings and Jewelry Earrings: Officers may wear one pair of studded earrings while on duty. Jewelry - You may wear a wristwatch and identification bracelet. You may wear one ring on each hand (e.g., wedding band). Do not wear any dangling jewelry.

314.02 UNIFORMS FOR SWORN PERSONNEL [LE 22.1.6]

The wearing of any Bentonville Police Department uniform is a privilege. When personnel wear an official uniform, badges, insignia or identification, they shall be subject to the guidelines provided in this policy.

Officers assigned to wear a police uniform shall report for briefing or their assignment at the designated time in complete uniform as prescribed in this policy.

Uniformed Personnel shall wear proper uniform-of-the-day on duty and when attending ceremonies, funerals, or other functions unless the Chief of Police directs otherwise. Wear the duty uniform for court appearances if possible.

The Department police uniform will not be worn off-duty except when:

1. Traveling to and from work.
2. Appearing in court.
3. Attending training.
4. Approved extra-duty or activity in an official Department capacity.

Uniform Cleanliness: Maintain a neat and clean appearance both on and off duty. Keep clothing and uniform items clean, unwrinkled and in good state of repair; keep leather items clean and polished.

Ballistic Vests: The Department will issue a ballistic vest to each sworn employee of the Department. The issued vest shall meet the contemporary National Institute of Justice (NIJ) standards, testing requirements and certifications. When in uniform, sworn employees shall always wear a bullet resistant vest unless specifically exempted by the Chief of Police or their designee.

Sworn employees in plain clothes are not required to wear the vest; however, all sworn employees are required to maintain their issued vests and are encouraged to have them available should an incident arise, which may place them at risk. The vest will be supplied by the Department and replaced as necessary [LE 41.3.5]. Sworn employees involved in high-risk tactical details shall also be required to wear a bullet resistant vest [LE 41.3.6]. [BPD Policy 702]

Badges: Badges with appropriate numbers and titles are provided and issued to each officer and shall be worn in the proper location when on duty. Due to badge number changes, internal rank structure changes, and normal wear and tear badges may become obsolete or unserviceable. When such badges become obsolete or no longer serviceable, they may be awarded to the officer to whom it was previously issued, under certain conditions, and at the discretion of the Chief of Police. Additionally, such badges may be awarded to an officer (or an officer's family member) in other circumstances. These circumstances may include, but are not limited to, the retirement of an officer, the unforeseeable circumstance that an officer is unable to return to duty due to health or injury, or the death of an officer.

314.03 UNIFORM AND EQUIPMENT ISSUANCE

Sworn Members

1. The Operations Lieutenant shall be responsible for issuing uniforms, batons, Tasers, and other equipment to all sworn members during their orientation.
2. The Training Coordinator shall be responsible for issuing all tactical weapon lights and weapons, including firearms.
3. Any officer in need of a uniform replacement or a piece of equipment that has become worn, damaged, or lost shall complete an email to the Operations Sergeant.
4. Additionally, the member shall also return any worn, damaged, or wrong-size item they are wanting replaced to the Operations Sergeant.
5. All clothing will be clean prior to being returned to the Operations Lieutenant.
6. The Operations Lieutenant will order the replacement item if appropriate, or repair the item if possible, and notify the officer when the item(s) are available for pick up.
7. The Operations Lieutenant will stock a limited amount of clothing items to be issued in emergencies on a case-by-case basis.

314.03 TATTOOS

Personnel shall not have tattoos, brands, and/or body art that display any offensive or obscene design, logo, or wording, regardless of the location. Examples of offensive or obscene tattoos include, but are not limited to, designs, logos, or wording that advocate or symbolize sexual, gender, racial, religious, ethnic, or national origin discrimination, or gang affiliation.

Additionally, personnel shall not have tattoos, brands, and/or body art that is exposed on any part of the body above the collarbone or past the wrist on the hands/knuckles.

Tattoos, brands, or body arts which is exposed on any part of the body above the collarbone and readily visible when wearing an open collar uniform, and/or any which detract from an appropriate professional image.

All questionable tattoos, brands or body art shall require the approval of the Chief of Police or their designee.

All Recruiting Officers, Background Investigators, and Applicant Processing Employees are required to inform all Department applicants of the Bentonville Police Department's tattoo policy, prior to scheduling the applicant for testing.

314.04 BODY PIERCING OR ALTERATIONS

Body piercing, gauges or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features, which is not medically required is prohibited. Such body alteration includes, but is not limited to:

1. Tongue splitting or piercing.
2. The transdermal implantation of any material, other than hair replacement.
3. Abnormal shaping of the ears, eyes, nose or teeth
4. Branding or scarification.

314.05 PHOTOGRAPHIC IDENTIFICATION CARD

Certified Active Bentonville Officers: Active Police Officers are required to carry photographic identification issued by the Department while carrying concealed handguns. This identification card is the property of the Bentonville Police Department; it must be immediately surrendered upon demand. This identification card will contain such information as:

1. Agency name
2. Officer name
3. Photograph of officer
4. Physical description
5. Person authorizing the officer to carry a concealed firearm.
6. Statement indicating the officer is not the subject of disciplinary action.
7. Statement indicating the officer currently meets the Department's qualification requirements.
8. Statement indicating the officer is currently a certified law enforcement officer in the State of Arkansas.

Bentonville Retired Officers: Retired Bentonville Officers are required to carry photographic identification issued by the Department while carrying concealed handguns. This identification card is the property of the Bentonville Police Department; it must be immediately surrendered upon demand. The identification card will contain information such as:

1. Agency name
2. Officer name
3. Photograph of officer
4. Physical description,
5. RETIRED clearly stated on the ID (including retirement date)
6. Chief's authorization for the retiree to carry a concealed firearm
7. Indication of firearms qualification status with the Department.
8. Indication the officer is retired in good standing.
9. Indication the retiree possessed powers of arrest at the time of employment.
10. Indication the retiree had an aggregate of at least 15 years of service.

11. Statement indicating the retiree has a non-forfeitable right to retirement plan benefits. *[ACA 12-15-202 and Law enforcement Officers Safety Act of 2004-- Title 18 US code, sections 926B & C]*

314.03 DRESS CODE FOR NON-SWORN

Personnel not required to wear uniforms should check with their supervisor to determine what is the appropriate attire for their jobs. All clothing needs to be clean and pressed, not faded, or wrinkled. In those Departments that do not wear uniforms, the “casual” dress code is in effect on Fridays, which means comfortable but socially acceptable and respectable. Personnel should not wear Department issued attire when off duty.

314.04 EXCEPTIONS TO PERSONAL APPEARANCE

Chief of Police Discretion: The Chief of Police retains the right to approve or disapprove of any hairstyle, facial hair, or to make any adjustments to this policy as needed or required based on totality of circumstances, assignment, medical needs, or other reasonable accommodations.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Military Deployment and Reintegration	POLICY NUMBER: 315.00
	CALEA STANDARDS: LE 22.1.9	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 3

PURPOSE

It is the policy of the Bentonville Police Department to grant employees extended military leave to serve in the Armed Forces of the United States, and any of its reserve components. This policy will assist supervisors in meeting the needs of the armed forces, our community and our employees.

POLICY

315.01 GENERAL PROVISIONS

- A.** The Department will grant all employees leaves of absence to fulfill military service obligations in accordance with the requirements of applicable laws, and department policies.
- **Short Term Deployments for sworn personnel:** A paid, full-time municipal police officer who is a member of the armed forces of this state or any other state, including without limitation the National Guard or a reserve component or auxiliary of the United States Armed Forces, shall be granted leave at the rate of one hundred sixty-eight (168) hours per calendar year plus necessary travel time for annual training requirements or other duties performed in an official duty status. Ark. Code Ann. § 14-52-114. Based on an eight-hour day, this equals out to 21 days.
- B. Eligibility:** Full time personnel, who leaves a position with the Department for the purpose of entering any branch of the United States armed forces for extended active duty, shall be placed in military active-duty status and granted a leave of absence.
- C. Length of Active-Duty Deployment:** In accordance with § 4312, Title 38, United States Code, an employee may serve a total of five (5) years on active duty in the armed forces, (six (6) years for Navy Nuclear Program) and still be eligible for reemployment. An employee's right to reemployment is not protected for periods of military active duty longer than five years (six (6) years for Navy Nuclear Program).

D. Credit for Military Service: Full time personnel with the Department upon reemployment from military active duty, will be allowed full credit for time spent in the military service for the purpose of computing seniority, vacation and sick leave, and service longevity.

E. Point of Contact

1. The immediate lieutenant of an employee requesting military leave shall be the agency point of contact. The employee shall immediately notify the immediate supervisor of military orders resulting in leave from the Department. The immediate supervisor shall make chain of command notifications to include the Chief of Police in as soon as possible. *[LE 22.1.9(a)]*
2. Unless prohibited by the military or otherwise legitimately unavailable, the deploying personnel shall provide a copy of the employee's military orders to their supervisor as proof of authorization for the leave, as soon as it is available. A copy of the military orders shall be retained in the employee's departmental personnel file.
3. If advance notice is not possible, notice may be given to the supervisor verbally or in writing, depending on the immediacy of the leave.
4. The Department's Human Resources representative shall be the employee's HR point of contact. *[LE 22.1.9(b)]*

315.02 PRE-DEPLOYMENT PROCEDURES

- A. The Chief of Police or designee shall conduct an exit interview with the exiting employee prior to deployment. *[LE 22.1.9(c)]*
- B. The exiting employee shall provide the employee's immediate lieutenant with the name of the employee's military commander's information and the telephone number of the military unit to which the employee is assigned in order to facilitate an exchange of information. *[LE 22.1.9(g)]*
- C. State Owned Equipment Status During Deployment *[LE 22.1.9(d)]*

Employees being deployed in excess of thirty (30) continuous days shall turn in Department-issued equipment listed below, prior to military deployment:

1. Thirty or more continuous days of active duty outside the state of Arkansas: turn in weapons.
2. Thirty or more continuous days of active duty outside the United States: turn in keys, radio and weapons.

3. The officer may, for security or convenience reasons, turn in any and all issued equipment.
4. Equipment will be returned to inventory and stored until the Officer's return to employment.

315.03 REEMPLOYMENT

A full-time employee returning from active duty in the armed forces of the United States is entitled to reemployment in the same position held on the date of deployment, or in a position of comparable status and pay. The returning employee will be reissued any equipment to replace what was previously turned in and will meet with the Chief of Police or designee for an interview as part of the reintegration process. [LE 22.1.9(e)]

The employee's immediate lieutenant shall then meet with the returning employee to discuss any necessary issues prior to the employee's return to full duty.

Training [LE 22.1.9(f)]:

1. Institutional Training: The Standards and Training Unit shall conduct a needs assessment to determine what training courses the returning personnel must complete. The returning employee must complete all required institutional training prior to returning to full duty.
2. Weapons qualification: The returning personnel must re-qualify with all Department issued firearms and other equipment (Taser, Collapsible Baton, OC spray, etc.) prior to returning to full duty.
3. Personnel called to active duty in a reserve component of the armed forces will be granted leave and employee benefits in accordance with Department guidelines and City of Bentonville policy.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Field Training Program	309.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 33.4.2, 33.4.3	XX
NOTES:	REVISION DATE:	
	05/02/2024	
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	5	

PURPOSE

The purpose of this policy is to establish the Bentonville Police Department's Field Training Program. It will define the training criteria used in the program and will establish operational guidelines for all personnel involved in the Field Training Program.

POLICY

It is the policy of the Department to utilize its Field Training Program to develop newly hired police officers by providing systematic training upon their graduation from any law enforcement training academy certified by the State of Arkansas.

While the Field Training Program is only 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 the officer should be retained by the Department during the officer's probationary period. The program shall be based on a curriculum based on tasks of the frequent duties of sworn personnel. [LE 33.4.2(a)]

PROCEDURES

317.01 FIELD TRAINING PROGRAM

The Department's Field Training Program is based on a system of formalized standards with structured teaching and evaluation techniques. The objective of the program is to train the officer to a level that they can function in a safe, skillful, and professional manner at the conclusion of this training program.

From the first day of the Field Training Officer's (FTO) observation, through final evaluation at the conclusion of the program, documentation checklists guide the recruit officer's 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 their acquired knowledge to field assignments.

The Field Training Coordinator shall have the overall responsibility for supervising the Field Training Program. The Field Training Coordinator and/or their designee will ensure

that all instructional material is being covered with the recruit officer by the Field Training Officer. This process will be aided by the issuance of an orientation handbook/policy manual to all recruit personnel prior to entering the academy. The timely completion of observation and evaluation reports will also be monitored by the Field Training Coordinator. [LE 33.4.2(c)]

317.02 FIELD TRAINING ROTATION

A. It is important for new officers to be exposed to as many different types of situations as possible. Similarly, it is beneficial for new officers to be exposed to the teaching styles of different FTO's. Therefore, field training for new officers with no experience will be conducted by three different FTO's on different shifts and will be divided into the following four phases [LE 33.4.3 a/f]:

1. Phase One will be 160 hours in duration.
2. Phase Two will be 160 hours in duration.
3. Phase Three will be 160 hours in duration.
4. Phase Four is a 40-hour "shadow phase."

(The recruit will be evaluated as a "solo officer" by a shift supervisor)

B. Officers with at least two years of prior, certified, law enforcement experience immediately prior to being hired can be considered for an abbreviated Field Training Program. It will be at the discretion of the Field Training Coordinator and the Patrol Division Captain for eligibility into the abbreviated program. The abbreviated program will be divided into the following four phases:

1. Phase One will be 80 hours in duration.
2. Phase Two will be 40 hours in duration.
3. Phase Three will be 40 hours in duration.
4. Phase Four is a "shadow phase."

(The shift sergeant, or their designee, shall shadow the recruit for at least one day to evaluate their performance and determine the need for additional training)

317.03 REMEDIAL TRAINING

If a recruit fails a test at the end of their training phase, they will be placed in remedial training for an additional two weeks before giving the opportunity to retest.

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 deficiency is identified, the officer may be returned to an FTO for remedial training.

If at any point during the Field Training Program it is determined the recruit officer may have a correctable problem that the assigned FTO is unable to correct, the officer may be reassigned to another FTO for remedial training in the problem area(s).

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. If the recruit officer proves unable to meet the necessary standards, they may be subject to termination by the Chief of Police.

All documentation that has been completed by the FTO, the Field Training Coordinator, 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.

317.04 FIELD TRAINING OFFICER SELECTION [LE 33.4.3 b]:

The selection process to become an FTO is crucial to the success of the Field Training Program since many of the values, tactics, and attitudes of the Field Training Officer are transmitted to inexperienced officers. Field Training Officers must be leaders and role models, not only for the recruit officers, but among their peers as well.

On an as-needed basis, the Field Training Coordinator will post an announcement soliciting candidates who wish to be considered for the position of Field Training Officer. The announcement will include the minimum requirements for the position and the deadline for application. The announcement will be sent to all sworn personnel using Departmental e-mail. Additionally, all Shift Lieutenants will make reasonable efforts to notify the personnel under their command that are on leave of the announcement.

The work of a FTO will be demanding and challenging. To ensure that only the most qualified officers are selected for assignment as a Field Training Officer, minimum requirements have been established as guidelines for those interested. The following requirements must be met on or before the application deadline:

1. Three years of law enforcement experience, credited by Arkansas Commission Law Enforcement Standards and Training.
2. Awarded Police Officer General Certificate, credited by Arkansas Commission Law Enforcement Standards and Training.
3. One year of service with the Bentonville Police Department as a commissioned Officer. Officers with less than one year can be considered if the needs of the Agency warrant the earlier selection.
4. The candidate has not been placed on restricted sick leave in the previous 12 months.
5. The candidate has no disciplinary action in the previous 12 months except those considered minor.
6. Recommended by their chain of command.

Any Officer who meets the previously described qualifications and is interested in applying for a Field Training Officer position shall submit a request to their chain of command.

Upon selection, the FTO applicant shall complete the CLEST required training prior to being assigned a trainee [LE 33.4.3e].

317.05 EVALUATIONS [LE 33.4.2(b)/33.4.3(g)]:

While the officer is assigned to a FTO, they will be observed, trained and evaluated to measure their potential success as a police officer. This evaluation process is based on a standardized performance evaluation procedure utilizing techniques designed to measure competency in required skills, knowledge, and abilities. The following evaluations are to be completed by all FTOs:

1. Daily Observation Report (DOR): The FTO will evaluate the officer daily using the appropriate form. The Field Training Officer will be guided by the Standard Evaluation Guidelines in their evaluation of the recruits while completing the DOR to help alleviate any personal or other perceived biases. The Standard Evaluation Guidelines objectively determine whether the recruit is performing comparably to a tenured officer. [LE 33.4.3h]
2. Supervisor's Weekly Report – The shift supervisor that the recruit is assigned to will evaluate the recruit officer at the end of each work week using the Supervisor's Weekly Report. The shift supervisor will sit down with the recruit and discuss the report with them.

At the successful conclusion of the Field Training Program, the officer is eligible to be placed on duty as a solo officer. The officer remains in a probationary status until they reach their one-year anniversary date.

317.06 FIELD TRAINING OFFICER PROGRAM SUPERVISION

The Field Training Coordinator will be appointed by the Patrol Division Commander, with approval from the Chief of Police.

A. Field Training Coordinator Responsibilities [LE 33.4.3c]:

1. Assignment of the trainees to the Field Training Officers.
2. Conduct FTO meetings. These meetings will consist of discussion about trainee performance, as well as in-service training for active Field Training Officers. [LE 33.4.3e]

3. Review and approve the Daily Observation Report submitted after being approved by the shift supervisor.
4. Maintain and ensure the Daily Observation Reports are complete.
5. Monitor individual FTO performance.
6. Monitor the overall FTO program.
7. Inform the Command staff of the status of all recruits.

B. Shift Supervision of the Field Training Program

The program will be supervised by the Field Training Coordinator. The Field Training Coordinator will have designated supervisors to assist with operations of the Field Training Program.

The shift supervisor is responsible for the supervision of any Field Training Officer on their shift. The Field Training Officer will be responsible for the supervision of the recruit.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Physical Fitness Program	318.00
	CALEA STANDARDS: LE 22.2.2	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 5

PURPOSE

All Police Officers will be expected to maintain a level of physical fitness that contributes to satisfactory job performance and limits susceptibility to illness and injury. Officers are expected to possess the physical ability to perform daily job tasks with vigor and alertness, and to endure the physical stresses of an emergency situation without undue fatigue. All employees are encouraged to participate in a physical fitness program, as well as Health and Wellness programs offered by the Department. Officers should be concerned with fitness because it: *[LE 22.2.2]*

- Enables officers to effectively perform essential functions of the job.
- Reduces the risk of excessive force situations and personnel injuries.
- Reduces the known health risks associated with a public safety career; and
- Reduces liability for personnel and the Department.

POLICY

The purpose of this policy is to create guidelines for Department personnel utilizing the police fitness facility and participating in the Physical Fitness Program. The Department requires all participants in the Physical Fitness Program or who choose to use the police fitness facility, to adhere to the conditions and policies as described in this policy. Persons who do not meet the conditions as described in this directive will be deemed to be engaging in activities outside the scope of their employment, and the City shall not have any liability for injuries or losses resulting from such activities. The City will not accept responsibility for injuries incurred as a result of recreational exercise/activities outside of Department sanctioned events or activities.

The Department does provide a voluntary Physical Fitness Program to Police Department personnel in the employee groups designated below. This program is designed to evaluate, train, motivate, and assist individuals in achieving and maintaining optimal levels of physical fitness. This is recognized as a vital piece of the overall Health and Wellness as it regards to law enforcement personnel.

Although the City encourages employees to participate in extracurricular athletic activities, the

City does not assume any responsibility for injuries or personal losses resulting from training for or competing in events that are not part of the Physical Fitness Program, as described in this policy.

PROCEDURES

318.01 ELIGIBILITY FOR PARTICIPATION

It is the position of the City to encourage a high level of physical fitness among police personnel. To assist employees in achieving this goal, the Department has implemented a voluntary Physical Fitness Program.

All employees may participate in an annual fitness assessment after submitting the appropriate documentation required by this policy.

A. On-Duty Participation:

On-duty participation is defined as one hour of on-duty time for the purpose of physical exercise. It should be noted that this procedure is subject to a number of prerequisites. Refer section 318.03 of this policy for further details regarding authorization.

On-duty participation applies to the following full-time employee classifications enrolled in the Physical Fitness Program:

1. Sworn Personnel
2. Telecommunicators
3. Police Clerks/Executive Assistant

These classifications may also exercise during off-duty hours in the police fitness facility if properly enrolled in the Physical Fitness Program (No compensation for off-duty participation).

Reserve Officers are eligible for participation in the Physical Fitness Program may exercise during off duty time only.

B. Permitted Exercise Site:

The Police Fitness Facility is the only approved and authorized exercise site for the Physical Fitness Program.

1. Exercise periods, which take the employee away from the authorized site (e.g., jogging, bicycling, etc.), must start and finish at the police fitness facility.
2. Off-duty exercise sessions which do not begin and end at the police fitness facility will be deemed to be outside of the scope of the individual's employment, and the City will not assume any liability for injuries or personal losses resulting from such exercise activities.

C. Maintaining Participant Status:

Officer's participation will be suspended when under administrative leave, Performance Improvement Plan (PIP), Restricted Sick Leave, or "Sick Time." Officers on Light Duty may utilize the program if done within restrictions of the physician's orders.

If a medical condition requiring further medical care is revealed as a result of the physical examination, any follow up care will be the responsibility of the employee.

318.03 INJURIES OR SERIOUS ILLNESS

Personnel participating are required to immediately report all injuries that require medical attention, consistent with City policy.

1. An injured employee may be required to submit a report detailing their injury/illness and obtain clearance in writing from the attending physician prior to resuming exercise activities.
2. Once cleared to resume physical fitness activities, the injured participant will follow the exercise prescribed without deviation. Deviation from the prescribed exercise program may result in disqualification from the Physical Fitness Program.
3. Those participants whose injury/illness require "light duty" status may participate in the Physical Fitness Program only following clearance by the attending physician. Exercise activity will be limited to the fitness program prescribed.
4. Failure to immediately report any injury or illness resulting from participation in the fitness program may result in suspension or expulsion from the program and loss of facility use privileges both on and off duty.

318.04 REQUESTING ON DUTY EXERCISE TIME

Nothing in this policy creates a requirement or obligation on behalf of the Department to provide exercise time for Department personnel. Approval for on-duty exercise time will be contingent upon staffing levels, service demands, shift activity, the primary responsibilities of the personnel involved and ultimately the discretion of the direct supervisor in accommodating the request.

1. Exercise time may be canceled at the discretion of the Shift Supervisor.
2. Only actively enrolled, eligible participants in the fitness program may be granted on-duty exercise time.
3. Participants wishing to use on-duty time for exercise should request the desired time at the beginning of the shift.
4. The number of personnel who may utilize on-duty exercise time during a shift shall be determined by the Division Commander based upon staffing levels and shift needs.
5. On-duty exercise time may not be taken on the first hour of the shift, this applies to all divisions.

6. Reports, calls for service, and meal breaks have priority over exercise time.
7. Participating personnel shall arrive for their assigned shift in appropriate uniform/business attire, then on-duty physical fitness program is available beginning the second hour of the shift.

318.05 PROGRAM PARTICIPATION BY NEW HIRES

Newly hired employees eligible for participation in the Physical Fitness Program may enroll in the program following release from the academy, special training school, or 30 days following the date of hire.

318.06 UNENROLLED PERSONNEL/FAMILY MEMBERS

Employees electing not to formally participate in the Physical Fitness Program may use the Department Fitness Facility under the following circumstances:

1. Must read, sign, and submit a Waiver of Liability form, which must then be authorized by the Chief of Police.
2. Exercise sessions are on off-duty time only.
3. Follow all safety rules.
4. Follow all guidelines as described in this policy as it applies to: Use of Fitness Facilities, Injuries, Participation in Non-City Sanctioned Athletic Recreational Events, Discipline, Use of Police Facility by Noneligible Individuals, and General Safety Rules.

318.06 GENERAL SAFETY RULES

Proper warmup and cooldown activities should be performed before and after weight training and cardiovascular workout sessions.

All safety stops and mechanisms on exercise equipment must be properly adjusted prior to each use. Spotters are required for all heavy lifts.

All weight plates must be removed from the lifting bar and returned to the proper storage rack immediately after use.

A "buddy" system should be used for exercise sessions whenever possible.

All participants riding bicycles outdoors must wear cycling helmets.

Proper athletic footwear and shirts must be worn while exercising in the Police Fitness Facility and/or the Bentonville Community Center.

All injuries or exercise equipment needing repair should be reported to the Fitness Program Manager or Shift Supervisor immediately.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Use of Force	401.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 4.1.1, 4.1.2, 4.1.3, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.2.1	XX
NOTES:	[AR 5-1-102(21)] , Graham v Connor (490 U.S 386 1989) , BPD 309	REVISION DATE:
		05/02/2024
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	11	

PURPOSE

The purpose of this policy is to define and provide guidelines for use of force, as well as use of de-escalation strategies and techniques as applicable. This policy will also provide an overview of procedures for documentation and tracking use of force instances for training, as well as litigation preparation.

This policy shall also apply to all other policies addressing potential use of force, including but not limited to K9, Energy Control Weapons, Control Devices and Techniques.

POLICY

The Bentonville Police Department recognizes the value of peaceful resolution, and that preservation of human life is an essential part of a law enforcement officer's role in the community.

If reasonably safe and feasible, officers should evaluate and implement de-escalation strategies and/or techniques to obtain voluntary compliance from an individual or to establish control of an incident while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

Therefore, it is the policy of this Department that law enforcement officers shall only use force that is reasonably necessary to effectively respond to resistance, violence, or threat of violence, while protecting the lives of the officer and others.

DEFINITIONS

Active Resistance: The subject takes action to prevent being taken into custody or controlled with the goal of escape and not to injure the officer. The action may include twisting, pulling, holding onto fixed objects, or running away. It should be noted Active Resistance may escalate to Assaultive Action rapidly and without warning.

Assaultive Actions: The subject takes action that indicates intent to injure an officer or other person. This level of aggression may manifest itself through punching, kicking, or pushing and may include extreme physical force up to and including the use of a weapon that may cause death or serious physical injury.

Deadly Force: Any use of force that creates a substantial risk of causing death or serious physical injury, including but not limited to the discharge of a firearm.

De-escalation: The practice of using strategies and techniques with the intention of decreasing the intensity of the situation.

Disengagement: A tactic designed to avoid or minimize potentially violent, or otherwise unsafe outcomes for both the individual being contacted and/or the officer. Disengagement may be a feasible option for individuals who pose no additional threats to others, there is no crime, or for offenders who may be apprehended later under safer conditions.

Display: The act of presenting or showing a weapon in a visible and noticeable manner. The purpose of displaying the electronic controlled weapon may vary, but it often serves as a warning or deterrent to potential subjects, signaling that the law enforcement officer is armed and prepared to use force if necessary.

Discharge: Utilizing a weapon for its intended purpose, typically involves firing a weapon with the intent to neutralize a threat.

Feasible: Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force: The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not considered force when a person is searched, escorted, handcuffed, or restrained without resistance.

Imminent Threat: Based on the totality of the circumstance, a reasonable officer in the same situation would believe that a person has the immediate ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to an officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. Imminent threat is one that from appearances is reasonably believed to require instant attention.

Passive Resistance: The subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody or controlled (i.e., A protestor who lies down in front of a business).

Serious Physical Injury: Physical injury that creates a substantial risk of death or causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of a bodily function, limb or organ; [\[AR 5-1-102\(21\)\]](#).

Stage: A strategic tactic meant to form a team, gain situational awareness, gather relevant resources, and develop a course of action prior to arriving on the scene and contacting the involved

subjects. The location of the staging area is dependent upon the factors known to officers at the time and should be conducted at an appropriate distance away from the incident.

Tactical Repositioning: A tactic considered when circumstances reveal an opportunity to change locations to a more advantageous position. The intent is to create opportunities for additional time, distance and/or cover, which increases the safety for members of the community, officers, and the suspect. When appropriate, the goal is to consider tactical repositioning as an option to support de-escalation techniques and increase an officer's reaction time and tactical options. Tactical repositioning is not considered a "retreat" and should be included as another option for officers to consider when attempting an arrest.

Totality of the Circumstances: All facts perceived the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

PROCEDURES

401.01 USE OF FORCE [\[LE 4.1.1\]](#)

Officers shall use only force that is necessary and reasonable given the totality of the circumstances that are perceived by the officer at the time of the event and for the purpose of accomplishing a legitimate law enforcement purpose. The application of force shall be discontinued when an involved subject's compliance has been obtained or control of the subject has been achieved. To prevent further self-harm or harm to others, control techniques or devices may continue to be utilized on a temporarily compliant or controlled subject who has threatened or demonstrated violent behavior during the incident for which the subject is currently being detained.

The role of law enforcement in all cases is the protection of lives and property. Given the variables unique to each incident that are often tense, uncertain, and rapidly evolving, officers often must make split second judgments supported by law, policy, and ethics. The use of force policies & procedures, continuums, and the information contained herein is not meant to be a step by step set of instructions, but rather a set of guidelines to assist the officers in managing use of force. The Department provides extensive training in de-escalation techniques, less lethal options, and firearms proficiency. Officers may rely on their training and experience in choosing alternative tactics or actions that are reasonable and appropriate for the circumstances if facts and circumstances require officers to act for the safety of citizens, officers and/or suspects.

Reasonableness shall be determined through the perspective of an officer with similar experience and training to that of the officer applying the force. When determining the reasonableness of the officer's actions, the facts and circumstances surrounding the event occurring in a condensed time frame shall also be considered. Officers are forced to make critical decisions very quickly and often during violent or chaotic situations, which are often rapidly evolving, tense, and unpredictable.

No policy can predict every possible set of circumstances an officer may be faced with, which is why they are entrusted to utilize discretion in determining what the appropriate use of force may be to gain control of a subject(s) or resolve a situation. Factors for consideration shall include the following from [Graham v Connor \(490 U.S 386 1989\)](#):

1. The severity of the crime at issue.
2. The seriousness of the threat to officers or the public.
3. If the subject is actively resisting arrest or attempt to evade arrest.

The Department also recognizes that officers may determine approved or authorized tools, weapons, or techniques provided by the Department are impractical or ineffective for a particular situation. Officers may find an improvised response more effective or reasonable to address rapidly evolving conditions. Officers are permitted to make these calculated improvisations so long as they are objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

It is understood that the objective of every use of force applied during a law enforcement encounter is to gain control of a subject(s) or resolve a dangerous situation while avoiding, minimizing injury to the officer, the public, or the subject(s). Nothing in this policy mandates an officer to retreat from their lawful purpose or be exposed to possible physical injury prior to applying force.

A. Deadly Force [LE 4.1.2]:

Deadly force may be used when a law enforcement officer must overcome an attack with potential of causing serious physical injury or death to the officer or another person. Any other use of deadly physical force will be presumed to be a deviation from this policy and as such, the officer must substantiate the necessity for the use of the weapon and/or force.

In situations where the officer must overcome an attack as described above; the officer may resort to any method necessary to overcome the attack. Once the situation has been controlled and the threat of serious physical injury or death has passed, the officer shall respond accordingly in adjusting the level of force being applied.

B. Less-Lethal Force:

When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant, actively resistant, or assaultive individual. An officer is authorized to use department-approved, less-lethal force techniques and issued equipment:

To protect the officer or others from immediate physical harm. To restrain or subdue an individual who is actively resisting or evading arrest or exhibiting assaultive behavior.

To bring an unlawful situation safely and effectively under control.

401.02 FORCE OPTIONS [LE 4.1.4]

There are various tools and techniques that serve the purpose of delivering force in a given situation. The following is a list of the most readily recognizable force options available to law enforcement personnel, but not limited to:

Pain Compliance Techniques:

Pain Compliance techniques can be useful in gaining control of an actively or passively resisting subject. These techniques are commonly referred to as “Soft Hands/Techniques” (i.e., control holds) and “Hard Hands/Techniques” (i.e., strikes). Officers should only apply techniques for which they have successfully completed Department-approved training.

Less Lethal Devices and Weapons:**A. Aerosol Irritants:**

Aerosol Irritants (OC Spray) may be used when physical force is necessary and justified to subdue a person who is actively resisting.

Once an employee has been departmentally trained and issued OC spray, it shall be considered mandatory to carry for officers in uniform capacities, unless the employee receives written permission/direction from the Chief of Police or his designee.

B. Taser (ECW):

The Taser may be used when force is necessary and justified to subdue a person who is actively resisting. A display of the unit's "test arc" is permitted to gain compliance in an arrest situation where resistance is anticipated.

Flight from a member, standing alone, is not a justification for the use of an electronic control device. Members 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 result of the resulting fall.

Officers should consider the following:

1. Avoid use near flammable gasses or liquids.
2. Avoid dangerous falls. (Consider secondary effects of deployment)
3. Do not use against a weapon or lethal threat without lethal cover.
4. Immediately restrain the subject to avoid prolonged exposure.
5. Do not use the ECW to threaten a suspect.
6. Do not use against a subject already in custody (handcuffed) unless physical resistance must be overcome.
7. Do not use to wake up a suspected intoxicated individual.
8. Do not use as a "prod" or means of motivating someone to move in a desired direction.

Use caution with sensitive populations. All efforts at an alternative method of resolution should be made or considered. Use of the ECW should be avoided on elderly, pregnant women, small children, and low body-mass index (very thin persons).

Once an officer has been departmentally trained and issued an ECW, it shall be carried by officers working in uniformed capacities.

No officer shall playfully, maliciously, or intentionally misuse the unit in a display of power or against an individual except to gain control of a situation. Refer to Policy 413 (ECW Policy) for additional information.

C. Collapsible Baton:

Police collapsible batons should only be used when force is necessary and justified to subdue a subject who is being assaultive toward an officer or another person by threatening physical harm or actively attempting to cause physical harm. Attempts at lower levels of control or force should be attempted or considered prior to deploying the baton.

When used properly, it is an effective defensive tool for dealing with unarmed assailants and has proven to be an effective tool in self-defense where the use of a firearm may not be justified or expedient.

Employees trained on the use of a police baton should carry the weapon as a viable less-lethal option for use if the circumstances dictate. If an officer does not have a Taser issued, the collapsible baton will be considered mandatory carry for a second less lethal tool.

401.03 VASCULAR NECK RESTRAINTS [LE 4.1.6]

Officers are prohibited from using the vascular neck restraints or similar control techniques which have a potential for serious injury **except** in the most extreme circumstances in which deadly force is justified.

401.04 CHOKE HOLDS [LE 4.1.7]

Officers are prohibited from using the choke hold or similar control techniques which have a potential for serious injury **except** in the most extreme circumstances in which deadly force is justified.

401.05 FLEEING FELON

Officers are justified in using deadly physical force upon a fleeing felon when that force is reasonably necessary to effect an arrest or to prevent the escape from custody of an arrested person whom the law enforcement officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous. [\[A.C.A. 5-2-610\(b\)\(1\)\]](#)

Felony suspects trying to escape arrest generally do not pose an immediate threat to life. Unless there is information causing an officer to reasonably believe a fleeing felon poses an imminent danger of serious physical harm to the Officer or others, do not use deadly force.

401.06 DE-ESCALATION [LE 4.1.1]

As feasible in each set of circumstances and without compromising the safety of the public or involved officers, officers should consider ways to decrease the intensity of an incident, which in turn decreases the need for using force. This may include an array of strategies, techniques, or applicable resources, depending on the nature of the incident.

Officers need to evaluate the totality of circumstances, and when possible, consider the use of available tactics and techniques that persuade an individual to voluntarily comply with lawful orders. This may also serve to mitigate a need for a higher level of force to resolve and control.

401.07 MEDICAL AID [LE 4.1.5]

After ensuring that the scene is reasonably safe, officers must promptly provide or arrange for medical aid for anyone who has been injured or claims to have been injured in a use of force incident. Prior to booking or release, medical attention must be obtained for anyone who displays physical distress, visible injury, complains of pain or injury, or has been rendered unconscious. Any person showing signs of physical distress after an encounter must be monitored until they can be medically evaluated. Should a subject be obviously injured, requests medical assistance, or alleges an injury following an incident that involved use of force, the Officer shall immediately notify an on-duty supervisor. Based on the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may involve examination by paramedics, hospital staff, medical personnel at the jail, or fire personnel. If an individual refuses medical attention, this refusal must be documented fully in any relevant reports and witnessed by another officer or medical personnel if possible. Any refusal must be included in the recording if the contact or interview with the individual is recorded.

The on-scene supervisor or the primary handling officer (if the on-scene supervisor is not available) must inform anyone who provides medical care or takes custody of the person after the use of force that the person was subjected to force. This notification must include a description of the force used and any other circumstances that the officer reasonably believes would be potential safety or medical risks to the subject, such as prolonged struggle, extreme agitation, or impaired respiration.

People who exhibit extreme agitation, violent and/or irrational behavior, extraordinary strength beyond their physical characteristics, or are impervious to pain (referred to as "excited delirium") or require a prolonged physical encounter with multiple officers to be controlled may be at an increased risk of sudden death. Calls involving such individuals must be treated as medical emergencies. Officers who suspect a medical emergency must request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

401.08 DUTY TO INTERVENE [LE 1.2.10]

Any officer present and observing another law enforcement officer or an employee using force that is excessive, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intervene to prevent or stop the use of excessive force. When feasible, appropriate, and reasonable, officers are advised to be mindful of the department's expectation to assist other

officers in identifying de-escalation opportunities prior to the situation unnecessarily escalating and before the application of force.

When observing force used by a law enforcement officer, each officer should also consider the totality of the circumstances and the possibility that the officers originally involved in the use of force may have additional information regarding the threat posed by the subject.

401.09 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

401.10 INCIDENT DEBRIEFS

Following any critical incident, supervisors are encouraged to conduct a debrief and evaluate the sequence of events and assess possible learning points and areas for improvement. The objective of debriefs are for individual and Department development and may serve to improve the capabilities of Department personnel with the constant objective of protecting the lives and safety of all persons.

401.11 WARNING SHOTS [LE 4.1.3]

Warning shots are prohibited.

401.12 REPORTING USE OF FORCE [LE 4.2.1 a-d]

Any use of force by a member of this Department must be promptly, accurately, and completely documented in an appropriate report, based on the nature of the incident. The officer shall articulate the known factors at the time and explain why the use of force was deemed reasonable under the circumstances.

A written report shall be submitted whenever an officer:

1. Discharges a firearm, for other than training or recreational purposes;
2. Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
3. Applies/Attempts to apply force through the use of lethal or less lethal weapons; or
4. Applies weaponless physical force at a level as defined by this Department.

For the purposes of training, resource allocation, analysis, and related matters, the Department may require the completion of additional report forms, as specified in Departmental policies, procedures, or laws. Refer to Policy 505 (Police Reports) for additional circumstances that may necessitate documentation.

401.13 NOTIFICATION TO SUPERVISORS

Notification to a supervisor must be provided as soon as possible following the application or alleged application of force in any of the following circumstances. This includes, but is not limited to the following examples:

1. The use of force resulted in a visible injury.
2. The subject complained of injury or continuing pain.
3. Any allegation of unreasonable force being used.
4. The use of a WRAP.
5. The subject lost consciousness because of the use of force.
6. The discharge of a TASER device, impact weapon, or control device. (This does not include the mere unholstering, display or carrying of the device.)
7. When a K9 is deployed and bites or otherwise causes injury to a suspect.
8. The subject was struck, kicked, or taken to the ground.
9. The use of a vehicle, when contact occurs with a subject who is not inside a motor vehicle.
10. The deployment of a noise flash diversionary device (NFDD).
11. The deployment of chemical agents, such as OC/CS Gas.
12. Any other required notification outlined in another policy of the Department.

401.14 SUPERVISOR RESPONSIBILITY

When a supervisor learns of an incident involving the use of force has occurred, they should respond to the scene, if reasonably available. After determining the actions that took place constituted a use of force in accordance with this policy, supervisors should take the following actions as appropriate:

1. Check on the welfare of any involved Officers and ascertain if medical treatment is necessary or what documentation, if any, is needed.
2. Ensure any subjects sustaining injuries from the use of force, or other acute medical needs, are examined and treated appropriately.
3. Obtain the basic facts of the incident from involved Officers. Other than allegations of wrongdoing or excessive force, this should only constitute a routine contact with department personnel in the course of their duties.

4. Review and approve all related reports, to include review and classification of all relevant Body-Worn Camera and Dash-Camera recordings.
5. As necessitated by details of the incident, the responding supervisor should ensure command staff notifications are completed.
6. Supervisors shall ensure all documentation is completed by involved personnel, to include case reports and IA Pro/Blue Team entries.

401.15 USE OF FORCE COMPLAINTS

Should any community member have a complaint against an Officer, the supervisor shall document the complaint and forward to the Chief of Police through the Chain of Command. Any citizen complaint will be handled through the prescribed Department complaint process.

401.16 INVESTIGATION/REASSIGNMENT [LE 4.2.3]

Temporary relief from duty is an administrative action reassigning personnel to temporary duties, or total relief of duties. If a use of force results in death to any person, the Chief of Police will relieve the officer from the line of duty.

The Chief of Police may relieve the officer from duty when a use of force results in a serious injury to any person or following serious allegations of misconduct. Temporary relief from duty is:

Non-disciplinary: Temporary relief from duty is a non-disciplinary action without loss of pay or benefits and does not show or imply an officer acted improperly.

In the Officer's Interest: Temporary relief from duty is to protect the interests of personnel and minimize the possibility of from community confrontation, regardless of validity of the force that was used.

Community Interest: Temporary relief from duty is to protect the community's interest when an officer's use of force may not have been justified.

401.17 TRAINING [LE 4.3.4]

All officers shall receive training, at least annually, on the Department's use of force policy and related legal updates.

In addition, training shall be provided on a regular and periodic basis and designed to:

1. Provide techniques for the use of force and reinforce the importance of

de-escalation.

2. Simulate actual less lethal and lethal force situations; and
3. Enhance officers' discretion and judgment in using de-escalation, less-lethal force, and deadly force in accordance with this policy.
4. All use of force training shall be documented with the Professional Standards and Training Unit.

401.18 ANIMAL CONSIDERATIONS

The moral principle of respect for animal life provides an important foundation for the commonsense belief that animals should not be killed unless there are reasonable grounds for doing so. Such reasonable grounds include but are not limited to the following:

1. The animal is seriously ill and suffering intolerably; or
2. The animal poses a significant threat to human health and safety; or

Killing infected animals is justifiable when there is highly infectious disease raging throughout an animal population, and this disease threatens the health of other animals.

Aerosol Irritants may be used to ward off threatening dogs or other animals.

Documentation of incidents involving animals will fall under the same documentation and reporting requirements described above.

**Bentonville Police Department
Policies & Procedures**

	SUBJECT: Body-Worn/Dash-Mounted Cameras	POLICY NUMBER: 402.00
	CALEA STANDARDS: LE 17.5.2, LE 41.3.8, LE 53.1.1	EFFECTIVE DATE: XX
	NOTES: ACA 14-2-204	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 7

PURPOSE

The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of Body-Worn Cameras (BWC) and Dash-mounted Cameras (DC) as well as directing how video will be utilized as a quality control mechanism and evidence. [LE 41.3.8a]

POLICY

It is the policy of this Department to provide officers, as designated by the Chief of Police, with BWCs as feasible. Officers shall activate the body-worn camera when such use is appropriate to the proper performance of their official duties, where the recordings are consistent with this policy and law. This policy applies to all marked vehicles equipped with Dash+Car-Video systems. This policy applies equally as applicable to activation and deactivation circumstances for both recording devices.

The policy does not govern the use of surreptitious recording devices used in undercover operations or in-car-video, which are covered under separate directives.

DEFINITIONS

Law Enforcement Contact: A law enforcement contact within this policy is any contact or activity whereby an officer stops a person's movement or conducts an activity requiring probable cause, reasonable suspicion, or consent to form the legal basis for the conduct. Mere conversation or incidental contact by an officer with members of the public does not qualify under this definition.

PROCEDURES

402.01 USE OF EQUIPMENT [LE 41.3.8]

Officers using body-worn camera equipment shall be trained in its use, maintenance, required documentation and storage of such recordings. Officers using body-worn camera equipment will test such equipment at the beginning of each tour of duty or special event to ensure proper operation and required battery life. Improperly functioning equipment shall be reported to the immediate supervisor or other reporting mechanism established by this Department for purpose of replacement or repair.

Officers assigned body-worn cameras are required to wear such devices unless otherwise directed by the Chief of Police or their designee or other unforeseen circumstances prevent the wearing of the device. Body-worn cameras will be worn on the officer's body in a manner that will optimize the recording of the events.

402.02 CIRCUMSTANCES FOR ACTIVATION [LE 41.3.8b]

Body-worn camera activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations. Officers are authorized to record events when they are engaged in a law enforcement encounter or conducting their duties. The following circumstances for activation are also applicable Dash-mounted Cameras, wherever the equipped vehicle may be in view or proximity of a law enforcement contact.

This policy recognizes the potential for events to materialize in an unpredicted manner, which may necessitate the activation of recording equipment. Due to technical limitations of the cameras, there is no expectation of capturing all of the incident.

Officers will activate the body worn camera's audio and video recording, as feasible, for events that include but are not limited to:

1. Traffic and pedestrian stops
2. All transports excluding ride-alongs
3. Investigative stops
4. Foot pursuits
5. Detentions, arrests, searches, and seizures
6. Consensual encounters
7. Verbal witness/suspect statements
8. Miranda warnings, arrestee interviews
9. When directed by a supervisor.
10. Arrival at law enforcement action and/or citizen contacts initiated by other officers,
11. Any other circumstances the officer believes should be recorded for law enforcement purposes.

Officers will make reasonable efforts to ensure the body-worn camera recording equipment is accurately capturing events. Officers are prohibited from turning off the body-worn camera during any citizen contact or law enforcement event unless otherwise authorized by this policy, and officers shall not erase, alter, modify, or tamper with body worn camera recordings.

Recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs, or the officer discontinues their participation in the event, or citizen contact by leaving the scene.

In the event the officer deems it necessary to stop recording or becomes aware that a recordable event was not recorded, the officer will document such event. As circumstances require (i.e., Call notes, indicate in report narrative, etc.).

A. Use for Special Details:

While working special details and wearing a duty or bicycle uniform, officers should wear a body-worn camera.

B. Equipment Readiness [LE 41.3.8e]

1. It is the Officer's responsibility to ensure the camera is fully charged and ready for use when reporting for duty.
2. If a body-worn camera is damaged, lost, or stolen the officer shall notify their chain of command via a supervisor. [LE 17.5.2]

402.03 PRIVACY ISSUES

Body-worn cameras should not be activated when:

1. The officer is on break.
2. The officer is engaged in personal activities.
3. The officer is involved with citizen encounters outside the scope of a law enforcement contact or purpose.
4. The officer is in a location under circumstances requiring a respect for an expectation of privacy such as a restroom, locker room, or other area when people are exposed or otherwise compromised state.
5. However, should circumstances develop where the need to record an event outweighs any privacy concern, the officer will activate the device when feasible to do so.

Body-worn cameras will not be activated when encountering undercover officers or confidential informants and such encounters should not be recorded.

The body-worn camera will not be activated during personnel or administrative conversations between officers, or between officers and supervisors.

402.04 DEACTIVATION/NON-ACTIVATION/MUTING OF CAMERA

Officers will only deactivate or not activate the body-worn camera during an incident when authorized by policy. Officers shall properly document the reason for deactivation by recording an audible explanation prior to deactivation.

1. Body-worn and Dash-mounted cameras shall not be deactivated until the completion of the incident or authorized by a supervisor.
2. Other deactivations/non-activations may occur when officers experience equipment malfunctions or when officers do not have a reasonable amount of time to activate their body-worn cameras.

The above-mentioned circumstances for deactivation/non-activation also apply to Dash-mounted Cameras, wherever the equipped vehicle may be in view or proximity of a law enforcement contact.

402.05 DIGITAL STORAGE/MANAGEMENT [LE 41.3.8d]

Original digital files from a body-worn camera will be uploaded and stored on a designated network server or other electronic network storage.

Officers will make reasonable attempts to upload and classify video/audio files before the end of each shift.

Non-evidentiary video/audio recordings will be maintained in electronic storage or the network server for a period of time as directed by the Chief of Police or their designee, but in no case will be held less than any required amount of time pursuant to the Arkansas Freedom of Information Act or court decision related thereto.

It is important that Officers understand that video/audio recordings determined to be evidentiary in any criminal or civil proceeding be handled properly. These video/audio recordings shall be assigned the appropriate classification category and associated with the proper incident/case number. Recordings shall be uploaded to the network server. Documentation of the existence of a recording shall be documented via police report and/or other procedures established by this Department.

When an officer makes a video of any transaction covered by this policy and a citation is issued or an arrest is made, the officer shall note in the call notes that a body-worn camera and/or dash camera recording is available.

Recordings will be maintained in accordance with Arkansas law related to police municipal records as outlined in ACA 14-2-204.

Recordings known to pertain to civil matters will be maintained for a minimum of three years or until such a time as the civil matter is resolved and all time for appeal has exhausted.

All recording media, recorded images, and audio recordings are the property of this Department. Dissemination outside the Department for reasons other than criminal prosecution is strictly prohibited without specific authorization of the Chief of Police or their designee.

Malicious destruction or deletion of video and audio files is prohibited.

All video and audio files are subject to open records request as allowed by Arkansas law.

Video shall not be reproduced or recorded without the express authority of the Chief of Police or their designee.

402.06 SUPERVISOR RESPONSIBILITY

Shift supervisors shall ensure at least two recorded events for each officer under their supervision are reviewed each month. The supervisor will log this review in the “video review log” (log to be implemented under the officer’s name).

[LE 41.3.8g]

Thus, each officer will have at least two notations of review in any given (30) thirty-day period. Supervisors will use these reviews as a quality control measure.

In addition to the initial training received by individual users of the equipment, supervisors will receive additional training on how to effectively operate the search functions of the Department’s digital management system. [LE 41.3.8f]

If a review is not possible due to technical issues, a Help Ticket should be completed. This will assist with correcting the issue as well as documenting the supervisor’s attempt at fulfilling this policy requirement.

Following such a review, if needed, the supervisor may hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism in respect to the incident reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues or legal issues related to the stop as well as any other supervisory observation relative to performance.

In the event a supervisor determines corrective action is necessary regarding an officer’s conduct, that supervisor is responsible to address the matter directly or report to the appropriate chain of command. This course of action will be determined by sequence of events discovered in during the review. In such cases, a special body-worn camera review schedule may be implemented with respect to that officer for a set duration to ensure compliance with the corrective action.

402.07 BWC EVIDENTIARY/ADMINISTRATIVE PROCEDURES

When an officer becomes aware that a body-worn camera recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is classified and uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this Department.

[LE 41.3.8c]

Where there is any indication that the body-worn camera may contain “Brady” material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the “Duty to Disclose” policy of this Department.

Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or F.O.I.A. request.

Prosecutors may be granted access to video files by the Administration Division Captain or his designee. Defense attorney requests should be made through the appropriate court discovery process or Freedom of Information Act (FOIA).

402.08 RECORDING CONTROL/MANAGEMENT

All video recordings will be assigned the appropriate classification category (see below) and associated with the proper incident/case number. The recording “Note” field should include sufficient information to identify the file and notes (if applicable). The assigned classification will determine the duration of retention of the recording.

Additionally, if the body-worn camera is found to be unclassified, officers must assign the appropriate classification and incident/case number to the recording utilizing the Departmental video management platform.

Reports that have been assigned to the Criminal Investigations Division should be verified by the assigned detective that the body worn camera, dash-camera, or interview room has been classified appropriately for the case and proper retention.

Classifications and associated retention rates as implemented by system administrator:

1. **Test (30 days):** This category is only for documenting the inspection and test of the body-worn camera. Employees are required to manually tag these videos.
2. **Unclassified (3 year):** This is a default category for body-worn camera videos that are not classified. Supervisors should make every effort to review why particular videos were not classified.
3. **Non-Traffic Investigation with No Action (1 year):** Incidents that do not result in police action, circumstances with no known criminal offense, or minor incidents where prosecution is not required.
4. **Training (90 days):** This category is only for practical training exercises that need to be kept and documented for department training.
5. **Criminal Case-Misdemeanor (4 years):** All misdemeanor criminal investigations, reports, and arrests, MVA, traffic stops (other), traffic stop (citation), DWI’s, and Pursuits.
6. **Death Investigation (7 years):** Officers should document all death investigations, not including homicides, in this category. Criminal Investigations Division supervisors will be responsible for tagging the videos in another category if appropriate.
7. **Criminal Case-Felony (7 years):** All felony, criminal investigations, reports, and arrests.
8. **Permanent (Indefinite):** Officer involved shootings and homicides. Supervisors in the Criminal Investigations Division and Administration will manually tag the officer involve shooting and homicide videos. Any additional recordings Command Staff or lead detective determined to be critical to the overall investigation (i.e., cold case, etc.) may also be classified under this category.

9. **Restricted (Indefinite):** Videos under administrative review or classified Internal Affairs. The Administrative Captain or designee will manage videos in this category.
10. **Narcotics and CID only (3 years):** All narcotics and CID only classifications will be retained for 3 years if not reclassified as #5 or #7 above.

Interview Rooms: Interviews conducted in interview rooms at the police department require an officer to classify the video with the appropriate classification tag and case number.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT: Ride-Along Policy	POLICY NUMBER: 403.00
	CALEA STANDARDS:	EFFECTIVE DATE: XX
	NOTES: A.C.A. 12-6-402	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 5

PURPOSE

The Ride-Along Program provides an opportunity for citizens to experience the functions of law enforcement firsthand. This policy provides the requirements, approval process, and responsibilities for the Ride-Along Program.

ELIGIBILITY

The Bentonville Police Department Ride-Along Program is offered to interested persons from the community; however, any applicant may be disqualified without cause.

Factors that may be considered in disqualification of an applicant, include but are not limited to the following:

1. Being under 18 years of age
2. Prior criminal history
3. Pending criminal action
4. Pending lawsuit against the Department
5. Denial by any supervisor

PROCEDURE

403.01 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions to be made at the discretion of the Chief of Police or his designee.

403.02 REQUEST PROCEDURE

Generally, ride-along requests will be received by the Public Information Officer (PIO), processed, and submitted to the Division Commander. Pending approval of the Division

Commander, the application will be forwarded to the applicable Shift Lieutenant for assignment. Information requested will include a valid ID or driver's license, address, and telephone number.

Citizens requesting to ride with a field unit will be advised to pick up the application and waiver at the Department or download the application on the Department web site. Upon completion of the application and waiver, the citizen must return the forms, in person, to the Department PIO or their designee. The PIO will facilitate the completion of a records check on the individual. After approval by the Chief of Police, the PIO will coordinate with the Shift Supervisor to schedule a date, based on availability.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise them of the denial. Additionally, should an applicant be disqualified from the process at any time, the PIO will coordinate with the Communications Division to enter an alert on individual's in-house jacket notating the circumstances.

403.03 PROGRAM REQUIREMENTS

Once approved, a civilian ride-along will be allowed to ride no more than once every six months. An exception would apply to the following: Chaplains, Reserves, police applicants, and all others with approval of the Shift Supervisor. No more than one ride-along should be allowed in the officer's vehicle at a given time.

403.04 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed. Sandals, tank tops, shorts and ripped or torn pants are not permitted. The Shift Supervisor may refuse a ride along to anyone not properly dressed.

403.05 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Commander. If such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

Riders are prohibited from possessing any type of weapon. This includes firearms, chemical agents, knives, stun guns, or any weapon deemed inappropriate by an on-duty Shift Supervisor. Sworn Peace Officers authorized by their employing agency to carry firearms off-duty may possess a firearm under the following conditions:

1. Sworn Peace Officer riders will carry, and have easily accessible, a badge or identification card readily identifying their authorization to possess and carry a firearm.
2. Sworn Peace Officer riders will comply with the ride-along dress code. (Section VI)

3. Information will be provided in Patrol Briefings and via CAD announcement whenever there is an armed rider. This information will include the name of the host officer, their call sign, name of the ride along and a clothing description of the rider.
4. Sworn officers (ride-alongs) should never be assigned to cover or assist in any way unless their own safety or the safety of the other officers is in jeopardy.
5. Sworn officer (ride-alongs) riding with firearms shall be carry concealed on their person or in a body-worn pouch, like a fanny pack.

403.06 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include local records check and a Department of Justice Automated Criminal History System check prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Department).

403.07 OFFICER'S RESPONSIBILITY

The officer shall advise the telecommunicator that a ride-along is present in the vehicle before going into service. Officers shall always consider the safety of the ride-along. Officers should use sound judgement when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a place of safety. Dispatch will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Shift Supervisor is responsible for maintaining and scheduling a ride-along on their individual shift.

403.08 CONTROL OF RIDE-ALONG

The assigned employee shall always maintain control over the ride-along and instruct them in the conditions that necessarily limit their participation. These instructions should include:

1. The ride-along will follow the directions of the officer.
2. The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
3. The ride-along may terminate the ride at any time and the officer may return the ride-along to the station if the ride-along interferes with the performance of the officer's duties.

4. Officers will not allow any ride-along to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
5. Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

403.09 RIDER GUIDELINES

Citizen riders and sworn riders are required to adhere to rules of conduct while observing law enforcement functions. Officers observing violations of rules may cancel the ride along at any time. The Shift Supervisor will be notified immediately when a ride along is cancelled for a violation of rules and policies. The following are guidelines that riders must adhere to:

1. Citizen riders are prohibited from filming or audiotape recording any aspect of the ride-along. Citizen riders may be exposed to events where suspects, victims, and witness are present. Their privacy must be protected.
2. Upon completion of the ride, the officer will indicate to their supervisor if the rider will be allowed to ride again and if there were any problems during the ride.
3. If a citizen is disqualified from participation in the Ride-Along program, they will be entered in CAD with a notation of the circumstances.
4. In extenuating circumstances (e.g., extreme activity levels), the Shift Supervisor may cancel the citizen rider appointments. In such circumstances, the citizen will be rescheduled for a later date.
5. All cancellations or "no shows" should be returned to the PIO's office with a notation as to reason for the cancellation. In-turn, the circumstances will be noted by the PIO.
6. Officers shall instruct their ride-along that it may be necessary to discharge the rider from the police vehicle as a safety precaution. The officer shall also instruct the citizen to remain at the drop location until picked up by the officer or another police unit. If possible, the officer shall discharge the citizen at a safe, well-lit location. The officer will be responsible to notify Dispatch of the location. Dispatch shall then facilitate transportation for the citizen.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Vehicle Operations	POLICY NUMBER: 404.00
	CALEA STANDARDS: LE 41.3.3, 41.3.2	EFFECTIVE DATE: XX
	NOTES: ACA 27-49-109	REVISION DATE: 04/24/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 5

PURPOSE

The purpose of this policy is to define the policies and procedures governing the operation of Bentonville Police Department vehicles. This policy applies to all members of the Department.

POLICY

The Department recognizes that the operation of a motor vehicle can be inherently dangerous, especially under emergency conditions. Department personnel shall operate Department owned vehicles in a legal, safe, defensive, and courteous manner. Employees shall not abuse, or misuse department owned vehicles and equipment. Personnel are responsible for the care and maintenance of vehicles under their control. They shall make proper use of vehicle safety equipment while operating department owned or authorized vehicles.

DEFINITIONS

Emergency/Code 3 Response (non-pursuit): The operation of an emergency vehicle using emergency lights and siren by a member of this Department in response to a life-threatening situation or a violent crime in progress, exercising due regard for the safety of others. [AR 27-49-109]

Non-Emergency/Code 2 Response: A response to calls that are urgent and should be handled immediately. However, Officers shall obey all traffic laws while responding to the location.

Marked Police Vehicle: A Department owned vehicle with exterior and/or interior mounted emergency blue lights and siren that displays striping readily identifying it as a Department vehicle.

Unmarked Police Vehicle: A Department owned vehicle not distinctly identifiable as a Department vehicle.

PROCEDURES

401.01 Emergency Driving Procedures

During emergency responses, Officers should operate their vehicles with extreme caution. 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 their disregard for the safety of others.

All emergency Code 3 responses shall be conducted with both siren and emergency lights activated. A Code 3 response may be conducted under the following conditions [LE 41.2.1(b)]:

1. An officer requesting immediate help or assistance.
2. To prevent or apprehend person(s) involved in the commission of serious felonies (i.e., robbery in progress, burglary in progress, shooting, brandishing weapons).
3. To provide emergency assistance to persons exposed to an imminent threat of death or serious physical injury (i.e., accident with injuries, accident with unknown injuries, accident with blocked roads, accident with hazardous material spill).
4. To prevent or apprehend person(s) involved in the commission of crimes of violence (i.e., domestic battery in progress, aggravated assaults in progress, physical altercations in progress).
5. To stop a traffic violator for purposes of taking law enforcement action.
6. To stop a vehicle for purposes of a reasonable suspicion investigation.
7. To initiate a pursuit which meets the criteria set forth in BPD Policy 509.

When utilizing an emergency/Code 3 response, an Officer may:

1. Proceed through a stop sign, red traffic light, or controlled intersection, but only after slowing as may be reasonably necessary for safe operation.
2. Exceed posted speed limits, using a high degree of caution to reduce risks of danger to life or property; and
3. Ignore traffic laws governing direction of traffic movement or turning, using a high degree of caution.
4. **PROHIBITED:** Do not respond the “wrong way” on an interstate, controlled access, or divided highway.

5. When making an emergency response, officers shall notify Communications by using the term Code 3 to indicate the officer will be employing emergency lights and siren.
6. Note: Any supervisor may override the officer's decision to make an emergency response if, in their judgement, it is not warranted or cannot be done safely.
7. No officer shall make an emergency response with any passengers in the vehicle, other than sworn personnel or a person who has signed a release, or waiver of liability to occupy the police vehicle.
8. Unmarked police vehicles should avoid making emergency responses. Furthermore, unmarked vehicles should not be used for routine traffic enforcement. However, this does not prohibit the use of unmarked police vehicles from observing violations and/or making the actual stop in extreme situations. Any police vehicle, marked or unmarked, can take enforcement action for the general safety of the public.

401.02 Non-Emergency Driving Procedures

Personnel who operate Department owned vehicles are required to possess a valid driver's license. License validations will be conducted annually.

All employees who are covered by this policy shall be deemed to have consented to the periodic verification of their driving status as a condition of their employment.

In the event an employee shall have their driving privileges revoked, suspended, or restricted by judicial order, they shall immediately notify their supervisor. No employee shall operate a Department owned vehicle while their driving privileges are revoked, suspended, or restricted.

Personnel who operate Department owned vehicles shall comply with all city ordinances and state laws.

Vehicle operators shall secure all Department owned vehicles upon leaving them unattended by locking all doors, ensuring all windows are up, and securing any firearms inside the vehicle.

401.03 Seat Belt Use *[LE 41.3.3]*

Seat belts are widely recognized as a vital piece of safety equipment while operating motor vehicles.

- A. Safety belts shall be worn by all drivers and passengers in all vehicles owned, leased, or rented by the Department when in motion.
- B. The vehicle's driver is responsible for ensuring compliance by all passengers.

- C. No person shall operate a Department vehicle or transport anyone when they do not have an operable seat belt.
- D. When arriving at an emergency call, a potentially dangerous situation, or making a vehicle traffic stop, officers may remove the safety belt for a quick exit just prior to stopping.
- E. Officers functioning in an undercover capacity are exempt from this policy when:
 - 1. The wearing of the seat belt could pose safety problems when the Officer anticipates being in proximity to a suspect while conducting undercover operations.
 - 2. This exemption is intended to facilitate the undercover narcotics or vice Officers in conducting their duties when they are about to contact street dealers, prostitutes, etc. Undercover Officers merely in transit or on an administrative assignment are not exempt. Officers working in plainclothes detail or on routine patrol are not exempt.

401.04 Vehicle Inspection

Officers shall make certain their assigned Department vehicle is maintained, cleaned, and properly serviced. Officers who are assigned a vehicle shall inspect the vehicle at the beginning of their shift.

The inspection of the vehicle shall be visible damage and cleanliness to both the exterior and interior of the vehicle. Make a safety check of tires, lights, fluids, seat belts, emergency lighting, and other emergency equipment assigned to the vehicle. Additionally, confirm all equipment and supplies that are issued with the vehicle are in good working order and accounted for. The officer's supervisor should assist with correcting any missing or inoperable items in this inventory. [LE 41.3.2]

Each Department vehicle shall be assigned specific equipment based upon job description/assignment. Refer to the Vehicle Inspection/Audit form for complete list of items that shall be in Department vehicles, specifically patrol vehicles.

Check the rear seat for contraband at the beginning of each shift and after each prisoner transport. Immediately report any damage or discrepancies to your supervisor.

Officers shall not have personal equipment installed on the vehicle system without the permission of the Chief of Police or his designee.

401.05 Vehicle Accidents and Damage

Any Officer or civilian employee who damages or becomes involved in a motor vehicle accident while operating a Department owned vehicle shall immediately notify their supervisor. If their supervisor is not available, any on-duty police supervisor shall be notified.

If a motor vehicle collision occurs in the city limits of Bentonville, a supervisor shall be notified and will complete the accident investigation and report. If the accident involves an injury to any person, the supervisor shall respond to the scene and may request an accident reconstructionist to assist. If the accident involves a serious injury or fatality, a request will be made to the Arkansas State Police to investigate the accident.

If a motor vehicle accident occurs outside the city limits of Bentonville, the operator shall contact a supervisor and the agency with jurisdiction to investigate. If the motor vehicle accident results in a serious injury, extensive property damage, a fatality, or involves a pursuit, the supervisor shall respond to the scene to evaluate the scene and aid in the investigation if necessary.

The employee is responsible for completing a Blue Team entry any time a motor vehicle accident or other damage to a Department owned vehicle occurs. See BPD Policy 310 (Personnel Early Intervention System) for additional details regarding Blue Team entries.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT: Motor Vehicle Impound	POLICY NUMBER: 406.00
	CALEA STANDARDS: LE 61.4.3	EFFECTIVE DATE: XX
	NOTES: ACA 27-50-1207	REVISION DATE: 04/18/2023
	APPROVAL Ray Shastid, Chief of Police	PAGES: 5

PURPOSE

The purpose of this policy is to provide guidance to sworn personnel of the Bentonville Police Department regarding impoundment of motor vehicles that are abandoned, unattended, recovered stolen vehicles or result of the owner/driver being arrested. Vehicle impoundment is a tool used by law enforcement to promote public safety, deter criminal activity, and protect personal property.

POLICY

The Department makes custody tows as necessary, ensures property is properly secured, and keeps timely and accurate records on all custodial tows. Due to the inherent liability involved with separating a subject from their property via arrest or similar circumstance, impoundment is often the most effective resolution.

The goals of the Department regarding custodial tows are:

1. To protect the owner/operator of the impounded vehicle from loss or damage of property.
2. To protect the Department and City of Bentonville against claims of lost, stolen, or damaged property.
3. To protect the impounding operator against claims of lost, stolen or damaged property.

DEFINITIONS

Unattended: Any vehicle left on public or private property with public access, without the consent of a person in authority over such property or on or near a public roadway without some person in possession of such vehicle.

Abandoned: Any vehicle unattended and the owner does not intend to retake possession, or the vehicle remains unattended for a period of thirty days and the owner has shown no intent to retake possession.

Public Way: Any road, highway, or street on which the public may travel, including the berm or shoulder of a road, highway or street.

Investigative Hold: A temporary hold of an impounded vehicle for investigative purposes.

Impoundment: To remove an unattended or abandoned vehicle from a public roadway or following an arrest of the driver by an Officer of this Department, and to have the vehicle stored in a designated impound lot.

Vehicle Inventory: Documentation of personal property located inside an impounded vehicle.

PROCEDURES

406.01 GROUNDS FOR VEHICLE IMPOUNDMENT [LE 61.4.3b]

Impoundment of a vehicle is a significant tool for law enforcement and community caretaking purposes. Vehicles may be subject to impound by Department under the following conditions:

1. The vehicle is evidence of a crime.
2. The vehicle is abandoned or unattended.
3. The vehicle is stolen, and the owner cannot be notified is or unable to respond to the scene to collect their vehicle in a reasonable amount of time.
4. The vehicle is obstructing traffic, illegally parked (AR 27-51-1302) or is a traffic hazard and poses an immediate or substantial risk to other vehicular traffic.
5. The driver of the vehicle is arrested, and the vehicle is left unattended in a location which would pose a traffic hazard or be at risk of damage, vandalism, or theft. This includes private property which is accessible to the public.

406.02 IMPOUNDMENT PROCEDURE

The officer must inform the vehicle's driver or owner the reason for impoundment, unless doing so would compromise an ongoing investigation.

The officer will request the light duty tow company currently under contract with the City of Bentonville, or the heavy-duty tow company specified on the rotation list for each custodial tow.

The officer must complete a tow inventory of the vehicle. The inventory will include the interior, trunk/cargo area, glove box, all compartments, under seats, and all closed/locked containers found in the vehicle. The officer conducting the inventory will document the vehicle's contents, damage, and reason for the impoundment on a Department Tow Report. The officer completing the tow inventory will sign their name as Reporting Officer on the Tow Report form and then add the document to the case file. If anything of significant value, such as firearms, is in the vehicle, it shall be booked into the evidence room for safe keeping.

The officer must stay with the impounded vehicle until the operator of the tow truck has the vehicle secured and leaves the scene for the impound lot.

The officer shall make every effort to notify the owner of the vehicle's impoundment, as required by law. If the Officer is unable to contact the owner, they shall document their attempted contact in the case report.

A tow report and a case report will be completed for all vehicle impoundments. The report will include:

1. Date and Time of Tow
2. Location the vehicle was towed from.
3. Reason for removal or tow
4. Arrestee charges as applicable
5. Responding Tow Service
6. Location vehicle was towed to.
7. Notification/attempted notification to the registered owner. *[LE 61.4.3c)*

The Officer may release the vehicle at the driver or owner's request to another person if that person is:

1. A licensed driver
2. Agrees to take possession of the vehicle.
3. That person can immediately respond and take possession of the vehicle.

In this case, a tow inventory will still be completed, and the new driver will sign the Tow Report indicating they are taking possession of the vehicle. A vehicle inventory and Tow Report **shall not** be completed if the person taking possession of the vehicle is the registered or legal owner.

406.03 ABANDONED, UNATTENDED, OR INOPERABLE VEHICLES

A Police Officer shall order the immediate removal of a vehicle if it is located within three feet of the traveled surface of a public way and appears to create an immediate or substantial hazard to the public. [AR 27-50-1205]

The vehicle will be tagged with an approved Department Warning sticker indicating the vehicle needs to be removed within 24 hours if the vehicle is located three or more feet from the traveled surface of a public way or is illegally parked but does not pose an immediate hazard to other vehicular traffic.

A. Contesting Impoundment

If the owner of the vehicle wishes to contest the legality of the tow, they may seek a review to determine whether the unattended, abandoned, disabled or inoperative vehicle was wrongfully removed or withheld (AR 27-50-1207). The owner shall contact the shift supervisor with a complaint or appeal regarding the tow of their vehicle.

B. Release of Impounded Vehicles

The owner of an impounded vehicle or their authorized representative will contact the tow company responsible for the impoundment and pay any required impoundment fees. The owner or their authorized representative must present valid identification and proof of ownership or authorization to retrieve the vehicle.

If a hold was placed on a vehicle, for follow up investigation (examples: processing for evidence, fingerprints, photographs or to establish ownership), the vehicle must be released to the owner immediately upon completion of the required follow up investigation. The tow company shall be immediately notified of the vehicle's release status by the investigator handling the follow-up investigation.

406.04 NON-CUSTODIAL TOWS

Non-custodial tows are requests by citizens for aid to remove their vehicle from the roadway following motor vehicle accidents, disabled or inoperative vehicles. In these cases, Officers will give the owner/operator preference and contact their requested tow company, unless the vehicle poses an immediate hazard to other traffic. If the vehicle owner or operator does not have a preference, or the vehicle poses an immediate hazard to other traffic, the officer will request the light duty tow company currently under contract with the City of Bentonville, or the heavy-duty tow company specified on the rotation list. Officers **shall not** suggest or recommend a tow company.

Officers requesting a non-custodial tow will inform dispatch of the type and condition of the vehicle. The owner/operator of the vehicle will decide with the tow operator on the final disposition of the vehicle. Vehicle Inventory's are not necessary for non-custodial tows.

406.05 PRIVATE PROPERTY TOWS

The Department does not tow vehicles from private property on behalf of property owners. Officers may tow vehicles from publicly accessible private property if the operator of the vehicle is arrested or the vehicle is associated with a crime. If the vehicle is parked at the arrestee's private residence, the vehicle may be left if it is properly secured.

406.06 TRAINING

All officers who have the authority to impound vehicles must receive training on the procedures outlined in this policy and any related state and local laws.

DRAFT

**Bentonville Police Department
Policies & Procedures**

	SUBJECT: Staging and Detention	POLICY NUMBER: 407.00
	CALEA STANDARDS: LE 71.1.1, 71.2.1, 71.3.1, 71.3.3, 71.4.1, 71.4.2, 71.4.3	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 8

PURPOSE

The purpose of this policy is to provide guidance regarding the processing arrestees and utilization of secured interview rooms at the Bentonville Police Department.

POLICY

In carrying out the daily duties and responsibilities of law enforcement, it is often necessary to arrest and efficiently process persons pending appearance in court, transfer to another facility or until the immediate phase of an investigation has been completed.

Officers may detain persons for the purpose of processing, questioning, or testing because of an arrest. Use of Custodial and Non-Custodial Processing Areas in police facilities by all trained personnel shall be in accordance with these procedures to protect the individual safety, security and civil rights of all persons involved.

DEFINITIONS

Temporary Detention: A room, space or area used for the temporary detention of persons. Temporary Detention is considered to occur when a subject is left secured and unattended. It may also be measured in hours and does not involve housing or feeding subjects except in extenuating circumstances, and therefore is not a Holding Facility.

Processing: Involves unbroken physical contact with persons in custody. It includes prebooking activities and/or testing involving subjects in custody, after which they may either be released from custody by one of several means or be escorted to a long-term detention facility, at which time they would be booked.

Custodial Processing Area: This is secure and provides two staging areas that may be used during processing and prior to transport. Those staging areas are (1) the larger secure area accessed through the sally ports, or the main hallway next to the break room area and (2) the two metal mesh cells, as well as the two solid door cells, in the Custodial Processing Area used to temporarily place a person but not to detain them.

Non-Custodial Processing Area: A room in the main lobby, next to the interview rooms, that is used primarily for fingerprinting and persons not in custody.

Interview Room: Rooms specifically designed and intended to be used for the custodial or non-custodial interviews, interrogations, testing of persons suspected of being involved in criminal activity, or persons victimized by or witnessing criminal activity. Interview rooms do not constitute, nor shall they be used for temporary detention.

PROCEDURE

407.01 PROCESSING AREA ADMINISTRATION [LE 71.4.3]

A. Patrol Division Commander:

Patrol Division Commander is the designee of the Chief of Police in daily operation and administration of the Custodial and Non-Custodial Processing Areas and is the designated keeper of the records of the Processing Areas.

The Patrol Division Commander (or their designee) is responsible for ensuring that all Department policies and state laws are adhered to in the operation of the Custodial Processing Areas. Part of the Commander's role will also include facilitating maintenance and conducting regular inspections of the Custodial Processing Area. Inspections will include the following:

1. A documented quarterly inspection of the Custodial Processing Areas as well as a regularly scheduled inspection by a licensed pest control service.
2. Adequate lighting.
3. Proper functioning of the wash basins, toilet, and emergency shower.
4. Documented annual testing of the automatic fire detection devices and alarm systems.
5. Maintaining a written and posted emergency evacuation plan for the facility and designated and signed emergency exits directing evacuation of persons to hazard-free areas.
6. Completing a documented quarterly inspection of door locks and trouble alarms (if equipped) of the Custodial Processing Areas for proper operation.

The Patrol Division Commander is also responsible for management of that portion of the Department budget that is related to the Processing Areas. This will include ensuring that adequate supplies are maintained for operation of the Processing Areas. A file containing documentation of all unusual events that occur in the Processing Areas will also be maintained by the Commander or their designee.

B. Shift Commanders:

Shift Commanders and/or their designee are responsible for ensuring that all personnel are following department policy and/or state law in the operation of the Processing Areas. This includes ensuring that any unusual circumstances in the Processing Areas, particularly those that threaten the facility itself or any person, are immediately documented in a memorandum and reported to his/her supervisor and the Patrol Division Commander. Additionally, they will ensure that prisoners in need of medical attention receive the appropriate treatment.

C. Certified Officers:

Certified Officers assume responsibility for the safety and welfare of their prisoners from the time they are placed under arrest until those prisoners are released, transferred to another facility, or the officer is relieved of duty by the Shift Supervisor.

Certified Officers will adhere to state law, department policy and standards of conduct in their dealings with persons in the Custodial Processing Areas. Certified Officers will immediately report any unusual circumstances regarding a detainee to the Shift Commander or Shift Supervisor. Unusual circumstances include but are not limited to:

1. Detainee who is injured in any way (requiring more than basic first aid) or becomes ill while in Department custody.
2. Detainee who becomes combative or creates a disturbance in the Custodial Processing Areas.
3. Detainee who attempts to harm themselves or threatens to harm themselves.
4. Detainee who displays obvious indications of mental illness.
5. Detainee who displays indications of excited delirium or an extreme level of intoxication.
6. Any other circumstances which the Officer believes the supervisor should be informed.

D. Training [LE 71.2.1]:

All sworn personnel (Uniform Operations, Drug Unit, and Criminal Investigations) who are responsible for security of detainees in the Custodial Processing Area shall receive initial training in the fire evacuation plan, fire suppression methods, rules, regulations, and other written directives governing the supervision of detainees in the Processing Areas.

1. Refresher training shall take place at least every four years.
2. This training shall be recorded in the officer's training files as maintained by the Training Coordinator.

E. Rules of Conduct:

All employees of the Bentonville Police Department performing duties within the Custodial or Non-Custodial Processing Areas are required to abide by Arkansas state laws and Bentonville Police Department Standard Operating Guidelines. No non-essential personnel are allowed in the Processing Areas.

407.02 SUPERVISION OF AND ACCOUNTABILITY FOR PROCESSING DETAINEES

All persons in Processing Areas will be under the direct observation and supervision of an officer or trained employee while in custody. The arresting or the investigating officer shall bear the responsibility for ensuring the prisoner is detained, supervised, and processed according to Department guidelines and procedures. *[LE 71.3.1b]*

Supervising Special Detainees *[LE 71.3.1e]*:

1. Female detainees shall always be physically separated from male detainees.
2. Juvenile offenders, regardless of the offense committed, will always be physically separated from adult prisoners. This requirement includes common areas such as offices, hallways, bathrooms, etc.
3. Prior to bringing a detainee into the Processing Area, an Officer will determine if any other detainee is in the area. If the area is occupied, the Officer will determine if the occupying detainee is adult/juvenile and male/female. In no circumstances will a male/female or adult/juvenile occupy the Custodial or Non-Custodial Processing Areas at the same time.

407.03 CUSTODIAL PROCESSING AREAS

A. Authorization:

The following locations only are authorized Custodial Processing Areas. *[LE 71.1.1]*

1. Temporary staging area located in the Custodial Processing Area, on the south side of the main building of the police department.
2. The interview rooms at the Department are for the interview of persons only. They are not designed or intended for the temporary detention or the processing of suspects, nor shall they be used for those purposes.

Authorized personnel shall include only those personnel who are responsible for detainee custody, control, safety, transportation, processing, and security, or preliminary and follow-up investigators engaged in specific criminal investigations. *[LE 71.3.3c]*

B. Violent Offenders in the Custodial Processing Areas

Combative offenders will be taken directly to the Benton County Sheriff's Office for booking. They will not be held in Processing Areas at the Department.

Should an offender suddenly and without warning become violent while being processed or interviewed, they may be subdued, properly restrained, and transported to the Benton County Sheriff's Office.

C. Physical Condition for Custodial Processing Areas [LE 71.4.1]

There shall be sufficient space provided in all Processing Areas for reasonable and necessary movement.

Detainees shall have access to a toilet, wash basin and drinking water. The interviewing Officer shall insure that these needs are met as soon as practical upon request.

D. Security

Security of detainees in the Custodial Processing Areas is the responsibility of the arresting Officer or case investigator, as appropriate. Officers shall conduct a security inspection of the staging areas prior to and following use. Officers shall insure that criminal suspects are not armed prior to entering the Custodial Processing Areas and staging areas. Weapons or other articles that pose a risk to Officers shall be removed prior to entering and using these areas.

Once a detainee has been placed in a staging area, police personnel shall not enter the staging area except to remove the detained for questioning, release, additional processing, or other authorized official activities. If a detainee is not secured in a hard or soft cell while in the Custodial Processing Area, they shall be under constant supervision by an Officer in the same room. [LE 71.3.3e]

Officers shall secure firearms prior to entering the Custodial Processing Areas by utilizing the secured lock boxes installed at both access points or in their vehicle. Officers shall also carry a portable radio with them to act as an alarm system. [LE 71.3.3a/71.3.3b]

E. Department Custodial Processing Area [LE 71.1.1]

The Custodial Processing Areas at the Department are designed and intended for the processing of subjects pending their release, interview or interrogation, or transport to jail.

Detainees placed in the Custodial Processing Areas shall be thoroughly searched and all their personal property secured. Custodial searches will be conducted regardless of searches conducted in the field.

1. This includes contents of all pockets, all jewelry, watches, belts, footwear, hairpins, coats, purses, etc.

2. All such property shall be placed in a property bag and secured until the subject is released or transferred to a holding facility (Coats, shoes, and large items do not require bagging).

All Officers responsible for the arrest, transportation and/or booking of a subject should thoroughly document the circumstances surrounding the contact and subsequent arrest that precipitated the detainee being brought to the Custodial Processing Area. This documentation shall also include arrival, departure time and any meals, if any, are provided during the detention. *[LE 71.3.1a]*

Officers shall not leave a detainee unsupervised in the Custodial Processing Area if the detainee is not in a cell. The arresting Officer or case investigator is responsible for the prisoner until that responsibility is accepted by another Officer who is present in the Custodial Processing Areas. *[LE 71.3.1c]*

1. If a detainee is placed in a soft cell (mesh metal door) then the detainee will be placed in handcuffs.
2. If the detainee is placed in a hard cell, all loose clothing items will be removed. This is to include belts, shoes, socks, extra shirts, pants, or coats the detainee is wearing.
3. If a detainee is placed in a cell, notify Bentonville Emergency Communications that the detainee will be secured in a cell and request them to watch the detainee on cameras. Bentonville Emergency Communications Center has audio and video surveillance in the detention area. *[LE 71.3.3g]*
4. If a detainee is placed in a cell and left alone, Officers must check on the detainee no less than every fifteen minutes. *[LE 71.3.3f]*
5. The keys to the hard cell and the soft cell will be placed in the drawer directly under the booking computer.
6. Officers shall not secure a detainee to an immovable object. *[LE 71.3.1d]*

F. Moving Detainees Within the Police Department Facility

There will be occasions when it will be necessary to move detainees from room to room within the facility. It is essential that this be performed as safely as possible. If moving from the Custodial Processing Areas to another room within the facility, the Officer will first secure the prisoner using handcuffs prior to leaving the Custodial Processing Areas.

The Officer moving the prisoner is responsible for ensuring that the room to which the prisoner is being moved to is cleared of potential weapons before moving the prisoner

to that area. The Officer will ***always*** search the prisoner before removing them from and returning them to the Custodial Processing Areas.

G. Alcohol/Drug Intoxicated Prisoners

Prisoners who are arrested for drug and/or alcohol offenses, whose behavior is deemed to be abnormal, will be transported immediately to the Benton County Jail. Prior to transfer, the Shift Supervisor should consider contacting Bentonville Fire Department EMTs to conduct a cursory examination of the prisoner to determine if medical intervention is prudent.

Examples of abnormal behavior include the inability to stay awake, catatonic state, exhibiting extraordinary strength, attempting to do physical harm to themselves, a high level of agitation, etc.

H. Escapes [LE 71.3.3d]

Officers must take precautions to prevent the escape of anyone in the Custodial Processing Areas. To minimize the possibility of escape, Officers must maintain control over locked doors. Exterior doors must be locked when not in use.

I. Fire Safety Provisions [LE 71.4.2]

1. Fire Prevention:

All personnel shall make every effort to prevent the occurrence of fires in the Custodial Processing Areas through proper supervision of detainees and control of all flammable materials in and around those areas. Smoking is not permitted in any City building. Matches and cigarette lighters are not permitted in the Processing Areas. In the event of a fire or other related emergency, the primary objective will be protection of lives of all detainees and staff.

2. Fire Suppression:

Firefighting equipment is located throughout the Department. Evacuation plans are posted on walls. An extinguisher is located on the west wall, outside of the interior detention doorway, and in the sally port. The cabinets for the fire extinguishers are unlocked.

As soon as fire is detected in the Department, the following steps shall be accomplished in order:

- a. Immediately evacuate personnel in the area of the fire to a place of safety pursuant to the Fire Evacuation Plan.
- b. If fire cannot be controlled with an extinguisher, immediately evacuate the building of all personnel.

- c. Call 911, or call it out over the portable radio, to inform Bentonville Emergency Communication of the location and nature of the fire.
- d. Notify the Shift Commander.
- e. Assist the Bentonville Fire Department by allowing access to the building and giving directions to the fire.

3. Fire Evacuation Plan

Escape route to safe areas shall be conspicuously posted in or in the immediate vicinity of the Custodial Processing Areas. All exits shall be properly signed and illuminated to facilitate department evacuation to safe areas. Interviewing case investigators and detaining Officers are responsible for removing detainees or interviewees to the nearest place of safety and for maintaining custody of them.

407.04 NON-CUSTODIAL PROCESSING AREA

A room in the main lobby of the Department has been designated as a Non-Custodial Processing Area and will be clearly signed as such.

On Tuesday of each week, at the hours designated by the Patrol Division Commander, the Non-Custodial Processing Area will only be used to fingerprint citizens for non-criminal purposes.

Officers shall carry a portable radio while processing a patron in the Non-Custodial Processing Area. Security of patrons in the Non-Custodial Processing Area is the responsibility of the arresting officer.

Officers shall conduct a security inspection of the Non-Custodial Processing Area prior to and following use. Officers may wear their sidearm, secured in a holster, while processing a detainee in the Non-Custodial Processing Area.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Escort Services	POLICY NUMBER: 409.00
	CALEA STANDARDS: LE 61.3.3	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 4

PURPOSE

The Bentonville Police Department is a service organization and has a responsibility to protect life and property by responding promptly to requests from citizens for police aid. The Department helps persons within the City of Bentonville by supplying many services. We establish guidelines for giving aid to highway users and reporting hazardous highway situations.

Courtesy services to drivers, passengers and pedestrians enhance the public service image of the Department and often directly affects the safety and well-being of persons. Officers of the Department supply escorts needed in the community. The Department handles roadway hazards, hazardous materials, abandoned vehicles, and safety education to enhance highway safety.

POLICY

The Department provides services to help ensure the greatest degree of public safety, traffic safety and reasonable aid. Employees should base their conduct and action in each instance on the facts of the situation as they reasonably appear, relying on experience, training, and judgment.

PROCEDURES

409.01 ESCORTS

The Department receives many requests for non-emergency escort services. The Department gives police escorts in several situations if there are enough employees available to handle Patrol calls for service, in addition to the escort.

A. Funeral Escorts:

As calls for service allow, every opportunity should be made to assist local and other law enforcement agencies with funeral escorts. Coordination with other agencies is often required if the funeral escort leaves or enters our jurisdiction. Note: by providing this escort, it does not give persons the authority to violate any state traffic laws and may require stopping at traffic signals and for other traffic as needed to safely make it to the designated location.

B. Building/Oversize Load Escorts:

Contact the Chief of Police or their designee for approval and assignment to escort buildings and other oversized loads. Additional permitting and approvals are required by the City of Bentonville prior to many of these requests being approved.

C. Money Escorts:

Officers will respond to all reasonable requests for money escorts. Officers shall not provide transportation for escort unless authorized by the Chief of Police. Additionally, Officers shall not handle monies during the escort.

Department personnel shall provide escort services for the transporting of money by City of Bentonville employees, while in the course of that employee's assigned duties.

D. Emergency Escorts:

Do not lead or provide emergency escorts for any public or private vehicle.

409.02 TRAFFIC ANCILLARY SERVICES

Traffic Ancillary Services are important to safety and well-being of persons in the community. The following guidelines should be adhered to when providing these services.

A. Aid To Highway Users:

When Department personnel observe stranded motorists on or along streets and highways, stop and offer to help.

Officer Safety: When stopping to assist a motorist, personnel should advise communications of the location and provide a full vehicle description and number of occupants.

Giving Aid: If personnel are unable to stop and provide aid, another Officer should be notified by radio of the location and type of vehicle.

Directions Needed: Give directions to highway users when requested. If an Officer is unfamiliar with the location of a building, business or street, they should request directions from communications.

Notices Needed: Request that communications contact family, friends, or other concerned persons when people request their help.

Transportation Needed: Request that communications contact a taxicab, Uber or other transportation as needed by stranded motorists.

B. Emergency Aid To Stranded Persons:

Do not use Department vehicles to tow, push or jump start other vehicles.

1. **Tow Services Needed:**

If persons need a tow, follow the procedures for non-custody tows in Policy 409 (Vehicle Impound).

2. **Vehicle Services Needed:**

Give reasonable aid to contact mechanics, flat tire and jump start services that stranded persons need and request. In some cases, such as a simple tire change, Officers are encouraged to help the citizen on scene. Police vehicles are not authorized to push disabled vehicles from the roadway.

3. **Medical Aid Needed:**

If stranded persons need emergency medical aid, call for an ambulance and help until it arrives on the scene. Render aid within your abilities and training.

4. **Fire Fighting Needed:**

If stranded persons need firefighting services, call for the fire department and help until they arrive on the scene.

5. **Shelter Needed:**

Check the well-being of persons who are not properly clothed for severe weather and help them get to shelter. Either transport or arrange for transportation to a place of safety.

C. Hazardous Highway Conditions:

It is the Officer's responsibility to recognize real and potentially dangerous or hazardous highway conditions, and to promptly take proper actions to correct them. Watch for hazards of anything which is likely to be dangerous or inconvenient to the public. Remedy if possible, or report it promptly to communications for proper notices and corrective actions:

- Leaking water lines, gas mains and sewers.
- Debris or defects in roadway, highway obstructions and visual obstructions to traffic.
- Defects or absence of highway safety devices such as signs and signals, reflectors, impact devices, construction barricades, etc.
- Any other dangerous conditions with streets, sidewalks, or other City property.
- Downed power lines.
- Non-operating streetlights and signals

D. Abandoned Vehicles:

Patrol Officers should always stay alert for abandoned vehicles in a beat area. Prompt action should be to address those reported stolen or which are creating a traffic hazard. Mark those not obstructing traffic for follow-up action in accordance with City ordinance or state law.

409.03 TRANSPORTATION OF SICK AND INJURED PERSONS

The public often calls on the Department to help sick and injured persons as part of their official duties. Proper action at the scene by Department personnel can mean the difference between life and death, or permanent injury.

A. Emergency Transportation:

Do not transport sick or injured persons in a Departmental vehicle. Promptly request an ambulance for transportation and paramedic aid.

B. Emergency Aid:

First Aid - Give needed first aid before the paramedics arrive on scene; and

Notice to Family - Notify family or relatives, if possible, of the situation and medical facility.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Court Security	410.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 73.1.1, 73.5.12	XX
NOTES:	REVISION DATE:	
	05/02/2024	
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	3	

PURPOSE

The purpose of this policy is to delineate the responsibilities, procedures, and standards for court bailiffs employed by the Bentonville Police Department to ensure the security and safety of court facilities, personnel, and visitors.

POLICY

The Department is entrusted with the authority and responsibility to provide comprehensive court security services, including the assignment of trained and qualified court bailiffs. This policy establishes clear guidelines for court security operations, outlining the agency's role, procedures, reporting protocols, and coordination with external entities to maintain a secure and orderly judicial environment.

PROCEDURES

410.01 ROLE AND AUTHORITY [LE 73.1.1(a)]

The Department is designated as the primary agency responsible for court security within its jurisdiction. This authority encompasses:

- Ensuring the physical security of court facilities, including entrances, exits, and common areas.
- Maintaining order, decorum, and safety within courtrooms during proceedings.
- Responding to incidents/threats that may arise within court facilities.
- Collaborating with court administration, judicial officers, and other relevant parties to address security concerns and implement necessary measures.

410.02 COURT BAILIFF PROCEDURES [LE 73.1.1(b)]

A. Position Responsible for Security Function [LE 73.1.1(c)]:

The Chief of Police or their designee shall be responsible for overseeing the court security function within the Department, including the assignment and supervision of court bailiffs, development of security protocols, and coordination with District Court personnel.

B. Assignment of Court Bailiffs:

The Department shall designate qualified law enforcement officers as court bailiffs, responsible for ensuring courtroom security and safety. Court bailiffs shall receive specialized training in courtroom security, conflict resolution, emergency response, and relevant legal procedures.

C. Courtroom Security Protocols:

Court bailiffs shall enforce courtroom rules and regulations, including restrictions on weapons, disruptive behavior, and electronic devices.

Weapons, including firearms, knives, and other dangerous implements, shall be strictly prohibited within court facilities, except for authorized law enforcement personnel on duty. Court bailiffs shall conduct security screenings of individuals entering court facilities, confiscating prohibited items and ensuring compliance with security measures.

D. Court Bailiff Responsibilities:

Personnel assigned to the position of Court Bailiff are primarily responsible for maintaining order and the security of the District Court. This is done by enforcing courtroom rules and procedures to ensure a respectful, orderly environment and announce the Judge and start of court proceedings.

Court Bailiff's will assist with set up and arranging the courtroom prior to proceedings, ensuring that all necessary materials are in place. Check and maintain security equipment, such as metal detectors and video surveillance systems.

Court Bailiff's shall execute court orders, such as the removal of disruptive individuals or the seizure of property, as well as placing individuals in custody who have warrants or commitments. This includes, when necessary, the handling of transfers of individuals who will be in-custody to the Benton County Jail.

This policy is not meant to be an exhaustive list of duties and responsibilities of the Court Bailiff. The day-to-day expectations of the Court Bailiff will be examined and approved by the Chief of Police, or their designee.

410.03 SECURITY AND RESPONSE

A. Securing Weapons Before Entering Holding Facility [LE 73.5.12]:

Law enforcement officers assigned to court duties shall secure all weapons, including firearms, tasers, batons, and other equipment, prior to entering the holding facility at the court. Officers shall place their weapons in designated secure storage lockers or areas specifically designated for this purpose, ensuring that all firearms are properly secured. Officers shall retrieve their weapons upon exiting the holding facility after the completion of court proceedings, following established procedures and safety protocols. It should be noted that under extenuating circumstances, such as rendering emergency medical aid, etc. there may be exceptions to this requirement.

A. Emergency Response Procedures:

Bailiffs shall be trained to respond effectively to emergencies, including security threats, medical incidents, or natural disasters, following established protocols and coordination with emergency services. Bailiffs shall maintain communication with court administration, law enforcement agencies, and other relevant entities to coordinate emergency response efforts.

410.04 DOCUMENTATION AND REPORTING [LE 73.1.1(d)]

All incidents that pose a threat to court facilities, personnel, or visitors shall be documented promptly by court bailiffs.

A documented report shall be submitted to the Chief of Police, or their designee detailing the nature of the incident, actions taken, and any recommendations for enhanced security measures.

In cases involving criminal activity or imminent danger, appropriate outside agencies, such as emergency services, or judicial authorities, shall be notified promptly.

410.05 REVIEW AND REVISION

This policy shall be subject to periodic review and revision to ensure its effectiveness, compliance with legal requirements, and alignment with best practices in court security. Any revisions shall be made in consultation with relevant parties and approved by the Chief of Police.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Electronic Control Weapons	413.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 4.3.3	XX
	NOTES: BPD Policy 401, 602	REVISION DATE:
		04/23/2024
	APPROVAL:	PAGES:
	Ray Shastid, Chief of Police	7

PURPOSE

This policy provides guidelines for the issuance and use of electronic control weapons (ECW's) commonly referred to as a "Taser."

POLICY

The ECW is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects. It is the policy of the Department to use only the force that is objectively reasonable under the totality of the circumstances perceived by the officer at the time to effectively bring an incident under control.

DEFINITIONS

Active Resistance: The subject takes action to prevent being taken into custody or controlled with the goal of escape and not to injure the officer. The action may include twisting, pulling, holding onto fixed objects, or running away. It should be noted Active Resistance may escalate to Assaultive Action rapidly and without warning.

Assaultive Actions: The subject takes action that indicates intent to injure an officer or other person. This level of aggression may manifest itself through punching, kicking, or pushing and may include extreme physical force up to and including the use of a weapon that may cause death or serious physical injury.

Anti-felon identification (AFID) tags: Confetti-like pieces of paper installed on ECW devices that are expelled from the cartridge when deployed. Each AFID tag contains an alpha-numeric identifier unique to the cartridge used.

Display: The act of presenting or showing a weapon in a visible and noticeable manner. The purpose of displaying the electronic controlled weapon may vary, but it often serves as a warning or deterrent to potential subjects, signaling that the law enforcement officer is armed and prepared to use force if necessary.

Deploy/Discharge: Utilizing a weapon for its intended purpose, typically involves firing a weapon with the intent to neutralize a threat.

Drive-stun: The use of an ECW as a pain compliance technique by pressing it against a subject's body and delivering an electronic shock.

Electronic Control Weapon (ECW): A portable device or weapon that uses electricity to temporarily incapacitate or cause discomfort for the subject to gain compliance; overcome resistance; or capture, control, and constrain.

Elevated risk population groups: Individuals who are potentially at greater risk of injury or death following an exposure to an ECW, including those who reasonably appear or are known to be elderly, medically infirm, pregnant, users of internal cardiac devices, or who have low body mass, such as small children.

Less lethal force: Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Passive Resistance: The subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody or controlled (i.e., A protestor who lies down in front of a business).

Probe deployment: A mode of ECW use that delivers an electrical current upon contact with a target through probes propelled from a distance, attached to the ECW.

Sensitive body areas: Areas particularly susceptible to injury when exposed to ECW probes or activation, such as the subject's face, eyes, head, throat, chest/heart area, female breasts, groin, genitals, or known pre-existing injury areas.

PROCEDURES

413.01 AUTHORIZED USERS

Only Department personnel who have successfully completed this Department's approved training program and maintain their certification are authorized to carry and/or use an ECW.

413.02 TRAINING [LE 4.3.3a-c]

Training must be conducted by qualified instructors certified on the specific model of ECW carried by officers of the Department. Training should be sufficient to demonstrate proficiency and take place annually for Officers to maintain certification. The training and results of the training will be recorded by the Training Unit. If it is determined that remedial training is required, additional training will be provided as deemed appropriate by the Lead ECW Instructor and the Training Coordinator.

Training should include scenario-based practice and should adhere to both the product manufacturer's recommendations as well as applicable AR state laws, standards, and leading practices.

Training should culminate in practical testing to demonstrate ability on an annual basis as determined by the Department. Officers shall not be authorized to carry the ECW until proficiency is demonstrated.

Legal and policy training in the areas of use of force should be discussed in training for ECWs. Training records shall be documented, including authorized users.

413.03 WEAPON READINESS

The ECW shall never be left unattended in an unsecured location (on- or off-duty).

The ECW should not be carried in a position in close proximity to the firearm. Further, the ECW should be color-coded to distinguish it from the firearm. The ECW should be carried in an immediately deployable state with at least one cartridge in place. Cartridges should be replaced before their expiration date. The device shall be carried on the Officer's support side and only in the issued/authorized holster. No modifications shall be done to any issued equipment.

An officer shall not draw or hold their ECW simultaneously with their firearm or other force option. The ECW shall be carried with the safety in the "safe" position.

Officers should ensure the ECW batteries are properly charged and that the device is functioning properly in accordance with the manufacturer's guidelines. This is typically expected to occur in the form of a "spark test" of the device at the beginning of each shift.

If the ECW does not function as expected, the ECW shall be taken out of service, and the anomaly shall be reported to the appropriate supervisor or designee.

No modifications or repairs to the device are authorized. All service on the device shall be performed only by the manufacturer.

413.04 CONSIDERATIONS FOR USE

The ECW is authorized to be used when it is objectively reasonable under the totality of the circumstances and what is perceived to the officer at the time. Where feasible, subjects should be afforded an opportunity to comply before initial and any subsequent deployments.

Officers shall issue verbal and/or visual warnings consistent with training prior to deploying the ECW, when feasible and tactically appropriate. When practical, officers should also notify assisting officers that they intend to deploy the ECW. Whenever possible, the ECW shall be deployed using a back-up officer to assist with handcuffing or providing cover.

Once successful probe connections have been made, officers shall allow a reasonable amount of time for the subject to comply unless doing so would increase the risk of injury to officers, the subject, or others.

The preferred target areas include the back, lower abdomen, and thighs. Avoid aiming at the head or neck unless the encounter justifies a deadly force response.

As soon as the subject is compliant and the situation is stabilized, a supervisor shall be notified of the use of force.

Officers shall be aware of the general concerns present when an ECW is used on a member of an elevated risk population group. Officers are not prohibited from using an ECW on such persons but shall limit use to those exceptional circumstances where the potential benefit of using the device reasonably outweighs the enhanced risks involved.

Officers shall activate the device on a subject no longer than objectively reasonable to overcome resistance and bring the subject under control. After initial activation and to the extent practicable, the totality of the circumstances shall be re-evaluated prior to any additional activation.

413.05 PRIMARY PROBE DEPLOYMENT

The ECW is most effective at overcoming resistance and gaining subject control when used in the probe mode (vs. drive-stun), and from adequate distance consistent with training to allow sufficient probe spread on contact. Accordingly, probe mode is the preferred method of initial deployment.

Immediately prior to deployment, the officer should visually and physically confirm that the device selected is the ECW and not a firearm.

The ECW should be aimed at a preferred probe target location, consistent with training and manufacturers' recommendations. The ECW should not be intentionally aimed at a sensitive area, which includes the subject's face, eyes, head, throat, chest area, female breasts, groin, genitals, or known pre-existing injury areas, absent reasonable belief by the officer that they are facing an immediate risk of serious physical injury or death.

Officers shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of unintended probe contact.

The ECW may be discharged for an initial cycle of up to five seconds:

1. In an attempt to minimize the number of ECW discharges necessary for subject compliance, during and immediately after this cycle, the officer should verbally give compliance instructions to the subject.
2. The officer shall be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
3. The officer should allow a reasonable amount of time to assess the effectiveness of the cycle, and to give the subject the opportunity to comply with the instructions given.
4. The officer shall evaluate, under the totality of circumstances presented, whether additional cycles or probes are objectively reasonable and necessary in accomplishing the officer's lawful objectives. The evaluation shall include

consideration of whether the subject is of an elevated risk population that may be at a higher risk from multiple and/or prolonged ECW cycles.

5. The officer should consider deploying additional cartridges or probes or transitioning to alternative force options if the officer reasonably perceives that the subject has not responded to the ECW in the anticipated manner based on training and experience.
6. To reduce the number of cycles and duration of exposure, the subject should be secured with handcuffs or other appropriate restraints as soon as practical and safe during or following exposure to an ECW cycle.
7. It shall be recognized that every discharge of the ECW must be justified and articulated as an individual use of force.

413.06 DRIVE-STUN APPLICATION

All drive-stun applications are subject to the same guidelines and restrictions as primary probe deployments.

Many ECWs can also be used in close-range, self-defense, and brief distraction situations in the drive-stun mode with the cartridge removed, or expended cartridge in place. When the device is used in the drive-stun mode, it is:

1. Primarily a coercive control (pain compliance) tool, and
2. Less effective than when probes are deployed with adequate probe spread and proper placement.

Officers should use drive-stun mode only:

1. As a brief application to attempt compliance or distraction.
2. To “break-contact” or distraction tactic when engaged with a subject.
3. As a 3 or 4 point contact to attempt to achieve neuro-muscular incapacitation.

413.07 POST-DEPLOYMENT

The probes shall be removed from the subject as soon as practical after deployment and control, following the procedures outlined in training. Officers are authorized to remove intact probes and shall use universal precautions to avoid the transfer of bodily fluids when dealing with a subject who has been struck by an ECW probe. Probes broken and embedded in the subject’s skin shall be removed only by an EMT or other trained and certified medical professional. The probes shall be treated as a biohazard risk and secured appropriately.

Officers should request emergency medical response if any of the following occurs:

1. The subject requests medical attention.
2. The subject reasonably appears to be in medical distress.

3. The ECW has been used on a subject in an elevated risk population category.
4. A probe has contacted a sensitive area.
5. There is difficulty removing the probes.
6. The subject does not appear to be recovering in a manner consistent with training and experience.
7. The subject has been exposed to more than three ECW cycles or more than 15 total seconds of discharge.
8. The subject has been simultaneously exposed to the effects of more than one ECW device.
9. The subject has exhibited signs of extreme uncontrolled agitation or hyperactivity, or excited delirium as described in training, prior to or during ECW exposure.
10. Officer discretion or as mandated by a supervisor.

413.08 EVIDENCE COLLECTION

Once the subject has been controlled, and the need for medical care has been evaluated, officers will collect all evidence of the encounter. With respect for human dignity and privacy in mind, officers should take steps to avoid embarrassment and preserve confidentiality regarding the subject's medical treatment during this process. When the device has been used in probe mode, the officer shall collect the cartridge, wire leads, darts, and anti-felon identification markers (AFIDs), and secure them as evidence in compliance with the Department policy regarding biohazard material (Policy 602). When lawful and appropriate, photographs should be taken of probe impact sites and any other related injuries before and after they are removed, as soon as reasonably possible.

413.09 REPORTING

Department personnel shall comply with all data collection and reporting requirements as set forth in this policy. Personnel shall document and report and record displays of the ECW in addition to actual deployments. This assists in providing insight into the effectiveness of the ECW display as a method of de-escalation to gain compliance. The discharge of an ECW in either drive-stun or probe mode shall be documented as a use of force.

The deploying officer shall notify their supervisor as soon as practical after using the device, and the appropriate use-of-force report shall be completed. Officers shall document in their use-of force report the facts and circumstances that reasonably justified the use of the ECW. This should include:

1. The facts and circumstances which dictated the officer's use of force;
2. Commands given to the subject;
3. Manner in which the subject refused to comply;

4. Witnesses to the discharge of the ECW;
5. Number and duration of each discharge
6. Location of probes on the subject's body;
7. Extent, if any, of the subject's injuries;
8. Contact information for EMTs or other medical personnel involved;
9. Description of first aid provided; and
10. The name of the supervisor notified, and time of such notification.

Data from the ECW shall be downloaded as soon as practical following discharge, and the file shall be considered a part of the use-of-force review. Within the use-of-force report, additional explanation should be provided when the device has been used in any of the following manners:

1. The ECW is used in drive-stun mode.
2. The subject is exposed to discharge for 3 or more cycles of 15 seconds or longer.
3. The subject is exposed to more than one simultaneous ECW exposure.
4. The ECW is used on an individual in an elevated risk population group.

413.10 AUDITING

The Department personnel overseeing the ECW program will conduct a randomized audit process. This may include subjecting ECWs to periodic or random data downloading and analysis. Regular downloading that is consistent with the manufacturer's recommendations can also help to ensure that weapons have up-to-date firmware and a synced time clock.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Communicable Disease	POLICY NUMBER: 414.00
	CALEA STANDARDS:	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 04/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 6

PURPOSE

The purpose of this policy is to provide Bentonville Police Department personnel with guidelines to reduce the risk of contracting a communicable disease during the performance of their official duties, procedures to be followed when an officer has a line of duty exposure, and to ensure confidentiality and the prevention of discrimination against victims of communicable diseases.

POLICY

Department personnel will be provided with information and materials to lessen their chance of contracting a communicable disease. Department personnel will conduct their assignments in such a manner that the risk is lowered that an Officer or any citizen will be needlessly exposed to disease. Due to the nature of police service, a small amount of risk is inherent in the job. The Department will provide necessary services and care regardless of a victim or suspect's physical condition.

PROCEDURE

414.01 COMMUNICABLE DISEASE PREVENTION

To minimize potential exposure to communicable diseases, Officers must assume that all persons are potential carriers of communicable diseases.

Officers must cover all open cuts and abrasions with waterproof bandages prior to reporting for duty. Disposable double latex gloves shall be worn when handling any person, clothing, or equipment with bodily fluids on them, or when the Officer anticipates becoming involved in assaultive behavior through which the Officer may potentially become exposed to blood or bodily fluids containing blood.

1. Gloves should not be reused, and a new pair should be put on before handling a different person or touching uncontaminated items.
2. When leather or cotton gloves are worn for crime scene work, latex gloves can be worn underneath for added protection.

3. In appropriate circumstances, more than one pair of latex gloves should be worn to protect against exposure.

Masks, protective eye goggles and protective disposable coveralls shall be worn where bodily fluids may be splashed on the officer, or where airborne contamination of a communicable disease is anticipated.

Plastic mouthpieces or other authorized barrier resuscitation devices should be used whenever an officer performs CPR or mouth-to-mouth resuscitation.

All sharp instruments such as knives, scalpels and needles shall be handled with extraordinary care and should be considered contaminated items.

1. Appropriate gloves should be worn when searching for or handling sharp instruments.
2. Officers shall not place their hands in areas where sharp instruments might be hidden. An initial visual search of the area should be conducted, using a flashlight and/or portable mirror.
3. When searching a suspect's pockets, Officers should exercise extreme caution and when appropriate, have the suspect empty the pockets and pull the pocket inside-out from the top.
4. A search of a purse can be accomplished by carefully dumping the contents onto a flat surface.
5. Needles shall not be recapped, bent, broken, removed from a disposable syringe, or otherwise handled.
6. Needles or similar sharp-edged instruments shall be placed in puncture-resistant, non-porous container when being collected for evidence or disposal purposes.

Officers should not smoke, eat, drink, or apply makeup around bodily fluid spills or when wearing protective gloves.

Any evidence contaminated with bodily fluids shall first be air dried, then double bagged in plastic bags and marked to identify suspected or known communicable disease contamination.

1. Department issued evidence bags shall be utilized. Stapling of evidence bags should be avoided.
2. Department issued tongs shall be utilized to assist in gathering contaminated evidence.

414.02 TRANSPORTING AND CUSTODY

When appropriate protective equipment is available, no officer shall refuse to interview, assist, arrest or otherwise physically handle any person who may have a communicable disease. Should an Officer be involved in an incident where proper safety materials are not available, the Officer shall immediately contact the supervisor and request assistance.

Officers shall not put their fingers in or near the mouth of any conscious person. Officers utilizing protective gloves can, in life threatening situations, insert their finger into the mouth of an unconscious person to attempt to clear a blocked airway. This action should be performed in accordance with prescribed foreign bodily airway obstruction procedures.

When possible, persons with bodily fluids on their body or clothing shall be transported in separate vehicles from other individuals.

During a transfer of custody, officers shall discreetly notify support personnel that the suspect/victim has bodily fluids on the person or that the suspect/victim has said that they have a communicable disease. Care must be taken to ensure that the information is given only to those who have a need to know.

When possible, suspects taken into custody with bodily fluids on their body or clothing, and not in need of medical attention shall be isolated from other persons until clean-up has been completed and a change of clothes has been provided.

1. The Supervisory Officer on duty at the detention facility shall be immediately advised of the suspect's status.
2. Officers shall document that a suspect taken into custody has bodily fluids on their person or has stated that they have a communicable disease.
3. All Officers dealing with persons who have blood or other bodily fluids on their bodily or clothing will be personally responsible for following precautionary procedures and using the protective materials provided.

414.03 DECONTAMINATION

Any skin surfaces that have the slightest contact with bodily fluids shall be immediately and thoroughly washed with hot running water and soap for one (1) minute before rinsing with an antiseptic solution before drying.

1. Alcohol, antiseptic solutions or towelettes may be used when soap and water are not available.
2. Disposable gloves should be removed inside out with the contaminated side not exposed. The hands and forearms should then be washed.

Officers should remove clothing that has been contaminated with bodily fluids as soon as practical. Additionally, Officers should cleanse any contacted skin area in the prescribed fashion (showering if necessary) prior to putting on clean clothing.

Disinfecting procedures shall be initiated whenever bodily fluids are spilled in or when an individual with bodily fluids on their person is transported in a department vehicle.

The affected vehicle shall remain out of service until it has been disinfected by washing the contaminated areas with a commercial disinfectant approved by the Chief of Police or their designee.

Non-disposable items such as handcuffs, etc., should be disinfected with either a bleach solution (1 part bleach to 9 parts water), rubbing alcohol or commercial disinfectant. Contaminated shoes and boots, including soles, should also be disinfected with an approved disinfectant.

414.04 SUPPLIES

The Chief of Police or their designee is responsible for purchasing, storing, and issuing communicable disease prevention supplies to all personnel within the Department.

All Department personnel shall have access to the following communicable disease prevention supplies, where applicable by job assignment and responsibilities:

1. Disposable coveralls, aprons, and shoe covering in appropriate sizes.
2. Disposable latex and cut/puncture resistant gloves.
3. Puncture resistant containers and sealable plastic bags.
4. Barrier equipment, protective eye goggles and surgical face masks.
5. Absorbent cleaning materials.
6. “Do Not Use - Possible Communicable Disease Contamination” signs.
7. Biohazard disposal bags.
8. Non-porous tongs.

Officers using supplies stored in police vehicles are responsible for their immediate replacement.

414.05 LINE OF DUTY EXPOSURE TO COMMUNICABLE DISEASE

Any Officer who has been bitten by a person, or who has had physical contact with the bodily fluids of another person, while in the line of duty shall be considered to have been exposed to a communicable disease.

Reports of direct air contact of communicable diseases shall be evaluated on the circumstances of the incident by the Officer and their supervisor.

The Officer's immediate supervisor shall be contacted, and all appropriate exposure forms shall be completed.

Immediately after exposure, the Officer shall be transported to the appropriate health care facility for clinical and serological testing for evidence of infection. The health care professionals shall evaluate the test results, along with the circumstances surrounding the incident, and decide as to the extent, if any, of exposure to a communicable disease.

Any person responsible for potentially exposing the Officer to a communicable disease shall be encouraged to undergo testing to determine whether the person has a communicable disease.

All personnel shall treat individuals who have contracted a communicable disease fairly, courteously, and with dignity.

If the incident takes place during regular business hours, the supervisor should attempt to have the Officer seen by the City's Occupational Health Clinic. All required paperwork related to the worker's compensation claim shall be completed before the end of the supervisor's shift.

414.06 LEGAL RIGHTS OF VICTIMS OF COMMUNICABLE DISEASES

Victims of communicable diseases have the right to expect, and Law Enforcement Officers shall provide, the same level of service and enforcement as any other individual would receive.

Officers assume a certain degree of risk exists in law enforcement work and accept those risks with their individual appointments. This holds true with any potential risks of contraction of a communicable disease as surely as it does with the risks of confronting an armed criminal.

Any Officer who refuses to take proper action regarding a victim of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary action.

When an Officer mentions in a report that an individual has or may have a communicable disease, they shall write "CLASSIFIED- CONTAINS MEDICAL INFORMATION - NOT SUBJECT TO FOI" across the top margin of the first page of the report.

The Officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initialed by the supervisor.

The supervisor making press releases shall make certain the medical information is not given to the news media. Under the Arkansas Freedom of Information Act (FOIA) medical records are exempt from disclosure.

All requests (including subpoenas) for copies of reports marked “CLASSIFIED - CONTAINS MEDICAL INFORMATION - NOT SUBJECT TO FOIA” shall be referred to the City Attorney for authorization to release the document.

Prior approval shall be obtained from the Legal Department before advising a victim of sexual assault that the suspect has, or is suspected of having, a communicable disease.

All circumstances, not covered in this policy, that may arise concerning releasing confidential or medical information regarding a victim, or suspected victim, or a communicable disease shall be referred directly to the Chief of Police.

Any Department personnel divulging confidential or medical information regarding a victim, or suspected victim, of a communicable disease shall be punished in a manner authorized by law.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT: Special Events	POLICY NUMBER: 417.00
	CALEA STANDARDS: LE 46.2.7, COM 7.2.1	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/03/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 6

PURPOSE

This purpose of this policy is to establish guidelines and considerations for the planning of small-scale special events and other public gatherings. Examples of these events are fairs, concerts, and other organized or known gatherings of people. Events related to the demonstration or exercise of rights to free speech *are not addressed*, as these may include different considerations and procedures.

This document examines the predominant areas surrounding the planning and safety for these events, with the intention of providing law enforcement executives with essential information to make informed decisions when developing policies or action plans for their agencies.

POLICY

The Bentonville Police Department regularly receives requests to provide security and police services for various special events. In such cases, the Department is committed to allocating adequate resources and adhering to the guidelines outlined in this policy.

PROCEDURE

417.01 SPECIAL EVENTS POINTS OF CONTACT

The primary points of contact for special events within the Police Department will be the Operations Lieutenant or Operations Sergeant.

417.02 EVENT PLANNING

The Operations Lieutenant, Operations Sergeant, or their designee, will create a written plan of action for each special event, considering:

1. Estimates of traffic (vehicle and pedestrian) in or around the event.
2. Estimates of attendees to the event.
3. Projected problems or security concerns.
4. Any other relevant information.

417.03 PERMIT NEEDS

All permit requests and applications shall be routed through the appropriate City of Bentonville department(s), as indicated in the City's Special Events & Filming Requests informational web page.

417.03 POLICE SPECIAL EVENT SUPERVISOR/COORDINATOR

Each special event managed by the Department will have a designated supervisor or coordinator appointed from within the Department. [LE 46.2.7/COM 7.2.1]

417.04 UNIFIED COMMAND

A unified command structure shall be established for all special events requiring multi-agency involvement. The Incident Commander (IC) shall be designated from one of the participating agencies and shall have overall authority and responsibility for incident management. The Unified Command shall consist of the IC and representatives from all designated agencies involved in the event.

The IC shall oversee all aspects of incident management, including planning, operations, logistics, and finance/administration. Each participating agency, as available, should assign representatives to the command post or Emergency Operation Center (EOC), who shall contribute to decision-making, resource allocation, and coordination efforts.

Designated agencies shall maintain communication channels with their respective personnel and provide necessary support as per the IC's directives.

Decisions within the unified command structure shall be made collectively whenever possible. In situations where immediate action is required, the IC may make operational decisions, keeping the entire command informed and involved to the extent possible.

Major decisions, especially those affecting multiple agencies or significant resources, shall be subject to consensus agreement within the command structure.

Participating agencies shall pool their resources under the unified command to ensure efficient utilization and coordination. Resource requests and allocations shall be managed centrally by the IC, with input from the members of the unified command based on operational needs and priorities. Clear protocols shall be established for the sharing of equipment, personnel, and other resources among participating agencies.

Effective communication among participating agencies is critical for the success of the unified command. Common communication channels and protocols shall be established and followed to facilitate seamless information exchange and coordination.

Liaison officers may be appointed to maintain communication between the Unified Command and external entities, including event organizers, government agencies, and the public.

417.06 TRAFFIC CONTROL/DIRECTION

Events with potential traffic congestion will have contingency plans for handling traffic ingress and egress with consideration of pedestrian foot traffic.

1. The planning for this traffic congestion shall include the site itself as well as the main approach of roadways.
2. When time is available, primary, and alternate routes to and from an event shall be released to the media via Department media policies. These releases should also include, if available, information regarding public transportation.
3. Traffic control procedures such as the manual operation of traffic signals shall be considered in planning the event.
4. In the event of a motorcade, coordination should be made with other law enforcement agencies to ensure adequate resources are available to control all necessary intersections.
5. When putting together a traffic plan access to parking should be considered.

The Operations Lieutenant or Operations Sergeant will collaborate with event coordinators to determine the traffic plan and safety requirements. Any event requiring road or trail closures must be approved by the Traffic Safety and Signage Committee.

417.07 EVENT CONSIDERATIONS

A. Logistical Considerations:

Coordination shall be made with other city departments and other agencies to ensure equipment availability.

This can be done through the City of Bentonville Special Events Software process. Personnel shall be advised of what additional equipment is needed to complete their assignment. Planning for the event should include a method of providing relief for personnel working the event.

B. Emergency Vehicle Access:

1. Planning for any special event should include a plan for emergency vehicle access to, through, or around the event.
2. The Fire Department should be consulted regarding Emergency Vehicle Access.

C. Use of Special Operations Personnel:

The nature of a specific special event may require the assignment of specially trained or supplemental personnel. When assisting other agencies with special events, efforts will be made to satisfy the requirements of the lead agency. The decision to assign

specially trained or supplemental personnel shall be made by the assigned incident commander or their designee. Some possible personnel uses might include:

1. Special Weapons and Tactics Team to augment standard Patrol resources and/or others during an event.
2. Use of Criminal Investigations Division personnel to assist with collecting information, surveying potential threats, or convert intervention.
3. Canine Officers: to assist with special searches.
4. Other resources as defined by the needs of the events and requests of the agency.

515.08 CONTINGENCY PLANNING

A. Evacuation:

If the details of the event justify the relevance of an evacuation plan, unified command should determine shelter locations in advance to provide participants safe havens from severe weather, natural disasters, any manner of assault or attack, or other hazards requiring more than only evacuation from the immediate event location. Based on the estimated number of participants, the identified evacuation site(s) should be a location of sufficient size to allow all individuals to seek safe shelter. The shelter location choice should take into consideration reasonable threats based on the locale, such as tornado- or earthquake prone areas. The location should have multiple points of ingress to avoid a gridlock when an order to seek shelter is given, thereby avoiding a rush or panic to enter. It should be sufficiently secure and capable of withstanding natural or manmade threats to the location structure. Lastly, the location should be close enough to the venue to allow participants to arrive with ease.

B. Authority to Suspend or Alter Event:

As part of the planning process, individuals should be identified as possessing the authority to suspend or stop an event based on articulable factors that constitute a reasonable emergency or health safety matter for those present. Factors such as inclement weather conditions that either arise or are predicted are one of the more common factors to present a concern sufficient to warrant suspending or stopping an event. Other matters, less likely, but reasonable to consider, are unrest such as civil disturbances, riots, or violent criminal activity near or within the event venue; property damage, either purposeful or unintentional to either public property or proximate private property of the event; loss of significant infrastructure or services in support of the event, such as restroom facilities, electrical service, or trash collection; and other related services or needs that may become overwhelmed, such as event parking.

C. Emergency Notification System:

In conjunction with the authority to suspend an event comes the need to make notification to those within the event venue of this decision. The contingency plan

should include a pre-planned means of effectively communicating instructions on how event participants can seek shelter or evacuate. Depending on the size and scale of the event, this can be accomplished with something as simple as a patrol vehicle public address system and can be as complex as electronic signage and designated crowd direction officials. Unified command should be mindful that any instructions should be specific enough to avoid confusion or cause panic and provide proper and effective direction for leaving the event or where to attain shelter.

D. Plans for Extreme Circumstances:

As part of developing a contingency plan and planning for any event, jurisdictions must be aware of the, albeit rare, possibility of a chemical, biological, radiological, nuclear, and explosives (CBRNE) event and the potential need for detection capabilities and large-scale decontamination. In preparation for these unlikely events, the locality should determine the appropriate agency tasked with addressing these types of incidents, such as the local emergency management agency. In addition, mutual aid agreements with the appropriate local and national partners should be established prior to CBRNE events and should specifically outline the role of each agency in the response.

515.07 AFTER ACTION REPORT (DEBRIEFING)

The event organizer, at minimum public safety, should ensure a post-event briefing is held to properly identify any relevant issues that arose during the special event and to discuss individual areas of responsibility, lessons learned, best practices employed, and recommendations for hosting future events.

This will assist in providing useful information to the locality when determining whether to approve future events or whether additional resources will be necessary. The post-event review may conversely identify that resource allocation was greater than needed and can be scaled back in the future or that all aspects, to include pre-planning, of the event were successful.

515.08 PAY CLASSIFICATION

The Department has two classifications of pay for Special Events.

A. Vendor Paid:

Paid by the outside event holder at the current vendor rate established by the Finance Department and Chief of Police. Personnel will work at their normal overtime rate and be paid through the city. The city will invoice the event holder for reimbursement. There will be a minimum compensation requirement of 3 hours for a vendor paid event, even if the involved personnel were utilized for a shorter duration of time.

B. City Paid:

Will be paid by the city following the city policy concerning overtime. There will be no minimum requirement for number of hours worked. Officers will be paid for only the actual hours worked as related to the event.

515.09 UNIFORM REQUIREMENTS

The uniform for special events shall be full duty Patrol Uniform unless otherwise designated in the event announcement. Additional equipment may be considered based upon type of event, number of attendees, and any foreseeable concerns.

515.10 ATTENDANCE

If personnel sign up for, or are assigned, to a special event they are required to be there. If an officer is unable to complete their obligation, they are responsible for finding a replacement and notifying the Operations Lieutenant, Operations Sergeant, or Department Event Supervisor/Coordinator. The obligation to fill the assignment may be excused based on extenuating circumstances. The circumstances will be handled on a case-by-case basis.

515.11 EVENT STAFFING

The Department will provide adequate staffing to ensure the safety and welfare of the public during approved special events. Scheduling of personnel will generally be planned with advance notice, with a cutoff date for voluntary sign-ups. Should staffing openings remain after the cutoff date, available on-duty personnel, above staffing minimums, may be directed to work the event.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Vehicle Pursuit	POLICY NUMBER: 501.00
	CALEA STANDARDS: LE 41.2.2	EFFECTIVE DATE: XX
	NOTES: ACA 27-36-303, ACA 27-37-202, ACA 16-81-401, ACA 27-49-109	REVISION DATE: 05/03/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 11

PURPOSE

The purpose of this policy is to provide guidelines and directions for the safe operation of police vehicles during a pursuit; for the initiation or termination of pursuits; for the responsibility of participating officers and supervisors; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of a fleeing suspect against the risks involved with the pursuit which might include death, injury and/or property damage. Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances. Therefore, this policy is intended to guide a police officer's discretion in matters of vehicle pursuits.

POLICY

The Bentonville Police Department recognizes its responsibility to apprehend suspects, but it also recognizes a higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions. Officers operating under pursuit conditions shall be constantly aware that no assignment is too important, and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. It is the responsibility of the Department to assist Officers in the safe performance of their duties. Therefore, Officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public.

DEFINITIONS

Authorized Emergency Vehicle: As defined by ACA 27-36-303 and 27-37-202, vehicles designated emergency police vehicles will be equipped with: blue rotating or flashing emergency lights and a siren, bell or whistle capable of emitting sound audible under normal conditions from a distance of at least 500 feet.

Termination of pursuit: the law enforcement officer ends their involvement in the pursuit by slowing down to the posted speed limit and turning off their emergency lights and siren.

Authorization to continue pursuit: verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgment by the dispatcher and the officer driving the primary unit.

Boxing-in: surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.

Channelization: a technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.

Caravan: operating emergency vehicles in a line or alongside each other in a pursuit.

Deadly force: force that creates a substantial likelihood of death or serious bodily harm.

Emergency operation: driving an emergency vehicle according to state law and this procedure in response to pursue a fleeing vehicle.

Inter-Jurisdictional Pursuit: Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county, or state lines.

Paralleling:

- *Street Paralleling:* Driving a police vehicle on a street parallel to a street on which a pursuit is occurring.
- *Vehicle Paralleling:* A deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.

Primary unit: The authorized law enforcement vehicle that initiates a pursuit, or any other unit which assumes control of the pursuit.

Secondary unit(s): Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

PIT (Pursuit Intervention Technique): a controlled deliberate contact with the rear of a fleeing vehicle by a marked police vehicle with the intention of spinning the vehicle in a predetermined direction to bring it to a stop.

Ramming: deliberate contact with a violator's vehicle by a police vehicle to force the violator's vehicle off the roadway.

Roadblock: a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.

Authorized Tire Deflation Device: A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle.

Terminate the Pursuit: The decision to discontinue the pursuit.

Vehicle Pursuit: an attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

Note: It is not a pursuit when an Officer activates their emergency equipment to catch up to a vehicle to conduct a traffic stop. Furthermore, Officers must use both blue lights and siren if it is necessary to exceed the posted speed limit or violate any other traffic law to catch up to a vehicle.

Violent felony (persons): a serious felony that involves an actual or threatened attack that the Officer has reasonable grounds to believe could result or has resulted in death or serious bodily injury (e.g., murder, aggravated assault, aggravated robbery, kidnapping, rape, and any other felony which involves the use or threat of physical force or violence against another person.)

Serious felony (property): a felony limited to the following offenses regarding authorization of a pursuit: commercial burglary, residential burglary, stolen vehicle.

PROCEDURES

501.01 INITIATION AND TERMINATION OF PURSUITS [LE 41.2.2 b/i]

Officers shall only initiate a pursuit under the following conditions:

When there is reasonable suspicion that the driver or occupant of that vehicle committed a violent or serious felony, or

Prior to an Officer's involvement in the pursuit, there is evidence of significant reckless driving (including but not limited to behaviors indicating driving under the influence) that cause a significant immediate danger to the public. Officers will discontinue an approved pursuit when the danger or increased danger created by the pursuit outweighs the necessity for immediate apprehension.

Officers will discontinue an approved pursuit if the Officer knows, or has reason to believe, that the fleeing vehicle is being operated by a juvenile who has committed a traffic violation, misdemeanor, or nonviolent felony, and who is driving in such an unsafe manner that it is obvious he does not have the maturity to comprehend the danger involved.

501.02 ENVIRONMENTAL CONSIDERATIONS [LE 41.2.2a]

At the time of initiation and while determining the need to continue the pursuit, Officers shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following:

1. Degree of risk created by the pursuit.
2. Other vehicle and pedestrian traffic.
3. Roadway conditions. (Dry, wet, paved, gravel, icy, etc.)
4. Weather conditions. (Clear, overcast, rain, fog, etc.)

5. Lighting conditions.
6. Speeds of the emergency vehicle and the fleeing vehicle.
7. Condition of the emergency vehicle and the fleeing vehicle.
8. Driving ability of the officer and suspect.
9. Whether the identity of the suspect is known.

501.03 PURSUIT RESTRICTIONS [LE 41.2.2 (e)/LE 41.2.3]

Only two emergency vehicles, a primary unit, and a secondary unit, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by a supervisor. Other police vehicles will not become actively involved in the pursuit, follow the pursuit, or operate in an emergency mode.

Only marked police vehicles with emergency warning devices shall initiate a pursuit. An unmarked or non-pursuit rated police vehicle will not participate in a vehicle pursuit. However, they may become involved in life threatening situations which may require pursuit of a suspect while summoning assistance from an appropriately equipped unit.

1. An Officer involved in a pursuit shall not fire any weapon from or at a moving vehicle, nor engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person where deadly force would otherwise be justified.
2. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way on divided highway, interstate, or expressway.
3. Ramming, boxing-in, or using a PIT maneuver are prohibited.
4. Roadblocks are prohibited.
5. Paralleling or driving alongside a fleeing vehicle is prohibited.
6. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants, or any person who is not a member of this Department.

501.04 RESPONSIBILITIES OF THE INITIATING OFFICER [LE 41.2.2 c]

At the earliest possible moment, activate the vehicle's emergency warning devices and in-car video/body worn camera from the point of initiation to that of completion. Immediately notify dispatch of:

1. Officer's unit number and current location.
2. Direction of travel and speeds.

3. Justification for the pursuit
4. Description of the vehicle being pursued and of the driver, if known.
5. Number of occupants in the vehicle.
6. Provide ongoing information regarding direction of travel, speeds, traffic conditions, and other pertinent details.
7. Allow the secondary vehicle driver to assume all communications.
8. Continually evaluate apprehension against the risk to the public.
9. Location at the time the pursuit is terminated.
10. Upon approaching an intersection controlled by traffic signals or signs, the Officer shall, prior to entering the intersection, reduce the vehicle's speed and control the vehicle to avoid a collision with another vehicle or a pedestrian. The officer shall make certain the roadway is clear before cautiously proceeding through the intersection.

501.05 RESPONSIBILITIES OF THE SECONDARY OFFICER [LE 41.2.2 d]

The role of the secondary Officer during an active pursuit includes but is not limited to:

1. The first Officer arriving to assist the primary unit will notify communications and become the secondary unit.
2. The secondary unit shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume radio communications for the primary unit.
3. Be prepared to assume the role of the primary unit if the primary unit relinquishes its position or cannot continue.
4. Assist the primary unit during the pursuit and at the point of termination.

501.06 RESPONSIBILITIES OF THE SUPERVISOR [LE 41.2.2g]

The role of a supervisor during an active pursuit includes but is not limited to:

1. Assessing all incoming information
2. Ensure there is a reasonable belief that the suspect has committed a violent or serious felony or that the suspect poses an immediate threat to the safety of the public or other police officers.
3. Asserting control of all aspects of the pursuit and making objective decisions in compliance with this policy for the continuation or termination of the pursuit.
4. Continuously review the incoming data to determine whether the pursuit should be continued or terminated.

5. Order units to clear intersections in the likely path of the pursuit where appropriate.
6. Ensure that no more than two (2) emergency vehicles engage in the pursuit, unless additional emergency or marked police vehicles are required based on the following circumstances:
 - a. The severity of the offense.
 - b. The number of occupants in the suspect vehicle.
 - c. The likelihood of the suspects being armed.
 - d. Other relevant circumstances.
7. Direct and approve necessary tactics in the pursuit, including authorizing termination of the pursuit through approved tactics.
8. Assign additional Officers to traffic control, accident investigation, foot pursuit, and/or perimeter security.
9. Order the termination of a pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety.
10. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene where practical.

In the event the supervisor initiates a pursuit they will, where feasible, turn over the role of Primary Vehicle Driver to the first back up Officer who engages the pursuit.

When the supervisor actively participates in the pursuit in the role of secondary unit, they are also responsible for fulfilling the role of supervisor in accordance with this policy.

501.07 PURSUIT TERMINATION BY SUPERVISOR

The supervisor shall order a pursuit terminated at any time if they conclude that the danger to the pursuing Officers or the public outweighs the necessity for immediate apprehension of the suspect.

The supervisor shall order the pursuit terminated if the suspect's identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to public safety.

The supervisor shall terminate the pursuit if the pursuing Officers are losing communications with Bentonville Dispatch.

501.08 RESPONSIBILITIES OF COMMUNICATION CENTER

The Communications Center has a vital role in successfully resolving incidents involving pursuits. Dispatchers in the Communications Center have the following responsibilities while such incidents are taking place.

1. Clear the radio channel for emergency radio communications only.
2. Assure that a supervisor is notified of the pursuit.
3. Assure that all critical information is received and relayed to other units.
4. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit.
5. Record all information received from the pursuing officer.
6. Conduct an inquiry of the license plate through ACIC/NCIC.
7. If appropriate, notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction.
8. Continue monitoring the pursuit.
9. Send Command Staff notification.

501.09 TERMINATION OF PURSUIT

Reasons for Termination of Pursuit:

Any Officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of the termination point, under the following conditions:

1. When ordered by their supervisor, or any other higher-ranking member of the Department.
2. When the Officer believes the level of danger created by the pursuit outweighs the necessity for the immediate apprehension.
3. When the risk conditions have increased, and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension.
4. When the location of the pursued vehicle is no longer known.
5. If the Officer loses communication with Dispatch.

Termination of a pursuit requires the Officers to abandon all active attempts to stop and/or follow the suspected vehicle and Officers shall turn off all emergency equipment.

501.10 USE OF FIREARMS

The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force. Officers shall not shoot at or from a moving vehicle unless:

1. The Officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious bodily injury to the Officer or another person.
2. The Officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.

501.11 AUTHORIZED TIRE DEFLATION DEVICE

Only Officers trained in the use of an authorized tire deflation device shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying Officer shall advise Dispatch and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if possible.

Officers deploying an authorized tire deflation device should be mindful of their own safety during deployment and not take unnecessary risks. Tire deflation devices may only be utilized on vehicles containing at least four wheels.

Remember that authorized tire deflation device, as well as a firearm, constitute seizures (i.e., a stopping of movement by a means intentionally applied), constitute a use of force. In using these tactics officers should consider:

1. How serious is the offense that the Officer suspects at the time they use the tactic?
2. Is there a physical threat to the Officer or any other person and how significant is that threat?
3. Is the suspect actively resisting or attempting to evade arrest by flight?

501.12 INTER-JURISDICTIONAL PURSUITS [LE 41.2.2 j]

A. Pursuits from Bentonville into another jurisdiction:

1. Notify, through Dispatch, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description, and if assistance is requested.
2. If the jurisdiction in which the pursuit has entered wishes to take command of the pursuit, units of the Department will relinquish the pursuit to that agency.

3. If the jurisdiction being entered does not wish to take command of the pursuit, the supervisor will request assistance in the form of support units.

B. Pursuits from another jurisdiction into this jurisdiction:

1. A Department Supervisor should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, the circumstances of the pursuit, and if assistance is requested.
2. The agency initiating the pursuit has the primary responsibility for continuing or terminating the pursuit.
3. Bentonville Officers shall not become involved in another agency's pursuit unless specifically authorized by the supervisor.
4. In the event permission is granted by the supervisor, the Officers shall participate as support units only. The role includes, but is not limited to:
 - a. Stopping traffic at intersections to minimize the danger to motorists on the roadway.
 - b. Be available to assist at potential termination points.
 - c. Providing transportation as directed by supervisors.
5. When feasible, a supervisor from the Department will proceed to the point of completion of the pursuit as quickly as possible.
6. The initiating agency will remain in control of any pursuit that crosses in the city limits of Bentonville and will remain responsible for the pursuit.

C. Pursuit into another State:

Arkansas State Law [ACA 16-81-401] outlines the requirements for officers to conduct "Fresh Pursuit" into another State. Based on state laws and the policy of the Department, Officers may pursue a suspect wanted for a life-threatening offense into another state. However, Officers must continue to comply with all Department policies and procedures during the pursuit, including the following:

1. If the jurisdiction in which the pursuit has entered wishes to take command of the pursuit, units of the Department will relinquish the pursuit to that agency.
2. If the jurisdiction being entered does not wish to take command of the pursuit, then the supervisor will request assistance in the form of support units.

3. If the pursuit results in an arrest, the suspect shall immediately be turned over to the law enforcement agency having jurisdiction.

501.13 REPORT AND REVIEW PROCESS

The on-duty supervisor shall conduct an immediate investigation of the circumstances for the pursuit. The Department pursuit report shall be completed immediately after any pursuit. The Pursuit Report will be forwarded via the chain of command to the Chief of Police or their designee.

The Chief of Police or their designee will determine compliance with all statutes and policies.

An administrative review will be conducted following each vehicle pursuit by the Chief of Police or their designee.

501.14 TRAINING

All Officers shall attend in-service vehicle pursuit training annually. Vehicle pursuit training shall consist of:

1. Knowledge of applicable statutes.
2. Familiarization with the Department policies and procedures.
3. Decision making skills.
4. Use of authorized tire deflation devices.

The Department shall prepare an annual report evaluating the pursuit history and frequency during that year. The report shall assess the adequacy of the written policy, training, and field implementation of the Department's pursuit policy.

501.15 ANNUAL ANALYSIS [LE 41.2.2n]

The Chief of Police or their designee will conduct a documented annual analysis of pursuit reports, to include a review of policy and reporting procedures.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Bomb Threats	POLICY NUMBER: 502.00
	CALEA STANDARDS:	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 5

PURPOSE

It is the purpose of this policy to provide officers with a protocol for dealing with bomb threats, to include response, deployment, search, evacuation, and assistance to specialized units.

POLICY

While many bomb threats are later determined to be hoaxes, they all present particularly serious response requirements for law enforcement agencies. It is the policy of the Bentonville Police Department that all responses to bomb threats or emergencies be conducted systematically, efficiently and in a manner that gives primary consideration to the protection of human life.

PROCEDURES

502.01 COMMUNICATIONS RESPONSIBILITIES

A. Telecommunicator Receiving a Bomb Threat:

Communications personnel receiving bomb threats or warnings from callers shall, to the degree possible:

1. Maintain the line of communication with the reporting party.
2. Identify the location of the device with as much precision as possible and determine when it will be or if it has been detonated.
3. Determine what type of explosive device is involved.
4. Attempt to determine the following:
 - a. The appearance of the device.
 - b. The type of explosives or hazardous materials involved.
 - c. What will make it detonate (i.e., radio signal, time delay, fuse).

- d. Any known motivation for the placement of the device.
- 5. Be alert to:
 - a. Exact wording of the threat.
 - b. Estimate of the sex, age, race of the caller.
 - c. Caller's demeanor while on the line.
 - d. Any distinctive background noise while on the line (i.e., trains, traffic, crowds of people, etc.)
- 6. Dispatch appropriate field units and notify the on-duty supervisor as well as the Bomb Squad Commander or their designee.

B. Individuals or Organizations Receiving Bomb Threats:

Communications personnel receiving reports from individuals or organizations that received bomb threats shall:

- 1. Determine the location, time of detonation, appearance and any other available information concerning the nature of the threat or the identity of the perpetrators.
- 2. If no explosives device has been identified, ask the caller to inform employees and others to stay alert for unusual parcels or items on the premises.
- 3. Dispatch patrol units as necessary.
- 4. Ensure the Chief of Police or their designee, and the Bomb Squad Commander or their designee are notified as soon as possible.

502.02 RESPONDING OFFICER RESPONSIBILITIES

A. Use of Police Radio:

Responding patrol units shall not use any two-way communication to include cell phones and portable radios, within 300 feet of the location in question. (Note: Some explosive devices may be detonated by stronger radio signals)

B. Contact with Reporting Party:

If applicable, contact the individual who received the threat to obtain additional information, to include:

- 1. Whether previous threats have been received.
- 2. Possible motives and/or suspects.

3. Vulnerability
4. Exploration of any basic information provided to Communications.

C. Establish a Perimeter:

In bomb emergencies, establish and secure suitable perimeter, at least 300 feet from the suspect item or blast scene; however, 500 feet is preferable.

502.03 SEARCHING FOR EXPLOSIVE DEVICES

A. Device Within a Building:

If an explosive device is alleged to be within a building but has not been located, the officer in charge will contact building owners/management or other responsible persons to determine if a search of the facility is desired.

B. Searching for the Potential Device:

The officer in charge at the scene shall provide information as available to the responsible parties to assist them in making decisions on searching, evacuation or reentry.

If management or responsible agent does not wish that a search be conducted, no further police action is warranted apart from standardized department reporting requirements.

Only in cases where a real or suspected explosive or hazardous device of any kind has been detected shall an evacuation be conducted, regardless of the desires of building owner(s)/management.

C. Searching with Assistance:

A search plan shall be developed identifying the extent of the search, depending on the type of structure, motivation of the perpetrator, threat details and accessibility of the building.

While developing plans for a search, Officers should consider using a floor plan, if available. Personnel conducting the search should be instructed to report any unusual or disturbed items to the person in charge of the search.

In no case shall Officers represent that bomb does **not** exist or make any representation that the building is safe to occupy, no matter how thorough the search.

502.04 LOCATING AN EXPLOSIVE DEVICE

A. Explosive Device Located:

If a real or suspected device has been located, or paraphernalia identified, Officers should:

1. Not attempt to move or otherwise disturb the device(s)

2. Do not use any two-way communications within 300 feet of the device.
3. Proceed with immediate evacuation of the structure and/or the area to a point consistent with the threat but not less than 300 feet from the device.
4. Define and secure the perimeter.
5. Request the Fire Department and EMS personnel to standby in the outer perimeter.
6. Contact Communications by landline telephone (or radio if outside the 300-foot perimeter) and request assistance of the Bomb Squad.

B. Recommended Safe Standoff Distances:

The following standoff distances are provided by the FBI based on testing various explosive weights that may be contained within certain containers of various sizes and construction.

1. Pipe Bomb (5lbs) - Mandatory 70', Shelter in place 70-1,200'. Preferred 1200'+
2. Suicide Bomber/Briefcase (20lbs.) - Mandatory 150', Shelter in place- 150-1850'. Preferred 1,850'+
3. Car/Sedan (500lbs) - Mandatory 320', Shelter in place 320-1900', Preferred 1900'+
4. SUV/Van (1000lbs.) – Mandatory 400'/shelter in place 400-2400', Preferred 2400'+
5. Box Truck (4000lbs.) – Mandatory 640', Shelter in place 640-3800', Preferred 3800'+
6. Container Truck (10000lbs.) – Mandatory 860', Shelter in place 860-5100', Preferred 5100'+
7. Semi-Truck (60000lbs.) – Mandatory 1570', Shelter in place 1570-9300', Preferred 9300'+

502.05 Bomb Squad Commander

The Bomb Squad Commander or their designee shall have functional authority at any bomb related emergency to direct police personnel in a manner necessary to accomplish the mission in a safe and efficient manner.

502.06 Post-Explosion Investigation

Department CID is responsible for assisting the Bomb Squad and federal law enforcement entities throughout bomb related investigations. Bomb Squad personnel will be responsible for the coordination of the scene investigation, including the release of the scene to other responsible entities and utilized for the purposes of:

1. Checking the site for unconsumed explosive or secondary devices.
2. Supervising evidence recovery in accordance with the appropriate explosive's lab requirements and police department guidelines.
3. Requesting the assistance of other agencies to determine the nature and construction of the explosives and the identification of perpetrators.
4. Assisting in the evaluation of evacuation procedures, along with the area and perimeter security.

**Bentonville Police Department
Policies & Procedures**

	SUBJECT:	POLICY NUMBER:
	Bomb Squad	503.00
	CALEA STANDARDS:	EFFECTIVE DATE:
		XX
	NOTES:	REVISION DATE:
		05/02/2024
	APPROVAL:	PAGES:
	Ray Shastid, Chief of Police	8

PURPOSE

Bentonville Police Department is committed to maintaining an efficient, effective, and well-trained Bomb Squad to protect and enhance police service in the community.

POLICY

In dealing with suspected explosive materials or devices, the safety of our officers, as well as citizens in the area, is our primary concern. Personnel should always exercise extreme caution when involved with calls of this nature. Whenever a suspicious material or device is located, the Bomb Squad shall be notified, and the immediate area evacuated.

The Bomb Squad will direct the responsible law enforcement agency to evacuate the immediate area in a manner consistent with accepted national guidelines. At the discretion of the Bomb Squad Commander or their designee, resources will be deployed as necessary to mitigate the situation. These resources may include the use of a specially trained EOD Canine, available technology, HDS Certified EOD Technicians, etc.

The Bomb Squad will report directly to the Chief of Police or their designee.

DEFINITIONS

Booby Trap: Is an explosive device to destroy personnel; a device concealed or camouflaged to prevent detection before initiation.

Improvised Explosive Device (IED): Is an explosive device manufactured and designed from locally available materials, incorporating explosives or incendiary chemicals.

Ordnance: Explosives, chemicals, pyrotechnics, and similar munitions.

Render Safe Procedure (RSP): The tools and methods employed against an explosive device or munitions designed to neutralize or otherwise make safe the fusing system, so that it can be assumed safe for transportation and disposal.

Technician in Charge: Team leader for a specific incident as designated by the responding team or the Bomb Squad Commander.

Bomb Squad Request: Request for assistance from a private citizen, business, public safety/ government organization, or any other entity for consultation or response from the bomb squad for a hazardous material, hazardous device, explosive, explosive device, or any other related incident or situation that falls within the specialized knowledge, training and capabilities of an accredited bomb squad or certified bomb technician.

Specialized Bomb Squad Request: Request for specialized assistance from an individual, team, group or entity within a public safety or government related organization that is not specifically related to the commonly accepted responsibilities of an accredited bomb squad or certified bomb technician, but still falls within the realm of the specialized knowledge, training and capabilities of an accredited bomb squad or certified bomb technician.

PROCEDURES

503.01 TEAM RESPONSIBILITIES

Bomb Squad personnel are primarily responsible for rendering safe and/or removing improvised explosive devices, incendiary devices, explosives, explosive chemicals, pyrotechnics, ammunition, and other hazardous materials that fall within the realm of their professional expertise.

Other responsibilities include but are not limited to:

1. Maintain all personally issued and shared property and equipment in a clean, safe, and useable manner.
2. Immediately report any loss or damage of Bomb Squad issued or owned property to the Bomb Squad commander or their designee, due to the sensitive nature and expense of said property and equipment.
3. Maintain a professional demeanor, follow department outlined grooming and appearance policies and utilize Bomb Squad issued uniforms as deemed appropriate by the Bomb Squad Commander or their designee.
4. Manage all Bomb Squad issued, owned, purchased, or maintained equipment with care and appropriate confidentiality preventing any individual, team or agency that is not a member of the bomb squad or a certified bomb technician from possessing or using said equipment without the approval of the Bomb Squad Commander or their designee.
5. Provide for legal, proper, and safe transportation, disposal and storage of explosives and other items referred to above
6. Conduct post-blast investigations.

7. Collect and preserve evidence in a safe manner, in accordance with Arkansas laws and in accordance with best practices.
8. Prepare and provide courtroom testimony.
9. Store, maintain, secure and inventory Bomb Squad equipment.
10. Provide technical support to SWAT; (i.e., marijuana field, drug labs)
11. Provide dignitary protection and assist federal agencies with related needs when requested.
12. Prepare and participate in explosive related training programs in accordance with National Bomb Squad Commander's Advisory Board (NBSCAB) and FBI guidelines.
13. Maintain and be familiar with the technical library of the FBI Bomb Data Center publications and other explosive related materials.
14. Maintain professional liaison with other state and local Bomb Squad, Military Explosive Ordnance Disposal Units, Federal agencies, and professional associations.
15. Compile and report technical data on explosive devices and incidents.
16. Develop and promulgate bomb threat awareness and safety programs for public and private organizations.
17. Conduct community outreach, presentations and provide training at the direction of the Bomb Squad Commander or their designee.
18. Support other agencies when requested, as determined appropriate by the Bomb Squad Commander or their designee.

503.02 BOMB SQUAD PERSONNEL

- A. On-Call Minimum Staffing:** The Bomb Squad will maintain two Certified Bomb Technicians in an "On-Call" capacity at all times for the purpose of responding to callouts.
- B. Bomb Technician Certification:** Certified Bomb Technicians are personnel that have successfully completed the certification training course at the FBI Hazardous Devices School and are on record with the registrar's office as Certified Bomb Technicians.
- C. EOD Canine Handler:** The Bomb Squad shall maintain one position for an EOD certified Canine Handler and Canine. This position shall report to the Bomb Squad Commander regarding deployments as a Bomb Squad resource and related job functions. For details regarding Canine care, upkeep, feeding and training, refer to the

Canine Policy (Policy 506). The Canine Handler reserves final decision-making authority in regards Canine usage on a case-by-case basis.

D. Selection Process: The selection process for personnel to be certified as Bomb Technicians will begin at the direction of the Chief of Police with a vacancy. The selection process will be created and implemented by the Bomb Squad Commander in accordance with job specific demands and tasks.

E. Minimum qualifications for certification: A Bomb Squad Team Member must meet the following criteria for selection to attend the basic certification course at the Hazardous Devices School:

1. Three years law enforcement experience
2. One year with Bentonville Police Department
3. Fully acceptable rating or higher on the most recent performance evaluation
4. Meet FBI Hazardous Device School physical performance standards
5. Recommendation for assignment by Bomb Squad Commander
6. Final selections remain the decision of the Chief of Police

The acceptance of a position with the Bomb Squad will remain that individual's primary specialty assignment and shall take precedence over all other specialty assignments, with the exception of life-threatening emergencies, or the approval of the Bomb Squad Commander or their designee.

503.03 NOTIFICATION AND DISPATCH

A. Commander to be notified: Dispatch will ensure that the Bomb Squad Commander is notified of all requests for a Bomb Squad response.

1. When receiving a call for the bomb squad, dispatch will obtain the basic call information as well as the name and phone number for a point of contact.
2. Dispatch will notify the Bomb Squad Commander of the call details and contact information.
3. The Bomb Squad Commander will advise dispatch which units will be responding.
4. Upon notification from the Bomb Squad Commander that a response is taking place, dispatch will send a Bomb Squad Response Notification page. The Notification page list will include all Captains, and the Chief of Police, and other external agency personnel as deemed necessary by the Bomb Squad Commander.

- B. Dispatch will be notified** of all Bomb Squad responses. If a call comes in from a source other than dispatch, dispatch will be notified of the call for service.
- C. Designated Team Leader** - The Bomb Squad Commander will designate a Team Leader for the Bomb Squad to receive and make notifications during times when they will be unavailable (i.e. Training, vacation). The Bomb Squad Commander will notify dispatch of this designation as it is necessary.

503.04 BOMB SQUAD EQUIPMENT

A. Equipment Maintenance:

The Bomb Squad Commander or their designee is responsible for ensuring that the vehicles assigned to the bomb squad are maintained and equipped to meet the requirements of the Bomb Squad.

All Bomb Squad Members will note any equipment deficiencies and report them to the Bomb Squad Commander immediately.

B. Proficiency:

All Bomb Squad members will be fully familiar with the operation of the vehicles and will receive training and demonstrate proficiency in the deployment and operation of all equipment maintained in the vehicles.

C. EOD Canine Related Equipment:

Bomb Squad Commander will coordinate with Chief of Police, or their designee, regarding budget considerations. Funding sources may be Department budget, or federal and state funding, as available.

503.05 REPORTING AND RECORDS

The first responding officer will be responsible for filing the initial case report as required by the agency having jurisdiction.

The Bomb Squad Commander or designated technician will submit a report to the National Reporting Data Base.

Bomb Squad Training and Certification records will be maintained by the Bomb Squad Commander or his designee. Training certificates will also be forwarded to the Training Division.

The Bomb Squad Commander will make an annual report to the Chief of Police covering the bomb squad's activities and operations for the previous calendar year, including training, activities, and calls for service.

503.06 ADDITIONAL TEAM MEMBERS

Additional Personnel who are not certified as bomb technicians may be assigned to work with the Bomb Squad at the discretion of the Bomb Squad Commander.

Non-certified Personnel will assist with set up and maintenance of equipment, security of the Bomb Squad's area of operations, and assist the technicians as needed during incident response at the direction and under the observation of certified bomb technicians.

Prospective team members should possess the following traits: a self-starting individual with a high level of motivation, one who requires little supervision, someone with a technical background or aptitude and careful attention to detail, as well as the ability to work closely with a small group and possesses a team mentality.

503.07 TRAINING REQUIREMENTS

A. Bomb Technician Training:

Each technician will participate in 16 hours of training per month, or the required hours per NBSCB and FBI guidelines, within the unit. Each technician will attend 40 hours explosive related training annually to include the use of live explosives through practical application. Each technician must attend the Hazardous Devices School Recertification course every three years.

B. Additional Personnel Training

Bomb Squad personnel without Render Safe Authority (non-technicians), should train with the technicians a minimum of 8 hours per month.

C. EOD Canine/Handler Training:

The EOD Canine Handler will be responsible for maintaining relevant certifications, as well as daily maintenance training. These training obligations are in addition to Handler's training as an EOD Technician unless the Handler is assigned to the Bomb Squad solely as a Canine Handler.

503.08 BOMB RESPONSE PROCEDURES

All Bomb Squad responses will include at least two certified technicians unless approved by the Bomb Squad Commander when special circumstances exist.

On arrival at an incident scene, the Technician in Charge will assess the perimeter based on the identified threat and adjust the perimeter as necessary. A sweep for secondary devices should be completed prior to beginning operations.

The Hazardous Devices School decision matrix as adopted by the National Bomb Squad Commanders Advisory Board will be followed unless exigent circumstances exist.

The method of Render Safe Procedure will be determined by the Technician in Charge with consideration for life, safety and time on target as primary concerns. Physical safety of the public, responding personnel, minimizing collateral damage and the speed of the operation will be considered in that order of priority.

Render Safe Procedures will only be carried out by certified technicians.

Bomb Response - Other Jurisdiction

Federal Agencies: All requests for assistance from a jurisdiction outside the State of Arkansas should be routed through the Federal Bureau of Investigations whenever possible.

In accordance with the agreement of certification with the FBI, certified Bomb Technicians will respond to all requests for assistance from the FBI whenever possible.

All Bomb Technicians deputized by the US Marshals Service shall abide by the conditions set forth in the Special Deputation when responding at the request of a Federal Agency.

Specialized Requests: All requests for specialized assistance should be routed through the bomb squad commander or their designee whenever possible.

In accordance with the agreement of certification with the FBI, certified bomb technicians will respond to specialized requests for assistance from other agencies *when*:

1. The incident is within the designated area of response.
2. When reliable intelligence exists that certified bomb technicians are needed to perform duties specifically related to their specialized training and knowledge, gained from their bomb technician certification and continuing education.
3. When bomb squad owned, operated, and maintained equipment is necessary for a life-threatening incident or event deemed to be applicable by the Bomb Squad Commander or their designee.

All specialized requests will be made in the manner described in this policy. The requesting individual, team, group or entity within a public safety or government related organization shall contact the Bentonville Police Department's Communications Center or the Bomb Squad Commander, or their designee directly. The requesting entity will provide details and information about the specialized request.

If a certified bomb technician other than the Bomb Squad Commander receives a specialized request, that technician will relay the specialized request to the Bomb Squad Commander or their designee. It will be the responsibility of the responding technician to contact the Bentonville Police Department's Communication Center and request a Bomb Squad notification page is sent and a call for service is created.

The Bomb Squad Commander or their designee will determine, based on all available information whether a response will occur and what resources will be used.

Specialized Bomb Squad owned, operated, and maintained equipment may only be possessed, used, and operated by certified bomb technicians for purposes strictly related

to bomb squad responsibilities with the exception of life-threatening situations or those deemed necessary by the Bomb Squad Commander or their designee.

Any requests for assistance not covered by this policy, written Memorandums of Understanding or Mutual Aid Agreements, shall be at the discretion of the Bomb Squad Commander.

503.09 USE OF RECORDING EQUIPMENT

The Bomb Squad is excluded from the requirements of the Body Worn Camera Policy (Policy 402) and the Small Unmanned Aerial Surveillance Policy (Policy 531) during training and actual operations, based upon guidelines and requirements of the FBI and HDS. The techniques, tactics and procedures utilized to address hazardous devices and mitigate related threats are proprietary and considered law enforcement sensitive. Additionally, some testing has shown BWC's could cause a suspected device to function. Department policies shall be followed in all other situations.

Bentonville Police Department

Policies & Procedures

	SUBJECT: SWAT	POLICY NUMBER: 504.00
	CALEA STANDARDS: LE 33.6.2	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 04/10/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 13

PURPOSE

The presence of a highly trained and 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 Bentonville Police Department to have such a unit as a tactical resource, and this policy establishes the unit mandate, structure, and general operating procedures for the Special Weapons and Tactics (SWAT) Team.

Given the variables unique to each incident, the Operational checklists and the information contained herein is not meant to be a step by step set of instructions, but rather a set of guidelines to assist the Incident Commander and officers in managing critical incidents and high-risk warrant service(s).

POLICY

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

DEFINITIONS

High Risk Police Tactics (HRPT): Police tactics, which by their nature, have an increased potential of resulting in injury than conventional police tactics.

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

Noise/Flash Diversion Device (NFDD): Tool which produces a loud report and bright flash. Also referred to as a “distraction device” or “flash bang.”

Explosive Techniques/ Explosive Breaching: Explosive charges utilized to assist in furtherance of an operational objective.

Chemical Munitions: A Less-lethal force option, chemical agents (CS/OC) can be utilized in furtherance of an operation objective.

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.

Less Lethal Force: A force application, designed to meet an operational objective, with significantly reduced potential for death or serious bodily injury than conventional tactics and means.

PROCEDURES

504.01 CRITICAL INCIDENT SCENE MANGEMENT

The first responding officer to a scene is the officer-in-charge of a critical incident or special operation until the Chief of Police or other supervisor relieves them of this responsibility.

In the event of a critical incident or special operation, initial responding officers have an integral role to the structure and potential outcome. Officers should consider the following:

1. Safety of Persons- plan for safety of officers and others in the area; move endangered persons outside the perimeter.
2. Gather Intelligence- locate and interview witnesses if possible; determine the type or if any criminal acts have taken place; officers should relay any intelligence information regarding the incident to the incident commander.
3. Additional Resources-determine if Negotiators, SWAT, Bomb Squad, Fire Department, Public Utilities, or other law enforcement agencies are needed and make proper notifications.
4. Contain the area- establish inner perimeter and outer perimeters, confining immediate area of control by the suspect.
5. Command Personnel Notification
6. Establish a command post area away from the view of the suspect.
7. Establish a staging area for responding units to assemble for briefing.
8. Equipment and Personnel- manage equipment and personnel at the scene

504.02 COMMAND RESPONSIBILITIES

The Bentonville Police Department supports the Incident Command System. The on-duty supervisor 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 deployment/resolution. The first SWAT officer on scene will begin a tactical assessment to brief the officer in charge and the arriving SWAT officers.

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 with the Incident Commander throughout the duration of the event.

504.03 SWAT TEAM RESPONSIBILITIES

The primary responsibility of the SWAT Team will be the resolution of difficult police situations outside the realm of the 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:

- **Hostage Situations:** The holding of a person(s) against their will by an armed or potentially dangerous person(s).
- **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.
- **Sniper Situations:** The firing upon citizens and/or police by an armed suspect, stationary or mobile.
- **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.
- **High Risk/Unknown Search Warrant Service:** Search warrants requiring, or likely requiring, forced entry/dynamic room clearing techniques.
- **High Risk Surveillance:** Surveillance and/or stake out operations involving suspects/operations with a high potential for armed encounter or violence.
- **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.
- **Any other assignment approved by the Chief of Police or his designee.**

SWAT Team members may be requested to supplement or assist operations conducted by other units or divisions within the Department, which may be outside of emergency requests or threat levels. These requests may not require the activation of the full team, based on threat levels or other circumstances. These requests will be made to the SWAT Team Commander or Team Leader and may include but are not limited to:

- Bentonville Bomb Squad Operations
- Criminal Investigations Divisions
- Patrol and/or Operations Division

504.04 PHILOSOPHY

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 Safety Priorities.

A. Safety Priorities:

Ranking is never intended to place a different value on human life. No person's life is intrinsically more valuable than another and as a profession, we hold all life in the highest regard. Any prioritization of our efforts should be based primarily on the person's ability to remove themselves from a dangerous situation. For example, hostages have little or no ability to remove themselves from the dire situation they may be in. Conversely, suspects have the most ability to remove themselves or affect the outcome of the situation through surrender. So, a hostage still has the highest priority, based not on any valuation of their life, but rather on the fact that they are in the most peril with the least amount of control. When contemplating an action, remember to evaluate who would benefit or suffer most. These should be guiding factors.

1. Hostages
2. Innocent Persons/Citizens
3. Police Officers
4. Suspects/Subjects

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.

B. Tactical Options:

The dynamics of a situation relinquishes control to the suspect, who usually know what they are going to do. Officers 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.

C. Hostage Situation:

In Hostage situations, negotiations 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:

1. Police Marksmen: A well placed precision shot which neutralizes the threat. There should be an entry/securing element in place to clear the area and secure hostages.
2. Assault (open air): Movement of the team to neutralize the threat after the suspect has gone into an “open air” environment and is out of the stronghold. A marksman may be utilized in this situation.
3. Assault (entry): Movement of the team into the suspect’s stronghold to neutralize the threat(s). This is the least desirable option as you are meeting the suspect(s) in their environment, known to them and unknown to you.
4. Combination: A combination of these options which may be adapted to deal with the variety of contingencies.

In rare cases, negotiations may fail at which point the SWAT Commander assumes command and control of the incident. Additionally, negotiations may not exist at the point an emergency entry is needed however all attempts to negotiate should continue throughout the incident.

D. 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:

1. Negotiation/Communication
2. Force the suspect out of his/her stronghold by use of chemical munitions when applicable.
3. Tactical Entry: Based on the Safety Priorities, an entry may be made. This entry should be covertly executed and preferred as a last resort.

4. 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.

E. Search/Arrest Warrant Procedures:

The purpose of this guiding principle is to establish guidelines for the service of high-risk search and/or arrest warrants by the SWAT team. Supervisors and Officers should complete a threat assessment for high-risk warrant services (search warrant/arrest warrant) to determine whether the use of the SWAT team is mandatory or can be handled by a typical officer response. Factors included in this assessment include, but are not limited to potential weapons, criminal history of suspects, suspects implied or previous history of violence on persons or officers, time of service for the search or arrest warrant, number of persons at location, etc.

504.05 NOTIFICATIONS

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

1. Address and description of place to be searched.
2. A copy of the search warrant / arrest warrant.
3. Any available intelligence regarding the operation

Upon notification, the Team Commander or Team Leader will determine the proper time for the warrant service (considering SWAT Team manpower, timeliness of the warrant service, other unit needs, and priorities), assign a SWAT team member to the operation planning, and determine the level of tactics to be used.

504.06 HIGH RISK POLICE TACTICS

High risk police tactics and operations will be regulated to ensure that proper procedures are followed to reduce the likelihood of injury.

A. Authorization:

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.

B. Deployment:

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 and NTOA recognized Safety Priorities of those involved:

1. Hostages
2. Innocent Persons
3. Police Officers
4. Suspects/Subjects

The operational decisions made prior to and during an operation should only be assessed based upon the information known to involved personnel at the time the decision was made.

504.07 SPECIAL DEPLOYMENT CONSIDERATIONS

A. Noise Flash Diversionary Devices (NFDD):

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

The Team Commander, Team Leader, and officers assigned to deploy NFDD’s will consider the following prior to deploying an NFDD:

1. Flammable materials at or near point of deployment.
2. Location of any persons near the point of deployment.
3. Other conditions which create an obvious safety hazard.

Upon determining that an NFDD or explosive will be used, the officer deploying the device will consider the issues noted above, up to and including the time of actual deployment. The briefing will include an avenue for the officer to deploy the devices to a safe area, should the initial deployment location be determined unsafe during the operation.

B. Chemical Munitions:

The use of chemical munitions in space deprivation scenarios or to force the suspect out of his/her stronghold will be preceded by a full deployment plan. All use of Chemical Munitions in tactical operations will be documented.

C. Explosive Breaching:

The use of various types of explosives as a means to gain entry into a stronghold or used as a diversion. Explosive breaching must have approval from the SWAT Commander. Only those certified in explosive breaching are authorized in the storage, transportation, construction, and use. A breachers report must be provided, to include misfire procedures, standoff calculations, and a complete after action.

504.08 ACTIVATION PROCEDURES

A. Critical Incident Activation:

SWAT Team Activation to a Critical Incident will take precedent over all other non-emergency assignments within the Bentonville Police Department. The SWAT Team can be requested by any supervisory officer within the Bentonville Police Department, and requests should be directed to the SWAT Team Commander or Team Leader(s).

An exception to this would be a hostage situation, which would authorize any officer on scene the ability to request a SWAT response.

B. Outside Agency Requests:

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.

C. SWAT Team Requests (Non-Emergency):

SWAT Team activation requests, outside of emergency situations will be made through the Team Commander or Team Leader(s). This will include, but not be limited to activations for search warrants, felony arrests, surveillances, etc.

The Chief of Police or his designee shall be notified of any SWAT activation as soon as practical.

504.09 TEAM STRUCTURE/CHAIN OF COMMAND

The team is composed of a Team Commander, Team Leader, Assistant Team Leader(s), Entry and Perimeter Teams, Tactical Paramedics, and Precision Rifle Operators. The SWAT Team has established its own internal Chain-of-Command approved by the Chief of Police. In the absence of the Team Commander or Team Leaders the senior most SWAT member will assume the role of the tactical commander and provide guidance on tactical options available.

The SWAT Team's external Chain of Command consists of the Uniformed Operations Division Commander (or his designee) and the Chief of Police.

A. Duties and Responsibilities:

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

B. Team Commander:

The Team Commander is responsible and accountable for the overall operational readiness, team activities, callouts, and standards of the SWAT Team. He is the operational supervisor for the Team Leader and all officers assigned to the SWAT team.

C. Team Leader/ Assistant Team Leaders:

The Team Leader/Assistant 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.

D. Team Members:

Team members are officers of the Bentonville Police Department who have met the qualifications of team membership as determined by the Team Commander. They are assigned to the SWAT Team in a collateral 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, Precision Rifle Operator (Sniper), and Tactical Medical Care (Paramedics).

E. Precision Rifle Operator:

Officers assigned to this position with the team assume a higher level of responsibility and are called upon to provide observation, intelligence, and precision marksmanship in tactical situations. SWAT precision rifle operators (commonly referred to as snipers or sniper/observer when deployed with a secondary officer) are selected by the Team Commander and Team Leader. Precision rifle operators are expected to complete a minimum of 8 hours per month dedicated to this specialized role.

Precision rifle operators shall attend initial specialized training as available, to be approved the SWAT Commander.

Precision Rifle Operators will use law, policy, and ethics when determining what action should be taken in the defense of persons from death or serious physical injury. Specific fire control measures may be established by the Team Commander, or higher authority, based on the circumstances of a particular situation.

The Team Commander is responsible for determining the qualification course of fire and minimum proficiency/training standards for the precision rifle operators. The primary purpose of the precision rifle operator 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.

504.10 SELECTION PROCESS

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

When openings occur, a test will be conducted to establish an eligibility list for appointment to the SWAT Team.

A. Minimum Requirements for Applicants:

Non-probationary certified officer of the Bentonville Police Department with a minimum of two years law enforcement experience.

No serious disciplinary issues within the preceding 12 months.

Satisfactory work history for the preceding 12 months based on evaluations by the candidate's supervisor.

B. Selection Process:

The selection process is determined by the Team Commander and should include, but are not limited to:

1. Marksmanship
2. Physical Fitness
3. Scenario based exercise(s)
4. Oral Board

Results of the tests will then be compiled, and a list will be established. The Team Commander and Team Leader will make final selection, with approval for the selected applicants by the Chief of Police, or his designee.

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.

C. Removal Process:

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 Team or the membership on the team creates a negative impact on their primary assignment. Team members may also be dismissed or suspended from the team if they receive any Departmental disciplinary action.

A team member may request to be voluntarily withdrawn from assignment to the SWAT team at any time. The team member must submit a letter of resignation to the Captain of the Uniformed Division and Team Commander, who may grant or deny the request immediately or after a review of the circumstances.

D. Equipment:

Team members will be issued various personal protective equipment specific to their job on the team. Each team member is required to maintain accountability of this additional equipment and keep it clean and serviceable.

504.11 PERFORMANCE STANDARDS

To achieve the standards set forth in this policy, each SWAT Team member must meet engage in training and readiness exercises. Additionally, all personnel must meet performance standards above that of the non-SWAT officer. These standards include, but are not limited to [LE 33.6.2]:

A. Physical Fitness:

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.

Each SWAT Team member must pass a semi-annual physical fitness test. A total of two PT tests/events will be administered during the calendar year. Each SWAT Team member must complete an annual physical fitness test. The criteria for this PT Test will be determined by the SWAT Team Commander. Failure to complete the PT Test will result in consequences determined by the SWAT Team Commander. These consequences may include but is not limited to being placed on a non-deployable status or removal from the team.

If the physical fitness failure is due to the existence of a documented injury, the team member will begin a rehabilitative process and excused from SWAT duties and training. Once released from medical care, the team member must pass the physical fitness test meeting the minimums standards.

B. Marksmanship:

It is recognized, that in the performance of their duties, SWAT Team members may be called upon at any moment to perform at the highest level of firearms proficiency. To maintain the skills necessary to accomplish this, SWAT Team members are held to a higher standard for firearms qualifications.

Current minimum qualification for selection and continued service with the team in firearms scoring is **450** out of **500** on the ALETA (State) pistol course, and **180** out of **200** on the Department rifle course (90%). 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. Measurable percentages for each weapon used and qualification frequency area as follows:

1. Colt M16 Rifle, Quarterly
2. Duty Handgun, Quarterly
3. Less Lethal Weapons, Annually

4. Precision Rifles, Monthly

Team members that exhibit hot and cold levels of ability will not be considered consistent in performance. Protection from costly errors and subsequent liability rests in our ability to set reasonable standards of performance and uniformly enforce those standards.

Failure to take or pass any firearms qualifications, including regular departmental qualifications, will result in the member being placed in a non-deployable status for 30 days. The team member will be retested and provided remedial training within those 30 days. Failure to pass on this occasion and continuing to display hot and cold levels of firearms proficiency will result in removal from the team.

504.12 TRAINING

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.

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 maintained by the SWAT Commander's designee for a minimum of five years.

A. HRPT Training Programs:

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

1. NFDD-Bentonville Police Department SWAT end user training program provided by certified instructor.
2. 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 National Tactical Officer's Association approved course.
 - The explosive breacher will also participate in regular, documented training, in the preparation and use of explosive charges in a tactical environment.
3. Chemical Munitions-Bentonville Police Department SWAT end user training program, provided by a certified instructor.

B. Training Hours:

In accordance with standards recommended by the National Tactical Officers Association for part-time teams, the SWAT Team will be allowed to train a minimum

of 16 hours per month. As manpower permits, the team will also be allotted a full 40-hour week for training annually.

504.13 VIP SECURITY

The Bentonville Police Department recognizes the development and growth of the City of Bentonville. Accordingly, the Bentonville Police Department recognizes the need for a VIP Security Plan.

A. VIP Security Management:

The Chief of Police or their designee will be the point of contact for any VIP visiting the city. The SWAT Team Commander will be delegated the authority for security operations and coordination with security teams, specialized dignitary protection services, and SWAT Team members.

B. Equipment:

Specific equipment may be needed or requested for VIP security such as vehicles and body armor will be utilized at the discretion of the SWAT Team Commander.

Equipment utilized by SWAT Team Members assigned to VIP security will be decided by the SWAT Team Commander to include:

1. Special Weapons
2. Armor
3. Vehicles
4. Any specialized equipment the member is certified with

C. Travel Plans and Routes:

Travel plans and routes for VIP's will be at the request of the VIP, unless specifically requested. In the case of special requests, the SWAT Team Commander or Team Leader will establish specific arrangements with the VIP or any specialized dignitary protection services for purposes of planning and coordination. The planning and coordination of routes will consist of planning and inspecting travel routes and alternate routes, conducting advance inspection for travel routes, and coordinating within the Bentonville Police Department and outside agencies for safety of the route.

The following will also be prepared prior to the route and visitation plans:

1. Identification and Location of Emergency First-Aid
2. Notification of BFD personnel for coordination of ambulatory services
3. Identification and Location of medical facilities
4. Notification of other specialized units within the Department
5. Communications
6. Proper ID insignia of security teams and SWAT Team Members

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Police Reports	505.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 82.2.2	XX
NOTES:	REVISION DATE:	
	04/25/2024	
APPROVAL	PAGES:	
Ray Shastid, Chief of Police	5	

PURPOSE

Police report writing is an extremely important function of police work. In fact, police reports establish a record of an officer's actions during the administration of their official duties. It should be noted that the criminal and civil justice system frequently relies on police reports to provide detailed information about an alleged incident.

POLICY

The Bentonville Police Department recognizes the importance of police report writing. Therefore, officers of the Department shall complete the appropriate report when required. Additionally, officers will strive to make the report as thorough, accurate and clear as possible.

PROCEDURE

505.01 PRINCIPLES OF REPORT WRITING

To create thorough, accurate and clear reports, Officers should consider using the three principles of report writing. These principles are "get it all"; "get it right"; and "make it clear".

Aspects of Thorough, Accurate and Clear Police Reports:

A. Complete:

To accomplish this goal, most officers ask themselves the following questions:

- Who? This question will usually establish the identity of everyone involved. (i.e., Who is the victim? Who is the suspect? Who are the witnesses? etc.)
- What? This question will usually depict actions, events, and physical objects. (i.e., What happened? What evidence was found? What damage was done? etc.)
- Where? This question will help establish locations. (i.e., Where did the crime occur? Where did the suspect enter? Where did he leave? etc.)

- When? This question will establish time. (i.e., When did the crime occur? When were you notified? When did you arrive? etc.)
- How? This question deals with how something happened (modus operandi). (i.e., How did the burglar get in? How was the safe opened? How was the suspect dressed? etc.)
- Why? This question will explain why suspects, victims and witnesses did things. Answers to "why" questions are rarely apparent at first glance. Even when they seem obvious, they may well be wrong. Nevertheless, the "why" questions are well worth asking. (i.e., Why did the suspect adopt his M.O.? Why was the crime reported? Why were the victim(s) chosen? etc.)

B. Accurate:

Mistakes in accuracy are costly. For example, an apparent trivial error in an Officer's report may lead future investigators astray. Officers should consider the following:

- Use of an outline in complicated cases.
- Police reports need to be accurate, factual and without conclusions. This includes being fair, objective, and impartial.
- Do not jump to conclusions. The obvious conclusion is not always the right one. Criminals lay false trails to mislead unwary officers. Even when there is no attempt to deceive, your first answer may be wrong when you don't have all the facts.
- Check and double check. There is no short cut to accuracy.

C. Clear:

A report that cannot be clearly understood is worthless at best and misleading at worst. Officers should consider the following:

- Write for the reader and keep it simple.
- Write the report in chronological order. This will give the reader a beginning, middle and end.
- Long paragraphs are hard to follow. Put only one idea in each paragraph. If you need more than five or six sentences, chances are that the idea is not clear in your own mind.
- Short sentences are usually safer than long ones. When a sentence contains over twenty words, it is on the way to becoming involved (run on). Avoid using the words "and" "or" "but" to make a sentence longer.
- Write your report in the past tense.

- Avoid repetition. (i.e.: starting every sentence the same way. etc.)
- Review your reports. Check for content, spelling, grammar, and punctuation. It should be noted that reviewing is not only a necessity for correction; it is an automatic method of training yourself to write better reports.
- Consider asking your fellow officer to review the report prior to turning it in.

505.02 USE OF THE OFFENSE REPORT

A. Required Reports:

An offense report shall be completed when the victim of a crime alleges the incident took place in the City of Bentonville. Officers shall investigate and determine if the required elements of the offense are present. If the investigation shows the necessary elements are not present, then an offense report is not required.

B. Multiple Crimes Stemming Single Incident:

Occasionally, Officers will be asked to investigate and report incidents whereas multiple crimes (counts) occurred at or about the same time.

example: Business received several forged checks on the same account and during the same basic time frame.

example: Citizen states he owns three vehicles and all of them were forcibly entered during the same event.

example: Auto sales lot had several of their (owned by the lot) vehicles forcibly entered during the same event.

During these situations, officers are not required to complete a separate offense report for each violation (count). Officers may complete an offense report and list all the facts surrounding the entire incident in one report.

C. Reporting Domestic Abuse Violations:

Officers investigating allegations of domestic abuse violations shall complete an offense report even though the victim declines to prosecute or refuses to cooperate with the officer. (note: elements must be present).

D. Recovery of Stolen Property:

Officers investigating allegations of domestic abuse violations shall complete an offense report even though the victim declines to prosecute or refuses to cooperate with the officer. (note: elements of the crime must be present)

E. Information Report:

When stolen property is recovered, Officers shall determine if the item was taken in Bentonville. When the item was reported stolen from Bentonville, Patrol Officers shall

locate the original crime report. Upon reviewing the report, Officers shall complete another “incident report notes” including the victim’s name along with any new information such as witnesses, etc. The new “incident notes” shall carry the same incident number as the previously stolen report. If the item was reported stolen from another jurisdiction, Officers shall complete an offense report and obtain a new Incident #.

F. Combined Crime and Arrest:

When the preliminary investigation is being conducted simultaneously to an arrest, officers should use the narrative section of the arrest report to describe all the elements of offense and probable cause for the arrest. The arrest report narrative may be used as a narrative for the offense report.

G. Courtesy Reports:

When the preliminary investigation is being conducted simultaneously to an arrest, officers should use the narrative section of the arrest report to describe all the elements of offense and probable cause for the arrest. The arrest report narrative may be used as a narrative for the offense report.

505.03 REQUIRED ARREST REPORTS

Officers shall use this report to document every adult and juvenile arrest. This includes all arrests based on a warrant or probable cause.

To standardize the format of completing an arrest report, Officers should use the following subtitles to document the activities of an arrest:

Source of Activity: This section of the report is used by the reporting Officer to document their reason for being at the location of the incident. (i.e., On September 1, 2023, at approximately 0001 hours, I was dispatched to 123 "A" street in reference to a theft investigation).

Observations: This section is used to describe the reporting officers’ observations which lead to the arrest. The reporting officer should cover such things as reasonable suspicion, search and seizure, use of force and any other acts providing probable cause for the arrest.

Arrest: This section is used to describe the reporting officers’ actions at the time of arrest.

Statements: This section is used to summarize any formal statements made by the arrestee.

Booking: This section is used to record the location of booking along with the charges and officer transporting.

Evidence: This section is used to recap previously mentioned seized property and indicate a disposition of the items.

Additional: This section is used to record any facts which are not included in one of the previously mentioned subtitles. (i.e., towed suspects' vehicle, etc.)

505.04 REQUIRED PROPERTY REPORTS

A property report shall be completed for all items being booked as evidence or non-evidence at Bentonville Police Station. Officers shall use the same OR# as the connected offense report. When an offense report does not exist, officers shall obtain an OR# for the evidence report. This evidence OR# shall be recorded on any other related reports. (i.e., arrest, tow report, etc.)

505.05 REQUIRED TOW REPORTS

A tow report shall be completed for every vehicle being towed pursuant to a police action. This includes vehicles impounded as a result of an arrest, seized as evidence, or traffic hazards.

505.06 REQUIRED SUPPLEMENTAL REPORTS

A supplemental report is used to document and correct any errors discovered in the original police report; document any additional information which wasn't contained in the original report; and documenting the entire follow-up investigative process.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Police Canine Policy	POLICY NUMBER: 506.00
	CALEA STANDARDS: LE 41.1.5, LE 84.1.4	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 13

PURPOSE

The purpose of this policy is to provide guidelines for the management and deployment of Bentonville Police Department canines.

POLICY

It is the policy of the Department to utilize police canines as a valuable supplement to police resources, due to their superior senses of smell, hearing and their physical capabilities. However, utilization of canines requires adherence to procedures that properly control their use-of-force potential and channel their specialized capabilities into legally acceptable crime prevention and control activities.

DEFINITIONS

Canine Apprehension: Gaining control and custody of a suspect that is the direct result or clearly due to the deployment of a canine.

Canine Deployment: Use of a canine for purposes of finding, apprehending, containing, controlling a suspect, for "scent searches." (i.e., narcotic or explosive), or for other purposes as authorized for canine use by this department. Mere presence of a canine at a crime or incident scene does not constitute a deployment.

Canine Team: An Officer/Handler and their assigned police canine.

Contact: In the context of this policy, the location of a suspect by a canine, biting or barking at a suspect for purposes of apprehension, or the presence of a canine near a suspect sufficient to effect compliance.

Lead: Depending on context, this is often used in reference to a leash to be utilized by the Canine Handler.

Lead Handler/Team Lead: Canine handler with most experience and/or Chief of Police or their designee.

PROCEDURES

506.01 HANDLER SELECTION

The Chief of Police or their designee is responsible for the selection of canine handlers in accordance with established Departmental procedures. Applicants for police canine teams must have the following qualifications [LE 41.1.5c]:

1. A minimum of three years patrol experience and one year with the Department. Any deviation from this standard will be at the discretion of the Chief of Police or their designee.
2. Have a satisfactory or higher performance review on their most recent evaluation and be in good standing with the Department.
3. Understanding that being selected for the position of canine handler requires a substantial level of commitment.
4. A willingness and ability, together with other family members, to house the canine at the officer's residence in a safe, secure manner. This shall include adequate provisions and facilities to properly care for the health and well-being of the canine in accordance with Departmental requirements. (i.e., fenced in yard area for outside kennel)
5. The applicant must have the ability to perform essential job-related functions related to fitness and agility.

New canine handlers must complete the prescribed canine training and qualification course and successfully meet all course requirements. [LE 41.1.5d]

506.02 CANINE SELECTION [LE 41.1.5b]

The Department shall evaluate the health, temperament, and workability of the canine as part of the selection process.

Other considerations should include initial training, Department needs (i.e., dual purpose/single purpose canine) and evaluation standards of a police canine.

506.03 CANINE UNIT SHIFT ASSIGNMENTS, TRAINING AND QUALIFICATION

The canine team will work a minimum of thirty-six hours on shift, per work week. The remaining four hours per week shall be used toward care and maintenance of the canine.

1. The four hours of care and maintenance for the canine only apply when canine is in handler's care. As an example, if the handler leaves the canine in the

kennels for care, the Care and Maintenance hours would no longer apply to the handler's time reporting.

2. Four hours of the regular work week will be utilized for continued canine training. This will be combined for a total of sixteen hours a month.

Canine teams will certify once a year meeting the state [CLEST 1028] and national certification standards. Failure to certify will result in team not being able to deploy on failed certification area until team passes certification. [LE 41.1.5d/e]

The State of Arkansas, via CLEST, reserves the right to decertify a police canine if the canine is found to be a danger to the public or no longer in use by a Law Enforcement Agency. [CLEST 1029]

The canine handler shall maintain records documenting the use and the proficiency of individual canines in scent detection and apprehensions during training and deployments. This documentation shall be readily available for detectives/officers seeking warrants, or for court purposes. [LE 41.1.5f]

506.04 Canine Care [LE 41.1.5g]

Police canines shall not be used for breeding, participation in shows, field trials, exhibitions, or other demonstrations or on or off-duty employment unless authorized by the Chief of Police or their designee.

It should be noted that all financial responsibility for food and medical care will be at the expense of the Department. The assigned handler will be responsible for facilitating those measures in a timely and effective manner as needed.

Canine handlers are personally responsible for the daily care and welfare of their animal to include:

1. Maintenance and cleaning of the kennel, yard area, vehicle, and equipment for canine.
2. Canines shall not be allowed unrestricted (not in kennel) use of a fenced-in yard when the handler is not home.
3. Furthermore, the canine must be kenneled during the night if the canine is not allowed to stay inside the residence.
4. Provision of food, water, and general diet maintenance as prescribed by the department's authorized veterinarian.
5. Grooming canines as needed.

6. Handlers shall conduct daily physical examinations of their canine when practical to determine any injuries, health issues, ticks, or flea infestations.
7. Daily exercise
8. General medical attention and maintenance of health care records
9. Canine handlers shall immediately notify the canine supervisor of any changes that would affect the care and housing conditions of their canines. These circumstances may include but are not limited to the handler being ill, injured, or absent due to training or vacation.
 - a. Canine will be housed at Department kennels to be taken care of by other members of the Canine Unit or designee.
 - 1) Apprehension trained canines will be fed through fence using funnel if handler/designee has not attended an apprehension course.
 - 2) Apprehension trained canines left in kennels for extended periods will have kennels cleaned by handler/designee who has attended an apprehension course.
 - b. With supervisor permission, the canine may be left at an alternative kennel location or taken with the handler.
10. Teasing, agitating, or roughhousing (outside of a training exercise) with a police canine is strictly prohibited.
11. Handlers shall not permit anyone to touch the canine without the handler's prior permission and supervision.
12. Police canines should not be handled or given commands by anyone other than the assigned handler
13. Canine kennels and vehicles are to be used for police canines only.
 - a. Canine washroom/bath are to be used by canine teams only, unless otherwise granted permission by the Chief of Police or their designee. Washroom/bath shall be cleaned after each use to prevent bacteria that could be harmful to canine teams.
14. Canine handler may apply to take personal ownership of the dog when:
 - a. The dog is retired from duty or relieved due to injury.

- b. The handler is transferred, promoted, or retires and a decision is made not to retrain the dog for another handler.

506.05 AUTHORIZATION, CONDITIONS, LIMITATIONS [LE 41.1.5a]

A. Criminal Apprehension:

Handlers must recognize that all uses of force, including the use of a canine must be objectively reasonable under the law, as well as the Department's Use of Force policy, handlers should consider:

1. The seriousness of the offense for which the subject is suspected at the time the canine is used. A canine will not be deployed for apprehension on non-violent misdemeanors.
2. Whether the subject poses a physical threat to the officer or others and what degree of threat does the subject pose.
3. Is the subject actively resisting or attempting to evade arrest by flight.

When possible, an audible warning (physical threat) should be given by the canine handler in accordance with the provisions of this policy.

At a minimum, the police canine warning will include the following:

1. Identify as law enforcement (i.e., Bentonville Police Canine Unit)
2. An order to comply.
3. Consequence if suspect does not comply (i.e., Canine bite)
4. Warning will be given multiple times and again on each floor of multiple floor buildings where it is likely the original warning might not have been heard.

No person other than the handler should interfere with the canine once it is committed to making the apprehension, unless specifically directed by the handler.

As soon as practical, following the suspect complying, the handler shall command the canine to release the suspect or physically remove the canine from the suspect as tactics dictate.

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

B. Scent Detection:

To the extent that such specialized trained canines are available, canines may be used for conducting scent detection for such items as narcotics and explosives.

All scent detection will be systematically conducted as determined by the handler.

C. Building Searches:

1. Commercial Building:

Building searches may be conducted when it is believed that a suspect has gained unauthorized entry into a building.

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

Whenever possible, the building owner should be contacted to determine if any occupants should reasonably be expected to be found inside.

Steps should be taken for all tenants and workers be evacuated prior to canine arrival.

Prior to use of the canine, the handler or officer on scene shall make an announcement in accordance with this policy.

- a. The handler shall wait a reasonable amount of time, determined by the size of the building, to allow uninvolved persons to exit and the opportunity for the suspect to surrender peacefully.
- b. All searches will be systematically conducted as determined by the handler.

The Handler will determine the number of additional Officers needed to assemble a search team and brief them on their assignments.

2. Residential:

Due to risk of innocents, the homeowner or responsible party for residence should be contacted to determine whether are uninvolved persons or pets inside the residence, gain permission for canine deployment into residence, and to ascertain the layout of the residence. Only in emergency situations will canines be sent into residence without the responsible party being contacted.

Prior to use of the canine, the handler or officer on scene shall make an announcement in keeping with this policy.

- a. The handler shall wait a reasonable amount of time, determined by the size of the building, to allow innocent persons to exit and the opportunity for the suspect to surrender peacefully.
- b. All searches will be systematically conducted as determined by the handler.

The canine handler will determine configuration of the search team appropriate to the relevant circumstances of the incident.

D. Evidence/ Article Searches:

Canines may be utilized to recover items related to crime which may be needed as evidence for criminal prosecution.

E. Tracking/ Area Searches:

Where appropriately trained police canines are available, they may be used to track missing and endangered persons or criminal suspects.

When officers are pursuing a suspect and contact with the suspect is lost, the officer, prior to summoning a canine team, should attempt to:

1. Identify the location where the suspect was last seen.
2. Shut off engines of vehicles in the area, if possible; and turn on all emergency lights.
3. Avoid vehicle or foot movements in the area where the suspect was last seen.
4. Secure the perimeter of the area to be searched by directing additional units to set up a perimeter.
5. Maintain integrity of the area to be searched by keeping all personnel out of the area.
6. The handler will also determine whether a back-up officer will be utilized on the track based upon the circumstances of the event.
7. Tracking shall be conducted on lead at a sufficient length to be determined by the canine handler.

Upon sight of suspect, handler may take canine off lead for successful suspect apprehension.

F. Tracking Lost, Missing, Endangered Person:

Canines used for tracking lost, missing, or endangered persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.

G. Tactical Deployment:

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

1. Perimeter Control
2. Target Disruption
3. Other purposes designated by the incident commander with the agreement of the canine handler. The handler will make the final determination on the deployment of the canine. A supervisor responsible for the overall event may direct that a canine is not deployed; however, the supervisor shall not order deployment where the handler determines canine deployment is inappropriate.
4. It should be noted that the handler will determine the appropriate tactics for conducting the search, to include if the search will be conducted on lead or off lead, based on the circumstances of the search.
 - a. Building Searches may be conducted on or off lead at the discretion of the handler, given the circumstances of the search to be conducted.
 - b. Open Air searches must be conducted on-lead at all times.

H. Public Disturbances:

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

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

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

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

I. Community Relations/Canine Demonstrations:

All requests for canine demonstrations shall be directed to the lead canine handler who shall then seek approval of the Chief of Police or their designee to conduct the demonstration.

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

Handlers shall always maintain control of the canine.

Audience participation shall be restricted, and any contact with the canine shall be at the discretion of the handler.

The audience shall be instructed that law enforcement canines are working dogs and due to their specialized training, they should be approached cautiously. At no time will a member of the audience be used to demonstrate bite or protection work.

Audiences will not be allowed to touch apprehension dogs.

The handler will strive to present the canine as a valuable police tool. Although bite and protection work are an obvious part of the canine's training, it will be explained to the public that the bite work only plays a small part in the total role of the canine's abilities and contributions to patrol.

506.06 REQUEST A CANINE TEAM

Any Department Officers may request canine unit assistance. Telecommunicators shall forward information concerning the incident without delay to the canine unit.

All requests by outside law enforcement agencies for canine team assistance shall be forwarded to an on-duty supervisor and canine handler. If an outside law enforcement agency requests assistance, the canine team will be authorized to deploy.

While assisting outside agencies all Department Policies and Procedures will be followed

Canine teams may be available on a 24-hour basis. Canine teams are not on call but should be available if they meet duty-ready requirements (i.e., have not had any alcoholic beverages, canine has not just been fed), and able to respond in a reasonable manner. These assists may include but are not limited to:

1. Conducting building searches for alleged armed or otherwise dangerous suspects in hiding.

2. Assisting in the arrest or preventing the escape of dangerous offenders.
3. Protecting officers or others from death or serious injury.
4. Scent detection when investigating officers have reasonable suspicion to continue the detention of a subject. Due to response times, contacting neighboring agencies seeking an on-duty canine team is preferred to calling in an off-duty Department canine team.

Where a canine deployment is justified and authorized, the tactical measures used shall be at the discretion of the canine handler. The canine handler shall have authority to direct on-scene personnel to assist or to take other measures that will facilitate the canine's efficiency and effectiveness.

Decisions to deploy a canine shall be based primarily upon the following factors:

1. Age of Offender
2. The severity of the crime.
3. Whether the suspect poses an immediate threat to the safety of the officers or others.
4. Whether the suspect is actively resisting arrest or attempting to evade arrest at the time.

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

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

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

The deployment of a police canine for apprehension of a suspect is a use of force that must be consistent with the Department Use of Force Policy.

506.07 CANINE TEAM UTILIZATION [41.1.5a]

The final determination for the deployment of a police canine is at the sole discretion of the handler.

Canine teams should make all reasonable attempts to remain available to respond to requests for assistance.

Canine teams should not be dispatched to routine calls for service unless other officers are unavailable to respond.

The canine unit shall not transport prisoners.

Canine teams may not be used for secondary employment assignments. Exceptions may be made for events sanctioned by the Department or its governing jurisdiction that are considered extra-duty assignments.

506.08 EMERGENCY CIRCUMSTANCES

If a canine handler suffers an injury while on duty, the handler shall ensure that their canine is properly attended and secured. If the handler is physically unable to secure the canine, another handler shall be called to the scene to assist.

If a second handler is not available, an officer or supervisor who is most familiar with the canine shall be called to the scene to assist. If a handler sustains an incapacitating injury, the supervisor, or other available officer, shall ensure that the handler receives emergency medical treatment and transport to an appropriate medical facility. The supervisor, or where no supervisor is available, an officer will then take necessary steps to secure the handler's canine.

506.09 CANINE BITES, INJURIES AND DOCUMENTATION

In this as in other cases, officers may only use that degree of force that is objectively reasonable to apprehend or secure a suspect as governed by the standards in *Graham v. Connor*. Whenever a canine has bitten or scratched an individual, or is alleged to have done so, whether on duty or off duty, the handler shall notify a supervisor and perform the following [LE 41.1.5i]:

1. If no arrest is made, the individual will be offered medical care and treatment by a qualified medical professional.
2. If an arrest is made, the individual will be provided with medical attention in accordance with Department policy on transporting and booking prisoners.
3. Regardless of arrest, accidental bite, training, live bite, on or off duty, the officer shall take photographs of the affected area in compliance with use of-force reporting requirements.
4. Complete Use of Force Report and other Departmental reports

506.10 PROVIDED CANINE EQUIPMENT

The Department will provide all necessary equipment for housing, feeding, medical care, training, transporting, and working the canine.

506.11 TRAINING AIDS [LE 84.1.4]

Department canine requires continuous training to maintain proficiency and meet qualification standards. As part of this objective, the Department currently holds a DEA registration number and is authorized to possess and acquire controlled substances for the training of canine drug detection teams.

A. Authorized Access:

Lead Handler will maintain the Department DEA and State of Arkansas controlled substance license.

Lead Handler will renew licenses on a yearly basis. They will add new authorized handlers to the license as new teams are selected and remove former handlers.

The lead handler will order new training aids as needed, per DEA rules and regulations. The lead handler, and one other person will break newly acquired aids down into smaller training aids to be used during training and document weights for the log.

The lead handler will dispose of old training aids by turning them into evidence for destruction. Prior to their destruction, aids will be weighed one final time with the lead Handler and evidence detective/supervisor.

Old training aid weight logs will be kept by the lead handler for two years, for a possible DEA Audit.

Only approved handlers on the DEA license will have access/ keys to training aids. After every training where aids are taken out of locker aids will be visually accounted for matching the list on the outside of storage container by authorized handler and one other witness, if available. If the handler was training alone, he will email another authorized handler to confirm aids as soon as possible.

If a training aid is missing a search of training site will be conducted. If the training aid cannot be found, a supervisor will be immediately notified. Property/Evidence Unit personnel will have access to training aids for monthly audit of training aid weights and random spot checks.

Monthly audits will consist of canine handler and evidence detective/supervisor weighing the training aids and matching them to the training aid weight log. Then both will initial next to weight

Random checks will consist of evidence detective/supervisor and one of the authorized handlers. If a substantial discrepancy exists beyond what could be explained by humidity, temperature, etc. The scale will be checked for accuracy using another scale. If a discrepancy still exists a supervisor will be immediately notified.

B. Storage of Training Aids:

Training aids will be double-locked and stored in the canine unit offices. Locking safe/metal box used for storage shall be mounted to structure in accordance with DEA regulations.

Training aids shall be secured when not in use.

If training aid(s) become damaged, punctured by canine, or from wear and tear, supervisor shall be notified immediately.

1. Photographs shall be taken of the training aid in condition it was recovered in.
2. Handlers should attempt to safely gather any spilled substance.
3. Handler(s) shall conduct an information report documenting the incident and a reaudit of aide shall be completed with evidence detective.
4. The Training Weight Log will show the change in weight after repackaging with a note showing the information report number.

All training aids should be double packaged in heat sealed evidence sleeves to help prevent any leakage of aids in the event one is damaged/punctured.

506.12 BOMB SQUAD CANINE

Refer to BPD Policy 503 (Bomb Squad) for further details regarding the use criteria for deployment and specific use of training aids. In all matters relating to the care and training requirements of the Bomb Squad canine, this policy shall apply. In all matters concerning the operational use and deployment of the Department's Bomb Squad Canine, Policy 503 will apply.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	School Resource Officer Policy	507.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 3.1.1, LE 44.2.4	XX
NOTES:	REVISION DATE:	
	05/02/2024	
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	4	

PURPOSE

The mission of School Resource Officer (SRO) Program is to foster positive relationship between law enforcement officers, school staff, and students; support a safe and positive learning environment; potentially decrease the frequency and severity of juvenile crime and delinquency; and protect students, faculty, and staff on school property.

The SRO Program will help in building a working relationship between the Bentonville Police Department and the Bentonville Public School District by creating a program that is mutually beneficial to both the school district as well as the Department through personnel sharing.

POLICY

It is the policy of the Department I to work cooperatively with the Bentonville Public School District to maintain an effective SRO Program. Understanding the importance of supporting a positive learning environment, officers assigned to the SRO Program will receive training focused on effectively serving youth in a school environment.

PROCEDURES

507.01 PROGRAM MANAGEMENT

The primary responsibility of conducting and managing the SRO Program rests with the Bentonville Police Department. Foremost, officers assigned as SROs are employees of the City of Bentonville. The Department will constantly evaluate the performance of all personnel assigned to the program.

Organizationally, the SRO Program is located within the Operations Division of the Bentonville Police Department. Personnel assigned as an SRO report to the Operations Division Sergeant. Officers working as SROs shall operate under the following understanding:

SROs will not involve themselves or the agency in administrative personnel matters of the Bentonville Public School District that are not criminal offenses.

The SRO's primary role is that of a law enforcement officer and to help ensure public safety. SROs will enforce all applicable laws in a fair and consistent manner working with school administrators whenever possible to resolve criminal matters in the most effective way.

SROs generally will not enforce school rules or administrative violations unless there is clear risk to public safety, or a violation of state law. Although SROs may participate in school activities involving counseling and education, they are not school disciplinarians and will not assume this role.

SROs will follow all Department policies and procedures while assigned as SROs. They will maintain all standards and training expected of other Department sworn personnel.

An SRO may be removed from their assignment by the agency or at the request of the school principal where the SRO is assigned.

507.02 RESPONSIBILITIES OF SCHOOL RESOURCE OFFICERS

The SRO will assist the principal and faculty at the campus(es) to which the SRO is assigned and will assist the Bentonville Public School District in developing plans and strategies to minimize problematic or dangerous situations that occur or may occur on the campus(es) to which the SRO is assigned.

The SRO may periodically present programs to students/classes concerning topics relating to local, state, and national laws, drug awareness, anger management, safety concerns and the mission of Law Enforcement.

SROs are encouraged to interact with students individually and in groups. As part of that philosophy, the SRO will participate, as requested, in teacher, faculty and parent conferences at the campus(es) to which the SRO is assigned.

The SRO shall serve as a liaison for all student programs. SROs should have a basic understanding of additional community resources and agencies for families or youth and make referrals when appropriate.

The SRO will investigate crimes that occur on the campus(es) to which the SRO is assigned and shall take law enforcement action as deemed appropriate. SROs shall keep the school principal apprised of any law enforcement actions taken or criminal acts on their campus.

The SRO will notify the school principal or their designee in the event a student is removed from the assigned campus during normal school hours.

The SRO should take appropriate action against intruders or unwanted guests on Bentonville Public School properties.

SROs shall follow all guidelines of Arkansas Rules of Criminal Procedure, School Board policy and Bentonville Police Department regulations, policies and directives concerning investigations, interviews, and searches relating to juveniles.

507.03 SELECTION OF SCHOOL RESOURCE OFFICERS

The selection of the SRO is made by the Bentonville Police Department, after an announcement and a screening process, candidates will conduct an interview with relevant members of the Department and at least one representative from the school district. Standards and criteria of selection of an officer will be set by the Department based on needs of the school, the agency, and availability of experienced candidates. The criteria for selection should include the following:

Candidate must be a full-time certified law enforcement officer, have received satisfactory or better evaluations, and not have a high occurrence of sick leave.

The candidate must present a positive image of the entire Department. A goal of school resource programs is to foster a positive image of police officers among young people. The personality, grooming, and communications skills of the officer should reflect this positive image.

The candidate must have the desire and ability to work cooperatively with the students and administrative staff of the school(s).

The candidate must have the education, background, experience, communication skills, and interest to effectively and accurately provide good quality teaching and educational services in areas related to law enforcement.

507.04 ASSIGNMENT OF SCHOOL RESOURCE OFFICERS

SROs will be assigned to various school campuses based on district requests. The assignment, placement, and transfer of officers amongst campuses will be a decision by Bentonville Police Department.

When school is not in session, SROs will be given duties and assignments by the Department. SROs will maintain a five (5) day work week with hours to be determined based on the needs of the assigned campus. SROs may be called upon to work afterhours details and assignments as requested based on an assessed public safety need.

507.04 LIABILITY

Any action taken by an SRO in the performance of their duties at the school shall be deemed to have been taken in their capacity as a law enforcement officer, with such liability as has been assigned to law enforcement officers by the State of Arkansas.

507.05 PROGRAM REVIEW [LE 3.1.1]

In addition to policy, a shared Memorandum of Understanding (MOU) shall be drafted and signed by both representatives of the City of Bentonville and Bentonville Public Schools. The MOU shall be reviewed and renewed on an annual basis. Either party may terminate this agreement upon sixty (60) days written notice to the other party. No modification of this MOU shall be valid or binding unless the modification is in writing, duly dated, and signed by both parties.

The MOU will detail financial agreements between the city and the school district over reimbursement of the cost of the requested SROs. Also, it will detain the amount of sworn officers the Department will provide during each school year. The needs of the SRO Program will be reevaluated annually in agreement between the Department and Bentonville Unified School District.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT: Reserve Police Officer Program	POLICY NUMBER: 509.00
	CALEA STANDARDS:	EFFECTIVE DATE: XX
	NOTES: CLEST 1002/1005	REVISION DATE: 05/02/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 2

PURPOSE

The Bentonville Police Department Reserve Officer Program was established to provide volunteer professional certified reserve officers who can augment, and supplement staffing provided by certified full-time officers.

POLICY

The purpose of this policy is to establish definitions and guidelines for the Reserve Officer Program. The Chief of Police has designated the Operations Division to administer the Reserve Officers who assist full-time sworn personnel. A Reserve Officer Coordinator will be assigned to manage the program. This coordinator will hold a supervisory rank.

PROCEDURES

509.01 SELECTION & APPOINTMENT

The Department shall recruit and appoint to the Reserve Program only those applicants who meet the high ethical, moral and professional standards set forth by this Department. All applicants shall be required to meet and pass the same pre-employment procedures as full-time, certified Police Officers before appointment.

Before appointment applicants must be a Certified Law Enforcement Officer in accordance with the Commission of Law Enforcement Standards & Training (CLEST) and be in good standing. See CLEST Rule 1002 and 1005.

Every person appointed or serving as a Reserve Officer shall be a citizen of the United States and shall be at least twenty-one (21) years of age.

No one may be appointed or serve as a Reserve Officer if the person has been convicted of a crime by a state or federal government for which the punishment could have been imprisonment in a federal penitentiary or state prison.

All Reserve Officers must take an oath of office before assuming sworn status.

509.02 ROLE & RESPONSIBILITY

Reserve Officers shall work in direct supervision of a full-time Certified Law Enforcement Officer.

When not performing an assigned duty and when not working under the direct supervision of a full-time Certified Law Enforcement Officer, a Reserve Law enforcement Officer shall have no police authority, other than what a private citizen would have.

Reserve Officers shall be required to adhere to all Departmental policies and procedures. A copy of the policies and procedures will be made available to Reserve Officers upon appointment, and they shall become thoroughly familiar with these policies.

509.03 TRAINING & STANDARDS

It is the duty of each Reserve Officer to ensure they are maintaining continued education requirements dictated by CLEST.

Reserve Officers must maintain twenty-four (24) hours of CLEST approved continued education to maintain an active certification. Mandatory required annual training is to include firearms qualification, Duty to Intervene training, and 4 hours of Racial Profiling training. In addition, department policy dictates Reserve Officers receive annual domestic violence training. *[CLEST Rule 1002]*

Reserve Officers law enforcement training will include a firearms qualification course equivalent to the firearms qualification requirements for a full-time law enforcement Officer.

509.04 UNIFORMS & EQUIPMENT

The Department will supply each Reserve Officer with all duty police uniforms in accordance with the Department's standard operating procedure. However, Reserve Officers must purchase, at their own expense, duty footwear. This duty footwear must follow department regulations.

Reserve Officers will be supplied with all necessary equipment to complete their assigned tasks as a Police Officer by the Department.

All Reserve Officers shall follow the Department's standard operating procedures concerning uniform and equipment wear and usage.

509.05 LIABILITY

Reserve Officers acting under the scope of this policy will be afforded the same liability coverage as any full-time Police Officer of the Department. The Department is not responsible for the maintenance of any personally owned equipment used by Reserve Officers in the course of their duties.

Bentonville Police Department Policies & Procedures

	SUBJECT: Crisis Intervention Team	POLICY NUMBER: 510.00
	CALEA STANDARDS: LE 41.2.7	EFFECTIVE DATE: XX
	NOTES: A.C.A. 20-47-207, 20-47-209(a)(1)	REVISION DATE: 05/03/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 7

PURPOSE

The purpose of this policy is to provide Department personnel with the essential skills in crisis management and communication. These interactions should be conducted in a manner to provide the required professional assistance they may need. Additionally, personnel will be better equipped to protect the community and to safeguard the Officers involved in the encounter and to enhance the agency's risk management.

POLICY

It is the policy of this Department to attempt to resolve encounters with individuals experiencing a mental health crisis in the safest manner possible and help these persons obtain professional resources. Every community can expect its law enforcement Officers to encounter individuals in mental health crisis and persons diagnosed with a range of intellectual disabilities. This presents Officers with different and often complex issues with a community expectation of resolution. Crisis may be the result of intoxication, suicidal ideations/attempts, medical complications, or mental illness, etc.

Citizens experiencing these various categories present Officers with a wide range of behaviors usually different than those exhibited by other members of the community or persons involved in criminal activities. Persons in crisis may display conduct that is bizarre, irrational, unpredictable and/or threatening. They may not comprehend communication in the manner that the Officer would expect. They often do not respond to authoritative persons or the display of force. The Officer is not expected to provide a diagnosis of the individual, but to improve understanding, communication, and conflict resolution within these unique cases.

DEFINITIONS

CIT Coordinator: A designated Officer responsible for maintaining contact with local and regional mental health providers. Seek out and research ongoing training opportunities for sworn and civilian personnel. Review CIT related reports for commitment referrals, community resource referral, and general follow-up. Provide updated resources to department personnel. Attend regional Steering Committee meetings.

CIT Officer: An Officer trained and certified as a Crisis Intervention Team (CIT) officer.

Crisis Incident: Any call where an individual would benefit from the specialized training and knowledge of a CIT Officer. Crisis incidents include calls involving persons known to have mental illness who are experiencing a crisis, persons displaying behavior indicative of mental illness, attempted, or threatened suicides, gravely disabled individuals, or individuals who may be experiencing emotional trauma.

Crisis Intervention Team (CIT): A partnership between law enforcement, fire department personnel, mental health agencies, hospitals, advocates, and the community that seeks to achieve the common goals of safety, understanding, and service to persons in crisis, the mentally ill, and their families.

Mental Disorder: Any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive, volitional, or emotional function and constitutes a substantial impairment in a person's ability to participate in activities of normal living.

Mental Illness: A substantial impairment of emotional processes, the ability to exercise conscious control of one's actions, or the ability to perceive reality or to reason, when the impairment is manifested by instances of extremely abnormal behavior or extremely faulty perceptions.

Persons of diminished capacity: Persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable, etc. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness, or medical complications.

PROCEDURE

510.01 RECOGNITION OF MENTAL ILLNESS RELATED INCIDENT/LE41.2.7a/c]

The ultimate mission of law enforcement when encountering a person in crisis or suffering from mental illness is to control the encounter and determine the best course of action for the subject.

Behaviors may include, but are not limited to:

1. Bizarre, strange, or unusual behavior as pertains to the settings.
2. Confused thoughts or actions
3. Aggressive actions
4. Destructive, assaultive, or violent behavior
5. Attempted suicide

Response guidelines can be segmented into four (4) areas: Containment, Coordination, Communication and Time.

A. Containment:

Before any reasonable control and defusing techniques can be used, the subject must be contained:

If circumstances allow, two (2) Officers should be dispatched to a Crisis incident. If an Officer finds themselves in a situation with such a person, the Officer should request back-up when reasonable and practical to do so. If necessary, the dispatched officer should request a CIT Officer through dispatch.

Responding officers should be aware that the use of emergency lights and siren may agitate the subject of the call or encounter.

It is important for officers to realize that on-lookers and family members should not become involved either verbally or physically in the control methods, when possible, unless an effective de-escalation method is known, and officers would be considered ineffective in its application.

Effective containment reduces the elements of agitation, such as large groupings of persons/officers, emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to reduce outside influences and sources of agitation.

B. Coordination:

This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:

One Officer at the scene shall be designated or assume the position of the lead Officer. This may not be the senior person on the scene.

A perimeter should be determined to ensure that outside persons and/or family members do not become involved.

Officers should limit observable indications of force if the need to utilize force arises.

The lead Officer should designate an officer to gather intelligence concerning the incident from available sources.

The lead Officer is responsible for determining what resources should be requested including additional police personnel, Crisis Intervention Team officers, specialized equipment, professional resources and staged medical personnel.

C. Communication:

Communication with the person of diminished capacity should be planned and controlled.

When possible, prior to engaging the subject in communication, the initial responder should await the arrival of a cover officer. Utilize distance and space to maximize non-confrontational contact and dialogue.

One officer should be designated as the primary communicator and other officers should refrain from becoming involved in the verbal interaction.

It has been found that threats to arrest or use force are not productive when dealing with persons in crisis or experiencing a manic/mental health related episode. Reassure the subject that the police are there to help them.

Normally, family members should not be used to establish communications. This frequently exacerbates the situation.

D. Time:

This is the principle of elongating the encounter, rather than hastening it. Responding officers must understand the importance of taking their time with these types of incidents.

Creating time also allows for the field units to be supported by the deployment of additional police personnel, specialized equipment, and medical support personnel.

Time encourages the ability to communicate and create a relationship between the subject and the primary communicator.

It shall be at the discretion of the responding Crisis Intervention Team Officer on proper resolution and disposition of a CIT related incident.

All Officers will follow proper Use of Force policy requirements and reporting as directed in Policy 401 (Use of Force) during any situation where force is applied.

510.02 COMMITMENT PROCEDURES

In determining the most appropriate form of professional resource and referral, officers should consider the information provided by professional resources, persons, and family members. It shall be the preference of the Department that a family member or associate of the person to be committed act as the petitioner in the commitment request.

Any officer who has reasonable grounds to believe that the individual is mentally ill and presents a danger or threat of danger to self, family or others if not restrained shall take the individual into custody and transport the individual without unnecessary delay to a hospital or designated psychiatric facility. The officer shall execute a written petition for involuntary commitment with the probate clerk of the county, in which the person alleged to have mental illness resides or is detained prescribed and provided by the A.C.A. § 20-47-207.

An interested citizen may take the person to a hospital or to a receiving facility or program. If no other safe means of transporting the individual is available, it shall be the responsibility of the law enforcement agency that exercises jurisdiction at the site where the individual is physically located and requiring transportation, or unless otherwise ordered by the judge. A petition, as provided in § 20-47-207, shall be filed in the probate court of the county in which the person resides or is detained within seventy-two (72) hours, excluding weekends and holidays, and a hearing, as provided in § 20-47-209(a)(1) shall be held.

Officers shall not use a detention facility or jail as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending or the detention facility is the designated receiving facility pursuant to state law.

510.03 CIT CALL TYPES

Calls will be entered by telecommunicators consistent with established protocols and based on the circumstances known at the time. Calls with a recognized potential for CIT involvement may include but are not limited to:

1. Suicide attempts
2. Subjects hallucinating
3. Subjects identified as having dementia related behaviors.
4. Exhibiting erratic behavior
5. Homeless persons experiencing the above behaviors or requiring resources.
6. Any call for service with a CIT officer is specifically requested.

Secondary Dispositions upon clearing CIT related calls shall be entered in every call for service.

- A. Crisis-Resolved on Scene:** No report requirement. Call narrative to include subject's name, DOB, current address, and observations of subject.
- B. Crisis-Voluntary Transport:** Call narrative to include subject's name, DOB, current address, and observations of subject. Apparatus transporting the subject.
- C. Crisis-Information:** Report required. Call narrative to include subject's name, DOB, current address, and observations of subject and detailed observations of the subject and overall incident.
- D. Crisis-Involuntary Transport:** Report Required. When a subject is deemed a danger to themselves or others and refuses to be evaluated at the hospital emergency room or a mental health facility, the responding officer(s) shall detain the subject and

transport the subject for evaluation by a mental health professional. This action will be documented with a case report and arrest report. The occurred incident for the case report will be “CIT”. The offense will be logged under (ACA 20-47-210).

E. Crisis-Referral: No Report Required. Utilized for third party references provided to the person, or persons on scene.

F. Crisis-Suicide: Report Required. A suicidal subject that has made an actual attempt at self-harm or a successful suicide will be documented on an incident report.

For CIT related report required dispositions, Officers will complete an information report and notify the CIT Coordinator. CIT Coordinator will summarize call response statistics and dispositions monthly to be forwarded to the Chief of Police or his designee.

510.04 TRAINING [LE 41.2.7d]

Officers assigned to the Crisis Intervention Team shall complete the state 40-hour certification course to be considered for a position as a “Designated CIT Officer”. All Officers at the Bentonville Police Department will complete the CLEST 8-hour Crisis Intervention training annually. [LE 41.2.7e]

All employees who may meet persons in crisis will become familiar with this policy. Officers will complete required training in accordance with A.C.A. 12-9-119 and any other required training. CIT Officers will complete a certified 40-hour CIT course before they are able to make a referral to the CSU. Officers will receive required recurring training pertaining to persons of diminished capacity.

Designated CIT Officers shall attend quarterly meetings for legal, training, and operational updates to be determined by the CIT Coordinator. Relative to changes in CLEST guidelines, Designated CIT Officers shall attend Advanced Crisis Intervention training as it is available.

510.05 ACCESS TO COMMUNITY RESOURCES [LE 41.2.7b]

CIT Coordinator shall keep and update a community resource list for various mental health treatment facilities, outreach agencies, other available resources, and procedures for Officers to utilize them. The resource list will be available for Officers with access to the patrol share drive and in hard printed copy.

510.06 PROCEDURES FOR VOLUNTARY OR INVOLUNTARY TRANSPORT

Involuntary transports for persons who display exigent circumstances, being a danger to themselves or others, to a receiving mental health care facility for psychological evaluation shall be approved by the current shift supervisor.

Alternative methods of transportation, (i.e., bus, taxi, family etc.) should be considered before Officers initiate a voluntary transport to a receiving mental health care facility. Officers shall request supervisor approval before transporting anyone outside of normal arrest procedures.

Officers should, when able, rely on the least intrusive method such as direct community resource referral, voluntary or self-admission to a medical receiving facility when seeking to resolve CIT related incidents. Involuntary transport and protective custody should only be utilized when a person is an overt and direct danger to themselves or others.

When protective custody involuntary transports to an acute care facility are needed, behavior has increased to the level of criminal conduct and having no direct victim, the person is an articulable danger to themselves or others, and transport has been approved by the shift supervisor, Officer's shall transport directly to the nearest approved acute mental health care facility. A.C.A. § 20-47-805.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Bioterrorism	513.00
	CALEA STANDARDS:	EFFECTIVE DATE:
		XX
	NOTES:	REVISION DATE:
		05/03/2024
	APPROVAL:	PAGES:
	Ray Shastid, Chief of Police	4

PURPOSE

Police Officers are periodically dispatched to potential hazardous material situations such as Anthrax or a similar material. Most of these investigations have shown the possible exposure came as result of the mail or some other similar source. Officers need to be aware of the potential dangers involved in these investigations, and possible means for protecting themselves along with the public from creating a potential major disaster.

POLICY

The Department recognizes the potential dangers of conducting investigations involving potential bioterrorism materials. Therefore, officers responding to such calls shall follow the procedures set forth in this policy. This policy will enhance the safety of officers, employees and bystanders involved in the incident.

PROCEDURES

513.01 UNDERSTANDING THE EXPOSURE

A bioterrorism material such as Anthrax organisms can cause infection in the skin, gastrointestinal system, or the lungs. To do so, the organism must be rubbed into abraded skin, swallowed, or inhaled as a fine, aerosolized mist. Disease can be prevented, after exposure to the anthrax spores, by early treatment with the appropriate antibiotics. Anthrax is not spread from one person to another person.

For Anthrax to be effective as a covert agent, it must be aerosolized into very small particles. This is difficult to do and requires a great deal of technical skill and special equipment. If these small particles are inhaled, life-threatening lung infection can occur, but prompt recognition and treatment are effective.

Handling Suspicious Materials

1. Suspicious Letter or Package:

Do not shake or empty the contents of any suspicious envelope or package.

Place the envelope or package in a plastic bag or some other type of container to prevent leakage of contents.

If you do not have any container, then cover the envelope or package with anything (e.g., clothing, paper, trash can, etc.) and do not remove this cover.

Then leave the room and close the door, or section off the area to prevent others from entering (i.e., keep others away).

Wash your hands with soap and water to prevent spreading any powder to your face.

List all people who were in the room or area when this suspicious letter or package was recognized. Give this list to both the local public health authorities and law enforcement officials for follow-up investigations and advice.

2. Compromised Envelope Containing Powder:

Do not try to clean up the powder. Cover the spilled contents immediately with anything (e.g., clothing, paper, trash can, etc.) and do not remove this cover.

Exit the room and close the door, or section off the area to prevent others from entering (i.e., keep others away).

Wash your hands with soap and water to prevent spreading any powder to your face.

Remove heavily contaminated clothing as soon as possible and place in a plastic bag, or some other container that can be sealed. This clothing bag should be given to the emergency responders for proper handling.

Shower with soap and water as soon as possible. Do not use bleach or other disinfectants on your skin.

If possible, list all people who were in the room or area, especially those who had actual contact with the powder. Give this list to both the local public health authorities so that proper instructions can be given for medical follow-up, and to law enforcement officials for further investigation.

3. Possible Aerosolized Contamination of a room:

For example: small device triggered, warning that air handling system is contaminated, or warning that a biological agent was released in a public space. Listed below are precautions.

- Turn off local fans or ventilation units in the area. Leave area immediately.

- Close the door, or section off the area to prevent others from entering (i.e., keep others away).
- Shut down air handling system in the building, if possible.

If possible, list all people who were in the room or area. Give this list to the local public health authorities so that proper instructions can be given for medical follow-up, and to law enforcement officials for further investigation.

513.02 RECOGNIZING SUSPICIOUS PACKAGES

There are several characteristics that may help identify a package, or letter, as suspicious. The following is a list of possible characteristics to for personnel to be aware of:

- Excessive postage
- Handwritten or poorly typed addresses
- Incorrect titles
- Title, but no name
- Misspellings of common words
- Oily stains, discolorations, or odor
- No return address
- Excessive weight
- Lopsided or uneven envelope
- Letter contains threats
- Protruding wires or aluminum foil
- Excessive security material such as masking tape, string, etc.
- Visual distractions
- Ticking sound
- Marked with restrictive endorsements, such as “Personal” or “Confidential”
- Shows a city or state in the postmark that does not match the return address

513.03 EXPOSURE RISK ASSESSMENT

It is important to assess the nature of possible exposure of a bioterrorism material (ie: anthrax) of any concerned person(s) before deciding on a course of action. Factors that need to be assessed include credibility of the threat and whether the exposure might result in inhalational of a bioterrorism material or cutaneous of a bioterrorism material.

Therefore, officers conducting such preliminary investigations shall request a response from the Bentonville Fire Department Hazardous Material Unit. Both agencies will work together in an effort to evaluate the credibility of the threat and potential identity of material. If the threat appears credible, an effort shall be made to contact the FBI and seek their assistance. If these threat response personnel believe that the threat is credible, Arkansas Public Health Department should be consulted to help assess whether the exposure might result in inhalational of a bioterrorism material or cutaneous of a bioterrorism material.

It should be noted the Fire Department has specialized training and the equipment to deal with such materials and should be contacted regarding specific procedures and equipment requirements for mitigation.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Alarm Response	514.00
	CALEA STANDARDS:	EFFECTIVE DATE:
		XX
	NOTES:	REVISION DATE:
		05/04/2024
	APPROVAL:	PAGES:
	Ray Shastid, Chief of Police	4

PURPOSE

The Bentonville Police Department responds to various alarms including burglary and robbery alarms. The purpose of this policy is to provide Officers with guidance for responding to and handling such alarms.

POLICY

Responding to alarms are inherently dangerous due to the broad range of circumstances that could be encountered upon arrival. Therefore, Officers responding to alarms, shall follow the procedures set forth in this policy, as dictated by known intelligence regarding the alarm call. This policy will enhance arrest possibilities along with the safety of Officers, employees, and bystanders.

PROCEDURES

514.01 PATROL RESPONSE

With the notification of an alarm activation, and no additional information, Officers should respond with a Code 2 response.

A Code 3 response may be justified if the alarm is manually activated, (i.e., holdup alarms, panic, ambush, robbery, etc.). The alarm has secondary verification, (i.e., witness information, a perimeter alarm followed by an interior motion detector, etc.). Or any other reasonable belief on the part of responding Officers as directed by the supervisor.

Officers shall assume an alarm to be genuine until articulable facts indicate otherwise. Upon confirmation of the alarm's legitimate activation, Officers will take necessary action as dictated by the circumstances.

Alarms will not be declared false until every reasonable effort is made to determine the cause of the alarm. This will include waiting for business management to arrive, if feasible, to conduct an interior check of the building.

A. Response in police vehicle:

Responding Officers shall use appropriate vehicular warning devices when approaching the scene. However, Officers should anticipate that using a siren may warn the suspects of your approach and use the appropriate discretion. Officers should be observant of any suspicious vehicles (i.e.: speeding, evasive etc.) leaving the scene as well as other vehicles or persons outside the location who may be serving as lookouts, cover, or drivers for a robbery team.

B. Arrival at the Scene:

The first unit on the scene shall serve as the primary unit until relieved by a supervisor, if deemed necessary. The primary unit shall take a position in front of the facility that provides good observation without being easily visible to those inside. The primary unit shall report on observable conditions (i.e.: customer traffic, suspicious vehicles parked at unusual locations, persons appearing to be lookouts, etc.) at the location to the Telecommunicator, but should not initially approach the building.

The primary and all subsequent units arriving at the alarm location shall report their arrival and position to the Telecommunicator. The primary Officer or supervisor should direct responding units into positions that will establish a perimeter covering all exits and entrance.

C. Business Inquiry:

Once the building perimeter has been established and no notice of a false alarm has been received, the primary officer on the scene shall determine whether the telecommunicator should telephone the establishment. If the call is made, the dispatcher shall identify themselves and inquire whether a crime or emergency is in progress. If the call is not answered or a questionable response is provided, Officers at the scene will be informed of these facts and told that a possible crime or emergency is in progress.

D. Residential Burglary Alarm Response:

Officers should respond to residential burglary alarms as outlined in 514.01. Upon arrival, Officers will assess the situation and look for visible signs consistent with a legitimate activation of an alarm. These indicators could include, but not limited to signs of forced entry, broken glass, doors ajar, suspicious vehicles, etc. Additional tactical considerations should be taken as appropriate based on the observations of responding officers (i.e., establishing a perimeter, requesting a K9, etc.)

Every effort should be made to contact the homeowner or anyone inside, prior to making entry into the home. Officers shall consider all available information in determining if making entry into the home is necessary or warranted.

514.02 TELECOMMUNICATOR RESPONSIBILITIES

The Telecommunicator is responsible for dispatching the appropriate number of units to the alarm call based on known information. The Telecommunicator will broadcast all pertinent information, such as specific alarm location or zone of a structure, possible suspect information, location history, etc.

The Telecommunicator dispatching Officers to a robbery alarm shall dispatch a minimum of two units.

A. Notification of Robbery Alarm by Phone

If the robbery notification is received by telephone, a complete description of the suspect(s) shall be obtained from the caller. An attempt shall be made to determine if the suspect is still at the scene and, if not, their direction and mode of travel along with description of any vehicle involved. Telecommunicator shall also determine if injuries have occurred and make the proper notification for medical assistance.

B. Notification by Alarm

If a robbery notification is made by alarm, the Telecommunicator shall not attempt to contact the business to determine the validity of the alarm until Officers have given notice that they are in position at the location and the Officers request such action.

C. Notification of False Alarm

If the Telecommunicator is subsequently notified that the alarm is false, they shall:

1. Advise the caller that police units are responding.
2. Verify the cause of the alarm with a key employee (i.e., manager or head teller) and advise them that they will need to exit the facility to meet the responding Officers; and
3. Obtain a physical description of the key employee and provide responding Officers with the description of that employee.
4. Shift supervisor may cancel responding units based on available information at the time of the call.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Peer Support	POLICY NUMBER: 519.00
	CALEA STANDARDS: LE 22.1.7	EFFECTIVE DATE: XX
	NOTES: COB Personnel 8.11, A.C.A 16-40-106	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police (10pt Font)	PAGES: 4

PURPOSE

The purpose of the Peer Support Program is to provide all Bentonville Police Department employees the opportunity to receive peer facilitated emotional support through times of personal or professional crisis. The Department will continue to pursue the newest and most innovative knowledge, research, training and understanding to ensure the best possible opportunities for support.

DEFINITIONS

Critical Incident: Any situation faced by Department personnel that causes them to experience unusually strong emotional or physical reactions which have the potential to interfere with their ability to function during or after the incident. A critical incident may be different from one individual to another.

Critical Incident Stress: The severe or accumulative psychological stress or trauma an employee may experience during and/or following a critical incident. The stress or trauma is an abnormally strong emotional, cognitive, or physical reaction that has the potential to interfere with normal function(s) to include:

1. Physical and emotional illness.
2. Failure of usual coping mechanisms.
3. Loss of the ability to function.

Peer Support Team Member: A certified volunteer member of the Department Peer Support Team authorized by the Chief of Police. This member provides mental health intervention services to agency personnel with required and approved training in critical incident stress management.

Peer Support Event: Any debriefing, defusing, or intervention conducted by a certified peer support member that involves the emotional or morale support of a Department employee who needs emotional or moral support because of job-related stress, an incident in which the employee

was involved while acting in his or her official capacity, or everyday stressors that could affect occupational function.

Critical Incident Stress Diffusion: Individual/small group intervention conducted by the Department Peer Support Team Coordinator, or Peer Support Team personnel designed to help individuals to understand their emotional response to Traumatic or Critical Incident and strengthen their coping mechanisms moving forward. (Immediate-24 hours post event)

Critical Incident Stress Debriefings: Group intervention (includes all directly involved members) conducted by Department Peer Support Team personnel or other Regional Peer Support members alongside Trained Peer Support personnel, that is designed to help members to understand their emotional response to a Traumatic or Critical Incident and strengthen their coping mechanisms moving forward. (Usually 24-72 hrs. post event)

PROCEDURES

519.01 CONFIDENTIALITY

Statement of Confidentiality: All information and correspondence pertaining to issues defined under A.C.A. 16-40-106, shall remain confidential within the Peer Support Team. Peer Support Team members who violate the confidentiality rule are subject to dismissal from the group and/or disciplinary action. Supervisors, when possible, should refer direct subordinates to other available peer support personnel so confidentiality does not conflict with supervisor responsibilities especially if policy violations are to be potentially disclosed.

Strict confidentiality shall be maintained between Peer Support personnel and the employee. Nothing discussed between the participants shall be divulged to any third party without express consent of the employee. However, legal, and ethical limits to confidentiality require that in the following circumstances peer to peer personnel shall work directly with the Peer Support Team coordinator or other licensed mental health professional and disclosing individual to ensure the safety of the individual and others.

1. When there is an indication that an employee presents a clear and present danger to themselves or others.
2. Employees who have been involved in a violation of law that would result in disciplinary action; and
3. Disclosures of domestic violence, child, or elder abuse.

The Peer Support Team Coordinator will provide reports to the chain of command by reporting only on number of contacts, hours worked and number of referrals. This will ensure strict confidentiality within department structure.

519.02 PEER SUPPORT TEAM OPERATION

The Peer Support Team is designed to assist employees with stress management, crisis management, depression, burn-out, suicide prevention, along with any other unforeseen

complications that may arise in the law enforcement profession. The Peer Support Team will aid employees in areas of developing healthy habits, wellness outreach initiatives, and education-based training.

The Peer Support Team is unable to aid employees with grievance resolutions, complaints, reassignment requests, or respite from a history of poor decision-making or pattern of performance issues.

The Peer Support Team is not intended to be used as a disciplinary/investigatory tool by the Department. The purpose of the program is to assist employees in developing strategies to instill better coping mechanisms and healthier and more productive lifestyles, and to enhance the enjoyment and performance of their careers while offering confidential peer support. Confidentiality cannot be broken for use in investigative means or any "fit for duty" process.

The Peer Support Team is not a means to avoid discipline where such action is appropriate. This policy does not supersede any department directive governing discipline.

519.03 REQUESTS FOR SERVICES

The Peer Support Team is an available resource for all employees who need assistance to overcome obstacles in their professional or personal life. The ultimate goal for each employee participating in the Peer Support Team is to maintain a productive lifestyle, instill better coping mechanisms, and enhance performance during their careers.

Department employees may voluntarily seek the assistance of qualified peer support personnel.

Department employees can contact the Peer Support Team via the Cordico Application 24 hours a day.

1. The Peer Support Team Coordinator or delegated Peer Support Personnel will be available to answer the helpline and provide immediate intervention as needed for department members.
2. The contact information for Peer Support Team members should be placed on bulletin boards, common areas, maintained in dispatch and with supervisors so the information is easily accessible for all employees.

The Peer Support Team Coordinator will ensure proper follow-up contacts are made with employees seeking peer support.

Department supervisors can request peer support for an employee through the Peer Support Team Coordinator or Peer Support Personnel. The employee must be displaying at least one of the following:

1. Uncharacteristic or repeated citizen complaints.

2. Abrupt changes in an employee's responses or behavior such as excessive tardiness, absenteeism, abnormal impatience, irritability, or aggressiveness.
3. Irrational or bizarre thoughts or actions.
4. Erratic mood swings.
5. Indications of alcohol or drug abuse.
6. Other indications of self-destructive behavior; or
7. Any indication that the employee has experienced an incident that could cause abnormally strong emotional reactions or feelings for the employee.

Referral to the Peer Support Team does not constitute mandatory participation on the part of the employee. This program is voluntary and solely at the discretion of the employee in question. The Peer Support Team may also refer or draw on resources provided by the City of Bentonville, namely the Employee Assistance Program (EAP). Additionally, Arkansas Act 537 requires the Department to offer and ensure the availability of a Traumatic Event Licensed Counseling for public safety employees.

The City's EAP has various options to assist employees and their covered dependents with a wide range of challenges, such as emotional trauma to substance abuse. These services also include confidentiality as they are contracted through professional health services by the City. For a full description and details regarding the City's EAP, refer to Section 8.11 through 8.13 of the City of Bentonville Personnel Manual. [LE 22.1.7]

519.04 SELECTION OF TEAM MEMBERS

The selection process of team members will be open to any employee. However, other selection criteria may include, but not limited to:

1. Past disciplinary actions will be taken into consideration.
2. Agree to maintain confidentiality within the guidelines provided.

519.05 TRAINING

Personnel must successfully complete prescribed peer support training prior to actual involvement in the peer-to-peer support program.

Peer Support Team members will attend all training described and required by A.C.A. 16-40-106.

Peer Support Team members are expected to attend no less than 4 trainings a year. Trainings will be held quarterly when possible.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Prisoner Transport	524.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 70.1.1, 70.1.2, 70.1.6, 70.2.1, 70.1.7, 70.1.8, 70.4.2	XX
NOTES:		REVISION DATE:
		05/04/2024
APPROVAL:		PAGES:
Ray Shastid, Chief of Police		5

PURPOSE

The purpose of this policy is to provide guidelines for transporting prisoners to and from police stations, detention centers, courtrooms, and other locations. The policy is designed to ensure the safety and security of both the prisoners and the officers involved in the transport process.

This policy applies to all law enforcement officers of this department that are responsible for transporting prisoners in any jurisdiction.

POLICY

The policy of the Bentonville Police Department is to maintain the safety and security of any subjects being transported by Department personnel to or from all relevant locations.

PROCEDURES

524.01 PRE-TRANSPORT CONSIDERATIONS

All prisoner transports will be conducted by Officers with training in proper restraint techniques and use of force procedures. All prisoners must be searched thoroughly prior to transport to ensure they are not carrying any weapons or contraband. [LE 70.1.1]

Every vehicle used for the transportation of detainees shall be examined by the Officer responsible for that vehicle at the beginning of each shift, as well as before and after transporting detainees. [LE 70.1.2]

All vehicles used for transport must be equipped with appropriate restraints and safety features, such as seat belts and secured doors and windows.

A. Identification:

All prisoners must be properly identified and matched with their paperwork to prevent any mistaken identity. All documentation, including court orders, warrants, and other legal documents, must be present and accurate. All relevant documentation

concerning the prisoner's identification and charges shall be transmitted to the receiving personnel. [LE 70.1.6c]

B. Communication:

Officers must maintain clear communication with each other throughout the transport process. All Officers involved in the transport process must have access to communication devices, such as radios or cell phones, in case of emergency.

524.02 RESTRAINTS DURING TRANSPORT [LE 70.2.1]

To ensure Officer safety and to prevent the escape of an arrestee, Officers will use handcuffs to restrain an arrestee's hands behind their back. Extenuating circumstances may exist that necessitate having the subject handcuffed in front, or rarely, left unhandcuffed. Some of these considerations may include, but not limited to, the arrestee's age, physical disabilities, mental stability, and transport of prisoners to or from other jurisdictions. Juveniles may be handcuffed at the discretion of the Officer with regards to the circumstances surrounding the arrest of the juvenile.

If the prisoner is violent or causing damage to the patrol unit, Department-approved restraining devices may be used to prevent damage to the patrol unit or to prevent injury to the prisoner.

Officers who have successfully completed Department-approved training on the use restraint devices are authorized to use them in the prescribed manner.

When feasible, officers should notify a supervisor of the intent to apply the leg restraint device (WRAP). In all cases, a supervisor shall be notified immediately after the application of the leg restraint device. The Officer shall notify jail personnel, ambulance personnel, hospital personnel, or any other person, organization, or agency that receives the prisoner/subject that the leg restraint device was utilized.

When using the leg restraint, it will not be used in such a manner as to draw the arrested persons hands and feet together (hog-tying). There should be enough slack in the tether to allow recumbent position.

All Officers will ensure the handcuffs are double locked when an individual is handcuffed. If the prisoner is violent, and it is impossible to immediately double lock the handcuffs, the handcuffs will be checked, adjusted, and double locked as soon as assistance is available, and it is possible.

Should the prisoner begin to spit on the Officer, only a "spit hood" is authorized to be placed over the prisoner's head. The prisoner will be under continuous, in person, monitoring while wearing a "spit hood". Under no circumstances will the prisoner's mouth be covered with anything else, as to not obstruct the prisoner's airway.

524.02 PRISONER TRANSPORTATION

A. Prisoner Transport:

Transporting prisoners from extended transports should include route plans and be reviewed for potential hazards, such as traffic congestion, road closures, or high crime areas. Officers must remain vigilant for potential threats or escape attempts throughout the transport process.

B. Caged Vehicle:

Transport prisoners in caged vehicles when possible. Additionally, secure the prisoner by handcuffs and seat belt to effect maximum safety and security for Officers.

C. Seating Location in Vehicle with no Equipped Cage:

1. **One Officer:** If there is only one transporting officer, handcuff the prisoner and secure with seat belt in the front passenger seat.
2. **Two Officers:** If there are two transporting officers, handcuff the prisoner and secure with seat belt in the right rear seat away from the driver. The second officer rides in the back seat next to the prisoner.

D. Seating Prisoners in a Vehicle Equipped with Cage:

1. **Restraint During Transport:** Restrain all prisoners during transport except for handicapped, sick or injured prisoners as specified.
2. **One Prisoner:** Handcuff the prisoner with hands behind their back and secure with seat belt.
3. **Restraint to Vehicle:** Do not handcuff or otherwise restrain prisoners to any part of a vehicle except by properly using seat belts.

E. Visual Contact:

Stay in visual contact and do not allow prisoners to use toilet facilities or make other stops while being transported, except for lengthy trips or other exigent circumstances. Stay in the immediate area after ensuring there is no escape route available and resume physical control as soon as practical.

E. Response to Calls while Transporting:

Officers shall not respond to a call for service or conduct any self-initiated activity while conducting prisoner transport.

F. Prisoner Care:

Officers must ensure that prisoners are provided with adequate food, water, and medical attention during an extended transport. Officers must monitor prisoners for any signs of distress or medical emergencies and respond appropriately.

G. Transport Vehicle:

When prisoners are transported in vehicles that are routinely used for this purpose, the rear compartments shall be configured to minimize opportunities for exiting the

vehicle without aid from transporting personnel. This shall include safety barriers between the rear compartment and the front seats, as well as removal of all window and door controls from the rear passenger doors. [LE 70.4.2]

H. Transfer of custody:

Officers must ensure that custody of prisoners is properly transferred between jurisdictions or agencies. This includes removing handcuffs in coordination with personnel from the agency receiving custody and their policies. This typically on a booking floor or holding area. [LE 70.1.6b]

Officers must secure firearms as required by custodial facilities and responsible agency requirements. [LE 70.1.6a]

If the detainee/prisoner has any pre-existing medical conditions or any visible medical conditions or special considerations, transporting personnel shall relay that information to the agency receiving custody of the prisoner. [LE 70.1.6d/e]

Transportation personnel shall also notify the appropriate agency or court when a detainee/prisoner being transported is considered an unusual security risk. [LE 70.1.8]

524.03 PRISONER ESCAPE [LE 70.1.7]

In the event a prisoner being transported escapes from custody, they shall immediately notify the Communication Center via the police radio. Officers will immediately notify an on-duty supervisor. The involved Officers will advise the prisoner's identification, physical description, and relevant criminal history. The broadcast will also include information for responding units regarding the subject's direction of flight, mode of travel and any other relevant information to assist with apprehension.

Following the initial response, the on-duty supervisor will ensure a case report is completed documenting the circumstances leading up to the escape and subsequent actions taken by law enforcement.

524.04 SPECIAL TRANSPORT SITUATIONS

A. Prisoners of Opposite Sex:

If you are assigned to transport a prisoner of the opposite sex, follow procedures for transporting prisoners (Section 524.02) and notify communications of beginning and ending mileage and time of the transport.

If there are multiple prisoners being transported, male and female should be transported in separate vehicles. If subjects are related biologically or household, and not combative, they may be transported in the same vehicle.

B. Handicapped Prisoners:

If you are assigned to transport a prisoner who is physically or mentally handicapped, maintain control and security. Utilize appropriate discretion for the allowances specific to special needs or disability of an arrestee.

Contact the jail physician for special care, such as needed wheelchairs, crutches, prosthetic appliances, medicines, insulin, or other special items.

C. Sick or Injured Prisoners

If arrestees become sick, or are injured, at the time of their arrest, Officers should consider notifying EMS for medical evaluation and possible transport. If arrestee is eventually transported to a medical facility outside of the City, Officers are required to notify the respective agency for that jurisdiction.

524.04 DOCUMENTATION

All transport activities, including custody transfers, and incidents, must be documented in writing. Documentation must be accurate, complete, and maintained in accordance with all legal requirements. Transporting personnel shall provide relevant paperwork and documentation to the agency receiving custody. This may be completed in call notes, unless circumstances indicate a full police report is required.

**Bentonville Police Department
Policies & Procedures**

	SUBJECT: Juvenile Procedures	POLICY NUMBER: 525.00
	CALEA STANDARDS: LE 1.2.3, LE 44.1.1, LE 44.1.2, LE 44.2.1, 44.2.2, 44.2.3	EFFECTIVE DATE: XX
	NOTES: ACA 5-73-119 (a)(1)(A), 5-73-119 (a)(2)(A), 5-74-107, 9-27-309, 9-28-217, 9-27-302, 9-27-313, 9-27-317, 9-27-322	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 11

PURPOSE

Children rely on dependency and supervision for survival. When the family is not active in the supervision and training of children the court must intervene to nurture, train, and supervise childhood. When children are at risk as shown by delinquent behavior, the court will decide what actions, programs, intervention, and treatment are in the child's best interest. When a child's safety or welfare is threatened, the court is permitted to imitate family relations.

POLICY

The Bentonville Police Department protects the rights of juveniles. We represent children who may become victims of abuse, neglect, or exploitation. When necessary, sworn personnel shall apprehend juvenile offenders and seek effective adjudication. A child's trauma or a juvenile's temperament is often changed by exercising a sensitive approach and caring attitude during all juvenile proceedings.

The Department is committed to the development, implementation, and perpetuation of programs designed to prevent and control juvenile delinquency within the community. Each officer must be familiar with the unique requirements of juvenile matters and respond to those requirements by ensuring the constitutional rights of the juvenile are protected, as provided by procedure or statute. [LE 44.1.1.]

DEFINITIONS

Custodian: Custodian means a person other than a parent or legal guardian who stands in loco parentis to the juvenile or a person, agency, or institution to whom a court of competent jurisdiction has given custody of a juvenile by court order

Juvenile: A juvenile is defined as a person under the age of eighteen years and subject to jurisdiction of the Juvenile Court. The juvenile court has additional authority of the 18–21year-old population, if offenses occurred prior to their eighteenth birthday.

Juvenile Specialist: The Chief of Police serves as the juvenile specialist for the e Department or will appoint another employee/officer to that duty.

PROCEDURES

525.01 JUVENILE CASE MANAGEMENT

A. Commitment to Juvenile Problems:

1. Prevention and Control of Juvenile Delinquency:

The Department is committed to develop and maintain programs to prevent and control juvenile delinquency. All sworn personnel of the Department share responsibility to support our juvenile operations.

2. Evaluation of Juvenile Programs:

The Chief of Police or designee evaluates juvenile enforcement and prevention programs annually and decides, based on thorough analysis, to extend, adjust, or end each program.

B. Police Role in Juvenile Cases:

The Department's role is an extension of the Juvenile Court. Responsibilities of the Department include:

1. Follow up processing to arrests of juveniles.
2. Preparing and coordinating juvenile offender court cases.
3. Diverting juvenile offenders.
4. Designing and implementing programs intended to prevent and control delinquent and criminal behavior by juveniles.

525.02 JUVENILE OPERATIONS

A. Offenses Committed by Juveniles Involving Weapons:

While some situations may dictate another course of action. When a youth is arrested, the juvenile On-Call Intake officer is contacted under § 9-27-322 to make a detention decision. Some offenses require the youth to be placed in the Juvenile Detention Center for an immediate hearing within 72 hours as listed below:

1. Unlawful possession of a handgun. § 5-73-119 (a)(1)(A)
2. Possession of a handgun on school property. § 5-73-119 (a)(2)(A)
3. Unlawful discharge of a firearm from a vehicle. § 5-74-107
4. Any felony committed while armed with a firearm.
5. Criminal use of prohibited weapon.
6. Or any offense under statute § 9-27-313(d)(1)(A)

The Prosecuting Attorney, or their designee, shall notify the school superintendent or the designee of the school superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services if the juvenile is adjudicated delinquent for:

1. An offense for which the juvenile could have been charged as an adult;
2. An offense involving a deadly weapon under § 5-1-102;
3. Kidnapping under § 5-11-102;
4. Battery in the first degree under § 5-13-201;
5. Sexual indecency with a child under § 5-14-110;
6. First, second, third, or fourth degree sexual assault §§ 5-14-124, 5-14-127;
7. The unlawful possession of a handgun under § 5-73-119.

Information provided pursuant to subsections (f) and (g) of this section shall not be released in violation of any state or federal law protecting the privacy of the juvenile. [ACA 9-27-309(g)]

If a juvenile is arrested for unlawful possession of a firearm under § 5-73-119, an offense involving a deadly weapon under § 5-1-102, or battery in the first degree under § 5-13-201, the arresting agency shall orally notify the superintendent or the designee of the superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services of the offense for which the juvenile was arrested or detained within twenty-four (24) hours of the arrest or detention or before the next school day, whichever is earlier. [9-27-309(i)(1)]

Officers shall notify the Benton County Juvenile Intake Officer at time of the arrest to process the offense. The arresting officer is obligated to provide the Intake Officer or Prosecuting Attorney with a Probable Cause Affidavit immediately if the youth is detained. Additionally, the prosecuting attorney may be required to notify the relevant school superintendent or designee criminal proceedings in which the juvenile is adjudicated as delinquent, depending on the specific statutes violated. [A.C.A. 9-27-309(g)]

B. Felony Offenses Committed by Juveniles

When a juvenile is taken into custody for a felony (other than those in 525.02 A), Officers may:

1. Seek detention approval from a Benton County Juvenile Intake Officer. Upon approval, the Prosecuting Attorney shall be notified within 24 hours. A Probable Cause Affidavit should be delivered with the juvenile to JDC, if the detention is granted. It should be noted that a detention hearing must be held with 72 hours.
2. Release the juvenile to their parent/guardian, upon approval by the Benton County Juvenile Intake Officer, and refer the matter to the Benton County Juvenile Probation Office and prosecutors' office for disposition.

3. Return the juvenile to their home upon approval by the Benton County Juvenile Intake Officer.

C. Misdemeanor Offenses Committed by Juveniles:

When a juvenile is taken into custody for a misdemeanor offense, the Officer may:

1. Seek detention approval from a Benton County Juvenile Intake Officer. Upon approval, the Prosecuting Attorney shall be notified within 24 hours. The officer is required to complete the Probable Cause Affidavit immediately or appear at the Detention Hearing provided by the Juvenile Intake Officer. It should be noted that a detention hearing must be held within 72 hours.
2. Release the juvenile to their parent/guardian and refer the matter to juvenile probation and prosecuting attorney's office for disposition.
3. Return the juvenile to their home.

D. Status Offenses Involving Juveniles:

When a juvenile is taken into custody for a status offense (truant, curfew, runaway, willfully disobedient), the Officer shall:

1. Immediately notify the Benton County Juvenile Intake Officer and make every possible effort to notify the parent, guardian or other person having care of the juvenile.
2. Return the juvenile to their parent, guardian, or other responsible adult with no further action. [LE 44.2.1a]

Juveniles may be held at the Department when the parent/guardian lives beyond a 50-mile radius. Additionally, if the parent/guardian lives within the State, the juvenile may be detained for a maximum of six (6) hours. If the parent/guardian resides out of State, the juvenile may be detained for a maximum of 24 hours at the Juvenile Detention Center or an authorized shelter. Federal guidelines require the youth to be interviewed by a Juvenile Intake Officer and sign a waiver in front of the presiding Judge. In the event abuse or maltreatment is alleged by the juvenile, the maximum time limit may be extended until arrangements can be made.

E. Considerations for “Departmental” Diversion:

Officers shall consider at least the following factors when determining diversion related dispositions:

1. Conduct Disorder (any court history)
2. Substance (Severity, frequency, physical and mental status)
3. Peers (Gangs)
4. Leisure time and recreation (lacks structure)
5. Family/Parenting (how they manage their children)
6. Education (on grade level, risk of being retained)

7. Personality Disorder (Mental health disorders)
8. Attitude and Orientation (Do they use violence or crime to deal with conflict/ do they know their role in this process)

F. Types of “Departmental” Diversion:

Officers shall consider the following alternative actions for minor violations:

1. **Verbal Warnings:** Officers may give a verbal warning for minor violations and release with no further action.
2. **Voluntary Actions:** Officers may allow parents/guardians to voluntarily place the juvenile in a social service agency program, or other program.
3. **Parental Conferences:** Officers may hold a conference with parents/guardians for corrective action and release the juvenile to the parent/guardian.

Arkansas Rules of Criminal Procedure 5.2. Authority to Issue Citations (a) states a law enforcement 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. [LE 44.2.1b]

525.03 CUSTODIAL ARRESTS

A. Taking into custody [ACA 9-27-313]

A juvenile only may be taken into custody without a warrant before service upon them of a petition and notice of hearing or order to appear as set out under ACA 9-27-312:

1. Pursuant to an order of the circuit court under this subchapter.
2. By a Law Enforcement Officer, if there are reasonable grounds to conclude the juvenile is in immediate danger and removal is necessary to prevent serious harm from his surroundings; or from illness or injury and if parents, guardian, or others with authority to act are unavailable or have not taken the action necessary to protect the juvenile from danger and there is not time to petition for and obtain an order of the court prior to taking the juvenile into custody. [LE 44.2.2b]
3. Juveniles cannot be detained under 4.1 unless it's a felony offense, a misdemeanor in the presence of the officer, or the officer has exhausted all avenues to locate a legal guardian.

When any juvenile is taken into custody without a warrant, the officer taking the juvenile into custody shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location. [LE 44.2.2e]

When any juvenile is taken into custody pursuant to a warrant, the officer taking the juvenile into custody shall immediately take the juvenile before the judge of the division of circuit court out of which the warrant was issued and make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location. *[LE 44.2.2e]*

A Law Enforcement Officer shall take a juvenile to detention, immediately make every effort to notify the custodial parent, guardian, or custodian of the juvenile's location, and notify the Juvenile Intake Officer prior to transport so that a petition may be filed if a juvenile is taken into custody for any act that would be a felony if committed by an adult. *[LE 44.2.2e]*

If a juvenile is taken into custody for an act that would be a misdemeanor if committed by an adult, the officer shall immediately make every effort possible to notify the custodial parent, guardian or custodian of the juvenile's location and may:

1. Notify the Juvenile Intake Officer, who shall make a detention decision pursuant to ACA 9-27-322; or
2. Return the juvenile to his or her home.

Whenever a juvenile is taken into custody, the officer taking the juvenile into custody shall, transport the juvenile to the Benton County Juvenile Detention Center or if the juvenile is in need of medical attention, the juvenile should be transported to a medical facility. *[LE 44.2.2d]*

In addition, an Officer may take a juvenile into custody if there is probable cause to believe the juvenile has committed a status offense. (e.g., Curfew, Runaway, Minor in Possession, etc.) *[LE 44.2.2.a]*

B. Right to counsel *[ACA 9-27-316] [LE. 44.2.3]*

In delinquency and family in need of services cases, a juvenile and his or her parent, guardian or custodian shall be advised by the Law Enforcement Officer taking a juvenile into custody that the juvenile has the right to be represented at all stages of the proceedings by counsel.

A law enforcement Officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense until the law enforcement officer has advised the juvenile of his or her rights pursuant to subdivision “3” of this section in the juvenile's own language.

A law enforcement Officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense if the juvenile has indicated in any manner that he or she:

1. Does not wish to be questioned.

2. Wishes to speak with his or her custodial parent, guardian, or custodian or to have that person present; or
3. Wishes to consult counsel before submitting to any questioning.
4. The arresting officer shall not question a juvenile in the custody of the Department of Human Services without their attorney present.

C. Waiver of right to counsel – Questioning. [ACA 9-27-317]

Waiver of the right to counsel shall be accepted only when:

1. The juvenile understands the full implications of the right to counsel.
2. The juvenile freely, voluntarily, and intelligently wishes to waive the right to counsel; and
3. The parent, guardian, custodian, or counsel for the juvenile has agreed with the juvenile's decision to waive the right to counsel.

The agreement of the parent, guardian, custodian, or attorney shall be accepted only if:

1. That person has freely, voluntarily, and intelligently made the decision to agree with the juvenile's waiver of the right to counsel.
2. That person has no interest adverse to the juvenile; and
3. That person has consulted with the juvenile regarding the juvenile's waiver of the right to counsel.

In determining whether a juvenile's waiver of the right to counsel was made freely, voluntarily, and intelligently, the officer shall consider all the circumstances of the waiver, including:

1. The juvenile's physical, mental, and emotional maturity.
2. Whether the juvenile understood the consequences of the waiver.
3. In cases in which the custodial parent, guardian or custodian agreed with the juvenile's waiver of the right to counsel, whether the parent, guardian or custodian understood the consequences of the waiver.
4. Whether the juvenile and his or her custodial parent, guardian or custodian were informed of the alleged delinquent act.
5. Whether the waiver of the right to counsel was the result of any coercion, force or inducement.

6. Whether the juvenile and his or her custodial parent, guardian or custodian had been advised of the juvenile's right to remain silent and to the appointment of counsel and had waived such rights; and
7. Whether the waiver was recorded in audio or video format and the circumstances surrounding the availability or unavailability of the recorded waiver.

No waiver of the right to counsel shall be accepted in any case in which the parent, guardian or custodian has filed a petition against the juvenile, initiated the filing of a petition against the juvenile, or requested the removal of the juvenile from the home.

No waiver of the right to counsel shall be accepted in any case in which counsel was appointed due to the likelihood of the juvenile's commitment to an institution under ACA 9-27-316(d).

No waiver of the right to counsel shall be accepted when a juvenile has been designated an extended juvenile jurisdiction offender.

No waiver of the right to counsel shall be accepted when a juvenile is in the custody of the Department of Human Services, including the Division of Youth Services of the Department of Human Services.

All waivers of the right to counsel shall be in writing and signed by the juvenile.

When a custodial parent, guardian or custodian cannot be located or is located and refuses to go to the place where the juvenile is being held, counsel shall be appointed for the juvenile. Procedures shall then be the same as if the juvenile had invoked counsel.

After the parent, guardian, custodian, or appointed attorney arrives at the Department, the officer will conduct the interview in the following manner: [LE 1.2.3.a] [LE 1.2.3.b] [LE 1.2.3.c] [LE 42.2.2.b]

1. Confer with the parent, guardian, custodian, or attorney and explain the circumstances of the custody and request permission to question the juvenile; [LE 44.2.3]
2. Advise the juvenile of his or her Miranda rights in the presence of the parent, guardian, custodian, or attorney. These rights shall be advised in the native or preferred language of those present. A Department Advice of Rights form should be completed with this advice of rights and applicable signatures will be obtained. [LE 44.2.2c]
3. In order to reduce the possibility of duress, no more than two officers shall be present during the interview and the duration of the interview should be limited as much as possible. [LE 44.2.3]

4. If at any time the juvenile, parent, guardian, custodian, or attorney requests the interview be stopped, the officers conducting the interview must terminate the interview immediately.
5. Explain to the juvenile and the parent, guardian, custodian, or attorney the procedures that will be followed as they relate to the custody, transportation to the detention center, and the detention hearing. [LE 44.2.3]

After consideration of the seriousness of the offense(s), circumstances and previous history, the officer may elect to make a custodial arrest. The officer will then need to contact the Juvenile Intake Officer of the Juvenile Court regardless of the type of the offense. [LE 44.2.1c] If the custodial arrest is approved by the Intake Officer, the Officer may then transport the juvenile to the Benton County Juvenile Detention Center with a Probable Cause Affidavit.

525.04 PROCESSING JUVENILES IN CUSTODY

A. Custodial Responsibilities:

Arkansas State Statutes call for Officers to follow these procedures for juveniles in custody.

Constitutional Rights: Prior to interrogating juveniles, advise them of their Constitutional rights in the presence of their parent or guardian. However, parents or guardians' presence is not required when the juvenile will be handled as an adult and the prosecuting attorney authorizes the action.

Notice to Juvenile Officer: Notify Benton County Juvenile Probation of each juvenile taken into custody. Furnish all facts about any persons interested in and having legal custody of the child and reasons for arrest.

Notice to Parents or Guardian: Make a reasonable effort to promptly notify the parents or guardians when Officers take a juvenile into custody. If an Officer is unable make immediate contact, continue with reasonable efforts to establish contact.

Status Offender: Contact Benton County Juvenile Probation for proper disposition or other actions to place juveniles Officers have taken into custody for status offenses.

B. Detaining Juveniles:

Do not hold a juvenile in custody with adults. Keep them out of sight and sound of adults. Immediately release juveniles to their parents, guardian, or other responsible adult unless detention is approved by the Benton County Juvenile Intake Officer or detention is mandated by law.

C. Juveniles Arrest Report:

Finish a Juvenile Arrest Report for each juvenile an Officer has arrested and send a copy to the Benton County Juvenile Probation Office and the Benton County Prosecutor's Office.

D. Fingerprinting and Photographing Juveniles:

When a juvenile is arrested for any offense that if committed by an adult would constitute a Class Y, Class A, or Class B felony, the juvenile shall be photographed and fingerprinted by an Officer. ACT 1016 (Fingerprinting and photographing).

E. Deoxyribonucleic Acid (DNA) Samples from Juveniles:

A juvenile who is adjudicated delinquent for the following offenses shall have a DNA sample drawn upon intake at a juvenile detention facility or intake at a Division of Youth Services facility: Rape, Sexual Assault-1st degree or 2nd degree, Incest, Capital Murder, Murder-1st or 2nd degree, Kidnapping, Aggravated Robbery, Terroristic Act, & Aggravated Assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y Felony.

F. Custodial Interrogation of Juveniles:

Officers shall contact the Intake Officer at JDC, who will facilitate the release of the juvenile into the care and custody of the investigating personnel.

A law enforcement officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense if the juvenile has indicated in any manner that they:

1. Does not wish to be questioned;
2. Wishes to speak with the parent, guardian, custodian or have that person present;
3. Wishes to consult counsel before submitting to any questioning.

525.05 JUVENILE RECORDS

Juvenile records confidentiality. [9-28-217] 1. Except as provided in subsection “3.” of this section, reports, correspondence, memoranda, case histories or other material that personally identifies a juvenile, including protected health information, shall be confidential and shall not be released or otherwise made available except to the following persons or entities and to the extent permitted by federal law:

1. The juvenile;
2. The juvenile's parent, guardian, or custodian;
3. The juvenile division of circuit court and court staff;
4. The ombudsman of youth committed to the Division of Youth Services;
5. The attorney for the juvenile;

6. The attorney ad litem for the juvenile;
7. A grand jury or a court upon a finding that information in the juvenile's record is necessary for the determination of an issue before the court or the grand jury;
8. Individual federal and state representatives and senators and their staff members in their official capacity. However, no disclosure shall be made to any committee or legislative body of any information that identifies any recipient of services by name or address unless the juvenile, the juvenile's attorney, and the juvenile's parent, guardian or custodian agree in writing to waive confidentiality and permit disclosure to the committee or legislative body;
9. Law enforcement or the prosecuting attorney;
10. Service providers, including health care providers, to assist in the care, evaluation, examination or treatment of the juvenile;
11. A governmental agency for an audit or similar activity conducted in connection with the administration of any plan or program if the governmental agency is authorized by law to conduct the audit or activity;
12. A court-appointed special advocate upon presentation of an order of appointment;
13. A federal program or federally assisted program that provides assistance, in cash or in kind, or services directly to individuals on the basis of need;
14. A federal, state or local government entity or any agent of the entity having a need for the information in order to carry out its responsibilities under law to serve or protect a juvenile delinquent or a juvenile who is a member of a family in need of services;
15. Any licensing or registering authority may access to the extent necessary to carry out its official responsibilities; and
16. A multidisciplinary team coordinating a child maltreatment investigation under the Child Maltreatment Act, 12-18-101 et seq., pertaining to the juvenile.

525.06 POLICY REVIEW PROCESS

The BPD's Criminal Investigations Division Commander, or their designee, will conduct an annual review of all policies and procedures dealing with juveniles. The review shall include input from other elements of the juvenile justice system including, but not limited to, the following: [LE 44.1.2]

1. Benton County Juvenile Courts.
2. Benton County Juvenile Intake/Probation Office; and
3. Benton County Prosecuting Attorney's Office.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Missing Persons	POLICY NUMBER: 526.00
	CALEA STANDARDS: LE 41.2.5, 41.2.6	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 9

PURPOSE

The Bentonville Police Department is responsible for investigating reports of missing persons. The purpose of this policy is to establish guidelines and responsibilities regarding this department's response to reports of missing persons.

POLICY

It is the policy of this Department to thoroughly investigate all reports of missing persons. Additionally, this Department holds that every person reported as missing will be considered "at risk" until significant information to the contrary is confirmed.

Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a person resides in the City of Bentonville and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing-person/child report, this agency may assume any reporting and investigative responsibilities that may reasonably be conducted.

Questions concerning parental custody occasionally arise in relation to missing child reports. It is the policy of this Department to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this Department will open a case when it can be shown that the child is missing, without explanation, from their usual place of residence. If custody has not been established by the Court, then the only law-enforcement responsibility is that of determining the child's safety. [LE 41.2.6a]

DEFINITIONS

At Risk Missing Person: An "At Risk Missing Person" is defined as a juvenile under the age of 12 or a missing person of any age missing with "Unusual Circumstances".

Missing Adult: Missing adult means any person 18 years of age or older has been reported to this Department, or any law enforcement agency. This report will generally include the following circumstances:

1. The individual has a physical or mental disability with a documented diagnosis.
2. The individual is missing under circumstances believed not to be voluntary.
3. The individual is missing because of a natural or intentionally caused catastrophe.

Missing Child: Missing child means any person, under the age of 18, whose location is unknown or who has been taken, enticed, or kept from any person entitled by law or a court decree or order to the right of custody; and reported as missing to a law enforcement agency.

Unidentified Person: The term “Unidentified Person” is defined as a person living or deceased who is unidentified after all available methods used to identify a person have been exhausted, including decedent released to the State Crime Laboratory in which the identity of the decedent cannot be established to the satisfaction of the State Medical Examiner.

Unusual Circumstances: Unusual Circumstances can be defined by the below listed factors:

1. Out of the zone of safety for his or her age and physical and mental condition. The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child, the zone of safety might be the immediate neighborhood or route taken between home and school. In the case of an elderly person of diminished physical and/or mental health, the zone of safety might include the proximity and availability of a caregiver familiar with that individual’s condition and needs.
2. Mentally diminished. If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. This disability places the person in danger of exploitation or other harm.
3. Drug dependent. In the case of a child, the term “drug dependent” shall refer to dependence on either prescription or illicit substances since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term “drug dependent” shall refer to a dependence on legally prescribed medicines vital to the adult’s continued physical well-being.
4. A potential victim of foul play, sexual exploitation, or a potential victim of human trafficking.
5. In a life-threatening situation.
6. Absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.
7. Believed to be with persons who could endanger his or her welfare.

8. Is absent under circumstances inconsistent with established patterns of behavior.

Amber Alert: Amber Alert activation involves the participation of every law enforcement agency in Arkansas as well as over 250 local radio stations, television stations and other media. Information is broadcast quickly to all participants so that details of a possible abduction can be disseminated.

Silver Alert: Silver Alert activation is intended for use in circumstances involving subjects with Alzheimer's or other cognitive disorders become lost or otherwise unaccounted for. This is similar to an Amber Alert.

PROCEDURES

526.01 MISSING PERSONS INVESTIGATIONS

A. UNUSUAL CIRCUMSTANCES:

If it is determined that “unusual circumstances” are involved in the report of a missing adult or child, the person will be considered “at risk” and an expanded investigation, including the use of all appropriate resources, will immediately commence.

If appropriate, existing interdepartmental response protocols - including the AMBER Alert system and/or other available immediate community notification methods - should be activated. While AMBER Alerts are typically for abducted children, there are other tools available such as the Endangered Missing Advisory.

There is no required waiting period for reporting a missing person. A person may be declared “missing” when his or her whereabouts are unknown and unexplainable for a period that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.

B. TELECOMMUNICATIONS RESPONSIBILITIES [LE 41.2.6e]:

Telecommunicators shall promptly dispatch Officers to the scene of the report and ensure that a supervisor is aware of the call. Telecommunicators will also be responsible for disseminating BOLO’s and other intra and inter-agency notifications. These notifications shall include available information regarding the missing person, their physical description, clothing description, possible vehicle description, and any other information that may aid in locating and identifying the missing person.

Where possible and appropriate, searching police agency records for information concerning the child and family that may facilitate the search and investigation, such as

1. History of calls for service.
2. Criminal history of family members or others at the individual’s home address.

3. Runaway reports on the individual or siblings; and
4. Records checks/Juvenile delinquency reports of the individual.

Performing records check on the neighborhood to establish whether incidents have been reported in the vicinity that may have some bearing on the case, such as

1. Complaints of attempted abductions, prowlers, public lewdness, and suspicious persons.
2. Residents in the vicinity of the missing child's home or place last seen who have a criminal history related to children or are designated as sexual predators; and
3. Any transient or construction activity in the area.

When elevated risk factors exist, issuing a radio alert to all agency personnel and entering an alert on the statewide telecommunications system. Initiate established protocols for working with the media, including activation of the AMBER Alert system and/or other immediate community-notification methods when appropriate.

Ensuring the missing child is entered into NCIC within three hours of receipt of the missing child report.

Notifying the National Center for Missing & Exploited Children (NCMEC) of the missing child report.

Additionally, missing person files will generate a terminal message at 30 days of being entered. This message is an advisement to ensure DNA, dental records and photos are collected and attached to the file.

C. PRELIMINARY INVESTIGATIONS:

1. Missing Adults (No Unusual Circumstances):

When the missing person is an adult and the circumstances do not fit the criteria for "At Risk" condition, officers should attempt to determine if the missing person has left the area on purpose. Adults leaving the area intentionally will not be a police situation. If the facts are not clear as to the circumstances of the missing person, officers shall take a report and label it "Missing person." However, this person shall not be entered into NCIC/ACIC.

2. At Risk Missing Person (Adult) [LE 41.2.5a]:

Upon arrival, Officers should prioritize obtaining a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be immediately relayed to other Officers who may be assisting in the investigation.

Recent photographs and/or videos should be secured if available.

Officer should notify a supervisor if it is not apparent the notifications have already been made.

Officers, in coordination with Dispatch, shall inform the surrounding agencies of the missing adult and provide any emergency information that may be needed. This shall also include any special considerations that may be applicable to critical or at-risk missing persons (i.e.: need for medical assistance, medications, etc.) [LE 41.2.5b/g]

A search of the immediate area or known path for the subject should be considered. The search may include the use of technology or accessing cell phone GPS with the aid of service providers. The use of community alert systems (Silver Alert, Amber Alert) should also be considered as appropriate for circumstances.

As part of the documentation, all Missing Persons should be entered into NCIC/ACIC as a missing person. The subject's status should be updated as reasonably practicable. [LE 41.2.5c]

3. At Risk Missing Person (Juvenile):

Upon arrival, Officers should prioritize obtaining a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be immediately relayed to other officers who may be assisting in the investigation. Recent photographs and/or videos should be secured if available.

Officers should notify a supervisor if it is not apparent the notifications have already been made.

Verify that the person is in fact missing. In the case of children, first responders should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check of the house and grounds shall be made that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior, including trunks of parked vehicles where limited breathing air may place the child at even greater risk.

A search of the home should be conducted even if the missing person was last seen elsewhere.

Additionally, Officers should confirm custody status of the juvenile, along with the circumstances of the disappearance. Determine when, where, and by whom the missing child was last seen.

Inform the surrounding agencies of the missing child and provide any emergency

information that may be needed. (i.e.: need for medical assistance, medications, etc.)

As necessitated by circumstances, Officers may need to conduct a door-to-door canvass of the neighborhood, including personal contacts with friends of the missing child. Obtain a description of any potential contacts or suspected abductors.

If the missing child situation qualifies under the “Morgan Nick Amber Alert System.” Notification shall be made to the Arkansas State Police for confirmation and implementation of the alert.

A search of the immediate area or known path for the subject should be considered. The search may include the use of technology or accessing cell phone GPS with the aid of service providers. The use of community alert systems (Silver Alert, Amber Alert) should also be considered as appropriate for circumstances.

Determine the correct NCIC Missing Person File category (disability, endangered, involuntary, juvenile, or catastrophe) and request that communications or other authorized personnel promptly enter this into the NCIC file. Family abductions are normally entered as “involuntary,” and non-family abductions are entered as “endangered.” By law, this entry must be made within two hours of receipt of a report of a missing or abducted child.

As part of the documentation, all Missing Persons should be entered into NCIC/ACIC as a missing person. The subject’s status should be updated as reasonably practicable. [LE 41.2.5c]

4. Missing Juveniles (Not at Risk)

Obtain a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other officers who may be assisting in the investigation. Recent photographs and/or videos should be secured if available.

Additionally, Officers should confirm custody status of the juvenile, along with the circumstances of the disappearance. Determine when, where, and by whom the missing child was last seen.

Inform the surrounding agencies of the missing child and provide any emergency information that may be needed. (i.e.: need for medical assistance, medications, etc.)

As part of the documentation, all Missing Persons should be entered into NCIC/ACIC as a missing person. The subject’s status should be updated as reasonably practicable. [LE 41.2.5c]

5. Supervisor Responsibilities [LE 41.2.6b/e]:

Obtain a briefing from the first responder(s) and other Department personnel at the scene. The scene supervisor must determine if additional personnel and resources are needed to assist in the investigation. As part of the investigation, a liaison with the missing person's family shall be established.

The scene supervisor should consider a request for activation of the AMBER Alert system and/or other immediate community notification methods as appropriate for the circumstances. If circumstances indicate the chances for the child's safe recovery would be increased by immediate public awareness, a supervisor should promptly implement such efforts.

In the event the subject is not immediately located, the scene supervisor may determine it necessary to establish a command post. This should become a centralized location for gathering intelligence as well as managing resources and directing searches.

The scene supervisor shall also ensure that all required notifications have been completed. Confirm that all department policies and procedures are observed.

6. Follow-Up Investigations [LE 41.2.6f]:

The assigned investigator will conduct follow-up investigations as appropriate for the totality of the circumstances. This shall include an initial follow-up contact with the reporting person for the purpose of providing updates as well as potentially learning new information relevant to the investigation. [LE 41.2.5e]

In the case of "At Risk" missing persons an attempt to obtain the following should be made:

- a. Name of family dentist for purposes of future identification.
- b. Medical history that would help in future identification (broken bones, bone repairs by means of pins or screws, pacemaker, prosthetics, etc.)
- c. Description of scars or tattoos.
- d. Hair samples from brush or similar object.
- e. Determine if additional public service announcements are warranted.

526.02 ALERT ACTIVATION CRITERIA [LE 41.2.6d]

Amber Alert:

1. There is reasonable belief by law enforcement that an abduction has occurred.

2. The law enforcement agency believes that the child is in imminent danger of serious bodily injury or death.
3. There is enough descriptive information about the victim and the abduction for law enforcement to issue an AMBER Alert to assist in the recovery of the child.
4. The abduction was of a child aged 17 years or younger.
5. The child's name and other critical data elements, including the Child Abduction flag, have been entered into the National Crime Information Center (NCIC) system.

Silver Alert:

1. Has been adjudicated by a court to be incapable of managing his or her own personal affairs (i.e., through a guardianship proceeding); or
2. Has a documented diagnosis of a mental illness, injury or other condition causing the person to be incapable of making personal care decisions; or
3. Is strongly suspected, by that person's caregiver or family member, to be afflicted with some form of dementia.

526.03 LOCATING MISSING PERSONS

Officers must verify that the located person is, in fact, the reported missing person.

In the case of a missing adult who has been located, the subject should be informed they are the subject of a Missing Person investigation. If the located person is a competent adult, the Officer shall determine the person's willingness for law enforcement to reveal his or her whereabouts. If the subject does not want to contact the reporting party or reveal their whereabouts, Officers need only update the entry in NCIC/ACIC and inform the reporting party of the status. The subject's privacy shall be respected regarding their exact whereabouts or other details not related to their status as a "Missing Person".

In the case of a missing or abducted person who has been located, secure intervention services where appropriate.

In the case of a runaway or missing child from within the Department's jurisdiction, arrange the return of the child to his or her legal guardian or to an appropriate person. If other circumstances exist, i.e., arrest warrants or ongoing investigations, Department personnel will respond accordingly.

In the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC/ACIC missing person "hit" is verified, place the child in custody and transport him or her to the appropriate facility for admission.

Officers shall complete the appropriate supplemental reports and cancel all outstanding notifications. Along with cancellation of the NCIC/ACIC Missing Person File entry and other notifications regarding the case, a supplemental report should be completed that describes the person's activities while missing and circumstances of the recovery/return.

Ensure missing persons entered NCIC/ACIC are removed upon being located.

526.04 OUTSIDE AGENCY LOCATING BENTONVILLE MISSING PERSON

When another jurisdiction locates a reported missing adult from Bentonville, the Officer shall complete a supplemental report containing all the details of the locate.

When another jurisdiction locates a reported missing juvenile from Bentonville, Officers shall contact that jurisdiction to determine the nature of the locate. A supplemental report containing the details of the locate will be completed.

Ensure missing persons are entered into NCIC/ACIC are removed upon being located.

A. Unidentified Persons

An Officer or detective assigned to the report of an unidentified person, whether living or deceased, shall:

1. Enter the unidentified person's description into the NCIC Unidentified Person File.
2. The Officer assigned shall obtain copies of fingerprints on standardized fingerprint cards, or the equivalent digital image, including partial prints of any fingers.
3. Obtain forensic dental report or radiology imaging.
4. Obtain detailed personal descriptions.
5. Obtain Deoxyribonucleic Acid (DNA) information.
6. Obtain Radiology imaging and medical data.
7. All other identifying data, including date and place of death.

In the case of a living, unidentified child, Officers should complete a door-to-door canvass in attempt to identify the parents or legal guardians of the child. The Officer should consider other resources to aide in the identification of the child, such as the Department of Human Services, Bentonville School District, etc. If the above does not work, consider broadcasting the child's descriptors to other area jurisdictions.

Appendix A

Children with Special Needs Questions

When a child with special needs is reported missing, answers to the following questions should be obtained to tailor the appropriate law enforcement response.

1. Is the child wearing/carrying any tracking technology device? If so, which one and how is information accessed?
2. Is the child attracted to water? If so, can the child swim?
3. Is the child attracted to active roads or highways, trains, heavy equipment, fire trucks, park swings, or road signs?
4. Does the child have a fascination with vehicles, i.e., trains, heavy equipment, planes, or fire trucks?
5. Does the child have a history of wandering or eloping? If so, where were they found and what physical features associated with those episodes may have attracted them?
6. Does the child have a sibling with special needs? If so, has that sibling wandered away before? If so, where was the sibling found?
7. Where does the child like to go? Does the child have a favorite place?
8. Is the child verbal or nonverbal? What are their communication abilities?
9. How will the child likely react to their name being called?
10. Will the child respond to a particular voice of a family member or caregiver?
11. Does the child have a favorite song, toy, or character? If so, what or who is it?
12. Does the verbal child know their parents' names, home address, and phone number?
13. Does the child have any specific dislikes, fears, or triggers? How will they typically react to negative stimuli?
14. How might the child react to sirens, helicopters, airplanes, search dogs, people in uniform, or those participating in a search team?
15. How does the child respond to pain or injury?
16. What is the child's response to being touched?
17. Does the child wear a medical ID tag?
18. Does the child have any other sensory, medical, physical conditions, or dietary issues and requirements?
19. Is the child taking any medications, if so, what type of medication, the risks and potential side effects involved with delayed or missed doses.
20. Does the child become upset easily? If so, what methods are used to calm them?

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Child Custody Orders	527.00
	CALEA STANDARDS:	EFFECTIVE DATE:
		XX
	NOTES:	REVISION DATE:
		05/04/2024
	APPROVAL:	PAGES:
	Ray Shastid, Chief of Police	3

PURPOSE

A police seizure of a child pursuant to a court order can implicate the due process clause of the Fourteenth Amendment, as well as the Fourth Amendment. Many courts have addressed claims of an officer's liability under the Fourteenth Amendment for such cases as enforcing an out-of-state court order which directs an officer to seize a child from one parent, and transfer custody to the other parent.

Thus far, the consensus is that such out-of-state court-ordered seizures do, in fact, violate the Constitution if certain due process requirements have not been satisfied. Consequently, officers taking action based on child custody orders could be subjecting themselves and the City of Bentonville to civil liability.

POLICY

The Bentonville Police Department will make every effort to follow the Arkansas state laws in reference to Child custody orders issued by the local Courts. Likewise, Officers will follow the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) in reference to out-of-state custody orders. The following procedures will provide guidance for officers confronted with complaints involving child custody orders.

PROCEDURES

527.01 ENFORCING VIOLATIONS OF "INTERFERENCE WITH CUSTODY"

Officers should exercise extreme caution when considering actions that will directly affect the physical custody of a child. All too often "court" is convened in the field, and an exchange of custody is coerced. These decisions are often based on limited knowledge, invalid or unsupported court documents, or simply the persistent pressure of a parent or his or her attorney. The consequences of these arbitrary actions can be devastating.

Therefore, officers confronted with local court ordered custody issues in the field should make an effort to establish the following facts prior to taking any action:

1. Review the alleged court order.

2. Verify the order is currently on file and **certified** with the court.
3. Confirm the order is still valid and hasn't been replaced with another order.
4. Attempt to determine both parties understanding of the order.

Once an officer completes the above steps and if the order appears legitimate, the officer should now consider the necessary course of action.

This course of action may be dictated by the order itself. However, if the order fails to outline a course of action, an officer may consider an arrest or the completion of a crime report.

Officers contemplating an arrest for a violation of "Interference with custody" (5-26-502) should be reminded the State statute directs the arresting officer to "inform the Department of Human Services prior to serving a warrant for arrest on a person charged with the offense of interference with court-ordered custody". (Note: this would also apply to probable cause arrests) The statute goes on to say "a representative of the department shall be present with the arresting officer to take the minor into temporary custody of the department pending further proceedings by a court of competent jurisdiction."

Officers choosing to complete a crime report should include copies of all documents along with any statements gathered during the investigation. This information will be used for further investigation and prosecutor review.

527.02 OUT OF STATE CUSTODY ORDER

An out-of-state custody order is defined as any court order issued by another jurisdiction outside of this State in reference to a child custody matter. Generally, the order is directing custody of a child to a particular parent or guardian.

527.03 ENFORCING OUT-OF-STATE CUSTODY ORDERS

Police authority with regards to enforcing child custody orders is wholly dependent on the validity of the order. The validity determination is properly made by the Court, not by the individual seeking enforcement, not by the Department of Human Services, and not by law enforcement officials (absent immediate danger to the child).

Therefore, police action without an Arkansas court order or warrant is unauthorized, absent exigent circumstances. (Note: If the order is registered, Officers should now handle it as a local court custody order)

527.04 PERSONS DESIRING ENFORCEMENT OF A FOREIGN ORDER

The Arkansas version of the UCCJEA provides for specific procedures that must be followed by a person who is trying to enforce a foreign custody order. Some of these procedures include the following:

1. The first step for recognition of an out-of-state child custody determination is to make a request to register a certified copy with the appropriate circuit court, along with a statement under penalty of perjury that to the best

knowledge and belief of the person seeking registration the order has not been modified.

2. Notice is to be served on those persons named to allow them an opportunity to contest registration of the foreign order.
3. A hearing may be conducted in reference to the registration matter if the opposing party complies with the notice requirements.
4. If no timely request for a hearing is made, registration of the order is confirmed as a matter of law, and all persons served must notified.
5. Once the out-of-state order has been registered, the court may grant any relief normally available under state law to enforce the order.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT: Domestic Violence	POLICY NUMBER 528.00
	CALEA STANDARDS: LE 55.1, LE 55.2	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 07/13/2023
	APPROVAL Ray Shastid, Chief of Police	PAGES: 8

PURPOSE

The nature or seriousness of crimes committed between family or household members is not mitigated because of the relationships or living arrangements of those involved. It is the intent of this policy to prescribe courses of action which police officers should take in response to domestic violence that will enforce the law while also serving to intervene and prevent future incidents of violence.

POLICY

The Bentonville Police Department recognizes domestic violence as a universal problem affecting people from all walks of life. Domestic violence is a criminal offense according to ACA 16-81-113 and ACA 9-15-101-103, which is referred to as: The Domestic Violence Act of 1991. It is, therefore, the Departmental policy that an arrest is presumed to be the most appropriate response on a domestic violence incident. No person, because of their occupation, should be exempt from the consequences of their actions that result in a violation of the law under the Domestic Violence Act.

DEFINITIONS

Consanguinity: Lineage or origin by blood relationships. This relationship in domestic violence violations extends to the 4th degree and includes great, great grandparents and children, great granduncles and aunts, and great grandnephews and nieces.

Dating Relationship: A romantic or intimate social relationship between two individuals which shall be determined by examining the following factors: Length of relationship, type of relationship, frequency of interaction between the two individuals. (It shall not include a causal relationship or ordinary fraternization in a business or social context between two individuals.) ACA 5-26-302 (1) (A) (b)

Domestic Violence: means physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault between family members or household members, or any sexual conduct between family or household members, whether minors or adults,

which constitutes a crime under the laws of the state. (ACA 16-81-113) (1) (A, B) Family or Household Members: Spouses, former spouses, parents or children, persons related by blood within the fourth degree of consanguinity, persons who are presently or in the past have resided or cohabitated together. Family or household members includes persons who have or have had a child in common and persons who are presently or in the past have been in a dating relationship. (ACA 16-81-113) (2)

No Contact Order: An order for a defendant to have no contact with a victim and victim's family. It is issued by circuit and district courts in association with criminal charges, as either a condition of pretrial/bond or as a condition of probation. If the defendant is arrested in violation of an order, they will be charged with violation of a no contact order (ACA 16-85-714) and held without bond until brought before the court.

Order of Protection: An order issued by a court which prohibits a person from engaging in certain conduct or contact with another person.

Predominant Physical Aggressor: the most significant aggressor, not necessarily the first aggressor based upon A.C.A 16-81-113(B)(i):

Statements from parties to the act of domestic violence and other witnesses.

The extent of personal injuries received by parties to the act of domestic violence.

Evidence that a party to the act of domestic violence acted in self-defense; or

Prior complaints of domestic violence if the history of prior complaints of domestic violence can be reasonably ascertained by the law enforcement officer.

A law enforcement officer may consider any other relevant factors when determining if one party to an act of domestic violence is the predominant aggressor.

528.01 PROCEDURES

Officers responding to a domestic violence incident will remain vigilant regarding officer safety considerations and an array of variables and possible threats that may be present in these situations.

Officers shall make an initial assessment of any injuries sustained by involved parties and request medical aid if necessary. If serious physical injury occurs, the on-duty supervisor will respond to determine if the Criminal Investigation Division should be contacted. Interview all parties separately. After each party has been interviewed, if there is a question as to whether to arrest, the officer's supervisor will be called to the scene for further assessment of the situation.

Officers shall ascertain and verify the existence of any court order in effect and enforce the provisions thereof.

Officers shall complete a Case Report if domestic violence was committed. Note on the incident report whether an arrest was made. Additionally, Officers shall complete a lethality assessment and issue a Laura's Card/Victim's Rights Form. The form contains information regarding Arkansas' Victim's Bill of Rights and victim assistance program resource numbers.

All the listed suspects and arrested parties are to be checked locally and in ACIC/NCIC for any active warrants or previous convictions for domestic violence. Arrest is the preferred action on domestic violence cases when the primary aggressor has been determined.

If the offender has left the scene and a domestic violence crime has been committed, the officer will conduct a search of the immediate area and obtain information from victims and witnesses as to where the offender might be and attempt to locate.

The reporting officer will broadcast the offender information to all officers and send an email outlining the offense and time parameters of the arrest window to Bentonville Telecommunicators. Telecommunicators will, in turn, issue a Be On the Lookout (BOLO) for the suspect's arrest.

If an arrest was not made before the end of the primary officer's shift, the officer should complete a case report that has been approved by a supervisor to immediate attention.

528.02 LAURA'S LAW

Laura's Law Lethality Assessment (ACA 12-12-108):

When a Bentonville Police Officer responds to a report of a domestic violence, officers shall interview a victim of domestic violence and shall assess the potential for danger by asking a series of questions provided on a lethality assessment form.

Based on the results of the lethality assessment under this section, the Officer compiling the information is required to provide resources to refer the victim to an available shelter or domestic violence intervention program and shall comply with (ACA 16-90- 1107) which requires the officer to provide the victims, and if applicable, the victim's family a "Victims Services Program" - "Laura's Card" [LE 55.1.1a]

"Laura's card" provides information concerning the victim's rights, Victim Services Program, Arkansas Vine Program and information for how to obtain of "Order of Protection." Bentonville Police Officers should provide their badge number, contact information, and case number on the card. [LE 55.1.1e, 55.2.5]

528.03 WARRANTLESS ARRESTS

When a law enforcement officer has probable cause to believe a person has committed acts which constitute a crime under the laws of this state and which constitute domestic violence as defined in the Arkansas Criminal Code, the officer may arrest the person without a warrant if the law enforcement officer has probable cause to believe the person within the preceding four (4) hours, or within the preceding twelve (12) hours for cases

involving physical injury as defined in 5-1-102 (14), has committed such acts even if the incident did not take place in the presence of the law enforcement officer. (ACA 16-81-113)

The arrest of the person shall be considered the preferred action by an officer of this agency when evidence indicates domestic violence had occurred in violation of Arkansas Criminal Code. If an officer cannot determine the primary physical aggressor in an incident, then dual arrests may be necessary in some rare instances where the victim or aggressor cannot be determined.

“Any law enforcement officer acting in good faith and exercising due care in making an arrest for domestic violence will have immunity from civil liability.” (ACA 16-81-113(3))

Field release and issuance of a citation are not permitted in domestic violence cases when grounds for an arrest are present.

If an arrest was made for domestic violence, the arrested party should be transported to the Benton County Jail and held for a bond hearing. The primary officer will complete a Arrest Report and place a copy of the lethality assessment in the file. This arrest report should be approved by a supervisor and sent to the immediate attention level prior to the end of shift.

The on-call detective, assigned detective, or the arresting officer should complete a bond hearing for the case in the appropriate affidavit format. A bond recommendation from a prosecutor and a No Contact Order (NCO) should be completed before the bond paperwork is sent to the Benton County Jail. This should be done without unnecessary delay.

In cases where an arrest has been made and the suspect requires hospitalization for a long term the following steps will be followed:

1. Complete a No Contact Order.
2. Contact an available judge and have the NCO signed and served.
3. Release the suspect with an appearance agreement.

528.04 VICTIM ASSISTANCE/CRIME PREVENTION

Many victims of domestic violence feel trapped in violent relationships because they are unaware that domestic violence is a crime and resources are available to help them. Also, the offenders may have threatened further violence if the victim attempts to leave or seek assistance.

Officers are required to provide the following assistance to the victims, and where appropriate, the children:

1. Advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available.
2. Ensure the safety of any children.
3. Remain on the scene until satisfied there is no threat to the victim.

Additionally, Officers should provide or arrange accessible transportation for the victim and, at the victim's request, for any minor child or dependent in the victim's care, to a medical facility for treatment of injuries or to a nearby place of shelter or safety.

When a victim of abuse decides to leave the scene of the offense, it will be presumed to be in the best interest of any minor child or dependent in the victim's care to remain with the victim or a person designated by the victim, rather than to remain with the abusing party.

If the suspect or arrested party has court ordered custody of any minor child, the officer should contact the AR Department of Human Services. Any suspected maltreatment of a child should be reported to the Arkansas State Police Child Abuse Hotline without delay.

528.05 CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

It will be the duty of any Investigation Division Supervisor to assign a Detective to an incident involving domestic violence.

All the listed suspects and arrested parties are to be checked locally and in ACIC/NCIC for any active warrants or previous convictions for domestic violence. If a previous conviction for a domestic violence related crime exists, the appropriate court should be contacted, and a certified copy of the conviction should be obtained for the case file.

Additional photographs should be taken of any visible injuries and medical records collected, if applicable, to be included in the submitted case file.

9-1-1 call should be obtained to be included in the case file.

Previous reports from this agency or other agencies for any similar 'bad acts' (404.b evidence) may be included in the information section of the submitted case file.

Complete a case file to be submitted for review and/or prosecution to the prosecutor's office.

A copy of the No Contact Order should be provided to the victim.

For Domestic Cases that involve children, the assigned detective should consider scheduling forensic interviews for children who are victims or witnesses in the case.

The Detective shall ensure any suspected child maltreatment is promptly reported to the Arkansas Child Abuse Hotline.

As necessary, the assigned Detective shall ensure photographs of the victim are obtained and downloaded as digital evidence.

528.06 ENFORCEMENT OF ORDERS OF PROTECTIONS

When an order of protection has been served prior to Department involvement, the officer should ensure the following steps are taken prior to an arrest:

1. Contact dispatch to have them verify the order has already been properly served.
2. Ensure the order is on file with ACIC.
3. The conduct or contact displayed by the defendant is prohibited by the provisions of the order.

A valid order is enforceable whether the victim possesses a written copy of the order. An arrest shall be the preferred action when evidence indicates that domestic violence has occurred.

An arrest is mandatory for any violation of an order of protection. The appropriate charge is violation of a protection order. (ACA 5-53-134)

When an arrest is made for domestic abuse or violation of a protection order, the arresting officer should document their actions on a detailed offense report.

Advise the victim to contact their attorney or the Benton County Prosecuting Attorney's Victim Advocate.

The victim/petitioner of the order of protection cannot violate the order and cannot be arrested for violation of the order. On extremely rare occasions, both parties may have petitioned for separate orders of protection, and each may have been granted an order of protection against the other party. These orders can be verified through ACIC.

528.07 NO CONTACT ORDERS

These orders are issued by a criminal court (District or Circuit) which prohibits a person from engaging in certain conduct or contact with another person. The order is issued when the court finds that violence has occurred and is likely to occur again in the foreseeable future. The order is a condition of bond and/or probation and is mandatory in the following cases: domestic battery, assault on a family or household member, harassment, harassing communications, terroristic threatening and stalking.

When a No Contact Order is served in open court, the defendant must place their actual signature on the order. This becomes a condition of bond and/or probation; therefore, if they violate the conditions of release, or the terms of the order under Rule 9.3 and Rule 9.5, a law enforcement officer having reasonable grounds to believe the released defendant

has violated those conditions is authorized to arrest the defendant when it would be impracticable to secure a warrant. (Rules of Criminal Procedure: 9.5(b))

A. Arrests made on No Contact Order:

If the defendant is found in the same physical location as the complaining victim, they may be arrested in violation of the order. If the defendant is not at the same location as the victim, document the facts on an offense report and advise the victim to contact the prosecuting attorney.

If the defendant is arrested in violation of the order, they should be charged with violation of a No Contact Order (ACA 16-85-714) and held without bond until brought before the court. A copy of the offense report, and a copy of the No Contact Order (whenever possible), should be attached to the report, then routed through the proper channels to the district court.

These orders may or may not be entered into ACIC based on the issuing court; the victim may have a copy of the order in their possession at the time of the incident; however, physical possession of the order by the victim is not required. If the jurisdiction does not enter No Contact Order's into ACIC, the issuing court can be contacted during working hours to verify the order.

In cases involving dual arrests, a No Contact Order may have been issued to both parties. It is incumbent upon the officer to verify if one or both of the parties have been issued a No Contact Order.

B. Restraining Orders:

In Arkansas, "restraining orders" are only issued in civil cases/cases involving divorce. A restraining order may be issued pending or as a part of the final divorce decree. It is advisable for the individuals to contact their attorney with any violation of the order.

The violation of this order is not a chargeable offense, but the officer should document the incident on an offense report. A copy of the offense report is to be routed through the proper channels to the court.

To enforce the order, advise the victim they must go back before the court. Out of state courts may use different terminology for different types of protective orders.

C. Additional Considerations:

Following the service of an order of protection, officers may be ordered by the court to stand-by while the respondent/defendant collects personal items from the residence of the petitioner/victim. This is noted in writing on the order of protection. The respondent/defendant shall provide a copy of the order for the officers to review. Officers shall receive verbal consent to accompany the respondent/defendant inside the residence to ensure only collection of personal items, i.e., grooming, clothing, and

identification. A reasonable amount of time will be allotted for the respondent/defendant to collect personal items.

528.08 DOMESTIC VIOLENCE TRAINING

Department training will minimize the risk of liability to the Department. The training objectives will include learning relevant law, provide Department policy to officers, monitor policy compliance, and build a strong data collection on batterers. Each officer will receive eight hours of training annually provided by a departmentally approved training source. This training will focus on changes in domestic laws and evaluate effective responses to domestic violence incidents. The Department will provide additional training on interviewing techniques, photography techniques, and victim safety.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Active Threat/Active Assailant	529.00
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 46.1.10	XX
NOTES:	REVISION DATE:	
	05/04/2024	
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	8	

PURPOSE

The purpose of this policy is to provide protocols for assessing the threat and immediately responding during active threat/active assailant situations to limit serious injury or loss of life. While the term “active shooter” is commonly used, this policy applies to all situations where there is an active assailant or assailants posing an ongoing deadly threat, to include, but not limited to, those from firearms, vehicles, explosives, knives, or other means to cause injury or death.

POLICY

It is the policy of this agency, in active threat/active assailant situations where ongoing deadly force is reasonably likely or being actively employed by a suspect and delay in taking law enforcement action could result in injury or death, that immediate action by officers at the scene shall take place when such actions are deemed reasonable to prevent further injuries or loss of life.

DEFINITIONS

Active Threat/Active Attacker: An incident in which one or more armed persons have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such persons.

Casualty Collection Point (CCP): A location where victims can be assembled in the Cold Zone. Based upon incident dynamics, such as the number and location of victims, multiple CCPs may be required.

Cold Zone: A geographic area where first responders can operate with minimal threat to personal safety or health. The main, casualty collection points, command assets, staged non-tactical Fire/EMS, will be located in the cold zone.

Contact Officer or Team: The first officer(s) at the scene of an active shooting tasked with locating the suspect(s) and stopping the threat. As additional officers arrive, contact teams will be formed through linkups and as needed for the incident.

Hot Zone: A geographic area, consisting of the immediate incident location, with a direct and immediate threat to personal safety or health. All violent incidents are considered hot until law enforcement determines otherwise. Only law enforcement should operate in the hot zone.

Immediate Action: Rapid response by one or more officers to an active shooting based on a reasonable belief that failure to swiftly seek out and address the threat would result in death or serious bodily injury.

Incident Commander (IC): The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management in support of all operations at the incident site. Responsibilities of the IC can be assumed by the officer handling the original call to the Chief of Police and any additional qualified personnel, depending on the size, scope, and complexity of the incident or event.

Inner Perimeter: An area established to keep the threat contained to a specified location.

Law Enforcement Rescue: A situation in which police officers provide some medical treatment and extract patients from the Warm Zone to EMS personnel outside the area of immediate threat.

Outer Perimeter: An area established to keep the inner perimeter secured and to prevent outside elements from entering the incident.

Protected Corridor: An area of ingress/egress that officers utilize as a tactical advantage to protect as a Warm Zone. This provides EMT/Paramedics access to provide immediate trauma care in the Warm Zone or assist with evacuation as circumstances allow.

Protected Island: An open area that can be protected tactically by police officers to create a warm zone.

Rescue Task Force (RTF): A team consisting of fire/emergency medical services (EMS) personnel, paired with law enforcement officers. Fire/EMS personnel are tasked with initial treatment and triage of victims in the warm zone. Law enforcement officers are assigned as the protection for this team and should not separate from the fire/EMS personnel.

Staging Area: An area or location near the incident where outside resources respond and are quickly inventoried for utilization and assignment at the incident. There may be more than one staging area per incident.

Unified Command (UC): An incident command system used when there is more than one agency with incident jurisdiction, or when incidents cross political jurisdictions. Agencies work together through designated members of the UC, often the senior person(s) from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies. The IC responsibility is shared within the UC, with the function most important at the time taking the lead role. The lead responsibility may shift as the incident progresses.

Warm Zone: A geographic area where law enforcement has either cleared or isolated the threat to a level of minimal or mitigated risk; can be considered clear, but not secure.

PROCEDURES

529.01 RESPONSE TO ACTIVE THREATS

A. Dispatch:

Dispatch will use the Active Assailant Protocol for any report of an Active Threat/Assailant.

Once Incident Command is established, communication in support of personnel will be through the Command Post. Dispatch will continue to monitor all communication, providing a detailed log and updating the Command Post of any significant or critical information.

B. Situational Assessment:

Based on available information, dispatched responders or officers already at the incident scene may verify that an active threat/active assailant situation exists through information provided by communications personnel; from persons confined within or exiting the target location; from witnesses; by reports of, or sounds of, gunfire; or through related means.

When available and as time permits, witnesses, or others should be asked about the location and number of suspects, the suspects' weapons, persons injured, the number and location of persons in possible jeopardy, and the use or location of improvised explosive devices (IEDs).

Upon completion of the initial assessment, the first arriving officer(s) shall:

1. Take immediate action alone or with another officer.
2. Advise communications of actions being taken; request and direct resources as deemed necessary.

C. Individual Officer Intervention [LE 46.1.10c]:

In some instances, an individual officer may be present within or near the active shooting location. Whether on or off duty, in uniform or civilian clothes, he or she may determine that immediate action is necessary and reasonable to stop the threat. That decision may take into consideration the officer's capability to effectively intervene, based on their training and available equipment.

As soon as practical, officer(s) shall notify communications that an active threat/active assailant situation exists. The officer(s) should provide the following information and updates as available.

1. The identity, location, manner of dress, and proposed actions of the officer(s) at the scene.
2. Information about the suspect to include a physical description, weapons, equipment such as body armor, and current location and actions; and
3. Available information on persons injured or under threat, their locations, emergency resources required, and recommended points of entry.

When displaying firearms while in plainclothes, officers shall verbally identify themselves as law enforcement officers, and conspicuously display their badges and/or other law enforcement identification to alert security personnel, arriving officers, or civilians who may be armed.

D. Contact Officer/Team Response [LE 46.1.10c]:

The mission of the contact officer or team is to locate and stop the threat. Even if the threat seemingly has been terminated, contact officers and follow on teams are required to render the location safe, assist in screening and the orderly evacuation of persons to a designated area, and locating any other persons still in hiding.

Additional officers or teams will be deployed to provide tactical advantage. Once IC is established, it shall work to ensure that each team is aware of the other officers or teams' locations and actions. Likewise, officers already at the incident need to be aware of additional teams and shall work to coordinate their activities with a common goal in mind.

The contact officer or team(s) shall be provided a clear communications channel to supply the following types of information:

1. The officer or team's progress and location.
2. The location and number of victims and their medical needs.
3. The estimated number of suspects involved.
4. The suspect's description and weapons if known.
5. The location of any booby traps or explosives. If discovered, the contact officer or team leader shall determine whether to post an officer near it, report it, or mark it for later removal.

The contact officer or team shall locate the suspect(s) in the most expeditious manner possible to stop the threat. In doing so, officers should not stop to render aid or assistance to victims, but may, where reasonably possible, inform them that medical is forthcoming and direct them to a safe point of egress or hiding if they are ambulatory and it is deemed safe for them to do so.

The contact officer or team should employ tactical advantages such as avoiding the use of the main entrance to provide an element of surprise and to bypass potential booby traps or ambush.

The contact officer or team should not attempt to conduct a thorough clearing of the location, but should follow sounds, such as gunfire, yelling, and screaming; observations of victims and bystanders; and related information to help locate the suspect(s) as soon as possible.

Once the location of the suspect(s) is known and any immediate threat is eliminated, the contact officer or team should:

1. Establish security within the immediate area. Use additional personnel/contact team(s) to increase security working towards clearing the entire location.
2. Develop immediate action plan for any additional threats.
3. If victims are encountered who require immediate trauma care, the contact officer or team shall provide such care as practical prior to continuing to clear the location.
4. Additional officers should be called upon to help clear the location of potential suspects, locate and evacuate persons in hiding, and render safe any dangerous munitions or armament.
5. Coordinate with IC any additional resources needed.

The contact officer or team(s) shall switch its focus to providing trauma care as necessary when the primary mission is completed.

Rescue Task Force (RTF):

Once the contact officer or team is deployed, and as officers and resources arrive at the incident scene, the IC should ensure that RTFs are formed to provide trauma care and help evacuate victims.

RTFs shall be organized under a team leader, deploy in tactical formations consistent with agency training, and be prepared to respond to hostile action as rapidly changing circumstances may place them in contact with suspects. In such instances, the RTF shall be prepared and equipped to serve as the contact team.

RTFs may be deployed only after the contact officer or team has made entry, provided a status report, notified the command post of the location of victims, established warm zones, and determined that rescue efforts may begin.

Wounded and injured persons shall be quickly searched, if reasonable, for weapons, quickly treated for obvious life-threatening injuries and removed to the designated CCPs with cover and movement of such persons provided by RTF members. If emergency medical personnel are not yet in place, basic trauma care shall be the responsibility of RTF members until they are relieved by medical personnel.

Rescue and recovery operations shall continue until the IC has declared the scene clear and safe.

Note: RTF is one of many philosophies used to render aid to injured persons in a warm zone and should not be considered the only tactic available during critical incidents to begin immediate medical care in a warm zone. Other considerations include protected corridors, protected islands, and law enforcement rescue (refer to definitions).

529.02 UNIFIED COMMAND [LE 46.1.10b/d]

Unified incident command shall be established as soon as possible. The IC shall ensure that the following actions are accomplished:

1. Organize and establish unified interagency communication(s).
2. Establish an inner perimeter to control access to and egress from the area of risk.
3. Establish an outer perimeter.
4. Establish staging areas in the cold zone for the following purposes and notify communications of their locations:
 - a) For responding officers, other emergency personnel, surrounding agencies response (An officer should be assigned to this staging area to brief arriving personnel, maintain communication with the contact officer or team, and assign duties as directed by the I.C.);
 - b) For treatment of the injured and evacuation by EMS or medevac (CCP);
 - c) Where individuals without injuries should be directed for identification and debriefing (evacuation area);
 - d) to accommodate arriving family members of persons at the incident scene (notification center or reunification point); and
 - e) for the media. (This area should be staffed with appropriate personnel, such as public information officers.)
5. Ensure that officers assigned to the notification center or reunification point maintain custody and control of all persons and document their identities until they can be reunited with family or others. Victims and witnesses suffering from emotional and/or physical trauma or shock should be kept under the observation of medical personnel until such time as they may be safely transported to a hospital or home in the care of family or friends.
6. Request mutual aid if necessary.

7. Establish traffic control and management for the ingress and egress of public safety vehicles. Special consideration should be given to maintain open routes for rapid transport of the injured.
8. Contact appropriate aviation resources to control air space for possible medical evacuation resources and to establish restricted air space for law enforcement use only.
9. Request and coordinate additional emergency medical assistance.
10. Initiate intelligence gathering on possible suspects.
11. Summon chaplains and peer support officers to provide information to relatives of victims.
12. Coordinate with owners or officials of the target location for floor plans; site layout; and a roster, including emergency contact information as available, of employees, students, residents, visitors, or others believed to be on-site.
13. Assign a recorder to document actions at the command post.

When available or if the incident changes variables, a special operations team (bomb, SWAT, K9, etc.) may be assigned as appropriate to:

1. Contain the location,
2. Assist RTFs,
3. Help locate the suspect(s) or relieve the contact officer or team,
4. Help locate and safeguard explosives pending removal, and
5. Provide special weapons and equipment as needed.

529.03 COMMUNITY NOTIFICATION [LE 46.1.10a]

The PIO or other designated individual(s) shall be responsible for ensuring appropriate information is distributed in a timely manner to the community. This may include but not limited to the following:

1. Shelter in place warnings for nearby locations during active threat/active assailant situations.
2. Alerts to avoid the area due to heavy law enforcement activity and potential road closures.
3. Specific directions for individuals who elect to visit the scene.

529.04 DEBRIEFING

As soon as reasonably possible after the incident, the agency shall conduct a debriefing of essential personnel involved in the incident. The debriefing shall identify areas of potential improvement and determine whether changes in operational protocols, policy, or training may be warranted.

529.05 EQUIPMENT

Officers will be assigned additional equipment specific to active threat/active assailant by the Department to include the following:

1. Ballistic armor
2. Rifle plates with “POLICE” markings
3. Individual First Aid Kit / Tourniquets
4. Various breaching equipment

529.06 TRAINING

This agency shall provide active threat/active assailant training to all sworn personnel, including practical application exercises conducted in schools and other facilities. This will include training with partnering first response agencies where appropriate. This policy and relevant training needs shall be reviewed on annual basis. *[LE 46.1.10e]*

**Bentonville Police Department
Policies & Procedures**

	SUBJECT: Unmanned Aircraft System (UAS)	POLICY NUMBER: 531.00
	CALEA STANDARDS:	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 10

PURPOSE

The Bentonville Police Department has adopted the use of small Unmanned Aircraft Systems (sUAS) to support law enforcement operations utilizing an aerial visual perspective in responding to emergency situations and exigent circumstances. The sUAS may assist by providing increased situational awareness and enhancing officer safety during special events, emergencies, tactical operations, bomb squad operations and/or combat increases in crime in specific, identifiable areas.

POLICY

It is the policy of the Department that sUAS shall be deployed only for specific public safety missions, in compliance with all applicable laws, and only by trained and authorized personnel. This policy is not intended to be all-inclusive, but instead shall serve as a supplement to other agency policies and procedures, applicable national aviation authority regulations, and sUAS manufacturers' approved flight manuals. These guidelines are set forth to minimize the risk to people, property, and manned aircraft while continuing to safeguard the right to privacy of all persons.

DEFINITIONS

Camera Operator: An individual responsible for the operation of all sUAS camera functions during sUAS operations. This person may be the Remote Pilot in Command (RPIC).

Certificate of Authorization (COA): Given by the Federal Aviation Administration (FAA form 7711-1) which grants permission to fly sUAS within specific boundaries and perimeters.

Certificate of Waiver (COW): A waiver issued by the Federal Aviation Administration (FAA form 7711-1) which authorizes the waiver of specific flight operation limitations while still requiring that the operator safely operate the sUAS without endangering people on the ground or

in the air. These waivers may authorize the use of sUAS for such events as special events or nighttime flight operations within specific boundaries or perimeters.

Crew Resource Management: The effective use of all resources for flight crew personnel to assure a safe and efficient operation, reduce error, avoid stress, and increase efficiency.

Defined Incident Perimeter: A location has a defined perimeter based on the scope of the operation and a specified operational ceiling at or below 400 feet Above Ground Level (AGL).

Digital Multimedia Evidence (DME): Digital recording of images, sounds, and associated data.

Federal Aviation Administration (FAA): The division of the United States Department of Transportation that is the national authority with powers to regulate all aspects of civil aviation.

Part 107: 14 C.F.R. Part 107, Small Unmanned Aircraft Systems.

Public COA: An authorization, issued by the FAA, allowing governmental operations of sUAS within the National Airspace System.

Personally Identifiable Information (PII): Refers to any data that could potentially identify a specific individual. Examples of PII include names, addresses, social security numbers, phone numbers, email addresses, biometric data, and any other information that can be used to distinguish or trace an individual's identity either alone or when combined with other personal or identifying information.

Remote Pilot in Command (RPIC): The individual exercising control over the sUAS during flight who either holds a current or temporary Drone Operator's Certificate issued by the FAA (Part 107 License). The RPIC has final authority and responsibility for the operation and safety of the UAS flight operation. An RPIC's duties can be transferred to a designee when the RPIC determines such a transfer is warranted.

Small Unmanned Aircraft System (sUAS): a remotely piloted aircraft weighing less than 55 pounds on takeoff, including everything that is onboard or attached to the aircraft.

UAS Squad: The individuals responsible for the operation of the sUAS. Each member of the UAS Squad is also required to obtain and maintain a current FAA Remote Pilot Certificate.

UAS Squad Supervisor: The individual responsible for the supervision of the UAS Squad. The UAS Squad supervisor is also responsible for the operational readiness, oversight of maintenance of all Unmanned Aerial Vehicles, and approval of operational missions.

Unmanned Aircraft (UA): An aircraft which is operated without the possibility of direct human intervention from within or on the aircraft. These aircraft are also known as “drones.”

Unmanned Aircraft System (UAS): An unmanned aircraft and all associated elements thereto which are required for the RPIC to operate safely and efficiently in the national airspace system.

Visual Observer (VO): An optional crew member for a flight mission who serves as a “second set of eyes,” monitoring the aircraft in flight in order to support the RPIC.

PROCEDURES

535.01 AIRCRAFT

The UAS Team Commander shall ensure that all sUAS are maintained and flight-ready according to the manufacturer’s recommendations and related industry standards. In addition, members will operate the aircraft in compliance with all FAA Part 107 requirements, as well as any provisions referenced in any authorized COA.

Members shall document all changes in the Department sUAS Flight Logbook. In addition, test flights must be conducted and reported after significant changes in the hardware or software.

The PIC shall ensure that the aircraft is airworthy before each mission. The PIC may rely upon the inspection and reports provided by the Team Commander. The PIC or observer shall perform a preflight and post-flight inspection of the aircraft. Any equipment issues shall be entered into the notes section within the Department sUAS Flight Logbook and promptly reported to the Team Commander via department email. It shall be the responsibility of the Team Commander to determine whether the reported issues need to be corrected before the next flight.

The aircraft shall be stored securely to limit possible damage to the unit while in transit. Any damage occurring during transport should be reported to the Team Commander for inspection.

Any components necessitating a battery shall be charged following the manufacturer’s recommendations. In addition, batteries should be inspected regularly for signs of damage, such as swelling, and immediately removed from use if the damage is discovered.

535.02 PILOTS

The PIC is the person who has final authority and responsibility for the operation and safety of flight. The PIC can be designated before or during the flight. Only personnel trained and licensed in the aircraft operation will be authorized to conduct flight operations. The PIC position may rotate duties as necessary with equally qualified pilots. The individual designated as PIC may change during flight; however, the PIC can only command one aircraft at a time.

All pilots flying Department aircraft shall be appropriately trained and hold an FAA Unmanned Aerial System Pilot Certification. Acquisition of this certification will provide for a working knowledge of the airspace intended for operations, Air Traffic Control and Notice to Airman (NOTAM) communication requirements, and the ability to obtain and interpret weather data.

535.03 VISUAL OBSERVERS

Visual Observers (VO) are required for all mission flights of an sUAS.

The role of the VO is to see and avoid other aircraft and the ability to identify the position for purposes of relaying reports to the PIC. VOs will participate in all preflight briefings.

535.04 CAMERA OPERATOR

The Camera Operator will receive specific training on camera equipment operations, including recording and storing digital data for evidentiary purposes, before assisting with mission flights. Camera Operators will participate in all pre-flight briefings.

535.05 FLIGHT CONDITIONS

The PIC is responsible for obtaining a current weather report from Aeroweather.com, aviationweather.gov or similar resource.

All flights shall be conducted at or below 400 feet Above Ground Level (AGL) pursuant to FAA Part 107 requirements and / or any authorized COA.

Members shall conduct all aircraft operations within line of sight of the PIC or observer. The pilot or observer may detect and avoid other aircraft or property hazards.

Members shall conduct flight operations during daylight unless the necessity of the mission requires flying at night. Night flight authorization will be requested in the Department COA application.

Members will not operate the aircraft in sustained winds greater than 21 knots (24 mph) or in adverse weather that would affect the line of sight and VFR weather minimum requirements.

535.06 MISSION REQUIREMENTS

Mission necessity will be determined by the on-scene PIC and subsequently reported to the sUAS Administrator and Team Commander.

Requests for sUAS support for a scheduled mission shall be forwarded to the sUAS Administrator, Team Commander, or Assistant Team Commander.

A preflight briefing will be held before aircraft launch and will cover the following:

1. Review of mission goals and methods to achieve goals, including handoff procedures.
2. Review of current and forecasted weather conditions and weather limitations.
3. Contents of any applicable COA.
4. Review of current Notice to Airmen (NOTAMs) and Temporary Flight Restrictions (TFRs) that have been issued for the proposed flight area.
5. Radio frequencies to be used.
6. Identification of any mission limitations and safety issues such as radio or microwave interference.
7. Review of proposed flight grid, including maximum ceiling as determined by air space location.
8. Review of communication procedures between PIC, observer, and other ground support, including the availability of two cell phones to communicate with Air Traffic Control in the event of a fly-away or other flight emergency.
9. Review of emergency/contingency procedures, including aircraft system failure, flight termination, and lost link procedures.
10. Review of required video or digital images.
11. Execution of the preflight check following the approved checklist.

All mutual aid requests will be forwarded to the Team Commander for initial approval.

The Team Commander will notify the Team Administrator of the request and final approval to deploy any team members.

535.07 FLIGHT OPERATION REQUIREMENTS

All operations will be on a case-by-case basis. Before operations, the PIC or designee must notify the National Notice to Airman (NOTAM) facility at (877) 487-6867 and provide the following:

1. Agency Name
2. Name of the pilot in command and contact number
3. The latitude/longitude coordinates and the radius of the flight for the defined operations area, along with the mean sea level (MSL) altitude.
4. The altitude at which the member will fly the mission.

5. The closest airport by three-letter designation.
6. Lastly, members will provide the duration of the mission.

Members will not conduct sUAS operations within a ½ mile radius of non-controlled airports or heliports without attempting to notify landing or departing air traffic in the area via UNICOM frequencies.

If a review of NOTAMs during preflight briefings reveals another agency sUAS operating in all, or part, of the intended operating area, the PIC must de-conflict the intended operational area from the active working site by contacting that agency. Contact information may be obtained from the affected air traffic control facility if not otherwise known.

Notice to Airmen (NOTAM) Requirement – A distance (D) Notice to airmen shall be issued 48 to 72 hours before normal unmanned aircraft operations are conducted. Due to the immediacy of some operations, the NOTAM may be filed 30 minutes before operations. Should the use of the aircraft be immediate, the NOTAM does not have to be filed, but the circumstances justifying the reason for not filing the NOTAM must be documented.

535.08 COMMUNICATION REQUIREMENTS

The primary communication method preferred by NOTAM and ATC with the PIC is via cell phone. However, if ATC needs to move or suspend sUAS operations, the responsible authority will relay instructions directly to the PIC. Therefore, an additional cell phone must be available as a backup.

ATC must be immediately notified in the event of any emergency that would impact safety or operations.

535.09 NIGHT OPERATIONS

sUAS night operations are those operations that occur between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time. (Note: this is equal to approximately 30 minutes after sunset until 30 minutes before sunrise).

Observers will be positioned in appropriate locations during all flight operations.

Binoculars, night vision devices, etc., may not be used as the primary means for visual observation duties. Such devices are permitted only for augmentation of the observer's visual capability. Visual observers must use caution to ensure the aircraft remains within a visible line of sight.

535.10 DATA REPORTING/CIVIL RIGHTS

Documentation of all operations associated with sUAS activities is required monthly. The documentation will consist of data provided in the Department sUAS Flight Logbook. The Team Commander is responsible for the monthly report.

The PIC will complete a Department UAS After Action Review (AAR) for each mission, including all mutual aid missions. Upon completion, the Department UAS AAR will be forwarded to the Team Commander, and sUAS Administrator.

Data collected during UAS/sUAS operations will be used consistent with and relevant to the authorized purpose (s).

Data collected during UAS/sUAS operations that are not maintained in a records system covered by the Privacy Act shall not be disseminated unless required by law or fulfills an authorized purpose and complies with established requirements.

Information collected by UAS/sUAS that contains PII (Personally Identifiable Information) shall not be retained for more than 180 days. Exceptions will include whether the information is necessary for an authorized mission or an ongoing investigation. This information will be maintained in a system of records covered by the Privacy Act.

sUAS recorded data will not be collected, disseminated, or retained solely for monitoring activities protected by the U.S. Constitution, such as the First Amendment's freedom of religion, speech, press, assembly, and grievances (e.g., protests, demonstrations). Data may be retained if found to be relevant for investigative purposes, or for safety and security reasons.

Collection, use, dissemination, or retention of sUAS recorded data should not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), which is a violation of the law.

The Department will receive, investigate, and address potential complaints or issues involving privacy, civil rights, and civil liberties received from the public regarding the use of the grant-funded UAS/sUAS following the Department Operating Manual Policy 309 – Complaints, Internal Misconduct Investigations, Citizen Complaint Procedures, and Disciplinary Actions.

Only team members with the approval of the department's IT manager will be granted access to any systems containing personally identifiable information.

Any misuse of data that is being or has already been collected (including any PII) by a team member will be investigated by the Department Command Staff, to include the sUAS Administrator and Team Commander.

All collected data (including PII) will have oversight provided by the Department to ensure all applicable laws, regulations, and policies are being met.

535.11 INCIDENT/ACCIDENT REPORTING

Any incident, accident, or mishap will be reported as required under FAA Part 107 rules as well as any authorized COA.

535.12 sUAS MAINTENANCE/PILOT LOGBOOKS

Department sUAS Flight logbooks will be maintained to keep a record of training, mission flights, and maintenance.

Aircraft name and identification number, piloting time, conditions and flight location, and mission description are captured and logged in the Department sUAS Flight Logbook.

Members shall document aircraft and component maintenance in the Department sUAS Flight Logbooks to include monthly inspections.

535.13 PROHIBITED ACT/ACCOUNTABILITY

Members shall not operate department aircraft in violation of the Arkansas and United States constitutions, statutes, or regulations. When a search warrant is required by law, and no warrant exception exists, the flight is prohibited unless a search warrant signed by an authorized judicial official is obtained.

Department aircraft are to be used only for mission-specific duties.

Members shall not fly department aircraft in conditions that exceed the manufacturer's recommended limitations, including range, ceiling, wind strength, and battery charge.

Members shall not fly department aircraft for any mission where the Team Commander or the PIC determines the risk of flying the aircraft outweighs the benefit to the mission. The Team Commander cannot countermand a PIC's determination not to fly a mission. However, the Team Commander can countermand a PIC's decision to fly a mission. The PIC has sole accountability for the aircraft during flight operations.

Members will fly no Department aircraft for personal reasons or be hired by any person or entity for its use.

Spraying or dropping anything from the aircraft is prohibited.

The sUAS Administrator will be responsible for closely monitoring accountability with team members for compliance with this policy. Violations of the policy should be addressed immediately.

535.14 TRAINING

Upon completing the FAA Remote Pilot exam, pilots will be trained in mission-specific operations and the systems and roles involved in conducting a mission.

All pilots must have a minimum of three qualifying flights on each model of sUAS utilized by the PIC within the Department, including three manual take-offs and landings in the last sixty (60) days, to be eligible to fly a mission.

Recurrent training is administered on the FAA.gov website and is not limited to actual pilot/observer skills but includes knowledge of all pertinent sUAS and aviation matters and crew resource management.

All unit members shall stay current and maintain their operator/observer proficiency.

Failure to maintain or prove proficiency may result in removal from flight eligibility.

Unit training will be conducted one day a month in a four-hour instruction block.

Team Commander will maintain a training calendar to schedule all training within and outside this agency.

535.15 TRANSPARENCY

A review of this policy will be conducted at least once every three years by the Department sUAS Team Administrator and Team Commander to review and update the latest laws and guidelines.

The Department sUAS Team Commander is responsible for the annual review of this policy with all team members and will continue to monitor team activities throughout the year. In addition, the Team Commander will schedule this review on the training calendar. Failure to adhere to this policy will result in removal from the sUAS team.

sUAS operations and team information, including statistical data, will be made available by request as long as it falls within FOIA guidelines and is not a part of an ongoing investigation.

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Honor Guard	534.00
	CALEA STANDARDS:	EFFECTIVE DATE:
		XX
	NOTES:	REVISION DATE:
		05/04/2024
	APPROVAL:	PAGES:
	Ray Shastid, Chief of Police	3

PURPOSE

The purpose of this policy is to establish guidelines and procedures for the Bentonville Police Department Honor Guard. The term Honor Guard used throughout this policy also encompasses other roles to include but not limited to Color Guard, Pallbearers, Flag Folding, and Rifle Teams.

The Honor Guard serves as a ceremonial unit representing the Department at various events and functions. This policy aims to ensure the highest standards of professionalism, discipline, respect and dignity are maintained during all Honor Guard activities.

POLICY

The Honor Guard shall consist of sworn members of the Department. The Honor Guard shall be led by a designated Honor Guard Coordinator, appointed by the Chief of Police or their designee.

The Department's Honor Guard members shall train, maintain, and support a Ceremonial Honor Guard that will represent the Bentonville Police Department at funerals, civic functions, and other venues, as directed by the Chief of Police.

PROCEDURES

534.01 HONOR GUARD COORDINATOR

The Honor Guard Coordinator or their designee shall be responsible for the following:

1. The operation and training of the Honor Guard.
2. Organize and direct meetings, practice, and attendance at ceremonies.
3. Manage requests for the Honor Guard, at the discretion of the Chief of Police.
4. Authority to designate members for the Honor Guard and Color Guard units.
5. Manage inventory and issuance of equipment specific to Honor Guard.

534.02 ELIGIBILITY

Selection for the Bentonville Police Department Honor Guard shall be announced when openings become available. The number of team members is set by the Honor Guard Coordinator and Chief of Police.

A. Sworn personnel interested in joining the Honor Guard must meet the following criteria:

1. Be a member in good standing with the Department.
2. Have completed the field training program.
3. Maintain a professional appearance and demeanor.
4. Demonstrate the ability to perform ceremonial duties.
5. Possess a strong work ethic and commitment to excellence.

B. Training and Performance Standards:

Members of the Honor Guard shall undergo specialized training in ceremonial procedures, drill and ceremonies, flag etiquette, and other relevant areas.

Members shall maintain a high level of proficiency in all required skills through regular training sessions and rehearsals.

534.03 FUNCTIONS

Honor Guard:

Specifically trained and equipped members of the Bentonville Police Department designated to provide the Color Guard, silent/casket watch, ceremonial and honorary pallbearers, ushers, 3-volley-salute, flag folding, and bugle, open to both active and retired members of the Bentonville Police Department or other agencies as requested.

Color Guard:

A flag detail with a minimum of four personnel. The minimum detail would include the United States and Arkansas flag along with two rifles. Additional flags may be carried or substituted for the Arkansas flag based on the event. Multi-agency details may be conducted based on the request.

534.04 TRAINING REQUIREMENTS

Each member will participate training as directed by the Honor Guard Coordinator.

534.05 UNIFORM AND APPEARANCE

Honor Guard members shall always maintain a professional and neat appearance while in uniform or representing the Department. Uniforms and equipment shall be inspected

regularly to ensure they are clean, well-maintained, and in compliance with department standards.

Members shall adhere to the uniform and grooming standards set forth by the Department. Hair for male officers must be short and neat. Female officers must have short hair or be neatly secured so it does not extend from under the cover.

534.06 REQUESTS AND SCHEDULING

Requests for the Honor Guard's participation in events shall be submitted to the Honor Guard Coordinator.

The Honor Guard Coordinator will schedule and prioritize events based on the significance and availability of Honor Guard members.

534.07 EQUIPMENT AND RESOURCES

The Bentonville Police Department shall provide the necessary equipment, uniforms, and resources to support the Honor Guard's activities.

The Honor Guard Coordinator shall ensure proper maintenance and accountability of all issued equipment and resources.

534.08 CONDUCT

Honor Guard members shall conduct themselves with the utmost professionalism and respect for the position they hold.

Members shall adhere to all department policies, rules, and regulations while performing Honor Guard duties. Any misconduct or violation of department policies may result in disciplinary action, up to and including removal from the Honor Guard.

Members of the Bentonville Police Department Honor Guard shall be removed upon recommendation of the Honor Guard Coordinator, with approval from the Chief of Police, for documented cause, including but not limited to:

1. Chronic tardiness
2. Not available for events
3. Lack of participation
4. Failing to maintain a professional appearance
5. Failure to perform and carry out the Honor Guard duties

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	CID Management	601
	CALEA STANDARDS:	EFFECTIVE DATE:
	LE 42.1.3	XX
NOTES:	REVISION DATE:	
	05/04/2024	
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	5	

PURPOSE

The purpose of this policy is to ensure the efficient and effective management of the criminal investigation function by providing administrative guidance that identifies the responsibilities and investigative processes within the patrol and investigative components of the Bentonville Police Department.

POLICY

It is the policy of the Department to manage the function of criminal investigation in an effective and efficient manner by coordinating the efforts of patrol and other investigative organizational components as provided in this directive.

DEFINITIONS

Criminal Investigation: The collection of facts and information intended to identify an offender and to presents evidence sufficient for criminal charges.

Criminal Investigations Division (CID): A division of the Department staffed by personnel assigned to specific areas of investigation related to state felony, misdemeanor offense, to include potential city ordinance violations.

Preliminary Investigation: The preliminary criminal investigation and recording of information. It is the responsibility of first responding officers, although in some instances investigative personnel may be assigned to or included in this function.

Lead Detective: The detective assigned primary responsibility and accountability for an over-all investigation.

PROCEDURES

601.01 PRELIMINARY INVESTIGATION

Most investigations begin with the preliminary investigation conducted by a Patrol Officer. Depending on the nature and severity of the crime and complexity of the crime scene, a follow-up investigation conducted by CID may be initiated.

Activities during the preliminary investigation shall center on the protection of persons, collection of evidence, apprehension of criminals at or near the crime scene and solving the reported crime. During the preliminary investigation, Officers shall perform the following duties in the order and to the degree deemed appropriate.

1. Make the crime scene safe to the degree possible.
2. Notify the police telecommunications center concerning injured parties and any dangerous conditions present, and request appropriate medical assistance and additional equipment, services, or personnel as needed.
3. Assist the injured pending arrival of EMS personnel. In serious cases, an officer shall be assigned to accompany the victim or the suspect to the hospital and remain with him or her to record information on the incident.
4. Determine if a crime was committed by state statute.
5. Take written notes and conduct voice recordings whenever possible.
6. Establish a crime scene perimeter and secure the crime scene to the degree possible against alterations due to weather or other contamination.

A. Case Management:

Patrol Officers shall pursue preliminary investigations to the full extent of their available time and investigative training. In most minor property crimes, patrol personnel should assume responsibility for the crime scene and conduct any on-scene and follow-up investigation that may be deemed necessary.

The preliminary investigation shall, whenever practicable, be completed by the end of the shift in which it occurs. The supervisor of the shift shall review, approve as appropriate, and forward the preliminary investigative report to CID as soon as practicable.

In exceptional instances, when circumstances prevent the timely completion of the report, the supervisor shall ensure that a draft report of the incident is completed and sent to immediate attention in LERMS, thereby ensuring that CID is aware of the incident and has the necessary information to initiate a follow-up investigation if warranted.

B. CID Personnel at the Crime Scene:

CID personnel shall be notified if there is a need for immediate investigation at the crime scene via a request from the patrol division's shift commander or by a patrol supervisor as circumstances dictate. Requests for CID assistance at the crime scene shall be based on the following primary factors:

1. The seriousness or complexity of the crime.
2. Where a "hot" lead requires immediate attention.
3. The dangerousness of the crime scene.
4. Resources/Expertise in processing crime scenes and related tasks.
5. Where the crime may serve as a link to another crime.

CID shall assume responsibility for oversight and completion of investigations of all major crime scenes including but limited to Homicides, Suicides and Accidental Deaths. Investigations involving homicides, suicides and accidental deaths are the most serious investigations an officer will handle. These cases usually require urgent, lengthy and specialized attention. Therefore, CID is responsible for conducting the entire investigation on all homicides, suicides, or accidental deaths, this does not include vehicle accidents involving fatalities.

The lead detective in charge shall have complete authority to establish priorities and make decisions regarding witnesses and suspects, recording of statements and collection of physical evidence, making on-site arrests, applying for warrants, and all other activities germane to a comprehensive investigation of the incident.

In the case of motor vehicle deaths, CID will assist the investigating Officer with all applicable interviews, search warrants, arrest warrants and overall case review to the prosecutor's office to determine if there are any applicable charges.

Circumstances permitting, the shift commander or patrol supervisor may assign patrol officers to assist investigative services personnel. In such instances, these Officers are responsible to the on-scene investigative detective in charge.

601.02 CID FOLLOW-UP INVESTIGATIONS

The lead detective in charge of investigative services shall review the preliminary investigation and determine what additional investigative actions that are required. These activities may include but are not limited to any or all the following in the order deemed appropriate:

1. Enter relevant information into NCIC.
2. Conduct initial or follow-up interviews with witnesses and suspects.
3. Coordinate with other jurisdictions or governmental law enforcement agencies.
4. Complete background checks on witnesses, victims, and suspects as appropriate.
5. Conducting surveillance, interrogation, or identification procedures.

6. Present investigations to the prosecutor's office to obtain arrest or search warrants.
7. Prepare and execute search or arrest warrants.
8. Attend and retrieve evidence at autopsies.
9. Notify victims and witnesses when their presence is required in court.
10. Communicate with outside agencies when conducting follow-up activities and an arrest or search becomes necessary.

601.03 CID CASE MANAGEMENT

CID Supervisors Assignments: The CID Lieutenant and/or CID Sergeants are responsible for reviewing all crime reports and assigning cases. CID Supervisors will ensure that all felonies and misdemeanors (requiring follow-up) are assigned to a detective. Additionally, CID supervisors should try to balance the workload between all the detectives. The CID Supervisors shall assign cases to detectives in accordance with priorities based on the presence of solvability factors.

Investigation of minor property crimes shall not be conducted or shall be discontinued when sufficient solvability factors are not available. In such cases, victims shall be informed of the Departmental policy on this matter and its rationale and be provided with a copy of the crime report for insurance claims.

When a case is assigned, the frequency of follow-up reports shall be established. This determination shall be based on the severity of the crime and the overall caseload of the detective assigned. Cases shall remain active as long as leads are not exhausted and the availability of resources.

Each case file shall be assigned a number identical to the original incident number. As follow-up reports are completed, the original shall be filed in the agency's records division. Copies of all follow-up reports from active cases shall be filed in LERMS and shall be accessible to all CID personnel unless otherwise instructed by the CID Captain or CID Lieutenant [LE 42.1.3(d)].

The CID Lieutenant shall maintain a case status log in LERMS, based on the following definitions [LE 42.1.3(a)/(b)]:

Unfounded: On occasion, you will receive a complaint which is determined, through investigation, to be false or baseless. If the investigations shows that no offense occurred, the reported offense can be classified as Unfounded.

Cleared by Arrest: An offense is classified as Cleared by Arrest when at least one person is arrested; charged with the commission of the offense; and turned over to the court for prosecution (whether following arrest, court summons, or police notice). Although no physical arrest is made, a clearance can be claimed when the offender is a person under 18 years of age and is cited to appear in Juvenile Court or before other juvenile authorities.

Exceptional Clearances: In certain situations, officers are unable to follow all three steps described in "Cleared by Arrest". Many times, all leads have been exhausted and everything possible has been done to clear the case. If the following questions can all be answered "yes", the offense can be Cleared by Exceptional Means:

- Has the investigation established the identity of the offender?
- Are there facts to support an arrest, charge and for prosecution?
- Is the location of the offender known so that they could be taken into custody now?
- Is there reason outside law enforcement control that precludes arresting, charging and prosecuting the offender? (i.e., Victim/Witness refused to cooperate, prosecution declined, extradition declined, death of offender, etc.)

Open: Any cases not classified as Unfounded, Cleared by Arrest or Cleared by Exceptional Means should be classified as Open cases.

601.04 CASE MANAGEMENT

Monthly activity or productivity reviews shall be conducted by the CID Lieutenant, and detectives shall ensure that their assigned cases are reviewed monthly and updated with the appropriate supplemental investigative reports or case status classification is documented.

601.05 CID COMMUNICATION

Both victims of crime and involved personnel shall be kept informed of the status of investigations. Updates to the cases status shall be documented in the case file by the investigating detective in a timely manner.

601.06 PATROL COORDINATION

CID shall maintain close coordination with the Patrol Division as determined by the CID Lieutenant. Emphasis shall be placed on the identification of crime patterns suitable for making informed tactical decisions on investigative measures.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Property and Evidence Management	POLICY NUMBER: 602.00
	CALEA STANDARDS: LE 83.3.2, 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7	EFFECTIVE DATE: XX
	NOTES: A.C.A. 5-5-101	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 13

PURPOSE

The purpose of this directive is to establish a property management system for property acquired by and in the custody of the Bentonville Police Department.

POLICY

The Department will establish and maintain a property management system that will ensure continuity and consistency in the control and accountability of all evidence, lost and found property, and seized property, as well as all items retained for safekeeping or investigations in its custody.

This policy sets forth strict measures for the handling, security, and disposition of all such property in custody of the Department. The Property and Evidence Unit will oversee all tasks associated with processing, handling, and storing of these items.

PROCEDURE

602.01 ACCESSIBILITY TO SECURED STORAGE *[LE 84.1.1. h.]*

Access to secured evidence storage facilities shall be limited to Property and Evidence Unit personnel.

A Criminal Investigations Division (CID) supervisor (Captain or Lieutenant) will have access to the secured evidence storage facilities. The Chief of Police, or their designee, shall also have emergency access to the facility.

Employees/ visitors (Training for new employees, HVAC or Pest Control etc.) can gain access to the secured evidence storage facilities when accompanied by Property and Evidence Unit personnel, and the employee/visitor must sign the Property Room Access Log.

The pending-destruction item storage area shall be secured by a dual locking system and will only be accessed when one (1) authorized personnel in possession of their issued key accompanied by one (1) additional employee.

602.02 CONTROL OF PROPERTY

The Property and Evidence Unit shall maintain exclusive control and accountability of all found, recovered, and seized property, items kept for safekeeping, and evidentiary property. In no event will employees store found, safekeeping or evidentiary property in their personal lockers, desks, or vehicles.

All employees coming in possession of found, recovered, and or seized property, items for safekeeping, or evidentiary property (or an assisting employee) shall record such property by completing property and evidence submission in the evidence intake computer before going off duty unless the property is returned to the owner. [LE 84.1.1(a)(c)/84.1.1(b)]

When taking property other than contraband from a person, employees must complete a receipt/ held for safe-keeping agreement. When collecting evidentiary property, employees are required to complete an incident report in all cases. With supervisor approval, evidence can be processed for investigative purposes in the secured lab in the CID.

Mailing evidence: On rare occasions, it becomes necessary for evidence personnel to mail submitted property and/or evidence directly to a forensic laboratory and/or to another source. When that occurs, the employee shall adhere to the following procedure:

1. The employee shall mail the property/evidence by certified mail, with a return receipt requested.
2. The employee will scan the mail transaction documentation into the associated case file (computer police report system) and make note of such in the involved evidence entries in the computerized evidence tracking system. [LE 83.3.2]

602.03 SUBMISSION OF EVIDENCE

Department personnel, with regard to all evidence, lost and found property, seized property, and items retained for safekeeping or investigations will follow these guidelines [LE 84.1.1 d.]:

1. Properly package or tag, as appropriate
2. Each item of evidence should be in its own container.
3. Items with blood and/or bodily fluids shall be air dried prior to packaging.

Certain types of items require additional security measures while stored in evidence. For that reason, the following items shall be packaged separately [LE 84.1.1 e.]:

1. Drugs (with or without associated paraphernalia)

2. Firearms (with or without associated accessories)
3. Money; and
4. Jewelry

A. Narcotics and Dangerous Drugs:

Narcotic and dangerous drug evidence shall be documented by count or weight and photography by the submitting employee. The substance will then be sealed in a tamper-proof protective packaging and initialed by the employee on the seal.

All drug evidence handled by Department personnel that needs a drug analysis shall have an Arkansas State Crime Laboratory Evidence Submission Form completed prior to submission to the forensics laboratory. This form must be submitted to Property and Evidence Unit personnel for entry into the record management system.

B. Money:

Any time money is inventoried or seized, a minimum of two employees will count the money and sign both the receipt and the tally sheet. The money shall be packaged separately from other evidence items. The amount and denomination of the currency shall be recorded on a tally sheet. The tally sheet shall then be attached to a Property/Evidence Submission Form.

C. Non-evidentiary perishable items:

Non-evidentiary perishable items, such as dairy products, fresh produce, meat, etc. shall not be submitted to the Property and Evidence Unit. Officers shall consult with the property owner for alternative arrangements for the property, but if that is not possible, officers shall dispose of the property. Officers shall document any disposed of non-evidentiary perishable items in a police report.

D. Labeling:

Properly label/identify each item in the computer-operated evidence report system.

E. Storage:

Employees will secure the evidence or property in an evidence locker if Property and Evidence Unit personnel are not present to immediately take possession of submitted items [LE 84.1.3]:

Over-sized property shall be secured in the Department's large property/evidence lockers or the locking garage bay in the annex evidence building as determined by item size (car/ motorcycle/ bicycle etc).

If submission of biological and deoxyribonucleic acid (DNA) related evidence requires refrigeration, employees will secure the evidence in the refrigerated evidence locker [LE 84.1.3].

In the event that Property and Evidence Unit personnel are not present, and all of the above listed secure areas are in use, or items are too large for the secure areas,

personnel are required to communicate with a Property and Evidence Unit employee to determine a storage solution.

F. Accountability:

The utilization of property logs, digital (evidence submission computer) property and evidence submission forms, inventories and other documents, shall ensure all records provide an up-to-date and correct accountability of found, recovered, items held for investigation, safekeeping and evidentiary property.

The following information shall be recorded in the booking and report system by way of an incident report for each item of evidence [LE 84.1.5]:

1. Location of property within the Department
2. Date and time property was received and/or released.
3. Description, type and amount of property on hand
4. Complete Chain of custody shall be maintained by a Property and Evidence Submission Form, receipt form or incident report.

There may be circumstances in which an item of property is not turned over to Property and Evidence Unit personnel.

These circumstances shall be documented in the incident report and the proper receipt form, for example:

1. Items returned immediately at the scene of collection
2. Items sent to the laboratory prior to being entered as evidence
3. Items going to CID and/or returned to owner.
4. The date and results of all inspections, inventories, and audits

G. Arkansas State Crime Laboratory Submission of Evidence:

The Arkansas State Crime Laboratory (ASCL) is an accredited forensic service provider and is the laboratory used for evidence testing for the Department, except in extreme circumstances where testing beyond their capability would warrant the use of an outside laboratory. It is noted the ASCL completes and makes available written reports on all evidence testing. The following protocols shall be followed for submission to the Arkansas State Crime Laboratory.

The Officer responsible for evidence collection in a case will be responsible for requesting evidence testing and completion of the appropriate ASCL submission form (available at the ASCL or their website). This Officer is also responsible for packaging all submission items in paper envelopes and/ or paper boxes as per ASCL policy. All packages will be sealed with evidence tape with the packing Officer's initials over the tape seals. [LE83.3.2(b)/(c)]

Perishable food evidence items will be stored in refrigerated storage prior to ASCL submission.

Items with biological stains will be dry and packaged in “breathable” paper containers only.

Fresh blood collected in vials may or may not be refrigerated dependent on vial manufacturer specifications. Best practice would be to refrigerate blood in vials when uncertain.

602.04 TRANSFER OF EVIDENCE TO ARKANSAS STATE CRIME LAB

The Property and Evidence Unit personnel will gather items for submission, verify accuracy of items and of the ASCL submission form, and will transport submission items and their accompanying ASCL submission forms in a police vehicle. *[LE 83.3.2(a)(b)(c)]*

Documentation of items submitted to the ASCL will be completed by the Property and Evidence Unit personnel in the computer evidence tracking system which can generate a receipt of all evidence movement. *[LE 83.3.2(d)]*

Upon completion of evidence testing of items at the ASCL, the Property and Evidence Unit personnel will transport said items back to the police department evidence where it will be promptly physically stored and documented in the computer evidence tracking system by the Property and Evidence Unit personnel.

ASCL results of testing will be obtained in writing in the form of a report from the ASCL and added to the appropriate cases when available by the police department Records Division personnel. *[LE 83.3.2(e)]*

On certain occasions, it may be necessary for someone other than Property and Evidence Unit personnel to transport items back from the ASCL. On these occasions, the following protocols shall be followed:

The items along with the ASCL Evidence Return Transaction Receipt, should be delivered to Property and Evidence Unit personnel or immediately secured in temporary evidence locker along with a documented notification being sent to the evidence Detective.

Property and Evidence Unit personnel will verify all items are present and will update the records management system, as well as the chain of custody and storage location information in the records management system.

Property and Evidence Unit Detective for Found, Recovered and Evidentiary Property: The Property and Evidence Unit Detective shall be designated as the property custodian, and they shall be held accountable for all property accepted by and stored in the Department's property storage areas.

Property and Evidence Unit personnel are responsible for receiving all deliveries from forensic laboratories. An entry shall be made in the evidence tracking system indicating the receipt of packages.

Property and Evidence Unit personnel will inspect submissions to ensure items are properly packaged and submitted and have the right to refuse acceptance of any item submitted improperly. Property and Evidence Unit personnel will notify the appropriate supervisor and submitting officer to make arrangements for the submitting officer to make the necessary corrections.

602.05 APPOINTMENT OF UNIT DETECTIVE

In the event a new Property and Evidence Unit Detective is appointed, a joint audit with the new property Detective, the assistant Evidence Technician and the outgoing property Detective, *when possible and appropriate*, shall be held to ensure proper documentation and accountability [LE 84.1.6(b)].

1. The purpose of such an audit shall be to guarantee the continuity of custody and ensure the system's integrity and accountability.
2. The incoming Property and Evidence Detective shall ensure all records are up-to-date and properly annotated.
3. All discrepancies shall be documented prior to the transfer of property accountability to the incoming Property and Evidence Unit Detective.
4. A full inventory must be performed if the audit performed shows an error rate of more than 4 percent or should be considered by the agency when other factors suggest it is necessary.

602.06 INSPECTIONS AND INVENTORY

The Chief of Police shall require a supervisor to the Property and Evidence Unit Personnel (CID Lieutenant or Captain) to conduct a semi-annual *inspection* of recovered and evidentiary property to ensure adherence to procedure [LE 84.1.6 a.]. This inspection shall verify the following:

1. Department directives concerning property management are being followed.
2. Property is stored in a manner as to protect it from damage and deterioration.
3. Proper accountability procedures are being maintained; and
4. Property having no further evidentiary value is being disposed of promptly.

The Chief of Police shall require an annual *audit* of all property and evidence held by the Department. This *audit* will be conducted by a designee not routinely or directly connected with control of the Property and Evidence Unit. [LE 84.1.6(b)(c)]

This *audit* may be conducted with the assistance of Property and Evidence Unit personnel.

A full *inventory* must be performed if the *audit* performed shows an error rate of more than 4 percent or should be considered by the agency when other factors suggest it is necessary.

Unannounced *inspections* of the property storage areas are conducted when the Chief of Police so directs by a Property and Evidence Unit Personnel supervisor (CID Lieutenant or Captain), at least once a year [LE 84.1.6(d)]:

1. The supervisor will conduct spot inspections.
2. Property accountability and security procedures shall receive primary attention during spot inspections.
3. The majority of the spot inspection shall consist of a random comparison of records with actual property items, and shall include at least one item from the following categories:
 - “High Risk Items” (firearms, jewelry, cash, and narcotics)
 - Items destroyed or marked for destruction.
 - Documentation of items currently located at the ASCL
 - Documentation of items released to owner.
4. All personnel assigned to the Property and Evidence Unit will be subject to voice stress testing, polygraph testing, and/or drug screening at the discretion of the Chief of Police.

602.07 DISPOSITION OF PROPERTY TYPES [LE 84.1.1(g)/84.1.7]

Personnel should attempt to identify the owners of found property and attempts shall be made to return found and recovered stolen property to its rightful owner(s). Attempts to contact the owners of found and safekeeping property prior to destruction will be documented by Property and Evidence Unit personnel. [LE 84.1.1 f]

Evidentiary property may be returned to the owner prior to the court case with written permission from the prosecutor, lead investigator, or judge.

Recovered or evidentiary property returned should be photographed when possible.

Evidentiary property may be checked out to employees for court purposes. A record of chain of custody will be maintained by the Property and Evidence Unit. Employees are required to maintain the proper chain of custody with the evidence, return it to the Property and Evidence Unit after court, and provide the Property and Evidence Unit manager with written correspondence to account for any items taken by the court as exhibits [LE 84.1.1 g.].

Evidentiary property may be checked out to employees for purposes of examination. A record of chain of custody will be maintained by the Property and Evidence Unit

Detective. Employees are required to maintain the proper chain of custody with the evidence and return it to the Property and Evidence Unit after examination. *[LE 84.1.1 g.]*

A. Destruction/Donation/Auction/Department Use of Property Evidence:

With the exception of evidence held for certain crimes as identified by law, property and evidence held by the police department will not be retained indefinitely. The Property and Evidence Unit will seek Destruction Orders for property and evidence when applicable and in compliance to law (including A.C.A. 5-5-101) and guidelines approved by the city attorney. The method of disposal (Destruction, Donation, Auction, or Transfer to Department Use) of a particular item shall be determined by following all applicable laws, Department guidelines and approved by the city attorney and involved prosecuting attorney (at the State or City level).

Destruction orders for property and evidence from applicable criminal cases will be sought after lawful time has passed to allow for any appeals process/ court orders through the court systems.

A Department Property Agreement Form exists for the expedited disposal of unclaimed Held for Safe-Keeping items only. This form will be completed by the seizing officer in the presence of the owner of said items and notifies the owner that the items will be held at the police department property room and also that the property will be disposed of if unclaimed after thirty (30) days of their release from incarceration for that arrest.

B. Releasable Evidence Items:

Documented efforts will be made by the Property and Evidence Division by reasonable methods (which may include in-person, telephone, mail, social media or printed media, or email) to return releasable evidence items to their known/ original owners after ninety (90) days has passed for case adjudication and if said evidence items can be lawfully possessed by their known owners.

C. Held for Safe Keeping Items:

If the completed Property Agreement Form exists for the items, the property will be disposed of if unclaimed after thirty (30) days of their release from incarceration for that arrest, and reasonable attempts to contact the owner have proven unsuccessful. If no Property Agreement Form exists, documented efforts will be made by the Property and Evidence Division by reasonable methods (which may include in-person, telephone, mail, social media or printed media, search of current incarceration roster, or email) to return Held for Safe Keeping items to their known/ original owners and then disposed of if unclaimed after ninety (90) days of their release from incarceration for that arrest.

D. Application of Destruction Orders:

Destruction orders for applicable property and evidence of Felony and Misdemeanor cases involving the Arkansas Circuit Court system shall be sought through an affidavit

presented to the 19th West Judicial District Prosecuting Attorney's Office (Benton County) for approval.

Destruction orders for applicable property and evidence of Misdemeanor cases involving only the Bentonville District Court system shall be sought through an affidavit presented to the City Prosecuting Attorney for approval.

E. Administrative Destruction of Items:

Admin-approved destruction can be completed for Found Property items, found contraband, and medications once belonging to deceased persons.

- Disposal of found property with no known owner can be approved with documentation presented to the Chief of Police if unclaimed after ninety (90) days of being held at the police department.
- Disposal of found contraband items (illicit drugs/ paraphernalia) can be approved with documentation presented to the Chief of Police after ninety (90) days of being held at the police department.
- Disposal of prescribed medications once belonging to deceased persons can be approved with documentation presented to the Chief of Police.

H. Incineration Disposal Procedures:

Items scheduled for final disposal by incineration will be stored in the destruction items storage area. The Property and Evidence Unit will obtain a court order for disposal of those items.

Items will remain active in the records management system until final disposal scan. Upon final disposal scan, the items for incineration will be consolidated into large containers, sealed, and initialed.

If sealed and initialed containers cannot be immediately transported to the incineration facility or destroyed onsite with the Department incinerator, the Property and Evidence Unit shall secure the containers inside of the appropriate storage area until transportation to the incineration facility or onsite destruction.

Items for incineration shall be transported to the incineration facility or destroyed onsite by at least two (2) Property and Evidence Unit employees.

I. Evidence Not to Be Destroyed:

Felony evidence listed below shall not be disposed of:

1. Homicide, unless a court order signed by the judge authorizing the disposal.
2. When a suspect is incarcerated, and an appeal is possible.
3. When there is no suspect, and the statute of limitations has not yet run out.
4. When the evidence is part of a suspected serial crime; or

5. When directed to retain the evidence by a Department supervisor, prosecutor, or court order.

Misdemeanor evidence listed below shall not be disposed of if:

Property that has not yet been held past the 30-day appeal period after the final disposition has been entered; or The statute of limitations has not yet run out.

J. Training Aids [LE 84.1.4]:

Narcotic detection training for police canines is vital to ensure the success of the canine program. The following procedures will be adhered to in order to ensure strict and correct accountability of narcotic training aids.

The Canine Unit will maintain records of these training aids as detailed below:

Training aids shall be packaged and prepared by Canine Unit personnel in the following manner:

1. Canine Unit personnel will obtain narcotics for use as canine training aids.
2. The substance will be weighed and contained in a double heat-sealed plastic package;
3. The package will contain a clearly visible label identifying the substance, its weight, the date and time of packaging and the signature of the Property and Evidence manager and witness; and
4. The label will have a specific training aid number unique to each training aid package.
5. Canine Unit personnel will use seized narcotics that have been adjudicated by the court and the Property and Evidence Unit will assist in obtaining a court order for the conversion of the seized narcotics for the department use as a canine training aid; or
6. The narcotics will be obtained through the Drug Enforcement Administration.
7. The narcotic training aids should be removed from use in training and replaced as needed.
8. A logbook will be created by the Canine Division and will be utilized to maintain a record of the training aid packages:

It shall be the canine handler or trainer's responsibility to provide narcotic training aids for inspection to Property and Evidence Unit personnel at least once every 30 days. Each package will be detailed in the logbook indicating the substance, training aid number and handler to whom the item is checked out.

Each package will be checked against the logbook entry and for any apparent tampering or damage while each package weight is noted in the logbook. Property and Evidence Unit personnel and Canine personnel will both sign and note the date and time of the inspection for each entry in the logbook.

Property and Evidence Unit personnel will fully inspect the training aid packages to ensure their integrity. If any questions arise in reference to this inspection, the training aids will be logged into evidence and the canine supervisor will be notified.

If Property and Evidence Unit personnel suspect the training aids to have been tampered with or if they are missing, the command staff will be notified immediately and will cause a complaint to be filed with the Office of Professional Standards.

If the packaging appears to have minor damage but the integrity is intact, Property and Evidence Unit personnel will repackage the training aid and notify the canine supervisor.

The narcotic training aids when not in use are to be secured in a fixed and locked facility with keys only in the possession of the Canine personnel and their supervisor.

K. Issuance of Controlled Substances for Investigative Purposes [LE 84.1.4]:

Occasions exist occasions where the Police Department Property and Evidence Unit is called upon to issue-controlled substances to officers for investigative purposes. The following procedures will be adhered to in order to ensure accountability.

Prior to the request of issuance of controlled substances, the requesting parties are to have reviewed and processed adjudicated cases in order to locate suitable controlled substances:

1. A court order shall be obtained authorizing the conversion for investigative purposes.
2. The court order must be presented to Property and Evidence Unit personnel.

Property and Evidence Unit personnel will abide by the following upon issuance of controlled substances:

1. Property and Evidence Unit personnel must review and accept the governing court order.
2. Property and Evidence Unit personnel will release controlled substances to requesting officers by way of a receipt and must detail types of substances, number of packages, and their weights and/or quantity and specific pill count.
3. Property and Evidence Unit personnel will oversee and govern any required repackaging of the original evidence.

Property and Evidence Unit personnel must complete a chain of possession in the department's computer operating system under the original entry and make notation in documents detailing the information on the receipt.

Property and Evidence Unit personnel will place a copy of the respective court order and receipt with the evidence case file in the computer system.

Property and Evidence Unit personnel will abide by the following upon return of controlled substances when investigative purposes are completed:

1. Property and Evidence Unit personnel will inspect the returned controlled substances by sight, weight and/or count, and packaging and conduct a comparison to issuance records.
2. Property and Evidence Unit personnel will report any discrepancies involving issuance and returned items to their supervising captain.
3. Property and Evidence Unit personnel will make notation of returned items under the original entry documenting case information.
4. Property and Evidence Unit personnel will enter controlled substances into corresponding new case numbers created by the investigations for future tracking purposes.

L. Storage of Found, Recovered, Seized, Evidentiary Property [LE 84.1.1(e)]:

All property stored by the Department shall be held in designated secure areas. Items of in-custody property that, by their very nature, require extra security shall be stored in a separate and locked location within the department, i.e. narcotic and dangerous drugs, firearms, money and distinguishably expensive jewelry [LE 84.1.2].

1. Currency for Deposit:

The CID Captain or his/her designee has the authority to deposit currency. The original package of currency must be opened and the amount verified with a tally sheet initialed by a member of the Property and Evidence Unit with the CID Captain or designee. A member of the Property and Evidence Unit or CID Captain/ designee shall take the tally sheet and currency to the City of Bentonville Finances Office for deposit and receipt. The receipt and ledger must be maintained with the evidence case file in the computer system [LE 84.1.1(e)].

2. Access:

Access to all recovered and evidentiary property storage areas will be strictly limited to authorized personnel to prevent the alteration, unauthorized removal, theft, or other compromise of property stored by the department [LE 84.1.2].

3. **Perishable Items:**

All perishable items of evidence, such as blood or urine specimens, shall be stored in a secure refrigerator in the evidence room whenever possible so their properties will be as unchanged as possible before they are examined in a laboratory or presented in court.

4. **Vehicles or Other Large Items:**

All vehicles or other large items seized as evidence in drug investigations or other felony crimes shall be entered as evidence/property in the computer evidence system. Vehicles or other large items will be secured in the secured (fenced-in) area of the parking lot or in a department secured garage bay.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Clandestine Laboratories	608
	CALEA STANDARDS:	EFFECTIVE DATE:
		XX
	NOTES:	REVISION DATE:
		01/17/2024
	APPROVAL:	PAGES:
	Ray Shastid, Chief of Police	3

PURPOSE

The purpose of this policy is to provide Bentonville Police Officers with an understanding that clandestine laboratories are illicit operations consisting of chemicals and equipment necessary to manufacture controlled substances. These locations, also known as “mom and pop” labs are found in rural, city, and suburban residences; barns, garages and other outbuildings; back rooms of businesses; apartments; hotel and motel rooms; storage facilities; vacant buildings; and vehicles.

Officers also need to be aware that clandestine laboratories present numerous hazards to people and the environment. Extreme potential for fires, explosions, and exposure to hazardous chemicals and fumes exist in these types of environments. Additionally, clandestine laboratories are considered hazardous waste sites and should only be entered by trained and equipped professionals.

POLICY

Department personnel will be provided with information that will assist in the identification of a clandestine laboratory along with the procedures for investigating such violations. Personnel will also be supplied with information and materials to lessen their chances of becoming injured because of coming in contact with a clandestine laboratory.

PROCEDURES

608.01 CLANDESTINE LABORATORY IDENTIFICATION

Clandestine laboratories have been found in a wide range of location types, such as mountain cabins, rural farms, single and multifamily residences in urban and suburban neighborhoods. This results in significant threats of exposure to their toxic and explosive fumes, which can pose a significant threat to the health and safety of residents.

There are numerous types of illicit drugs that can be manufactured by persons outside of a chemistry lab. They include methamphetamine, LSD, fentanyl, GHB, ecstasy (MDMA), PCP, and other drugs. The manufacturing methods vary, even among persons manufacturing the same exact drug. Methamphetamine is the most manufactured illegal drug.

Officers should be aware of possible indicators for a clandestine lab, such as those manufacturing Methamphetamine and other illicit substances. Some indicators are unusual strong odors like that of fingernail polish remover or cat urine; renters who pay cash; large amounts of products such as cold medicines, antifreeze, drain cleaner, lantern fuel, coffee filters, lithium batteries, duct tape, clear glass beakers and containers; and residences with windows blacked out and lots of nighttime traffic.

608.02 PERSONNEL AWARENESS

Officers finding a clandestine lab while conducting unrelated police activities shall promptly notify CID and the Chief of Police. The on-scene Officers shall be cognizant of the dangers involved with laboratories and make an effort to ensure the safety of all persons in the immediate area. This effort may include such duties as notification to the fire department, and the safe evacuation of persons on the site along with the neighbors in the immediate area.

608.03 SUSPECTED LABORATORIES

Officers receiving information in reference to a possible clandestine laboratory operating within the City of Bentonville, shall gather all the facts leading to this belief, and forward the information to CID.

608.04 ON-SCENE INVESTIGATION

When a laboratory has been identified and secured, all officers shall refrain from entering the location for any purpose. Only those persons that have been trained and properly equipped shall be allowed to enter the premises.

608.05 LABORATORY MITIGATION

It should be noted that each pound of methamphetamine produced leaves five to six pounds of toxic waste. Subjects involved with methamphetamine manufacturing often pour leftover chemicals and byproduct sludge down drains in nearby plumbing, storm drains, or directly onto the ground. Chlorinated solvents and other toxic byproducts used to make methamphetamine pose long-term hazards because they can persist in soil and groundwater for extended periods of times. Clean-up costs are exorbitant because solvent contaminated soil usually must be incinerated.

A basic cleanup calls for sampling the contents of containers left on site, consolidating identical chemicals into the same containers, and shipping the waste via procedures prescribed by the State of Arkansas. More complicated cases may require testing interior finishes, septic systems, and wells at the owner's expense.

Therefore, Officers of the Bentonville Police Department (except those specially trained) shall not take part in the lab site clean-up.

608.06 OFFICERS PRESENT AT SCENE OF A LABORATORY

All Bentonville Officers present at the scene of a clandestine lab that may have been exposed to hazards of the operation, shall document their presence and forward the notification to the Chief of Police for an entry into their personnel file.

608.07 PHYSICAL EXAMINATION OF INVOLVED OFFICERS

All officers certified in the mitigation of clandestine laboratories shall have an annual, OSHA mandated physical examination, specifically related to the handling of hazardous materials, at the expense of the City. This exam shall be specific for the possible medical effects of the worker's exposure. The testing may include such exams as: Pulmonary function tests (if officer frequently wears respirator), chest x-rays, EKG's, blood tests, urine tests, etc.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Preliminary Investigation	610
	CALEA STANDARDS:	EFFECTIVE DATE:
		XX
NOTES:	REVISION DATE:	
	05/04/2024	
APPROVAL:	PAGES:	
Ray Shastid, Chief of Police	3	

PURPOSE

The Bentonville Police Department sets priorities for those calls for service that should be answered first. This enables assignment of Officers to conduct preliminary investigations in a timely and effective manner. They are charged with the duty to evaluate each situation and take immediate and decisive action based on their findings. It is important that Officers keep an open mind and remain flexible in thinking and attitude to effectively plan a course of action, according to developing facts of each individual case.

The need to conduct an investigation must also be prioritized accordingly to available resources, medical aid for involved parties and scene security.

POLICY

The Department investigates all reported crimes within the City of Bentonville. Officers conduct thorough, timely preliminary investigations to enhance follow-up investigative efforts and increase chances for criminal apprehension and prosecution.

PROCEDURES

610.01 CRIME SCENE MANAGEMENT

Officers must quickly act to establish necessary investigative steps. Officers are in charge of the crime scene and preliminary investigation unless, and until, relieved of responsibility by CID or an officer of higher rank. Officers shall request immediate notification of the Chief of Police, Patrol Commander and Criminal Investigation Division when the situation is a homicide, suicide, accidental death or other serious felony, or one with potentially high community impact.

A. Investigating Offenses:

Officers are responsible for collecting all available information regarding the offense and details relevant to a particular incident. The expectation is for all involved in an initial response to an incident to understand that observing all conditions, events and remarks are critical to a productive preliminary investigation. [LE 42.2.1(a)]

B. Locating and Identifying Witnesses [LE 42.2.1(b)/(d)]:

1. **Locate Witnesses:** Try to locate and identify witnesses along with establishing their relationship to the offense.
2. **Actively Solicit Information:** Seek sources of information when voluntary statements are not available.
3. **Potential Information:**
Exercise good judgment and avoid alienating potential witnesses or other persons having valuable information.
4. **Area Canvass:**
Officers may need to make a door-to-door canvass of the surrounding area to find information and locate witnesses. Canvass efforts should be thoroughly documented in the narrative of the police report, including:
 - a. name, date of birth, address, telephone number, email address, Social Security number of persons contacted
 - b. whether information was obtained or not
 - c. addresses where contact was not made

C. Interviewing Victim and Witnesses:

Interview the victim and all witnesses to obtain relevant information. Safeguard Constitutional rights of all persons interviewed.

1. **Formal Statements:**
Officers should consider taking formal statements (recorded and detailed) during major crimes such as homicides, aggravated robberies, rapes, etc.
2. **Separate the Witnesses:**
Witness statements should be obtained individually and should generally not be placed together while waiting to provide their statements. Officers should be mindful of keeping statement integrity a priority and avoid letting witnesses collaborate or inadvertently tamper each other's statements.

D. Victim Information:

Seek the following identifying and contact information about victims:

1. name, address and home telephone number
2. place employed and work telephone number
3. date of birth, race and sex
4. Social Security number

5. Injury or Death

- mechanism of injury or death
- attending physician and hospital

E. Witness Information:

Seek the following information about witnesses:

1. name, address and home telephone number
2. place employed and work telephone number
3. date of birth, race and sex
4. Social Security number
5. relationship to event (i.e., reporting person, eyewitness, person discovering crime, person securing building, etc.)

F. Vehicle Information:

Seek the following information about vehicles:

1. year, make, model and style
2. color, top/bottom
3. license number, state, year
4. vehicle Identification number
5. identifying characteristics
6. value and insurance company
7. relationship to event
8. (i.e., stolen, suspects, damaged, target of offense, etc.)
9. owner registration information
10. stolen or wanted inquiry made

G. Property Information:

Seek the following information about property:

1. article name and quantity
2. brand, make or manufacturer.
3. model name or number
4. serial number and owner-applied number
5. relationship to offense (i.e., stolen, damaged, recovered, etc.)

6. value and insurance company

H. Suspect Information:

Seek the following information about suspects:

1. name, residence, business, possible location (hangouts)
2. race, sex, age (DOB), height, weight, color hair and eyes
3. added physical description (i.e., hair style, facial hair, tattoos, scars, etc.)
4. added suspect description (i.e., glasses, clothing, etc.)

I. Weapons Information:

Officers responsible for collecting information regarding weapons used or mentioned during the course of an incident should attempt to learn every possible descriptive detail about the weapon (i.e., make/model/caliber, coloring, distinguishing marks, damage or other features).

610.02 METHOD OF OPERATION

A. Area or Structure:

1. **Area or Structure:** Determine the type of business, residence or area targeted. (i.e., gas station, grocery store, single family residence, etc.)
2. **Location of Victim During the Offense:** Determine if victim was present during the offense. When victim was absent, determine their whereabouts.
3. **Unlawful or Forced Entry** - Determine specifics about the following:
 - points of entry
 - methods of entry and exit
4. **Suspect Actions at the Scene** - Note all actions that may later assist in identifying the suspect. (i.e., smoked on premises, ate on premises, selective in loot, etc.)

610.03 CRIME SCENE PROCESSING [LE 42.2.1(c)]

Photographs are one means of documenting a protected crime scene. Consequently, initial photographs should be taken without the use of such items as rulers, evidence markers, etc. Upon completion of the initial photographs, use a ruler or other measurement device in a similar photo to determine exact size relationship.

A. Photograph Log: When photographing crime scenes, Officers should consider the use of a photography log.

B. Photo Identification Sheet: When photographing crime scenes, Officers should use a photo identification sheet on the first photo.

C. When to Photograph - Photographs should be taken of the following offenses:

1. all death investigations (except naturals)
2. felony assault injuries
3. arsons
4. major crime scenes
5. other situations at the direction of a supervisor

610.04 CRIME SCENE SKETCHES

Crime scene sketching is a means of documenting a **protected** crime scene. Officers should obtain and record precise measurements prior to any piece of evidence being gathered or disturbed. Every sketch should include the following:

1. **Layout:** Illustrate the crime scene and its relationship to other objects, structures and geographic locations.
2. **Legend:** North direction and Legend to identify all symbols or points of interest in the drawing.
3. **Seizures:** Locations of all significant features and physical evidence seizures.
4. **Identifying Data:** Officer name, date, time and address of crime scene.

610.05 CRIME SCENE SEARCHES

The practical aspects of physical evidence are as important as the legal ones. Officers must find evidence before it can be produced in court. The search for evidence and methods of identifying and preserving it must meet standards set by the courts. Otherwise, it may be ruled inadmissible at trial.

A. Search Plan:

Having a preliminary plan can increase efficiency and effectiveness of a search. This also tends to assist in reducing danger of overlooking key items.

B. Search Sequence:

Ordinarily, the safest procedure is to check the surrounding areas first. Officers should attempt to look for visual indications, such as tire and footwear impressions that the offender may have made while moving toward or away from the scene. Officers should also be on the lookout for weapons or other objects that the offender may have discarded or attempted to hide.

C. Probable Findings:

The search will prove to be more effective when it is conducted with the type of crime in mind. Officers should always consider the nature of the offense.

D. Secondary Search:

Officers should consider going over every area at least twice. Whenever possible, the secondary search should be made by a different officer. A second officer, who sees things from a fresh viewpoint, may uncover items that the first searcher missed.

610.06 EVIDENCE COLLECTION

Evidence collection and preservation is a vital part of any investigation. Until otherwise notified by a supervisor or member of CID, the preliminary investigating Officer should be responsible for collecting and preserving the evidence.

Officers should not touch or compromise the crime without valid reason until it has been photographed or sketched as necessary. When collecting articles suspected of having latent fingerprints, use extreme care as this evidence is easily destroyed.

1. **Preserving Evidence:** Recognize, evaluate, collect, mark and preserve all physical evidence that may aid in prosecution of offenders.
2. **Packaging:** Use clean, suitable and separate containers for each piece of evidence collected.
3. **Marking:** Properly mark each piece of evidence to preserve its legal value. Use your name or initials; however, be careful not to damage evidential and monetary value of the object.
4. **Sealing:** Seal each package containing evidence to be analyzed with evidence seal tape. Mark each package with the type of offense, offense report number, item number, date and name of officer.
5. **Storing:** Submit all physical evidence collected to the property room.

601.07 PRELIMINARY INVESTIGATION DOCUMENTATION

Officers shall use the Bentonville Police Department offense report to record results of their preliminary investigation. This report should be thorough, accurate, clear and complete. Officers should ensure the narrative of each offense report covers the following topics when applicable. The documentation of any investigative step taken should also include the personnel involved in the collection, preservation and submittal of every piece of evidence, i.e. photographs, sketches, recordings, etc.

1. Victim/Witness Statements:

Report the results of the interview with each victim and witness. Summarize these statements even though a formal statement was obtained. When a

victim/witness is unavailable, make a notation in the report and provide information where the victim/witness can be located on a later date.

2. Officer's Investigative Observations:

Observations at the crime scene should be recorded. These observations may include such things as a description of the crime scene, point of entry, damage, ransacking, selective in loot, victim's injuries, location evidence discovered, etc.

3. Canvasses:

Report any canvasses conducted along with the results. Additionally, indicate locations that were canvassed with no response.

4. Evidence:

Report what evidence was seized at the crime scene along with the name of the seizing officer.

5. Crime Scene Photographs:

Indicate in the report if crime scene photographs were taken.

6. Crime Scene Sketches:

Indicate in the report if a crime scene sketch was completed.

7. Victim Injuries:

Report the extent of victim's injuries if the information is available.

610.08 COMPLETED REPORT

Upon completion of the report, make certain an offense report number is obtained and included in the report. Unless approved by a supervisor, Officers should complete their report prior to the end of their shift.

610.09 CORRECTIONS/ADDITION TO PREVIOUSLY SUBMITTED REPORTS

Officers should use a Supplemental Report to provide corrections/additions to previously submitted reports. Officers shall use the same offense number to ensure the corrected/additional information is associated with the original report.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Firearms Range	POLICY NUMBER: 701.00
	CALEA STANDARDS: LE 4.3.5	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 9

PURPOSE

The purpose of this policy and procedure is to establish a written guidelines regarding the use of the Bentonville Police Department firearms range. Given the proximity of the range and training facility to the Northwest Arkansas National Airport (XNA), additional safety measures have been implemented, which may vary from other law enforcement or public ranges.

POLICY

It is the policy of the Bentonville Police Department to have regulations for the use of the Department Firearms Range and require all officers and other agencies to adhere to the standards set forth in this policy.

ROLES AND RESPONSIBILITIES

Range Coordinator:

The Training Unit Sergeant or designee, who has received specialized training in the instruction of firearms training and activities (firearms instructor school). The Range Coordinator, or their designee, shall be responsible for coordinating all activities at the Bentonville Police Department firearms range. The Range Coordinator serves as the custodian of all records concerning weapons and inventory, courses of fire, and qualifications (State and Department Standards).

Officer in Charge (OIC) [LE 4.3.5c]:

An assigned sworn officer or contracted instructor who is knowledgeable in the weapon systems that will be used for the courses of fire. The OIC holds ultimate responsibility and accountability for the conduct of the range activity and the adherence to governing regulations and guidance. They must be able to fully influence the conduct of the event.

Duties include:

1. Ensures the overall safe conduct of training and proper use of the training complex.
2. Ensures a safety briefing for everyone attending the range, has been given.
3. Ensuring all weapons and munitions are approved for use on the range.
4. Ensures the Range Safety Officer (RSO) is physically present at the training site.

5. Ensures adequate medical support is available, when applicable.
6. Ensures ammunition and firearms are properly handled within the Range.
7. Ensures control of target areas to prohibit entry by unauthorized personnel.
8. Briefs the Range Safety Officer on the duties to be performed in support of the training event. Clearly establishes the requirement for the RSO to brief the OIC on the safety of the facility, weather concerns, safety concerns and overall course of fire safety.

Range Safety Officer (RSO):

Individual responsible for ensuring the safe and responsible use of firearms and other weapons on the Department Range or during training exercises. The primary role of a Range Safety Officer is to enforce safety rules and regulations, prevent accidents, and maintain a secure environment during shooting activities. Their duties typically include:

1. **Safety Oversight:** RSOs monitor and enforce safety protocols and rules at the shooting range, ensuring that all participants adhere to established safety procedures.
2. **Emergency Response:** In the event of an accident or safety violation, RSOs are trained to respond swiftly and appropriately to address the situation and provide first aid or emergency assistance if necessary.
3. **Knowledge of Firearms:** RSOs should have a strong understanding of firearms and weapons, including their safe handling, operation, and maintenance, to offer guidance and support to shooters.
4. **Range Operation:** They often oversee the operation of the shooting range, including setting up shooting lanes, supervising shooting sessions, and ensuring that firearms are used safely.
5. **Communication:** RSOs communicate range rules, commands, and safety instructions to shooters clearly and effectively. They also have the authority to halt shooting activities if they identify unsafe conditions or behaviors.
6. **Record Keeping:** RSOs may be responsible for maintaining records of safety violations. All will be documented after training period.
7. **Training and Education:** They may provide training and education to individuals using the range, especially new shooters or law enforcement personnel undergoing firearms training.
8. **Equipment Inspection:** RSOs inspect firearms, ammunition, and safety equipment to ensure they are in good working order and compliant with safety standards.

Point Safety Officers:

Officers assigned to the firing line assigned to a group of officers to monitor overall safety, assist with individual instruction, and ensure course of fire is being followed as briefed. Point safety officers are preferably firearms instructors.

Firearms Instructor (AR CLEST Rules 1016):

All Department Firearms instructors will have completed CLEST mandated

training/certification or the equivalent prior to instructing at a Department training event. For the purposes of this policy, a designated “Point Safety Officer” is not required to have completed this training, although it is preferred.

PROCEDURE

701.01 Range Purpose and Restrictions [LE 4.3.5a]

The Firearms Range is primarily for Department use during regularly scheduled firearms training. This includes qualification and special training courses presented by the Department. The Firearms Range is only available to other public and private entities pursuant to a written contract or with the approval of the Chief of Police or their designee. The range is not for general public use.

The Training Coordinator or their designee is responsible for all contracts involving the use of the range facilities. Contract agreements are to be maintained on file by the Bentonville Police Department Chief of Police or their designee.

Department members may use the Firearms Range for firearms training during off-duty hours whenever the range is not being used for scheduled training. For the purpose of this policy, Department members shall be limited to sworn officers.

Note: If civilian staff would like to use the range during off duty hours, a sworn officer shall be present.

Prior to shooting at the range, Department personnel must report to the Training Coordinator and request access to the range with dates and times provided. By signing the log for the key, the officer acknowledges they have read the usage policy and will comply all policies and procedures of the facility. Failure to abide by the policies and procedures of the Department Firearms Range may result in revocation of access privileges in the future, at the discretion of the Chief of Police or their designee.

701.02 RANGE USAGE PROCEDURES

Prior to the use of the range, the following procedures are in place to ensure range safety:

The Firearms Range has a dedicated bullet trap to provide a reasonable margin of safety from all aimed, stray, and ricocheted shots. Instructors and participants will make every effort to ensure stray or ricocheted shots do not occur.

The Firearms Range shall have a reasonably contained perimeter designated by means of warning signs, fencing and an earthen berm to prevent unauthorized entry. It is important that all persons in the vicinity of the firearms facility be aware of the range’s presence and activities. Signs shall be posted conspicuously at the access point and various locations around to Firearms Range to provide ample notice for anyone participating in training or arriving at the training site.

Safe areas are located outside the range to accommodate persons who are not directly engaged in shooting; these areas are for cleaning, unloading, and reloading of firearms and magazines.

Any loading or unloading of firearms in these areas must take place in front of designated clearing barrels for these activities.

During any weapons training, the range facilities and bullet impact areas shall be inspected at least once a day for potential hazards. Range conditions can change daily. Problems can be created by weather, intrusion of ground-burrowing animals, or faulty equipment. Range inspections shall be conducted prior to each shooting session and upon return to the facility from any break in training.

Adequate lighting will be provided at the site for any low light firearms training. Low light firearms training requires a higher level of safety awareness from instructors and participants.

Weather conditions shall be considered regarding the need to provide shaded areas, hydration, shelter, or to require the wearing of protective clothing (rain gear, utility uniforms, etc.)

The Officer In Charge will review Firearms Safety Rules and a medical plan at prior to each training session. At a minimum, the medical plan should include identification of someone to act as a "Primary Medic" and another to act as "Primary Driver". [LE 4.3.5c]

First Aid/Trauma kits will be stored in the Range Storage building and will be clearly identified as part of the safety briefing that proceeds all training events. The first aid kits are readily accessible to all personnel present on the Range.

- Outside agencies using the Firearms Range will be responsible for providing their own trauma kit for their training activities.

701.03 GENERAL RANGE SAFETY

General Range Safety rules shall be reemphasized to participants immediately prior to all range training.

Procedures for handling weapon malfunctions, ammunition failures and other unusual occurrences shall be reviewed immediately before live-fire training.

Participants shall be instructed to keep their fingers outside the firearm's trigger guard until a target is identified and the decision to fire has been made.

Participants shall be given a general orientation to any tactical shooting course where live fire will be used prior to the actual training.

1. An orientation of the overall expectations and goals of a tactical shooting exercise will enhance safety and positively impact the training experience. This practice becomes critical in exercises involving multiple shooters where coordinated activity is essential.
2. Exposing a participant to an "unknown" situation, which deliberately taxes discretionary abilities and psychomotor skill, may enhance a training experience significantly. The spirit of this guideline is to ensure the safety of all by providing the participants with the general expectation of what may occur, not to inhibit a valuable training experience.

701.04 FIREARMS RANGE SAFETY RULES

Safety rules do not prevent accidents; people prevent them. Safety starts and ends with good common sense and diligent observance of well-established safety rules.

1. The Officer in Charge, or designee, must be present on the facility during all times the range is in use. [LE 4.3.5c]
2. Officers shall receive additional emergency medical response training, with an emphasis on injuries with the highest probability of occurring on a firearms range. [LE 4.3.5f]
3. The designated Officer in Charge and/or the Range Safety Officer are responsible for ensuring the red flags are up prior to any course of fire. The red range flag will be taken down when the range is no longer in use.
4. If “simunition” or “force on force” training is going to be conducted as part of any training event, it **shall take place prior to any live-fire training exercise.**
5. Prior to using the range facility, all Departmental personnel or other law enforcement agency range instructors must contact the Training Coordinator or their designee.
6. Eye and ear protection **MUST** be worn by all personnel involved in firearms training. [LE 4.3.5e] Body armor may be required for specific courses of fire, at the direction of the Officer in Charge.
7. **NO TRESPASSING:** Use of the range without Department Authorization will be considered a violation of AR 5-39-203.

Weapons are to be cleared only at the designated Clearing Stations or at the direction of a Firearms Instructor. **Weapons are not to be cleared in the parking lots.** Weapons may be loaded on the firing line upon command of the Firearms Instructor present or at the clearing station at the direction of a Firearms Instructor.

For off-duty use of the range, the same safety rules apply with the individual officer being the sole Officer in Charge. It is encouraged to always have a second officer present; however, it is recognized there will be times where an individual officer will want to use the range without another officer present. The overall responsibility and adherence to range rules does not change.

701.05 HOURS OF OPERATION

Hours of operation are 0700 to 2100 Monday through Thursday, 0700 to 1700 Friday and 0800 to 1700 hours Saturday. The facility is closed on Sundays. The Range is closed on most holidays.

701.06 AUTHORIZED FIREARMS AND AMMUNITION [LE 4.3.5d]

Storage of Ammunition and Weapons:

No weapons or ammunition of any kind will be stored at the Department Firearms Range. Weapons and ammunition security will be maintained by the officer the equipment was

issued to or by the Training Coordinator (or their designee) on the premises of the Police Department. [LE 4.3.5g]

Authorized Weapons:

During Departmental Training, Department issued weapons and weapons authorized for off-duty carry shall be used.

Authorized Ammunition:

Regarding the bullet trap, rimfire and standard centerfire rounds are authorized to be utilized. This includes .22LR, 9mm, .40 S&W, .357 Mag and .44 Mag for handguns. Additionally, rifle rounds may include 5.56x45mm (NATO), 7.62x51(NATO), .308 Win, .30-06 and 300-Win Mag. The Training Coordinator has the authority to disallow ammunition in the event it is determined to cause undue wear/damage to the bullet trap or manufacturer recommendations are adjusted at a later date.

NO ARMOR PIERCING AMMUNITION PERMITTED ON THE FIREARMS RANGE.

Surface Danger Zones (SDZ):

SDZ's should be established to contain all projectiles and debris caused by firing ammunition and explosives. SDZ dimensions are dictated by the types of ammunition, types of targets, and types of firing activities allowed on the range.

A basic SDZ consists of three parts:

1. The primary danger area established for the impact of all rounds extends 5° to either side of the left and right limits of fire and downrange to the maximum range of any ammunition to be used on the range.
2. The ricochet area is 5° to either side of the impact area and extends downrange to the maximum range of any ammunition to be used on the range.
3. The secondary danger area is that area paralleling, and 100 yards outside of, the outermost limits of the ricochet area and extending downrange to the maximum range of any ammunition to be used on the range.

Boundaries of SDZs must be posted with permanent signs warning persons of the danger of the live-fire range and prohibiting trespassing. The signs must be posted in a way that will ensure a person cannot enter the SDZ without seeing at least one legible sign.

Administrative controls such as use of the low-ready position or engineered controls such as muzzle traverse/elevation limiters can be used to control the firearm. Natural terrain such as a mountain or a hill provides an excellent backstop for firing. The terrain should be high enough to capture rounds fired at up to a maximum 15° muzzle elevation.

Detonations:

In the event of the Firearms Range being used for the detonation of explosives by the Bentonville Bomb Squad, reasonable attempts to notify Bentonville PD Dispatch, XNA Airport Air Traffic Control and personnel at the National Guard Armory shall be made.

The Bentonville Bomb Squad may utilize the Firearms Range for routine training and potentially investigative purposes. This may include the use of disruptors (i.e., hydrojets and PAN Shots) and other circumstances necessitating the use of a Firearms Range.

701.07 AUTHORIZED TARGETS:

All props, barricades and facades used in tactical shooting courses shall be constructed in a manner that minimizes danger to participants.

Paper targets:

An inventory of paper targets will be maintained by the Training Unit and designated Firearms Instructors. The Department approved targets will primarily consist of B-27 variations, as well as assorted paper targets which will be selected by the Training Sergeant/Range Coordinator.

Electronic Reactive Targets:

Personnel using the Firearms Range shall receive training on use of the Electronic Reactive Target prior to utilization for training purposes. The Range Coordinator, or their designee, will regularly inspect the target system and ensure required maintenance is conducted per manufacturer recommendations.

Steel reactive targets:

Shall be constructed in such a manner as to minimize the danger of ricochets and fragmentation splash back. They shall be inspected daily for damage when in use and removed from use if cratered deeper than 1/8 of an inch, or if cracks develop in the target. Damaged targets will be removed from service if they are determined to be unsafe for use.

1. Setting up steel reactive targets at a slight angle to the line of fire will cause ricocheting bullets / fragmentation to angle away from the shooter rather than back towards the shooter. Shots must be deflected into a safe impact area.
2. Participants must be discouraged from shooting at steel reactive targets from too great of an angle since this lessens the effect of the impact and increases the possibility of rounds deflecting unsafely.
3. The minimum safe distance for engaging steel reactive targets is 15 yards for handgun calibers and 50 yards for rifle calibers or shotgun rifled slugs.
4. Users of the Firearms Training Facility are not allowed to bring in their own steel reactive targets for use on the ranges.
5. Everyone involved in training shall report ricochet hazards to the Firearms Training staff immediately.

6. Given the proximity of the XNA Airport to the Firearms Range, while shooting steel, an observer will always maintain awareness of low flying aircraft and call a cease fire until the aircraft has passed. Once clear, the officer(s) can continue the course of fire at the direction of the Officer in Charge.

701.08 RANGE COMMANDS

Range is Hot:

All individuals present should be wearing eye/ear protection and understand that rounds will be fired during this time. Additionally, it should be clearly understood where the firing line is and to not move forward of the line while the “Range is Hot”.

Range is Cold:

All firearms will be holstered, slung or on the ground. No one on the range is permitted to manipulate their firearms as individuals may be performing administrative tasks without eye/ear protection (i.e., loading magazines, checking posted targets, picking up brass, etc.).

Down Range:

This command informs all individuals present that someone has gone down range, or between the firing line and the bullet trap, for any reason.

Threat/Fire:

This command should follow an instructor’s description of a course fire and signal all shooters to begin their course of fire.

701.09 EQUIPMENT GUIDELINES

All personnel shall be required to wear eye and ear protection while engaged in shooting or while in the immediate vicinity of the firing line.

1. All persons on or near the firing line, whether participants, instructors, or visitors shall wear protective equipment and shall follow the instructions of the Officer in Charge.
2. Extra protective equipment shall be on hand for use by visitors.
3. Each weapon shall be subject to a safety inspection and must be approved for use by the instructional staff prior to use on the range. Only weapons that meet the criteria specified in the Departmental regulations regarding Duty / Off-Duty weapons will be utilized during Departmental range training.
4. A safety check of weapons **shall** be initiated following any break in training or whenever participants have been allowed to leave the training site. A safety check conducted after lunch breaks, transportation from other areas or other breaks in training will help ensure that firearms have not been inadvertently loaded. Periodic safety checks throughout the training day are appropriate.

5. Clothing and footwear appropriate to the course of fire and the terrain of the range is required. Clothing should cover areas that could be abraded, lacerated, or burned in any of the positions the shooter is expected to assume. Tank tops, low-necked shirts or similar clothing are not permitted. Shoes are to completely cover the toes and be suitable for moderate to intensive physical activity. Participants not meeting these standards are prohibited from participating in firearms training.
6. Instructional staff shall be easily identifiable and wear distinctive clothing.

701.10 CLEANING AND MAINTENANCE

The overall cleanliness and maintenance of the Firearms Range is the responsibility of the Officer in Charge, Training Coordinator, or their designee. This will include, but is not limited to, lead removal from the Total Containment Trap, equipment inspections, repairs, landscape upkeep, etc.

Any day-to-day upkeep should be facilitated by the assigned Officer In Charge. The removal of brass and trash should generally be conducted at the conclusion of every training event.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Body Armor	POLICY NUMBER: 702.00
	CALEA STANDARDS: LE 41.3.5, 41.3.6	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 11/07/2023
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 3

PURPOSE

The purpose of this policy is to specify the Bentonville Police Department personnel responsibilities related to body armor.

POLICY

It is the policy of the Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

DEFINITIONS

Body Armor: An item of personal protective equipment intended to protect the wearer from threats that may include ballistic threats, stabbing, fragmentation, or blunt impact. Body armor generally consists of two armor panel or plates, a front and a back, placed in a carrier.

Carrier: A garment whose primary purpose is to retain the armor panels or plates and to provide a means of supporting and securing the armor panels or plates to the wearer.

Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support roles.

PROCEDURES

702.01 SELECTION OF BALLISTIC VEST PROTECTION LEVEL

The Department shall assess the ballistic threats of concern to officers and select an appropriate level of protection. Any ballistic vest/armor purchased by the Department shall meet the contemporary National Institute of Justice (NIJ) standards, testing requirements and certifications.

702.02 ISSUANCE OF REPLACEMENT BALLISTIC VEST/ARMOR [LE 41.3.5]

Every officer shall be issued Department approved body armor that complies with the appropriate requirements. The Department shall provide mission appropriate body armor for personnel in specialized units, such as SWAT, Bomb Squad, etc.

The Department shall specify requirements for the carrier that is issued with the Department approved body armor. Every officer shall be individually measured and fitted for ballistic vest/armor.

Ballistic vest/armor that is damaged shall be replaced in accordance with established guidelines and protocols. Body armor that has reached the end of its warranty period should be replaced in accordance with established guidelines and protocols.

702.03 USE OF BODY ARMOR

Every officer shall perform a personal armor fit assessment upon receipt of body armor and shall report any issues to their supervisor and other designated Department individuals, as applicable. Officers shall wear only Department approved body armor and shall wear both panels in a Department approved carrier.

Recruit officers shall wear body armor during both classroom, range activities, and field training.

Officers (Uniformed or Plain clothes assignments) shall wear body armor while engaged in field activities on duty unless the officer is involved in undercover or plain clothes work that his or her supervisor determines could be compromised by wearing body armor.

Officers not engaged in field activities shall have their body armor available at the location of their primary assignment, or readily available in their vehicle.

Officers engaged in pre-planned, high-risk law enforcement operations shall wear body armor while discharging those duties. [LE 41.3.6]

702.04 INSPECTION OF BODY ARMOR

Every officer shall routinely inspect personal body armor for signs of damage and for general cleanliness. Annual inspections of body armor shall be conducted for fit, cleanliness, and signs of damage.

Each officer shall be responsible for reporting damage or excessive wear to the ballistic panels or carrier to their supervisor and the individual responsible for the uniform supply function.

702.05 CARE/MAINTENANCE OF BODY ARMOR

Officers are responsible for the proper storage, maintenance, cleaning, and care of body armor ballistic panels and carriers in accordance with the manufacturer's instructions.

702.06 SUPERVISION

Supervisors shall ensure that all officers comply with this policy, including ensuring that body armor is worn and maintained as required by the policy through routine observation and periodic documented inspections.

702.07 TRAINING

Each officer shall receive initial training on body armor. The training officer or designee shall be responsible for:

1. Ensuring officers are properly trained on body armor fit and coverage, use, care, and maintenance.
2. Monitoring technological advances in the body armor industry that may necessitate a change.
3. Assessing weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Vehicle Use/Home Storage	POLICY NUMBER: 704.00
	CALEA STANDARDS:	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 4

PURPOSE

This policy was established to ensure Bentonville Police Department owned vehicles are used in accordance with the mission of the Department. For the purposes of this policy, Department owned vehicles include any vehicle owned, leased, or rented by the Department.

Home storage programs are common within law enforcement agencies as a way of increased visibility and presence of marked and unmarked police units on the streets, highways, and neighborhoods; providing for expedited response of off-duty personnel called back into service due to an emergency, disaster, or coverage of special events; improving the Department's ability to recruit, select, and retain qualified candidates for employment. Furthermore, studies show home storage programs reduce maintenance costs, extend vehicle life, and provide greater accountability.

POLICY

The Chief of Police may assign take-home vehicles based on Departmental needs such as emergency response to critical incidents, tactical deployments, increased visibility in the community and other considerations. It is the policy of this Department to assign police vehicles to full time sworn police officers who reside within a reasonable distance of the City of Bentonville for use pursuant to the following guidelines and procedures. The Department will also assign police vehicles to full time sworn police officers who are assigned to certain positions within the Department as identified by the Chief of Police.

All personnel must recognize that they are representatives of the Police Department and must be cognizant of the constant public scrutiny they will be under while operating their take-home vehicles off-duty. Members must always conduct themselves in a professional manner.

PROCEDURES

704.01 USE OF VEHICLES

Officers may use Department owned vehicles for personal reasons, such as trips to the store for small purchases or transporting children to school, when the officer resides within

the city limits of Bentonville. This is also approved when the officer lives outside the City limits, although the trips for personal business must take place while enroute to or from assigned duties, such as regularly scheduled assignments, court appearances, training, etc.

While in an off-duty capacity and operating a home stored vehicle, officers shall adhere to the following restrictions:

1. Officers shall be dressed in clothing appropriate for contact with the public if necessary. Unauthorized clothing examples include offense language or images on clothing, shorts, cut off shirts, etc.
2. Officers shall be armed with an approved service weapon.
3. Officer shall ensure they log in with dispatch, their police radio is on and always monitor the radio during vehicle usage.
4. Officers shall be the only operator of the vehicle. All other operators (except other officers) require authorization from the Chief of Police or their designee.
5. Officers shall not be under the influence of any drug that would impair the safe use of a Department vehicle. Officers shall not have consumed any alcoholic beverages prior to driving the unit or stop at any establishment whose primary business is the sale of alcohol.
6. Officers shall not purchase alcohol or transport an alcoholic beverage while operating a Department issued vehicle.
7. Officers and passengers are prohibited from smoking, vaping, or using tobacco products (dip, chew, etc.) while in a Department owned vehicle.
8. Officers shall not transport personal property items which fail to fit within a closed car or trunk.
9. Officers shall initiate police action only on serious matters requiring immediate attention. (i.e., felonies and serious misdemeanors) Officers are required to respond to any life-threatening call for service in their immediate vicinity and to stay on the scene until properly relieved.
10. Probationary officers are not allowed to participate in the home storage program until they have successfully completed the Field Training Program. Lateral transfers, depending on experience level, are authorized as directed by the Chief of Police for this program with restrictions.

Any officer on suspension will not be able to utilize the home storage program.

704.02 PASSENGERS

All passengers, including ride-a-long program participants, family members, etc. are not covered under City of Bentonville insurance if involved in an accident or sustain any injury.

704.03 MAINTENANCE

Officers are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle. As officers are responsible for their vehicle, officers should attempt to maintain a fuel level above ¼ tank at a minimum. When officers stop at a location to refuel, they should make every effort to update Bentonville PD Dispatch with their location.

Officers shall conduct daily inspections of their assigned vehicle for service/maintenance requirements and damage. It is the responsibility of the assigned officer to ensure that their assigned vehicle is maintained according to the established service and maintenance schedule. Employees will be subject to disciplinary action if they:

1. Fail to properly maintain their take-home vehicle
2. Fail to report any damage or theft
3. Fail to report any service problems

In the event routine service or repair is needed, it will be up to shift supervisor to determine if the shift staffing or call volume can accommodate the vehicle receiving the service while the officer is on or off duty. Outside of normal maintenance (oil, tires, etc.) all large mechanical repairs and body work should be coordinated with the Fleet Manager.

Sensitive items should not be accessible, and firearms shall be removed while the vehicle is out-of-service or being serviced. If the assigned home storage vehicle is damaged, pending repairs, or out-of-service for any reason, a loaner vehicle will be issued for on-duty use only. Officers will be responsible for their own transportation to and from the Department.

704.04 PARKING

The Department owned vehicle should be parked in the officer's garage or driveway when available. If unavailable, the vehicle should be parked close to and within eyesight of the residence and under lighting at night. The vehicle shall always be locked when not in use.

If the officer will be away from their residence for a period of more than three working days (vacation, training, etc.), the vehicle shall be parked in the Department's secured parking lot.

Any violation of this policy may result in disciplinary action to include suspension of use of the home storage program.

704.05 EMERGENCY/ACCESSORY EQUIPMENT

It is prohibited to install any equipment on a Department owned vehicle without authorization from the Chief of Police or their designee. The Chief of Police may establish guidelines for the use and installation of emergency equipment, communication devices and other equipment.

704.07 ANNUAL REVIEW

This policy and address verification of all officers assigned home storage vehicles will be reviewed by the Chief of Police or their designee on a yearly basis.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT: Weapons	POLICY NUMBER: 705.00
	CALEA STANDARDS: LE 4.3.1	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 4

PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training. This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies. This policy only applies to those members who are authorized to carry firearms.

POLICY

The public entrusts the Bentonville Police Department with the authority necessary to protect them from physical harm and death. The Department ensures proper training and guidance, so Officers are properly equipped to protect the welfare of the public and for their own safety.

PROCEDURES

705.01 FIREARMS MANAGEMENT

A. Authorization to Carry:

All certified, active Department Officers are authorized to carry a concealed handgun in the course and scope of their duties, per Arkansas Statute 12-15-202. Furthermore, the officer carrying a Department issued firearm must also carry their badge, along with appropriate identification issued by the Department. Additionally, the officer must not be the subject of any ongoing administrative or criminal proceedings.

You may carry fully loaded, operational and safe firearms and ammunition authorized by the Chief of Police after:

Training: The Officer has received Department training on the Use of Force Policy (Policy 401).

Qualification: The Officer has met established proficiency requirements.

Identification: The Officer possesses proper identification from the Department.

- **Retired Bentonville Officers:** A concealed handgun may be carried by a retired Bentonville officer when the retired officer meets all

requirements as set forth in Arkansas State Statute 12-15-202 and under Arkansas CLEST rules (1025). Note: This may not apply if the retired officer has a valid concealed handgun carry license as set by State laws.

Authority to carry a firearm out of state:

An *on-duty* officer **may** carry their concealed firearm out-of-state in the course and scope of their duties. (See Arkansas Statute 12-15-202 and Law Enforcement Officers Safety Act of 2004-- Title 18 USC, sections 926B & C)

Further defined, qualified, active, full-time Officers of this Department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B) and approved by the Chief of Police or designee:

1. The Officer shall carry their Department identification card whenever carrying such firearm.
2. The Officer is not the subject of any current disciplinary action.
3. The Officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
4. The Officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authorities may not shield an Officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Authority to carry a firearm on a commercial airline:

All travel on commercial airlines with a weapon is restricted to federal regulations **and** permission from the Bentonville Chief of Police.

B. Carrying Firearms Off-Duty:

The carrying of firearms by sworn officers while off duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who choose to carry a firearm while off duty, based on their authority as a peace officer, will be required to meet the following guidelines:

Sworn Officers of the Department are authorized to be armed or unarmed off duty, at their own discretion. Officers may carry an approved or Department issued firearm during off-duty hours, and only act as permitted by the Use of Force policy of the Department.

Note: This may not apply if the sworn officer has a valid concealed handgun carry license as set by State laws. It is encouraged, even if a sworn officer has a concealed carry, to utilize Department qualifications

and documentation for off-duty use of any personally owned back-up or secondary firearms.

Certified Proficiency:

Officers must establish and maintain certified proficiency with the firearm authorized for off-duty carry.

Firearms Qualification:

Officers shall qualify annually with all approved firearms.

Concealment:

It is encouraged to wear off-duty firearms concealed so they do not cause public concern.

Police Authority:

Officers have no police authority when outside their established jurisdiction and off-duty. Officers must abide by the regulations of all federal facilities and state facilities, along with private property owners.

C. Off-Duty Firearm:

It will be the responsibility of the officer to submit the firearm to the Training Coordinator for inspection and approval prior to being carried. Thereafter, the firearm shall be subject to periodic inspection by the Training Coordinator.

Prior to carrying any off-duty firearm, the officer shall demonstrate to the Training Coordinator or designee that they are proficient in handling and firing the firearm and that it will be carried in a safe manner. The Officer will successfully qualify with the firearm prior to it being carried and thereafter once every year.

If any member desires to use more than one firearm while off duty, they may do so, if the Officer meets all the requirements set forth in this policy for each firearm used.

D. Authorized Firearms and Ammunition in Uniform:

The primary duty weapon will be issued by the Department. A secondary weapon will be personally owned and approved by the Department. All duty weapons carried on or off-duty shall be inspected by the Training Sergeant, or their designee, upon issuance to the Officer. The Training Sergeant, or their designee, may periodically inspect weapons issued to officers as necessary. [LE 4.3.1 (c)]

Department issued weapons will use Department issued ammunition. Ammunition for secondary weapons must be approved by the Department. [LE 4.3.1b]

E. Carrying Personal Firearms:

Personal firearms carried as an off-duty weapon or secondary weapon must meet the Department specifications as authorized by Chief of Police or their designee. All the procedures, rules and regulations of this Policy apply to carrying personal firearms.

F. Approved Firearms Holsters:

All holsters are subject to approval by the Chief of Police or Department Training Coordinator.

On-Duty holsters: Firearm(s) must be carried in a holster secured to the person and that retains the firearm by one of the following devices: a passive retention system, a trigger guard lock, or a snapping thumb strap. Cross draw holsters are not approved with the exception of shoulder holsters.

Off-Duty holsters: Firearm(s) must be carried in a holster secured to the person and that retains the firearm by one of the following devices: a passive retention system, a trigger lock guard, a snapping thumb strap, or a manner that prevents accidental cocking, discharge or loss of physical control.

A list of authorized holsters is contained in the Uniform Regulations policy.

While in uniform patrol, the drop-leg duty weapon holster is only approved for officers who wear the tactical outer carrier vest, and at no time will be worn in conjunction with the drop-leg TASER holster.

705.02 FIREARM SAFETY

The Department is extremely conscious of firearm safety. Except for general maintenance, storage or authorized training, Officers shall not draw or exhibit their firearms unless circumstances create strong reasonable cause to believe it may be necessary in the performance of their duties. Firearms will always be handled in a manner consistent with the Basic Firearms Safety Rules.

Unloading or loading firearms will be done outside the main police building by using a clearing barrel. No loaded firearms will be accepted by the Department armorer for storage in the armory.

Any accidental discharges will be reported immediately to the supervisor on-duty.

A. Weapon Carry and Condition

1. Handgun:

While Officers carry a handgun, it should be holstered with a round in the chamber and a fully loaded magazine. Officers should reset their handgun to this condition following any cleaning, servicing and/or training event.

2. Patrol Rifle:

Patrol Rifles being transported in a vehicle, on patrol or otherwise, it shall be with no round in the chamber and a fully loaded magazine inserted.

3. Storage at Home:

Members shall ensure that all firearms and ammunition are locked and secured while in their homes in a manner that will keep them inaccessible to children and others who should not have access.

Safety locks are available for city weapons stored at an Officer's residence. The Department strongly encourages, although not mandatory, the use of locks while the city weapon(s) is stored within an officer's residence. [LE 4.3.1(f)]

705.03 SERVICE AND INVENTORY

A. Repairs or Modifications:

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Range Master.

Firearms that are the property of the Department may be repaired or modified only by a Department approved and certified armorer in the specific firearm. Any modification must be authorized and documented in advance by a Division Commander.

NOTE: Any modification must be able to be readily removed. Items prohibited from modification include, but not limited to: optics, triggers, buffer tubes, barrels, bolt carrier groups/components.

In the event a Department issued weapon is determined to be unsafe or beyond repair, a replacement weapon shall be issued to the officer. The repair or replacement of the removed weapon will then be facilitated by the Training Sergeant, or their designee. [LE 4.3.1(d)]

B. Firearms Inventory Management:

The Training Sergeant shall maintain an up-to-date inventory of every Department owned/issued weapon and status. The inventory shall include type, description, identifying model, and serial numbers of each firearm, as well as the identity of the assignee.

The inventory should also include the name of the personnel making the approval, the date of approval, the qualification course fired, and all scores used to qualify the Officer for the demonstration of proficiency. [LE 4.3.1(e)]

705.04 FIREARMS QUALIFICATIONS

All Officers shall demonstrate proficiency by completing the Arkansas State Qualification with a passing score of 400. This shall be completed with on and off-duty weapons prior to carrying by the Officer.

A. Firearms Testing:

Testing includes side arms, shotguns, rifles and other authorized firearms needed for special assignments or uniformed duty. Testing consists of a written test and actual firing of weapons.

B. Proficiency Level:

You must achieve the posted qualifying score for each test. Acceptable proficiency levels for qualification are clearly posted before testing, including lowest possible score and course requirements.

C. Semi-Annual Qualification:

Firearms qualification will be held semi-annually for primary duty weapons and secondary weapons during a designated time at an appropriate range facility.

Date, time, and location of firearms qualifications will be set forth in an email or other means of notification. Firearms qualifications will be during duty hours when possible.

Attendance at firearms qualifications is mandatory.

1. Employees required to participate in firearms qualifications may only be excused by the Training Coordinator or direct supervisor.
2. An unexcused absence may subject the employee to disciplinary action.
3. If the employee has missed one qualification, they will be required to meet the standard as soon as it is practical to do so (within two weeks, if possible).

Inability to Test: When an Officer is unable to attend scheduled firearms testing, documentation shall be completed, to include the nature and extent of the physical impairment.

Officers shall reschedule your annual firearms test at the earliest time; and will not be assigned to any duty calling for a firearm if the Officer is physically unable to qualify.

Failure to Qualify: If an Officer does not qualify during courses state qualifications, he or she will immediately be placed into a temporary assignment until additional instruction or remedial training is completed. After exhausting all means to meet minimum State and department standards, the Chief of Police will review the Officer's status. The Officer will be subject to involuntary reassignment, relief from duty, or dismissal from service.

705.05 LESS-LETHAL WEAPONS AND MUNITIONS

The Department supplies less-lethal weapons for effective and legally defensible alternatives when use of a firearm may be unnecessary. Officers may use less-lethal weapons only as necessary force for self-defense, defense of another person, preventing escape of an offender, making an arrest when there is physical resistance, or to control a violent disturbance. The Department supplies training for the use of batons, taser, impact munitions, and aerosol irritants.

In all cases of deployments of use of force, all documentation to include blue team entries, case reports, and body worn cameras/dash cameras should be completed and uploaded by the end of the shift. Any use or attempted use (discharge of probes) of a Taser (ECW), impact munitions (12g, 37/40 mm), or aerosol irritants against a subject shall be ***immediately reported to the on-duty supervisor and Chief of Police or designee.*** (This required reporting is over and above the necessary use of force report)

A. Baton:

Follow Department policy and training guidelines when use of the baton is deemed necessary. Always apply the correct philosophy and technique if use is necessary. You are not authorized to use the baton until fully trained and certified.

B. Aerosol Irritants:

Officers may carry chemical irritants. Follow Department policy and training guidelines supplied by the department and manufacturer's instructions when use of the aerosol irritants becomes necessary.

C. Taser (ECW):

A conducted energy weapon (ECW), often referred to as a “taser” is a less-lethal weapon used to incapacitate subjects by discharging an electronic current into the subject via two wired probes. The Taser may also be used in a drive-stun capacity with a fired cartridge in the device or when the Taser is not loaded with a cartridge.

The Taser shall only be used by Officers trained in its use. Officers shall use the Taser in a manner consistent with Departmental policy and training guidelines.

After the Taser has been discharged and the suspect has been taken into custody, Officers who discharge the Taser and supervisors shall:

- Ensure the suspect’s injuries (if any) are appropriately treated (only medical personnel may remove probes that are embedded in a suspect’s skin).
- Ensure any discharged cartridges, probes, and a sampling of AFID (Anti-Felon Identification) “microdots” that are discharged with the probes are collected and booked.

See Policy 706 (Taser (ECW)) for all additional information related to this weapon.

D. Less-Lethal 12 Gauge Shotguns:

The less-lethal 12-gauge shotgun is designed to fire a direct impact munition meant to produce blunt trauma pain compliance. The Department currently uses one authorized round for the 12-gauge shotgun for this purpose to provide consistency in training, use, and deployment considerations.

The less lethal 12-gauge shotgun shall only be used by Officers trained in its deployment and use. Officers shall use the less lethal 12-gauge shotgun in a manner consistent with Departmental orders and training guidelines.

After the less lethal 12-gauge shotgun has been discharged and the suspect has been taken into custody, officers who discharge the less lethal 12-gauge shotgun and supervisors shall ensure the suspect's injuries (if any) are appropriately treated.

E. 37mm/40mm Launchers:

The less lethal 37MM & 40MM Launchers are designed to fire a direct impact, skip-fired and chemical munitions.

The less lethal 37MM & 40MM Launchers shall only be used by officers and supervisors trained in its deployment and use. Officers shall use the less lethal 37MM & 40MM Launchers in a manner consistent with Departmental orders and training guidelines.

705.06 AUTHORIZED LETHAL, LESS LETHAL AND MUNITIONS [LE 4.3.1]

Only those lethal or less lethal weapons and ammunition authorized by the Chief of Police, or their designee 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 the qualified department, and have it discretely concealed while in public.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Communications	POLICY NUMBER: 801.00
	CALEA STANDARDS: LE 81.2.2, 81.2.4	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 4

PURPOSE

Radio communications are used to dispatch calls for service, provide safety for personnel, increase ability to make apprehensions, and constantly communicate necessary information. Radio transmissions are monitored by the media and many of the general public, including the criminal element, listen regularly to our broadcasts.

Effective command and control of resources during emergency situations depends on continuous contact with field officers. It is necessary for field units to have immediate and emergency access to the communications center for emergency occurrences.

POLICY

The Bentonville Police Department uses a continuous, (24 hour) radio system so communications can always monitor officer status of on-duty personnel, safeguarding them and enhancing police service delivery to the City of Bentonville. [LE 81.2.2]

PROCEDURES

801.01 TELECOMMUNICATORS

The Department communications equipment allows telecommunicators to monitor various talk groups at one time. Consequently, telecommunicators shall constantly monitor the talk groups of the Police Department, Fire Department and, when necessary, adjacent law enforcement agencies. Furthermore, the Department has implemented Mobile Data Terminals (MDT) as a form of communication.

When field officers request information via communications, telecommunicators shall acknowledge the request and provide the information in a timely manner. Additionally, telecommunicators should make every effort to communicate in a calm and clear voice.

801.02 10 CODES

Using the 10 Code will cut the amount of time an officer spends transmitting on the radio. This is extremely important, should an officer need the talk groups to request assistance.

Officers shall use the 10 Code whenever possible. (See Appendix 1 - 10 Codes). In accordance with ICS recommendations, “plain talk” will be the preferred form of communication during a multi-agency event.

801.03 BROADCAST PROCEDURES [LE 81.2.4(a)]

Unit designations are that unit’s badge number, regardless of shift or duty assignment.
[LE 81.2.4(c)]

Communications Center and Mobile Unit Communications:

A. Communications Center to Mobile Unit:

The telecommunicator will identify the mobile unit they want to speak to by transmitting the unit's badge number (i.e., 101, 902, 304, etc.).

The mobile unit being called will respond with their own unit number.

The telecommunicator will then transmit the desired information to the mobile unit.

The mobile unit will then acknowledge receipt of the information or request the transmission be repeated.

B. Mobile Unit to Communications Center:

The mobile unit will identify by transmitting their badge number.

The Communications Center will acknowledge the unit by repeating the unit’s badge number.

The mobile unit will then transmit the desired information to the Communications Center.

The Communications Center will acknowledge receipt of the information or request the mobile unit repeat their transmission.

The Communications Center will then transmit any information requested by the mobile unit.

The mobile unit will acknowledge receipt of the requested information or request the transmission be repeated.

C. Mobile Unit to Mobile Unit:

The mobile unit will identify themselves first and then identify the unit from which they are requesting a response (ex. 101-304 or 902-904).

The mobile unit being called will respond with their unit number and advise the unit calling them to proceed (ex. "305-911, go ahead").

The initiating unit will then proceed with the traffic.

D. Exceptions:

Mobile units that are going in or out of service may notify the Communications Center of their traffic by simply stating their badge number and 10-8 or 10-6 (ex. 912-10-8).
[LE 81.2.4(b)]

Mobile units that are preparing for a traffic stop may notify the Communications Center by stating their badge number and “traffic” (ex. 914-traffic). This shall alert the telecommunicator that the unit is about to make a traffic stop. They shall then identify the unit by the unit’s badge number while preparing to record the pertinent information. The unit will then transmit the traffic for the stop.

At no time will exception be taken to identify call sign and traffic without first being acknowledged.

801.04 ALTERNATE TALK GROUPS

The Department has several alternate radio talk groups. These radio talk groups are used when the main talk group has malfunctioned, or officers need to communicate unusually lengthy transmissions. When using these talk groups, officers shall notify the telecommunicator upon leaving and returning to the main talk group.

801.05 OFFICER STATUS

Arriving/Completing Assigned Call:

Officers shall inform Communications of their arrival and clearing of all dispatched calls for service. Request assistance if needed and cancel any assigned backups accordingly. Officers they should select the appropriate call disposition. This may be done by verbally notifying the telecommunicator working the main talk group or by using the MDT.

Officers should not give lengthy statements concerning the outcome of an incident unless this information is necessary and relevant for personnel using the talk group. Officers shall include a summary of actions taken and final disposition of the incident in the call notes, preferably via MDT.

801.05 SUSPICIOUS PERSON or VEHICLE CHECKS

When checking suspicious persons or vehicles, inform Communications of:

- Your location
- License number or description of vehicle stopped (i.e., traffic stop)
- Description of person(s) or other necessary information

801.06 OFFICER OUT OF RADIO CONTACT

Normally, you should not be out of continuous radio contact. If you are going temporarily out of radio contact, notify communications of:

- Your location

- Reason for loss of radio contact
- How you can be reached while away from the radio

801.07 LEAVING THE CITY LIMITS

Officers will periodically be assigned duties outside of the city limits. During these assignments, officers shall keep communications informed of their destination and, likewise, inform communications upon returning to the city limits.

DRAFT

Bentonville Police Department

Policies & Procedures

	SUBJECT:	POLICY NUMBER:
	Chaplain Program	805.00
	CALEA STANDARDS:	EFFECTIVE DATE:
		XX
	NOTES:	REVISION DATE:
		05/04/2024
	APPROVAL:	PAGES:
	Ray Shastid, Chief of Police	4

PURPOSE

The Bentonville Police Department Chaplain Program is designed to provide more sensitive responses to the public in times of crisis and to provide members of the department with any personal assistance they may require. Furthermore, the chaplain program fosters relationships between law enforcement and the public by accessing community resources and creating partnerships with community members and leaders, local hospitals, organizations, and businesses.

POLICY

The purpose of this policy is to define the duties, responsibilities, and procedures governing the appointment and direction of the Police Chaplain.

PROCEDURES

805.01 ORGANIZATION

The volunteer Police Chaplain and any additional personnel will be referred to as Police Chaplains within this policy. Police Chaplains shall be appointed by and answer directly to the Chief of Police or their designee.

In the event the Department secures more than one police chaplain, a Chain of Command will be established and a “Lead Police Chaplain” will be designated by the Chief of Police.

The “Lead Police Chaplain” will coordinate with the other Department chaplains to determine an “on call” schedule.

The “Lead Police Chaplain” will also assist in assuring that at least one police chaplain is present at Department functions.

805.02 REQUIREMENTS

Police Chaplains must be an ecclesiastically ordained or certified person in good standing with a recognized religious organization.

Police Chaplains must not have been convicted of a felony or any criminal offense involving moral turpitude. Police Chaplains must be able to provide references if requested and pass a routine records and background check.

Police Chaplains must volunteer to make themselves available in an “on-call” basis and stand ready to respond to the needs of the Agency. Police Chaplains must sign a waiver of liability agreement with the City of Bentonville before he/she can participate in any type of ride-along program with the officers of the department.

805.03 STANDARDS and TRAINING

Police Chaplains must foster a genuine concern for the welfare of the officers of the department and their families.

Police Chaplains must be tactful and considerate in approaching all people regardless of race, sex, creed, or religion.

Additional training specific to law enforcement chaplains should be made available and will be paid for by the department. All training documents must be forwarded to the Professional Standards and Training Unit.

805.04 RESPONSIBILITIES AND DUTIES

A. DEATH NOTIFICATIONS:

The Police Chaplain will assist Department officials in notifying member’s families and the public in the event of serious injury or death.

B. MAJOR EMERGENCY INCIDENTS:

The Police Chaplain will assist Department officials during major emergency incidents, i.e., major disturbances, natural disasters, major accidents, etc.

C. OFFICER INVOLVED SHOOTING:

Any time an Officer is involved in a police related shooting, or similar critical incident, they will be given the opportunity to have a Police Chaplain present as soon after the shooting as possible.

D. CONFIDENTIALITY:

Any counseling conducted by the Police Chaplains with either Department personnel or the public will be held in strict confidence in accordance with law. Should the Police Chaplain determine they can no longer be effective with a particular person, that person may be referred to another Chaplain or agency by the Department. Information concerning the individual may only be released to the referred counseling source with permission of the person being counseled, except when it is clear to the chaplain that the person is a danger to themselves or to others.

E. COUNSELING:

The Chaplain is available 24 hours a day to counsel with any Department employee within their jurisdiction concerning family, social, moral, employment or personal

affairs. He is available, upon request, to counsel with any family members of those Department employees. His counsel will be restricted to areas within his ability, and referral will be made for further professional counsel when deemed necessary.

The Police Chaplain is not intended to replace the Department member's personal clergyman/minister, and in all situations that deem it necessary to inform the department member's personal clergyman/minister, such notifications should be made.

The Police Chaplain shall not attempt to convert to or bring into their religious affiliations a member of the Department or the public while they are assisting the Department, unless a person requests information about that particular faith of the Police Chaplain.

F. HOSPITAL AND SICK CALLS:

The Chaplain may call on any Department employee within his jurisdiction who has been hospitalized or confined. He may also, upon request, visit any relative of such employee. At such a visit, he may offer spiritual counsel and advice and endeavor to be of service to the family while such parties may be confined.

G. FUNERALS:

The Chaplain may be asked to officiate at the funeral of a Department employee or family members within his jurisdiction.

H. WEDDINGS:

The Chaplain may be asked to officiate at the wedding of a Department employee or family members within his jurisdiction. The Chaplain will also be governed by the requirements of his church affiliation.

I. INVOCATION AND BENEDICTION:

The Chaplain may be asked to give the invocation or benediction for Department functions such as dinners, ceremonies, and graduations. They may be invited to perform similar functions at community meetings, service clubs and ceremonies.

J. PUBLIC RELATIONS:

The Chaplain may be invited to speak at various church meetings or ministerial meetings to present the Department's philosophy of law enforcement. The Chaplain is designated to serve as liaison between the Department and the religious community within his jurisdiction.

K. RIDE-ALONG:

Police Chaplains are authorized to ride with and in Police Department vehicles and are encouraged to do so frequently during the initial orientation of the chaplain and continued as an ongoing activity to keep the chaplains in touch with pressures and problems that confront Police Department personnel.

Police Chaplains are subject to proper scene integrity. Police Chaplains should not release any information to the news media, insurance agencies, or attorneys regarding cases where they are involved unless first approved by the Chief of Police.

L. DEPARTMENT FUNCTIONS:

Police Chaplains should make every effort to attend department graduations, promotional activities, award ceremonies, dinners, social events, etc., and offer invocations and benedictions upon request.

805.04 NOTIFICATION AND/OR CALLOUT OF POLICE CHAPLAIN:

APPROVAL:

Any notification and/or call out of the Police Chaplain will require the notification of a Supervisor. The Police Chaplain may be called to assist in:

1. Death notification and/or acknowledgment of an employee or a member of the employee's immediate family.
2. Any Officer involved in a shooting.
3. Serious injury or illness to an Officer or immediate family.
4. Any traumatic crime scene.
5. Any matter pertaining to moral, spiritual and/or religious welfare of police personnel or a private citizen where religious guidance is needed to address a crisis.

RESPONSE:

After being notified, the Police Chaplain will decide whether to respond. Upon the Police Chaplain's arrival, they should contact a uniformed officer and identify themselves as a chaplain. The uniformed officer shall notify the supervisor in charge of the scene of the presence of the chaplain. That supervisor, or their designee, shall contact the chaplain as soon as practical and apprise them of the situation. A department issued photo ID card will be required to be admitted to any emergency scene.

805.05 COMPLAINT AGAINST POLICE CHAPLAIN

Should any officer or community member have a complaint against a Chaplain, the Officer shall document the complaint and forward to the Chief of Police through the Chain of Command.

Any citizen complain will be handled through the prescribed Department complaint process.

Bentonville Police Department

Policies & Procedures

	SUBJECT: Accreditation Management	POLICY NUMBER: 808.00
	CALEA STANDARDS: LE 11.4.2, LE 11.4.3, LE 33.5.3(b)	EFFECTIVE DATE: XX
	NOTES:	REVISION DATE: 05/04/2024
	APPROVAL: Ray Shastid, Chief of Police	PAGES: 4

PURPOSE

The purpose of this policy is to define the accreditation process, establish a management system which provides authority for administering the process, and delineating responsibilities for those involved.

POLICY

It is the policy of the Bentonville Police Department to comply with the applicable standards established by the Commission on the Accreditation for Law Enforcement Agencies (CALEA). Toward that end, the Accreditation Manager will develop and administer those processes required to achieve and maintain compliance.

DEFINITIONS

Proof of Compliance: Any document, interview, or observation that tends to prove an agency is in compliance with an applicable standard. These items are commonly referred to as “proofs”.

Standards: A clearly defined criterion that addresses the authority, performance, and responsibilities of an agency and its members.

Staff Authority: The giving of instructions or direction by an individual who has limited or no authority to do so in their own right, but who performs certain tasks of command as a representative of the Chief of Police.

Accreditation: The process of being formally recognized as adhering to and utilizing professionally recognized standards or state-of-the-art procedures.

808.01 ACCREDITATION

Law enforcement agencies seeking accreditation must comply with established standards that are applicable to a particular agency based on its size and the functions it performs. Standards are designed to reflect the best professional practices in each of the following areas of law enforcement management:

1. Administration
2. Operations
3. Support Services

Standards were developed to help law enforcement agencies achieve the following:

1. Increase departmental capabilities to prevent and control crime.
2. Enhance effectiveness and efficiency in the delivery of law enforcement services.
3. Improve cooperation and coordination with other agencies.
4. Increase confidence in the goals, objectives, policies and practices of the Department.

The standards address the following major law enforcement topics:

1. Role, responsibilities, and relationships with other agencies.
2. Organization, management, and administration.
3. Personnel and administration.
4. Law enforcement operations, operational support, and traffic enforcement.
5. Prisoner and court related services.
6. Auxiliary and technical services.

Once accreditation standards are achieved, the Department must periodically provide documentation called “proofs of compliance” that verify the agency is maintaining its compliance with the standards.

When the Department determines it is in compliance with all the required standards, CALEA sends a team of assessors, who are experienced law enforcement practitioners, to conduct an on-site assessment. They prepare a report of their findings and submit it to the Commission for review. The Commission then either awards or defers accreditation.

Accreditation is for a three-year period. Departments are expected to remain in compliance for the three-year period and repeat the process to remain accredited.

808.02 ACCREDITATION MANAGER RESPONSIBILITIES

1. Implement new or revised programs, procedures, and functions required to achieve compliance.
2. Prepare policies and procedures.
3. Provide command personnel with guidance in the interpretation of CALEA standards as it relates to Departmental policies and procedures.
4. Research and planning.
5. Set priorities for preparation of compliance documentation.

6. Determines the process to delegate responsibility for preparing compliance documentation, train those involved, monitor progress and review and approve results.
7. Train all personnel to the accreditation program and self-assessment process. [LE 33.5.3(b)]
8. Review and edit policy directive preparation.
9. Review, edit, and file compliance documentation.
10. Develop, modify, and approve for preparation.
11. Organization compliance documentation files.
12. Maintain policy directive archive file.
13. Index, purge, and review policy directives.

808.03 ADMINISTRATIVE PROCESS [LE 11.4.3]

The Accreditation Manager will have staff authority to discharge their responsibilities in administering the accreditation process. They, and their assisting personnel will have access to the Command Staff concerning matters of the accreditation process. The procedures for policy directive management with respect to the accreditation processes will be followed in accordance with Policy 201, Written Directives Policy. The Accreditation Manager will also track activities, inspections, reports, audits, reviews, or other administrative functions required by the CALEA standards. CALEA approved software and any other available means will be used to track all required activities. The tracking system will include:

- 1.Type of activity.
- 2.Frequency of activity
- 3.Date of last activity
- 4.Next scheduled date
- 5.Position responsible for activity

The Division Commander having responsibility over a specified activity will designate the organizational position responsible for obtaining and forwarding the proof of compliance documentation to the Accreditation Manager at the prescribed time. That designated member will ensure the required documentation is forwarded to the Accreditation Manager in a timely manner.

The Accreditation Manager will ensure that the supplied documentation is placed in the appropriate files(s) as “proof of compliance” for that standard. Documentation that is received and deemed unsuitable to demonstrate the proof of compliance may warrant the submission of additional documents to satisfy requirements.

The tracking system utilized by the Accreditation Manager will be updated to reflect the date of receipt for that documentation.

If documentation is not received within five working days of the required due date, the Accreditation Manager will send written notification to the responsible position and/or the appropriate Division Commander.

808.04 FORM MANAGEMENT [LE 11.4.2]

With approval of the Division Commander, new forms may be generated, and current forms may be revised or updated. This may be necessitated upon identification of a justifiable need for a job function, forms becoming obsolete or eliminating redundancy. The Division Commander or their designee will forward the forms to the Accreditation Office for compliance approval and dissemination to Command Staff for review.

If alterations to the form are determined to be necessary, the form will be returned to the issuing Division Commander. If no changes are needed, the form will be submitted to the Chief of Police for final approval.

The Accreditation Office will maintain a file and/or index of forms currently in use.

Each new form will contain the following information:

1. Form Title
2. Date of creation and revision
3. Software used for creating the form.
4. Whether or not previous editions of the form may still be used.
5. As applicable, which form is being replaced.

RESOLUTION NO. _____

**A RESOLUTION ADOPTING REVISIONS TO THE BENTONVILLE POLICE
DEPARTMENT 2024 POLICY AND PROCEDURES MANUAL; AND FOR OTHER
PURPOSES.**

WHEREAS, the Bentonville Police Department enrolled in the CALEA Accreditation at the end of 2022 and began the three (3) year process of accreditation;

WHEREAS, the Bentonville Police Department staff has reviewed and modified all current policies and procedures as well as added 169 applicable “Standards” specific to the tier 1 CALEA accreditation; and

WHEREAS, Command Staff, Accreditation Manager, and Legal Department recommend adopting the Bentonville Police Department 2024 Policy and Procedures Manual with all revisions and standards.

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

Section 1: That the City of Bentonville Police Department 2024 Policy and Procedures Manual is updated to reflect the recommended revisions and standards;

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.

PASSED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

MALORIE MARRS, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Josh Stacey
Phone:	479-418-8653	For Department(s):	Parks
Email:	jstacey@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☒ Waiver of Bid	☐ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Ordinance approving a Bid Waiver to Flock Group Inc. for Security Cameras in our Park System
Action Recommendation & Justification:	Ordinance for a waiver of bid to Flock Group Inc. in the amount of \$56,040.00 for security cameras in our park system. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Flock Group contracts with numerous Arkansas cities and counties. The connectivity and ability for inter agency cooperation led both the Parks and Police departments to seek a waiver of bid, as competitive bidding would not result in comparable results. See attached memo.
Amount for Approval:	\$ 56,040.00

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

Memo



To: City Council, Mayor Orman
Thru: David Wright, Parks and Recreation Director
From: Josh Stacey, Parks and Recreation Deputy Director
Date: May 1, 2024
Re: A waiver of bid to Flock Group Inc. (Flock) for security cameras in our park system.

A waiver of bid to Flock Group Inc in the amount of \$56,040 for security cameras in our park system.

Flock is the nation's largest shared law enforcement camera network. Flock was chosen as the provider of these security cameras based on their ability to allow collaboration with other cities, counties, and state agencies in crime solving. Currently Centerton PD, Benton County SO, Fort Smith PD, Little Rock PD, other state agencies, and many more cities and counties in Arkansas use the Flock system. This allows for a connected networking working across the State to help solve crimes. The Bentonville Police Department is also working with Flock for other crime prevention and resolution services beyond these cameras in the near future.

This purchase will provide 16 different cameras in 7 different parks. The Bark Park and Bike Playground, Citizens Park, Creekside Park, Lake Bentonville, Memorial Park, Merchants Parks, and Wildwood Park will all receive cameras covering all parking areas and other park amenities. These locations receive the highest level of vehicles theft and accidents in the system.

The initial cost of this project is \$56,040 but a reoccurring cost of \$48,000 will be placed in the 2025 budget and beyond to continue the service of these cameras. All data from the cameras is stored in a secure cloud-based system and is deleted everything 30 days. All cameras are cellular based which is part of the annual payment.

If you have questions concerning this item, please email me at jstacey@bentonvillear.com or call 479.418.8653.

Attachments:
Flock Service Agreement



MEMORANDUM

Police Department

TO: City Council and Mayor Stephanie Orman
FROM: Ray Shastid, Chief of Police
DATE: May 14, 2024
SUBJECT: Flock Camera- Police Department Support Letter

The Bentonville Police Department has been working in conjunction with Parks and Recreation for additional safety measures for our parks and trails, along with increased security measures during our numerous special events throughout the year. A continued request from the public has been security cameras within the city parks, trails, and parking lots. This request is usually following a series of breaking or entering incidents of a vehicle, or other criminal activity, that has already taken place.

Police Department's in the area and throughout the state have researched and evaluated Flock safety camera systems, which allows increased situational awareness and interoperability between agencies and jurisdictions.

Flock Safety is a public safety operating system that helps communities and law enforcement in over 1,500 cities work together to reduce crime, protect privacy, and work together on solutions between agencies to protect our citizens. Flock Safety builds devices that capture objective evidence and use machine learning to detect and deliver unbiased investigative leads to law enforcement. Flock Safety communities have reported crime reductions of up to 70 percent.

With the police department and parks and recreation working on together on this project, it will increase 24/7 protection of our parks, the capability of real-time alerts, a visual deterrent, and the possibility to add onto the system as the City grows.

The police department intends to layer this solution with additional products such as License Plate Readers and additional cameras. Furthermore, Homeowners Associations and Businesses can also purchase these products, which can all drive a positive outcome in our community.

Police agencies across the United States have implemented Flock, or similar systems, as part of safe cities programs, which have contributed to decrease in crime rates, early detection, and increased solvability criminal cases.

In Arkansas, Flock has been implemented by 46 customers with a combination of live view cameras, license plate readers, etc. Examples include Benton County Sheriff's Office (12-LPR's), Centerton 19-cameras, 9 LPR, 10 live view), Ft. Smith PD (21- LPR, 6 Live View, Real Time Crime Center, Barling (6 cameras), Van Buren (9 Live View Cameras), Little Flock (2-LPR). Other cities throughout the state include North Little Rock, Little Rock, El Dorado, Pulaski County and Union County Sheriffs Office, Jonesboro, and Sherwood. With so many agencies in the State already implementing Flock, this would allow the Bentonville Police Department (via MOU's), to tie into other jurisdictions systems and provide shared information and alerts to better solve criminal activity.

Storage Information gathered or collected and records retained by the Flock Safety system on behalf of Flock Safety Customers is owned solely by the Customer. This data will not be:

- Sold, published, exchanged, or disclosed for commercial purposes.
- Disclosed or published without authorization.
- Disseminated to persons not authorized to access or use the information.

However, Flock may access, use, preserve and/or disclose the Footage to law enforcement authorities, government officials, and/or third parties, if legally required to do so or if Flock has a good faith belief that such access, use, preservation or disclosure is reasonably necessary to: (a) comply with a legal process or request; (b) enforce this Agreement, including investigation of any potential violation thereof; (c) detect, prevent or otherwise address security, fraud or technical issues; or (d) protect the rights, property or safety of Flock, its users, a third party, or the public as required or permitted by law, including responding to an emergency situation.

Data Retention: LPR data will be stored in the system and then hard deleted on a rolling 30 day basis. This is Flock Safety's default retention schedule; it may be increased or decreased on a case by case basis if a different schedule is required by a jurisdiction or policy of a customer.

Note: At a larger scale, California just approved 480 camera systems from Flock as a part of solution to reducing criminal activity in specific areas of the State.

<https://www.gov.ca.gov/2024/03/29/flock-cameras-oakland/>



Letter for Flock Safety® ALPR Cameras and Solution

Flock Safety® is the sole manufacturer, developer, and distributor of the Flock Safety® ALPR Camera. Flock Safety® is also the sole provider of the comprehensive monitoring, processing, and machine vision services which integrate with the Flock Safety® ALPR Camera.

The Flock Safety® ALPR camera and devices are the only Law Enforcement Grade ALPR System to offer the following combination of proprietary features:

1. **Vehicle Fingerprint Technology®:**

- Patented proprietary machine vision to analyze vehicle license plate, state recognition, and vehicle attributes such as color, type, make and objects (roof rack, bumper stickers, etc.) based on image analytics (not car registration data)
- Machine vision to capture and identify characteristics of vehicles with a paper license plate and vehicles with the absence of a license plate
- Ability to 'Save Search' based on description of vehicles using our patented Vehicle Fingerprint Technology without the need for a license plate, and set up alerts based on vehicle description
- Only LPR provider with "Visual Search" which can transform digital images from any source into an investigative lead by finding matching vehicles based on the vehicle attributes in the uploaded photo
- Flock Safety Falcon Flex™: an infrastructure-free, location-flexible license plate reader camera that is easy to self install. Flock Safety Falcon Flex™ ties seamlessly into the Flock Safety® ecosystem with a small and lightweight camera with the ability to read up to 30,000 license plates and vehicle attributes on a single battery charge

2. **Integrated Cloud-Software & Hardware Platform:**

- Ability to capture two (2+) lanes of traffic simultaneously with a single camera from a vertical mass
- Best in class ability to capture and process up to 30,000 vehicles per day with a single camera powered exclusively by solar power
- Wireless deployment of solar powered license plate reading cameras with integrated cellular communication weighing less than 5lbs and able to be powered solely by a solar panel of 60W or less
- Web based footage retrieval tool with filtering capabilities such as vehicle color, vehicle type, vehicle manufacturer, partial or full license plate, state of license plate, and object detection

flock safety

- Utilizes motion capture to start and stop recording without the need for a reflective plate
 - Motion detection allows for unique cases such as bicycle capture, ATV, motorcycle, etc.
 - On device machine processing to limit LTE bandwidth consumption
 - Cloud storage of footage
 - Covert industrial design for minimizing visual pollution
3. Transparency & Ethical Product Design:
- One-of-a-kind “Transparency Portal” public-facing dashboard that details the policies in place by the purchaser, as well as automatically updated metrics from the Flock Safety® system
 - Built-in integration with NCMEC to receive AMBER Alerts to find missing children
 - Privacy controls to enable certain vehicles to “opt-out” of being captured
4. Integrated Audio & Gunshot Detection:
- Natively integrated audio detection capabilities utilizing machine learning to recognize audio signatures typical of crimes in progress (e.g., gunshots)
5. Live Video Integration:
- Ability to apply computer vision to third-party cameras using Flock Safety Wing® LPR, transforming them to evidence capture devices using the same Vehicle Fingerprint technology offered on the Flock Safety Falcon® ALPR cameras
 - Flock Safety Wing® Livestream integrates live stream traffic cameras, publicly or privately owned livestream security cameras into one cloud-based situational awareness dashboard to increase response time in mission-critical incidents
 - Manage various government intelligence including ALPR, livestream cameras, CAD, automatic vehicle location (AVL) on Flock Safety Wing® Suite
 - Ability to access live and recorded video using Flock Safety Condor™, a subscription video solution which allows officers to remotely view instant replay of downloadable live on-scene video with PTZ controls and 25X optical zoom without the need for additional camera network set-up, installation, or up-keep.
6. Partnerships:
- Flock Safety® is the only LPR provider to officially partner with AXON to be natively and directly integrated into Evidence.com

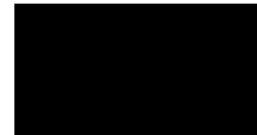
flock safety

- Flock Safety® is the only LPR provider to be fully integrated into a dynamic network of AXON's Fleet 3 mobile ALPR cameras for patrol cars and Flock Safety Falcon® cameras
- Access to additional cameras purchased by our HOA and private business partners, means an ever-increasing amount of cameras and data at no additional cost

7. Warranty & Service:

- Lifetime maintenance and support included in subscription price
- Flock Safety® is the only fully integrated ALPR one-stop solution from production of the camera to delivery and installation
- Performance monitoring software to predict potential failures, obstructions, tilts, and other critical or minor issues

Thank you,



Garrett Langley CEO, Flock Safety®



Arkansas LE Customers

Barling PD
Beebe PD
Benton County SO
Blytheville PD
Boone County SO
Brookland PD
Cabot PD
Cammack Village PD
Centerton PD
Dallas County SO
El Dorado PD
Fort Smith PD
Grant County SO
Greenwood PD
Harrison PD
Hot Springs PD
Jackson County SO
Jefferson County SO
Jonesboro PD
Little Flock PD
Little Rock PD
Malvern PD
Marion PD
Mayflower PD
Morrilton PD

North Little Rock PD
Pine Bluff PD
Pocahontas PD
Poinsett County SO
Pulaski County Parks
Pulaski County SO
Redfield PD
Saline County SO
Searcy PD
Sheridan PD
Sherwood PD
Texarkana PD
Tontitown PD
Trumann PD
Union County SO
Van Buren PD
Ward PD
West Memphis PD
White County SO
White Hall PD

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO
ENTER INTO AN AGREEMENT WITH FLOCK GROUP INC.,
FOR THE PURCHASE OF SECURITY CAMERAS FOR THE BENTONVILLE
PARKS DEPARTMENT, IN THE AMOUNT OF FIFTY-SIX THOUSAND
FORTY DOLLARS (\$56,040.00); WAIVING THE REQUIREMENT OF
COMPETITIVE BIDDING; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Bentonville Parks Department requests to purchase security cameras for our park system;

WHEREAS, contracting with Flock Group Inc. is supported by both the Police and Parks departments due to the connectivity with other Arkansas cities and counties; therefore, it is not practical or feasible to solicit competitive bidding; and

WHEREAS, this is a budgeted item.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with Flock Group Inc. for the purchase of Security Cameras, in the amount of fifty-six thousand forty dollars (\$56,040.00).

Section 2: Because this vendor is the only provider offering this connectivity with other Arkansas agencies, an exceptional circumstance exists whereby the requirements of competitive bidding are neither practical nor feasible and the City Council; therefore, waives the requirements of competitive bidding for the purchase of security cameras for the Parks Department park systems;

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 Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this ____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/23/2024	Submitted By:	David Wright
Phone:	479.271.6813	For Department(s):	Parks
Email:	dwright@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Amend Contract for Little Sugar Creek Restoration
Action Recommendation & Justification:	A resolution authorizing the Mayor and City Clerk to enter into an amended agreement, in the amount of \$130,862.00, for final design, permitting, bidding documents prep, and construction administration for dam removal and stream restoration on the Little Sugar Creek. A budget adjustment is needed.
Additional Comments for Consideration (Optional):	This firm was selected following the City's Purchasing Policy for professional services. See memo.
Amount for Approval:	\$ 130,862.00

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

105030-47390	Improv Other than Bldg / Other	\$ 130,862.00	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☒ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

Funds to be reimbursed by FEMA funding

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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Memo



To: City Council, Mayor Orman

From: David Wright, Parks and Recreation Director

Date: April 10, 2024

Re: Resolution authorizing Mayor and Clerk to enter into and amended agreement to include final design, permitting and construction administration for the Little Sugar Creek Restoration.

In July 2022, the City entered into an agreement with Watershed Conservation Resource Center (WCRC) to provide professional services for stream restoration design on portions of the Little Sugar Creek and McKissick Creek. This agreement with WCRC from July 2022, coupled with agreement with Cooper Communities in December 2022, allowed us to conduct the hydrology study for the entire stream area through the park as well as the land / site survey. The agreement with Cooper, providing us a direction to move forward made sense for us to collect necessary data immediately allowing us to get to a final product as quick as possible.

This contract amendment, valued at \$130,862, authorizes WCRC to finalize the design from their current termination point to include the removal of the failed dam and tie the stream back into a previous restoration area just downstream from the present-day dam. The total value of the design contract – that runs the full length of the entire park – is now \$298,662.

City Staff took multiple paths to deciding to amend the existing agreement with WCRC. Our team consisting of Parks and Engineering consulted with Legal and Purchasing to discuss best steps of moving forward. During discussions, our team referred to previous restoration projects along the Little Sugar Creek. The attached map shows four (4) areas of completed or planned restoration. One completed project is upstream of the dam and another is downstream. WCRC designed and managed both of those projects. The area labeled “Section 3” is the area WCRC is currently under contract for. Because of WCRC’s experience and knowledge of this area, it made sense to move into an amendment agreement to allow for section 4 to be completed as well.

However, instead of just moving forward with an agreement, City Staff wanted to take an extra step to ensure we were as being responsible and efficient as necessary with taxpayer’s resources. Our project team met with Legal and Purchasing and reviewed all potentially qualified design groups in the City’s Annual Statement of Qualifications

(SOQ) Listing. From there, we used a Professional Selection Committee to make sure team members selected a firm in accordance with Arkansas State Law. Committee members included Wade Tomlinson and David Wright from Parks and Recreation, and Travis Matlock from Electric. After submissions were collected from Purchasing, they recommended our team could move forward with Watershed Conservation Resource Committee for this final stage of the project.

This project will be paid by funds from City reserves. FEMA reimbursements are expected for other portions of this project such as the parking lot. After this agreement is formalized, the final phase of design should move fairly quick. With survey and hydrology completed, we should begin permitting coordination with the Corps of Engineers by the end of the month and plan review with City Staff this summer. Our hope is to bid this project in Q1 2025.

If you have questions concerning this item, please email me at dwright@bentonvillear.com or call 479.271.6813.

Attachments:

Contract Amendment

Map of Little Sugar / McKissick Creek

April 10, 2024

David Wright, Director
Bentonville Parks and Recreation
215 SW A St
Bentonville, AR 72712

Re: Request for Contract Modification – Little Sugar and McKisic Creek Restoration Design

Dear Mr. Wright

On July 27, 2022 the City of Bentonville (City) entered into a contract with the Watershed Conservation Resource Center (WCRC) to provide professional services for stream restoration design work on a portion of Little Sugar and McKisic Creek. The WCRC has been actively working on the project as outlined in the original scope of work. On December 11, 2022 the Bentonville City Council voted in favor of developing a plan to remove the dam on Lake Bella Vista that had been breached for floodwaters in the Spring of 2021. As the WCRC was already engaged in stream restoration design work on the portion of Little Sugar Creek upstream of the lake but within the bounds of Lake Bella Vista Park, Bentonville Parks and Recreation requested the WCRC develop a contract amendment to develop a stream restoration design that includes the entire length of Little Sugar Creek as it flows through Lake Bella Vista Park. The WCRC is uniquely qualified to perform this work based on extensive restoration experience of streams and rivers of Northwest Arkansas. The WCRC is requesting approval for a contract amendment to develop the design for Little Sugar Creek that includes the portions that flow through Lake Bella Vista Park. The WCRC is a non-profit organization with over 100 combined staff years of experience in stream restoration and watershed management. The WCRC is authorized to provide engineering services in Arkansas by the Arkansas Board of Licensure for Professional Engineers and our organizations qualifications are on file with the City of Bentonville.

The contract modification includes expanding the scope of the work to include all of the same elements of the original scope scaled to accommodate the additional workload associated with additional design and construction drawing development requirements. The original scope included a portion of Little Sugar and McKisic Creek that was approximately 0.3 miles in length. With the addition of the section of Little Sugar Creek that runs through the former lakebed, the length of the project will exceed one mile (Attachment 1). As part of the design process, the WCRC will also coordinate and work with the 3rd party park planning team contracted by the City to insure the stream restoration work and the park updates will be seamless. The additional design work will also require third-party services in the form of hydraulic modeling, geological testing, and archaeological assessment. The original contract had a budget of \$167,800. The revised scope includes budget increase of \$130,862. The total project budget after modification

will be \$298,662. All of the costs for the entire scope including expansion of the project design area are reflected in the revised budget schedule shown as Attachment 2. With the additional scope, the project schedule will be extended to June 30, 2025.

The WCRC will utilize our standard rates for professional services (Attachment 3) and will invoice Parks and Recreation on a frequency no shorter than monthly.

Work will be performed on the following schedule:

Task	Date
Initial Permitting Coordination with Corps of Engineers	4/30/2024
Final Survey Work Completion	5/31/2024
Reference Reach Survey Completion	6/30/2024
Intiate Materials Procurement and Acquisition Management	6/30/2024
Preliminary Design Review with City (25% Plans)	8/31/2024
Draft Design Completed (60% Plans)	9/30/2024
404 Permit Application Submittal	10/31/2024
Floodplain Permit Submittal	11/31/2024
Final Restoration Plans Completed	2/28/2025
Bid Document and Specification Preparation Completed	3/15/2025

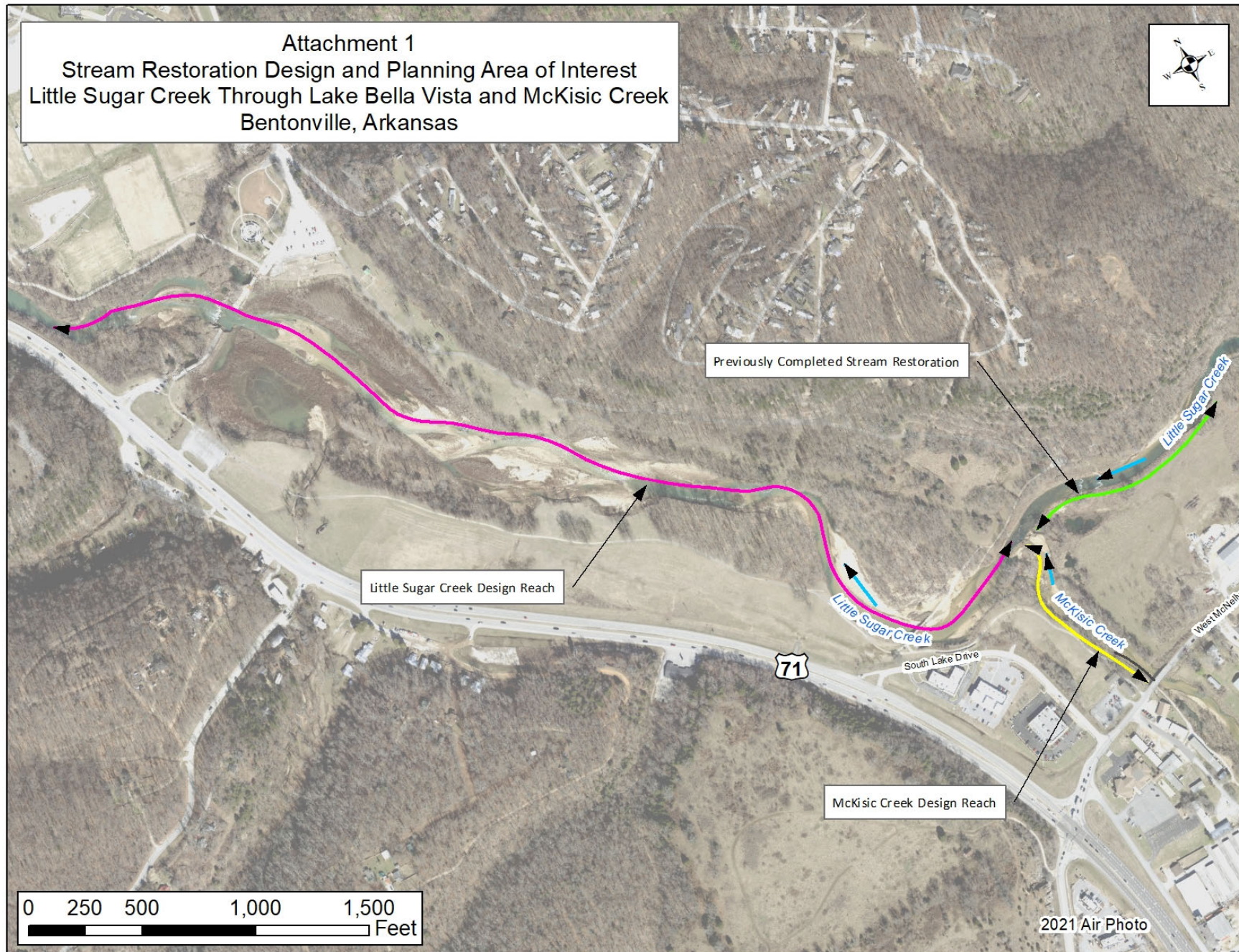
We look forward to working with Bentonville Parks and Recreation to design and ultimately implement a stream restoration project on Little Sugar Creek that provides a multitude of benefits and happiness to the citizens of Bentonville for decades to come.

If you have any questions about this contract modification request, please contact me at your earlies convenience.

Thank you,



Sandi J. Formica, Executive Director



Revised Budget
Engineering Services for Lake Bella Vista Dam Removal and Stream Restoration

Engineering Budget	Original Budget	Amended Budget
<i>Site Survey</i>	\$41,400	\$51,180
<i>Survey Reference Reach</i>	\$17,000	\$22,480
<i>Design</i>	\$21,500	\$33,440
<i>Construction Drawings</i>	\$25,600	\$56,440
<i>Permitting</i>	\$12,600	\$25,280
<i>Hydraulic Modeling</i>	\$17,100	\$23,480
<i>Development of Bid Documents</i>	\$15,000	\$17,634
<i>Coordination Meetings and Planning</i>	\$15,200	\$21,880
<i>Geologic Investigation</i>	\$0	\$30,000
<i>Archeological Assessment</i>	\$0	\$12,000
<i>Travel</i>	\$2,400	\$4,848
<i>Design Probable Cost</i>	\$167,800	\$298,662



CONFIDENTIAL

Watershed Conservation Resource Center 2024 Rate Schedule

Hourly Rates:

Project Manager	\$180.00
Engineering Manager	\$150.00
Senior Engineer	\$145.00
Engineer P.E.	\$110.00
Staff Engineer	\$90.00
Watershed Specialist	\$70.00
Construction Specialist	\$75.00
Field Technician	\$55.00
Administration	\$50.00

General:

Direct Expenses	Cost plus 10%
Personal Automobile (per mile)	Current Federal Rate

Rates are provided on a confidential basis and are client and project specific.
 Unless otherwise agreed, rates will be adjusted annually based on a minimum of the applicable Consumer Price Index (CPI).
 Rates for field equipment, health and safety equipment, and graphical supplies presented upon request.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDED CONTRACT WITH WATER CONSERVATIONS RESOURCE CENTER, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY THOUSAND EIGHT HUNDRED SIXTY-TWO DOLLARS (\$130,862.00), FOR PROFESSIONAL SERVICES FOR THE LITTLE SUGAR CREEK RESTORATION; AMENDING THE 2024 BUDGET TO APPROPRIATE SAID FUNDS; AND FOR OTHER PURPOSES.

WHEREAS, Water Conservations Resource Center was chosen using the City’s standard SOQ process for professional services;

WHEREAS, this amendment is for final design, permitting, bidding document prep, and construction administration for dam removal and stream restoration on the Little Sugar Creek Project; and

WHEREAS, the cost of this project will not exceed one hundred thirty thousand eight hundred sixty-two dollars (\$130,862.00).

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

Section 1: The Mayor and City Clerk are authorized to enter into an amended contract with Water Conservations Resource Center for professional services for the Little Sugar Creek Restoration, in an amount not to exceed one hundred thirty thousand eight hundred sixty-two dollars (\$130,862.00);

Section 2: The 2024 Budget is hereby adjusted to appropriate one hundred thirty thousand eight hundred sixty-two dollars (\$130,862.00) from General Fund into Account #105030-47390 – Improvement Other than Building;

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 Provisions: 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.

PASSED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/1/2024	Submitted By:	Jackie Bubenik
Phone:	479.271.5974	For Department(s):	Parks and Recreation
Email:	jbubenik@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution authorizing a Budget Adjustment for Repair of the Wishing Springs Trail
Action Recommendation & Justification:	Resolution authorizing a budget adjustment for approximately 365 LF of trail for the amount of \$65,359.23.
Additional Comments for Consideration (Optional):	Utilization of Indefinite Delivery Indefinite Quantity (IDIQ) Contract IFB-23-32 currently in place with Milestone Construction will be used to construct approximately 365 LF of the Wishing Springs Trail. IFB-23-32 was previously awarded at the July 11, 2023 City Council. The use of the IDIQ contract complies with all applicable laws, regulations, and City Purchasing policies.
Amount for Approval:	\$ 65,359.23

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

105030-47390	Improv Other than Bldg / Other	\$ 65,359.23	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☒ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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Memo



To: City Council, Mayor Orman
Thru: David Wright, Parks and Recreation Director
From: Jackie Bubenik II, Parks and Recreation
Date: May 1, 2024
Re: City Council Resolution authorizing a budget adjustment for an IDIQ project with Milestone Construction for \$65,359.23.

Wishing Spring creek bank erosion has compromised and closed a portion of the existing trail. The heavy rain over the last week had further eroded the bank another 3' in areas. This project will construct a new trail section moving it as far away from the eroded creekbank as possible.

The utilization of Indefinite Delivery Indefinite Quantity (IDIQ) Contract IFB-23-32 currently in place with Milestone Construction will be used to construct approximately 365 LF of the Wishing Springs Trail. The use of the IDIQ contract complies with all applicable laws, regulations, and City Purchasing policies.

If you have questions concerning this item, please email me at jbubenik@bentonvillear.com or call 479.271.5974

Attachments:
Location Map
Request Form
Milestone Estimate

City of Bentonville Engineer's Cost Opinion
Razorback Trail River Bank

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	EXT COST
	1 Mobilization (Not to exceed 5% of Total Contract Phase Amount)	1	LS	\$ 3,112.34	\$ 3,112.34
1	2 4" Concrete demolition, including haul off	367	SY	\$ 16.81	\$ 6,169.27
53	3 Install Maintain & Dispose of Concrete Washout Stations	1	EA	\$ 1,460.00	\$ 1,460.00
33	5 Construct concrete trail 6" thick poly fiber reinforced saw cut construction joints expansion	340	SY	\$ 86.14	\$ 29,287.60
7	6 Clear and grub and haul off (up to 12") over 100 SY	340	SY	\$ 24.27	\$ 8,251.80
15	7 Furnish, haul, and install 4" base- Over 100 SY	340	SY	\$ 18.47	\$ 6,279.80
62	8 Solid Sodding	178	SY	\$ 7.30	\$ 1,299.40
22	9 Furnish and install topsoil 4" per ArDot Standards- Under 200 SY	178	SY	\$ 34.09	\$ 6,068.02
88	10 Furnish and install pavement striping (4") Thermoplastic (dashed)	85	LF	\$ 14.60	\$ 1,241.00
	11 Labor Rate- Caulking	3	HR	\$ 730.00	\$ 2,190.00
					\$ 65,359.23

Buddy Pegs Trail Fix

Legend

- Buddy Pegs Family Bike Shop
- NATIONAL WILDLIFE REFUGE

- Notes:
- 1. Fix will include placing 12-14" angular rip-rap along back to armor against further erosion.
 - 2. New trail section will be constructed at existing grade.

Approximate Re-Alignment of Existing Trail (~405LF)

19' Deep Gravel Lot W/ Wheel Stops

Buddy Pegs Family Bike Shop

Maintain 5' min. from back of lot to edge of trail.

Existing Trail

Approximate Location of Existing Bank

Area of Repair ~395'

Trail undermined and hanging over creek

McKissic Creek

Bentonville Parks and Recreation
McKissic Creek Emergency Repair
Concept Plan
Scale: NTS

02.12.2024

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2024 BUDGET TO APPROPRIATE SIXTY-FIVE THOUSAND THREE HUNDRED FIFTY-NINE DOLLARS AND TWENTY-THREE CENTS (\$65,359.23) FROM GENERAL FUND INTO ACCOUNT #105030-47390 – IMPROVEMENTS OTHER THAN BUILDING, TO FUND CONSTRUCTION SERVICES FOR WISHING SPRINGS TRAIL; AND FOR OTHER PURPOSES.

WHEREAS, erosion has compromised and closed a portion of the Wishing Springs creek bank existing trail;

WHEREAS, Milestone will provide construction services to construct approximately 365 LF of new trail section under the current IDIQ contract approved by City Council on July 11, 2023; and

WHEREAS, this firm was selected as part of the City's IDIQ process.

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

Section 1: The 2024 Budget is hereby adjusted to appropriate sixty-five thousand three hundred fifty-nine dollars and twenty-three cents (\$65,359.23) from General Fund into Account #105030-47390 – Improvement Other than Building;

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 Provisions: 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.

PASSED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/1/2024	Submitted By:	Jackie Bubenik
Phone:	479.271.5974	For Department(s):	Parks and Recreation
Email:	jbubenik@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Authorizing Application for TAP Grant Funding for Moberly to MLK Trail Improvements
Action Recommendation & Justification:	Authorization for the Mayor and City Clerk to apply for ARDOT TAP grant funding for the Moberly to MLK trail project. No budget adjustment needed at this time.
Additional Comments for Consideration (Optional):	This is a reimbursable grant with an 80/20 matching provision.
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

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Memo

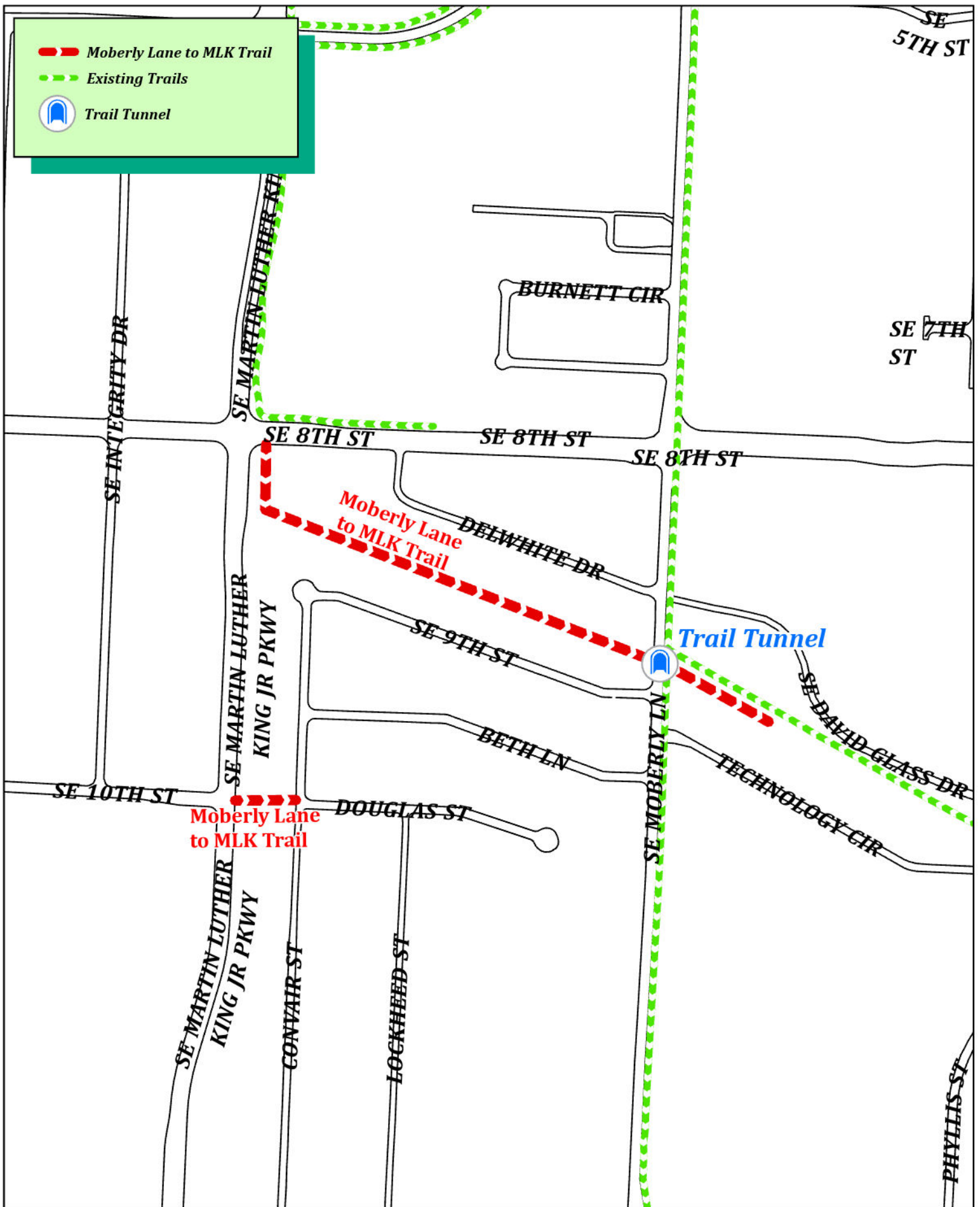


To: City Council, Mayor Orman
Thru: David Wright, Parks and Recreation Director
From: Jackie Bubenik II, Parks and Recreation
Date: May 1, 2024
Re: City Council Resolution authorizing the Mayor to enter into an agreement with ARDOT to pursue TAP grant funding for the Moberly and MLK trail improvements.

If successful, the TAP funding will be utilized towards the construction of a 10' wide concrete trail with strategic crossings and connections. The trail will span approximately 1,500 linear feet, beginning with a tunnel at Moberly Rd. It will then follow the existing railroad bed to the west, leading to Martin Luther King Jr. Blvd. From there, the trail will turn northward, linking with the intersection of 8th St. and Martin Luther King Jr. Blvd.

If you have questions concerning this item, please email me at jbubenik@bentonvillear.com or call 479.271.5974

Attachments:
ARDOT TAP Resolution Sample
Request Form
Vicinity Map



Moberly Lane to MLK Trail



RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF

City of Bentonville

**TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM OR
RECREATIONAL TRAILS PROGRAM FUNDS**

WHEREAS, The *City of Bentonville* understands Federal-aid Transportation Alternatives Program or Recreational Trails Program Funds are available at 80% federal participation and 20% local match to develop or improve Moberly to MLK Sidepath.

WHEREAS, *The City of Bentonville* understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW THEREFORE, BE IT RESOLVED BY *City of Bentonville City Council* THAT:

SECTION I: *The City of Bentonville* will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: *The Mayor* is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION III: *Bentonville City Council* pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2024.

Signed: _____
Stephanie Orman, MAYOR

ATTEST: _____
Malorie Marrs, CITY CLERK

(SEAL)



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/1/2024	Submitted By:	Jackie Bubenik
Phone:	479.271.5974	For Department(s):	Parks and Recreation
Email:	jbubenik@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Authorizing Application for TAP grant funding for Elm Tree Road Sidepath Improvements
Action Recommendation & Justification:	Authorization for the Mayor and City Clerk to apply for ARDOT TAP grant funding for the Elm Tree Road Sidepath Improvements. No budget adjustment is needed at this time.
Additional Comments for Consideration (Optional):	This is a reimburseable grant with an 80/20 matching provision.
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☒ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

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Memo



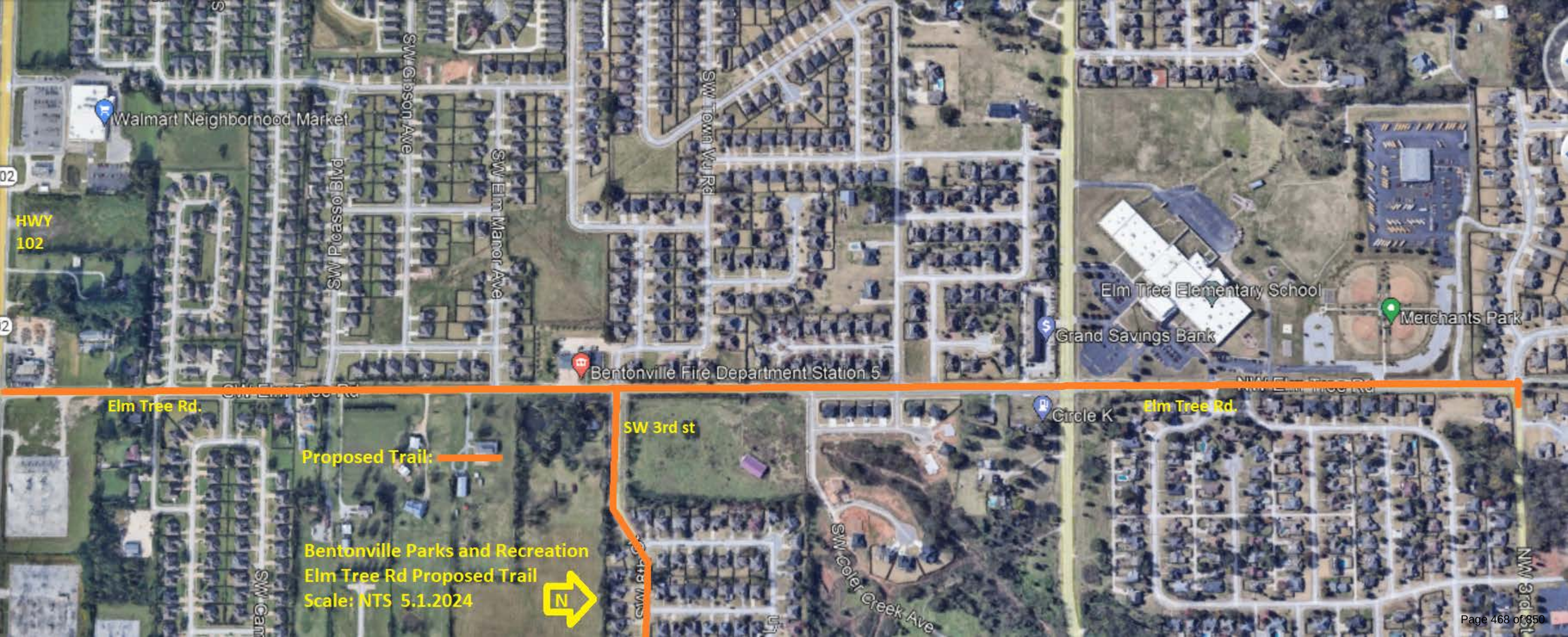
To: City Council, Mayor Orman
Thru: David Wright, Parks and Recreation Director
From: Jackie Bubenik II, Parks and Recreation
Date: May 1, 2024
Re: City Council Resolution authorizing the Mayor to enter into an agreement with ARDOT to pursue TAP grant funding for the Elm Tree road sidepath improvements.

If successful, the TAP funding will be utilized towards the construction of a sidepath that will be 10' in width and cross 7 separate properties and various City of Bentonville Right-of-ways. The length of is to be approx. 6,600 LF. This sidepath will cross 15 local drives, 1 major/ARDOT road and connect to 1 major/ARDOT road. The sidepath with be replacing the existing sidewalk.

If you have questions concerning this item, please email me at jbubenik@bentonvillear.com or call 479.271.5974

Attachments:

Location Map
Request Form



Walmart Neighborhood Market

HWY 102

SW Picasso Blvd

SW Gibson Ave

SW Elm Manor Ave

SW Town Wj Rd

Bentonville Fire Department Station 5

Grand Savings Bank

Elm Tree Elementary School

Merchants Park

Elm Tree Rd.

Proposed Trail:

Bentonville Parks and Recreation
Elm Tree Rd Proposed Trail
Scale: NTS 5.1.2024



SW 3rd st

Circle K

Elm Tree Rd.

SW Coler Creek Ave

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF

City of Bentonville

**TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM OR
RECREATIONAL TRAILS PROGRAM FUNDS**

WHEREAS, The *City of Bentonville* understands Federal-aid Transportation Alternatives Program or Recreational Trails Program Funds are available at 80% federal participation and 20% local match to develop or improve Elm Tree Rd. Sidepath Improvement project.

WHEREAS, *The City of Bentonville* understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW THEREFORE, BE IT RESOLVED BY *City of Bentonville City Council* THAT:

SECTION I: *The City of Bentonville* will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: *The Mayor* is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION III: *Bentonville City Council* pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2024.

Signed: _____
Stephanie Orman, MAYOR

ATTEST: _____
Malorie Marrs, CITY CLERK

(SEAL)



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Tony Davis
Phone:	479-271-3130	For Department(s):	Street
Email:	todavis@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☒ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Award Bid IFB-24-31 to APAC Central for SE J and SE Walton Overlay
Action Recommendation & Justification:	Resolution to award bid IFB-24-31 for the Overlay of SE J Street and SE Walton Blvd to APAC Central, Inc. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Please see attachments. This will be funded by the City's bond fund. APAC is the lowest qualified bidder.
Amount for Approval:	\$ \$1,883,439.80

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☒ OTHER: Street Bond Funds

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☒ Other(s): Street Bond

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

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**CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT****FORMAL SEALED BID TABULATION****Date of Bid Opening:****4/25/2024****Time of Bid Opening:****2:00 PM****Solicitation ID Number:****IFB-24-31****Solicitation Title: SE J Street and SE Walton Blvd. - SE 14th Street Overlay**

Bidders:				Emery Sapp & Sons		APAC-Central, Inc.	
Line Item	Estimated Quantity	Unit of Measure	Description	Unit Price	Extended Price	Unit Price	Extended Price
1	9720	Tons	Asphaltic Concrete Hot Mix Surface Course, Completed In-Place	\$159.00	\$1,545,480.00	\$133.50	\$1,297,620.00
2	88360	SY	Asphalt Milling	\$6.18	\$546,064.80	\$4.00	\$353,440.00
3	4418	GAL	Tack Coat	\$4.00	\$17,672.00	\$3.50	\$15,463.00
4	29063	LF	Thermoplastic Pavement Marking Yellow 6" (Standard 8" Gap)	\$1.17	\$34,003.71	\$1.70	\$49,407.10
5	8449	LF	Thermoplastic Pavement Marking White 6"	\$1.04	\$8,786.96	\$1.70	\$14,363.30
6	3876	LF	Thermoplastic Pavement Marking White 12"	\$5.83	\$22,597.08	\$8.90	\$34,496.40
7	48	EA	Thermoplastic Pavement Marking "Left Turn Arrow"	\$343.41	\$16,483.68	\$335.00	\$16,080.00
8	8	EA	Thermoplastic Pavement Marking "Right Turn Arrow"	\$343.41	\$2,747.28	\$335.00	\$2,680.00
9	25	EA	Thermoplastic Pavement Marking "ONLY"	\$369.32	\$9,233.00	\$415.00	\$10,375.00
10	6	EA	Thermoplastic Pavement Marking "Straight Arrow"	\$356.37	\$2,138.22	\$335.00	\$2,010.00
11	3	EA	Thermoplastic Pavement Marking "Straight Right Arrow Combo"	\$550.74	\$1,652.22	\$335.00	\$1,005.00
12	1	LS	Traffic Control Devices in Construction Zones (Temporary Pavement Markings)	\$58,314.30	\$58,314.30	\$50,000.00	\$50,000.00
13	1	LS	Maintenance of Traffic as Defined in Sec. 603 of the AHTD 2014 Edition	\$71,074.21	\$71,074.21	\$24,000.00	\$24,000.00
14	1	LS	Mobilization	\$54,106.96	\$54,106.96	\$12,500.00	\$12,500.00
Total Bid Price				\$2,390,354.42		\$1,883,439.80	
purchasing@bentonvillear.com - (479) 271-3115							

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #IFB-24-31; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH APAC CENTRAL IN AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED EIGHTY-THREE THOUSAND FOUR HUNDRED THIRTY-NINE DOLLARS AND EIGHTY CENTS (\$1,883,439.80); AND FOR OTHER PURPOSES.

WHEREAS, APAC Central is the lowest qualified bidder for bid #IFB-24-31;

WHEREAS, this agreement covers the overlay of SE J Street and SE Walton Blvd.; and

WHEREAS, this is funded with bond monies.

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

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with APAC Central, for the overlay of SE J Street and SE Walton Blvd., in an amount not to exceed one million eight hundred eighty-three thousand four hundred thirty-nine dollars and eighty cents (\$1,883,439.80);

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.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Dennis Birge
Phone:	479-271-3168	For Department(s):	Transportation
Email:	dbirge@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Ordinance - Street Specification Amendment
Action Recommendation & Justification:	Approval of an Ordinance amending the City Street Specifications. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Planning Commission voted 7-0 recommending approval.

Amount for Approval:	\$
-----------------------------	----

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☒ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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An aerial photograph showing a large-scale road construction project. In the foreground, a multi-lane road curves around a central grassy area, with construction equipment and orange safety barriers visible. To the right, a highway interchange with multiple overpasses is under construction. The background features a mix of green fields, trees, and some commercial buildings.

Street Specification Amendment 2024



General Clean-up/Corrections

Definition Clean-up/Corrections/Additions

Correct Chapter & Article References

Added Design Details & Requirements



Proposed Street Specification	Current Street Specifications	Change
100 Definitions	200.9 Definitions	Added Access Management, ACHM, ACI, Alley, Applicant, Code, Construction Costs, Contract Document, Cross Slope, Deceleration Lane, Design Speed, Development, Driveway, Frontage, Issued for Construction Plans, ITE, Lane Width, Lift, Lip, LOS, PC, PCR, Permittee, Phasing Plan, PI, Plans, Pre-Construction Meeting Professional Engineer (P.E.), Professional Land Surveyor (P.L.S.), Project, Project Supervisor, PROWAG, PT, Public Improvements, Punch List, Initial, or Final, Record Drawings, Report, Right-of-Way (ROW), Shall, Should, Sidewalks, Sight Distance, Stop Work Order (SWO), Stopping Sight Distance, Structure, Subcontractor, Substantial Completion, SWPPP, Warranty Period, Work. Changed AHTD to ARDOT
200 General Provisions	100 General Provisions	Moved the section and updated the information.
300 Construction Plan Submittal Requirements	300 Design Data and Plan Submission	Added details to the sections noted below.
300.1 General	300.1 General	Remove City Engineer discretion, and reference to water and sewer
300.1.1 Submittal Content		
300.1.2 Engineering Services	NA	Added requirement for documents to be sealed by the Engineer of Record.
300.1.3 Horizontal and Vertical Datum	300.1 Horizontal and Vertical Datum	Changed to reference Article 1000 of the Land Development Code
300.1.4 Design Report	300.2 Design Report	
300.1.5 Additional Requirements	NA	Added notice that additional information may be required for unusual or serious problems.
300.1.6 Plan Revisions	NA	Added instructions for plan revisions.
300.1.7 Incomplete Plans	NA	Added note about incomplete plans.
300.2 General Formatting and Required information	300.4 Plans	Added reference to Article 900 of the Land Development Code. Add requirements for space for a City Approval stamp, Engineers seal, indemnification statement, scale, dates, north arrow, existing facilities, and a legend.
300.3 Sheet Title Names and Specific Requirements.	NA	Added required information for each sheet in the drawing set.
300.3.4 Street Improvement Details	200.2 Plans and Specifications	Moved and updated references to standard details.

Proposed Street Specification	Current Street Specifications	Change
300.3.5 Traffic Signing and Pavement Markings	NA	Added requirements for signs and markings.
400 Transportation Impact Study	200.8 Need for Traffic Study	Added requirements for who can prepare the TIS, what needs to be included, and when it is required.
500 Street Design and Technical Criteria	300.4 Plans, 400 Street Design Principles	Moved sections and added additional design details such as a table for various design information, Medians, and on-street parking. Made changes to match the latest Master Street Plan.
600 Intersections	400.3 Intersections	Moved section and added more technical design details.
700 Pavement Design, Materials, and Report	500 Pavement Design	Moved section and added additional information related to design.
700.10 Street Cuts, Excavations, and Borings	City of Bentonville Street Cut Specifications	Added the existing policy.
800 Traffic Control Devices	400.3 Intersections	Moved section added traffic signal design section.
900 Pedestrian Facilities Design and Technical Criteria	900 Sidewalks	Moved information for pedestrian facilities and added current design criteria.
1000 Bicycle Facilities Design and Technical Criteria	900 Sidewalks	Moved information for bicycle facilities and added current design criteria.
1100 Neighborhood Traffic Safety	Traffic calming guidebook	Added the traffic calming guidebook details. Additional guidance and references to NACTO information where available. The Traffic, Safety and Signage committee changed what devices are recommended and conditions where they are applicable.
1101 Residential Traffic Management	City of Bentonville Residential Traffic Management Policy	Added the exiting policy and process flow chart.
1200 Street Inspection and Testing	800 Inspections and Testing	Moved section and updated inspection and testing requirements.
1300 Acceptance, Warranty Procedures and Record Drawings.	200.7 Acceptance by the City, 800.2 Inspections, 900.3 Warranty, 900.5 Warranty	Consolidated information from the various sections.



SPECIFICATION FEEDBACK

- *Clarification of Design Speed vs. Expected Speed Limits*
- *Establish standard phasing of pedestrian signals*
- *Allow for all ped signals to initiate at crossing even if the button is not pressed.*
- *Advanced Pedestrian Timing or Leading Pedestrian interval.*
- *300.3.3 Street Improvement – cross sections – not more than 50’?*
- *TIS discussion and other City requirements*
- *500.6 On Street Parking – 10’ width or 9’ width?*

MINOR ADMENDMENTS TO THE PROPOSAL:

- 300.3.3 Street Improvements
 - Cross Sections: (typically ~~every~~ not more than 50 feet horizontally...
-
- 500.6 On-Street Parking
 - Parallel Parking: Change the width from 10' to 9' so that we match the MSP
-
- ?? 400.2.1 When a TIS is Required
 - Would CC like to change the requirements? 60 trips / hour or 5% currently
 - Fayetteville states 100 trips / hour on residential streets or when City Engineer
-
-
- Maybe not an amendment, but it should be noted that the intent to apply this code to projects once approved would only be to new projects coming to pre-application meetings. The project that have already been through pre-app would follow the existing guidelines.

MINOR ADMENDMENTS TO THE PROPOSAL Rev 1:

- 300.3.3 Street Improvements
 - Cross Sections: (typically every not more than 50 feet horizontally...
-
- 500.6 On-Street Parking
 - Parallel Parking: Change the width from 10' to 9' so that we match the MSP
-
- 400.2.1 When a TIS is Required
 - 100 trips per hour for Local roads or
 - 300 trips per hour; or 5% increase in ADT for Collector and Arterial roads, or
 - when considered necessary by the Planning Director or City Engineer.
- 700.9 Mountable Curb
 - The restriction on mountable curb has been removed.
- 500.11.5 Open throat inlet
 - Not part of the Street specification.
-
- Please note that the intent to apply this code to projects once approved would only be to new projects coming to pre-application meetings. The project that have already been through pre-app would follow the existing guidelines.

CITY OF BENTONVILLE

MINIMUM STANDARD SPECIFICATIONS FOR STREETS

**ADOPTED BY CITY OF BENTONVILLE CITY COUNCIL
XXXX 2024**



100 DEFINITIONS OF TERMS AND ABBREVIATIONS

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AASHTO - American Association of State Highway and Transportation Officials

ACCEPTABLE COMPLETION - This term shall mean substantial completion of the street construction as agreed upon by the CITY and the ENGINEER OF RECORD.

ACCESS MANAGEMENT – The concept of a public agency controlling the location of access points in order to achieve the dual purposes of providing access to individual land uses and limiting access on higher order streets in order to facilitate the smooth flow of traffic with a limited amount of impedance.

ACHM – Asphalt Concrete Hot Mix

ACI – American Concrete Institute

ADEQ – Arkansas Department of Environmental Quality

ALLEY – A minor public way dedicated to public use for utility easements and vehicle access to the back or the side of properties abutting a street.

APPLICANT – The person or designated agent providing pertinent information for preparation of permit, etc. This is often the developer.

ARDOT – Arkansas Department of Transportation

ASTM - American Society for Testing and Materials

CBR – California Bearing Ratio

CITY - The City of Bentonville, Arkansas, and its employees expressly authorized by the Mayor to accomplish the specified task.

CODE – The latest official adopted ordinances, policies, codes, and/or regulations of the City of Bentonville.

CONSTRUCTION COSTS – Generally, the cost of all right-of-way, earthwork, paving, drainage, structures, signing and striping, traffic control, curb and gutter, sidewalk, and utility work necessary to complete the required improvements.

CONTRACT DOCUMENTS – The executed contract agreement, approved plans, and technical specifications, prepared by an Arkansas licensed professional engineer, for constructing a facility.

CONTRACTOR - The licensed contracting company hired by the Developer/Owner to construct the street improvements.

CROSS SLOPE – Slope of the pavement surface, excluding gutter, measured perpendicular to the street centerline.

DECELERATION LANE – A right-turn lane or left-turn lane lengthened to provide for safe reduction of travel speed.

DESIGN SPEED – The speed determined for design that takes into account the physical features of a street influencing vehicle operation; the maximum safe speed maintainable on a specified section of street when conditions permit design features to govern. Design speed is normally 5 to 10 mph higher than the posted speed limit to provide a factor of safety and allow for other conditions or uses of the street that may affect vehicle operation.

DEVELOPER/OWNER - The person, firm, partnership, corporation or other entity planning, constructing, altering or reconstructing a public street.

DEVELOPMENT – Shall include, but shall not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities.

DRIVEWAY – A private access from a public or private roadway.

ENGINEER OF RECORD - The Arkansas Registered Professional Engineer responsible for the design of the improvements, usually engaged by the Developer/Owner.

ESAL – Equivalent Single Axle Load

FINAL INSPECTION - The final inspection shall be the formal inspection of the street construction by the CITY, the ENGINEER OF RECORD, and the CONTRACTOR, which results in a declaration of acceptable completion.

FORMAL ACCEPTANCE - Acceptance of the street construction in writing after a Maintenance Warranty has been submitted to and approved by the CITY.

FRONTAGE – The property line or lines of a lot which coincide with a right-of-way or other public open space.

ISSUED FOR CONSTRUCTION PLANS – Design plans that conform to these Standards and are signed and stamped by the engineer of record, ready for distribution to the contractor for construction.

ITE – Institute of Transportation Engineers

LANE WIDTH – The width of a travel lane measured from the centerline of the lane striping to the centerline of the parallel lane stripe, the face of curb, or to the lip of gutter, whichever is applicable.

LIFT – The maximum specified thickness of material that may be placed at one time.

LIP – Defines the outermost edge of the gutter pan.

LOS – Level of Service

MAINTENANCE WARRANTY - The security instrument which binds the Owner/Developer to a one (1) year responsibility for street construction repairs and/or reconstruction in the event of street construction failure.

PC – Point of curvature

PCC – Portland Cement Concrete

PCR – Point of curb return

PERMITTEE – The holder of a valid permit issued in accordance with these Standards or other City related process.

PHASING PLAN – A plan that defines improvements to be completed in specified parts over a defined sequence.

PI – Point of intersection

PLANS – Construction plans depicting public improvements to be constructed for the project.

PRE-CONSTRUCTION MEETING – A meeting between the engineer of record and assigned agents and the City to review proposed work necessary to construct the project, prior to proceeding with the work. A meeting may be required for each project, at the City's discretion.

PROFESSIONAL ENGINEER (P.E.) – An Arkansas licensed professional engineer.

PROFESSIONAL LAND SURVEYOR (P.L.S.) – An Arkansas licensed land surveyor.

PROJECT – The public or private improvement(s) designated in the approved plans, which are to be constructed in conformance with these Standards, including all public or private improvement projects whether development projects, private utility projects, or capital improvement projects.

PROJECT SUPERVISOR – The person appointed by the developer or contractor for management and control of the work on the project as performed by the contractor and subcontractors.

PROWAG – Public Right-of-Way Accessibility Guidelines. Federal Highway Administration

PT – Point of tangency

PUBLIC IMPROVEMENTS – Those public-type facilities to include: pavement, curb and gutter, sidewalk, pedestrian/bike paths, storm drain facilities with related appurtenances, culverts, channels, bridges, water distribution or transmission facilities with related appurtenances, sanitary sewer collection facilities with related appurtenances, water and waste water treatment facilities, pavement markings, signage and striping, traffic signals and related appurtenances, erosion control and right-of-way grading, or earth excavation processes integral to construction of other public improvements listed herein.

PUNCH LIST, INITIAL OR FINAL – A written list of work items, compiled by the inspector, which do not conform to these Standards, the plans or other associated City Codes that govern the project.

RECORD DRAWINGS – Original design drawings updated by the engineer of record depicting all modifications from the design that occurred during construction.

REPORT – A bound document, the contents of which may contain certain necessary analyses, surveys, tests, exhibits, and other pertinent data supporting the subject matter.

RIGHT-OF-WAY (ROW) – The land opened, reserved or dedicated for streets, sidewalks, drainage or other public purposes.

SHALL – A mandatory condition.

SHOULD – An advisory condition, recommended, but not required.

SIDEWALKS – Paved or otherwise improved area for pedestrian use.

SIGHT DISTANCE – The distance necessary for the driver of a motor vehicle stopped at a stop sign on a minor street or driveway to see approaching vehicles, pedestrians, and bicyclists along the intersecting major street and have sufficient space to make any allowed move to cross the major street or merge with traffic on the major street without causing vehicles, pedestrians, or bicyclists traveling at or near the design speed on the major street to slow down. The controlling distance for design is the longest distance, generally the distance necessary to merge with traffic.

STOP WORK ORDER (SWO) – A written instruction/notice from the City, revoking the developer's and/or contractor's rights to continue work on the project due to nonconformance with these Standards.

STOPPING SIGHT DISTANCE – The distance required by the driver of a vehicle traveling at the design speed to bring the vehicle to a stop after an object on the road becomes visible.

STREET CONSTRUCTION - Where this or similar terms are used, it shall mean construction of the street, curb and gutter, drainage (whether on the street or not), and all other appurtenances normally associated with street construction and approved as part of the street plans, whether on- site or off-site.

STRUCTURE – Anything constructed or erected with a fixed location below, upon, or above grade, including without limitation foundations, traffic signals, fences, retaining walls, buildings, inlets, vaults, poles, bridges, and major drainage facilities.

SUBCONTRACTOR – A person, other than the contractor, supplying labor and materials, or labor only, for the project, and working for the contractor or the City.

SUBSTANTIAL COMPLETION – The construction stage at which point all improvements and associated appurtenances have been fully constructed and are functional.

SWPPP – Storm Water Pollution Prevention Plan

USGS – United States Geological Survey

WARRANTY PERIOD – The period of time that the developer or contractor is responsible for material and workmanship defects in the public improvements, until written notification by the City of final acceptance of the public improvements.

WORK – All construction activity, including materials, labor, supervision, and use of tools and equipment necessary to complete the project in full compliance with these Standards, or approved plans.

200 GENERAL PROVISIONS

200.1 Authority of this Document

This document adopted by the City Council of the City of Bentonville, provides technical procedures and design standards to support applicable chapters of the Bentonville Municipal Code.

200.2 Intent and Provisions

These regulations shall be applicable to all lands within the City of Bentonville and its planning area and to lands either contiguous to or served by Bentonville water and/or sanitary sewer. The planning area includes those areas depicted on the Planning Area Map, copies of which are on file with the City Clerk and the Benton County Recorder. The City's review and approval of any plans, reports, or drawings or the City's inspection and approval of any improvements constructed by the developer in accordance with these Standards, does not constitute a representation, warranty, or guarantee by the City that such improvements are free from defects or will operate adequately for the purpose intended. These Standards shall also be used as a guidance document for projects to be constructed by the City.

The chapters and appendices that make up these Standards pertain to planning, design, approval, construction, inspection, testing, and documentation of street improvements. All construction and development within the jurisdiction of the City of Bentonville is subject to these regulations and approval by the City Engineer or their respective designee(s). Street improvements associated with private development must receive Planning Commission approval prior to commencing construction. The specifications presented within are the minimum requirements and it is understood that more stringent requirements may be mandated by the Planning Commission, City Engineer, and/or the project design engineer with regard to a specific project.

200.2.1 Objectives of Street Standards

It is the objective of these Minimum Street Standards to address the following:

- Public Safety and Convenience. To protect the public health, safety, and welfare and to minimize public inconvenience resulting from construction and maintenance activities within the public rights-of-way.
- Maintaining Public Use. To assure that bicycle, pedestrian, and vehicular uses of rights-of-way are the primary uses thereof and that the rights-of-way are properly maintained during construction and repair work in these areas.
- Standardizing Criteria. To protect the City's infrastructure investment by establishing standardized design, materials, construction, and repair criteria for all public improvements.

- Optimizing Use. To optimize the use of the limited physical capacity of public rights-of-way held by the City.
- Protecting Private Property. To protect private property from damages that could occur because of faulty design and construction of public improvements upon public rights-of-way and easements.
- Inspection. To provide criteria for inspection of public and private improvements, by the City or the engineer of record's designated inspector, in order to assure conformance with approved plan's uniformity, proper construction techniques, and to ensure that acceptable materials are used for the construction process of such public and/or private improvements.

200.3 Resource Standards

The following resource standards (the latest editions unless otherwise stated) may be used as reference material when certain design or construction methods and materials are not specifically addressed in these Standards and require approval of the City Engineer.

- Arkansas Department of Transportation (ARDOT) Standard Specifications for Highway Construction
- ARDOT Standard Specifications for Transportations Materials and Methods of Sampling and Testing, and AASHTO Provisional Standards
- Arkansas Fire Prevention Code
- American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets (also called the "Green Book")
- Institute of Traffic Engineers (ITE), Trip Generation Volumes 1 through 3
- Institute of Traffic Engineers (ITE), Designing Walkable Urban Thoroughfares: A Context Sensitive Approach
- Institute of Traffic Engineers (ITE), Highway Capacity Manual
- ASTM International (formerly American Society for Testing and Materials)
- Federal Americans with Disabilities Act (ADA) Regulations
- U.S. Department of Transportation, Manual on Uniform Traffic Control Devices (MUTCD)
- Federal Highway Administration (FHWA), Roundabouts: An Informational Guide
- American Association of State Highway and Transportation Officials (AASHTO), Guide for the Development of Bicycle Facilities

- City of Bentonville standard drawings, details, and specifications when available
- National Association of City Transportation Officials (NACTO), Urban Bikeway Design Guide

200.4 Authority of the City Engineer

The City Engineer shall have the authority on behalf of the City to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in these Minimum Street Standards.

200.5 Enforcement Responsibility

It shall be the duty of the City Engineer acting on behalf of the City of Bentonville to enforce the provisions of these Minimum Street Standards.

200.6 Interpretations of Standards

In the interpretation and application of the provisions of these Minimum Standard Specifications for Streets, the following principles apply:

200.6.1 Governing Standards

All standards and specifications shall meet Federal, State and Local regulations.

200.6.2 Prior Acceptance of Construction Plans

These Minimum Standard Specifications for Streets shall not modify or alter any street construction plans that have been filed with and approved by the Planning Commission prior to the effective date of the ordinance or resolution adopting these Standards. This exception shall be subject to the conditions and limitations under which said plans were accepted by the City Engineer.

200.6.3 Amendments and Revisions to Standards

Amendments to these regulations must be presented to the City Council for adoption.

200.7 Responsibility of the Developer/Owner

The Developer/Owner shall be responsible for all aspects of the project including but not limited to: Engineering, Construction, Inspections, Site Safety and all cost associated therewith.

The City shall have the right of access to sites during the planning, design, and construction phases of the development. The Developer shall schedule all activities to provide the City with adequate notice and review time.

200.8 Waivers

When strict interpretation of these regulations causes undue restrictions, the City of Bentonville Planning Commission may grant a waiver of specific requirements. Waiver requests shall be submitted to the Planning Commission pursuant to the requirements and procedures set forth in the Land Development Code.

200.9 Work Schedule

Normal Working Week is Monday through Friday between the hours of 7:30a.m. to 4:00p.m., excluding City Holidays. Any work performed by the City of Bentonville Transportation Department outside of the normal hours of operation will be assessed at the After Hours Fee, per hour, of the most recent amount approved by City Council.

200.10 Utility Coordination

The developer shall coordinate construction with affected private utility companies and notify said utilities in accordance with their notification prior to interruption of service or operation. Prior to construction, the developer shall be responsible to make special arrangements with private utilities for any relocation necessary within the approved project and to coordinate such relocation activities with adjacent affected property owners. The developer shall be responsible to notify said utilities of any damage to utility systems caused during construction.

All private utility installation within the City of Bentonville right-of-way shall follow all requirements of the ARDOT Utility Accommodation Policy.

200.11 Traffic Control

No work within the Right-of-Way shall be allowed until a Traffic Control Plan has been submitted and approved. Traffic Control Plans shall conform to the Manual on Uniform Traffic Control Devices (Latest Edition) and include the dates, times and duration of the proposed closure. Any work that has commenced within the Right-of-Way without an approved Traffic Control Plan shall immediately halt all activities, install the Right of Way back to pre-existing conditions by any means necessary, pay any and all fees or fines associated, and submit a Traffic Control Plan for approval.

200.12 Permits

200.12.1 General

All permits required to accomplish the work shall be the responsibility of the Developer/Owner or the Engineer of Record. Copies of all permits shall be submitted to the City of Bentonville to ensure compliance with regulatory agencies.

200.12.2 Right-of-Way Permit

Right-of-Way permits shall be required for all work performed within the public right-of-way that is not associated with a defined project as described in the City of Bentonville Land Development Code, unless deemed necessary by the Transportation Director or Designee.

A complete Right-of-Way Permit Application shall be submitted to the City of Bentonville Transportation Department. Once the application has been reviewed and determined to be complete and applicable, the permit application fee must be paid. The application fee can be submitted in the form of a cashiers' check, company check, cash or credit card (if services are available).

Prior to the permit being issued, the permittee must submit a performance guarantee to the City of Bentonville, in the form of a performance bond, cashier's check, cash, or letter of credit. The guarantee shall be 150% of the estimated cost to restore the public infrastructure to pre work conditions. This amount will be developed by the City of Bentonville and relayed to the permittee. If a bond or a letter of credit is used as a guarantee, it must be issued by a surety company licensed to do business in the State of Arkansas and must list the City of Bentonville as the beneficiary.

Once the permit has been issued, the permittee shall post the permit onsite visible from the adjacent roadway and establish the proper work zone according to the approved traffic control plan.

The Transportation Director or designee may issue a Stop Work Order and suspend work. Stop Work Orders, Notices and instructions may be given to the permittee or his agent or to any person in charge of the work. The City of Bentonville may require additional work to be performed by the permittee in the interest of safety, to avoid traffic congestion, or to meet required regulations.

Permittee shall schedule inspections on the work as required. Additional information on inspections can be found in Article 1100 of these specifications. Any work performed without an inspection is subject to removal. Re-inspections will be billed at the current rate established by City Council.

A Final Inspection is required and must be approved before the permit can be closed. Once the final inspection has been approved, the performance guarantee will be held for an additional ninety (90) days as a warranty. At the end of the warranty period, if no deficiencies are found then the guarantee will be sent back to the permittee and the work will be considered complete. If deficiencies are found, then the permittee will be responsible for correcting these

items. If the permittee fails to fix the deficiencies, the City shall use the guarantee provided by the permittee to correct the work.

300 CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS

300.1 General

This chapter gives criteria for submitting engineering drawings as required by these Minimum Standard Specifications for Streets. Plans, Specifications and additional documentation shall be submitted electronically following the City's most current submittal procedures. Hard Copies may be requested.

300.1.1 Submittal Content

The submittal shall be complete with all necessary information included for review of the project, including but not limited to:

- Traffic Study, where required – refer to Chapter ~~300~~400;
- Soils investigation report – refer to Chapter ~~7~~600, Pavement Design and Report;
- Pavement design report – refer to Chapter ~~7~~600, Pavement Design and Report;
- Utility plans;
- Erosion control plans;
- SWPPP – refer to ADEQ General Stormwater Permit Requirements;
- Tree preservation and landscape plans, where required;
- Drainage report – refer to the City's Stormwater Management and Drainage Manual;
- Public Improvement Construction Plans

The following sequence should be used as a general guide when assembling plans:

- Title Sheet
- Index of Sheets
- Governing Specifications, General Notes, and Legend
- Typical Street Sections
- Special Details
 - Driveway, County Roads, Guardrail Widening and Pipe Underdrains
 - Stage Construction
 - Box Culvert Details
 - At-Grade Intersection Layouts
 - Temporary Erosion Control Details

- Other Details

- Maintenance of Traffic
- Summary of Quantities, if required
- Survey Control Information and Details
- Street Plan and Profile Sheets
- Signalization Plans
- Street Signage, Pavement Markings, and Detail Sheets
- Cross-Sections

300.1.2 Engineering Services

All engineering services needed for the project shall be under the supervision of a Professional Engineer registered in the State of Arkansas (Engineer of Record).

The design data, plans, specification, and related information shall bear the name of the Engineer of Record. The registration seal of the Engineer of Record shall be placed on each sheet of the Plans along with his/her signature.

Soils investigations, materials testing, and quality control testing shall be performed by a laboratory approved by the City Engineer. All reports submitted shall bear the name of the Engineer of Record.

Written Certification by the Engineer of Record that materials and construction conform to the approved Plans and Specifications is required.

300.1.3 Horizontal and Vertical Datum

Construction conforming to these standards shall meet the requirements of Article 1000 of the Land Development Code – “Minimum Survey Standards”. Engineer of Record shall identify which monuments were used for horizontal and vertical control.

300.1.4 Design Report

The Design Report shall contain all information not normally shown on the plans or given in the specifications, including design calculations, results of soil borings, soil test results, and any other design data used in the development of the Plans and Specifications, and shall be required before the project will be allowed to go to Planning Commission. ~~The City Engineer may waive this requirement on a case-by-case basis.~~

300.1.5 Additional Requirements

The engineer of record should be aware that whenever unusual or serious problems are anticipated or encountered for a proposed construction project as determined by the City Engineer, additional information and analysis beyond the minimum requirements of these Standards and criteria will be required.

300.1.6 Plan Revisions

Any changes to the plans and specifications shall be submitted to the City of Bentonville for review and approval. These submittals shall follow the City of Bentonville's standard process.

The Engineer of Record shall submit a cover letter explaining all changes along with all sheets of the plans or specifications that are affected. Any changes made to the plans and specifications that are not addressed in the cover letter will not be approved. Revisions to drawings shall be indicated on the title block and shall show the nature of revisions and preparation date along with cloud revision(s) in plan and /or profile view(s).

300.1.7 Incomplete Plans

Incomplete plan submittals or plans that do not have a sufficient level of detail will not be reviewed. The applicant shall be notified if the submitted plans are incomplete. Partial plans may be submitted when appropriate. This may be allowed on a case by case basis and must be authorized by the City Engineer prior to submittal.

300.2 General Formatting and Required Information

A detailed list of requirements can be found in Article 900 of the Land Development Code. Below is a list in addition to the required items that need to be included within the plans:

- 2" x 2" blank box on each sheet to place the City approval stamp after the preconstruction meeting:
- All sheets shall include the engineer of record's signature, seal and date and shall be stamped and signed in accordance with the rules and regulations established by the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors. No plans are considered final and ready for construction until signed and stamped by the engineer of record and stamped by the City.
- Indemnification Statement. The indemnification statement shall be shown on the cover sheet, as follows:

These plans have been reviewed by the City for concept only. The review does not imply responsibility by the reviewing department, the City Engineer, or the City for accuracy and correctness of the calculations. Furthermore, the review does not imply that quantities of items on the plans are the final quantities required. The review shall not be construed for any reason as acceptance of financial responsibility by the City for additional quantities of items shown that may be required during the construction phase.

- Waivers. All approved waivers shall be listed on the Cover Sheet along with the date approved.

300.2.1 Scale

- For plan and profile scales, horizontal scales shall be 1 inch = 10, 20, 30, 40, or 50 feet and Vertical scales shall be 1 inch = 5 or 10 feet;
- Overall plan scales shall not exceed 1 inch = 100 feet; and
- Cross sections shall have a maximum vertical exaggeration ratio of 5:1, while 1:1 is preferred.
- All signage and striping plans shall have a minimum scale of 1 inch = 30 feet.

The scales listed above may not be appropriate for all plans. Other scales may be approved on a case by case basis upon request. A bar scale shall be shown on all scaled plan sheets. Other scale types may be used upon City approval.

300.2.2 Dates

All sheets shall have dates shown in the title block for both plan preparations and subsequent revisions. An electronic date shall appear on all electronic files to be submitted. Final approved construction plans shall start the date sequence again.

300.2.3 North Arrow

All design sheets shall have a north arrow oriented toward the top or right side of applicable sheets.

300.2.4 Existing Facilities

Each sheet shall show all existing facilities in a screened (ghosted) or alternate line weight or type.

300.2.5 Legends of Symbols

Each plan sheet shall include a legend that identifies the symbols pertaining to the sheet unless an overall legend is provided for the entire plan set.

300.3 Sheet Title Names and Specific Requirements

This section outlines the minimum required information to be included on specific sheets of the plan set. The following sheets are listed in the order they should appear in the plan set. Some sections of the plan set may have more than one sheet but should be labeled alike.

300.3.1 Cover Sheet

Cover sheet shall contain an index of all sheets within the plan set.

300.3.2 Grading and SWPPP

These plan sheets shall be drawn at a legible scale (1 inch = 10 - 50 feet) to clearly convey design and construction intent. All erosion control devices (temporary and long-term) shall be included, as well as stabilization methods with specific notes. Plan must show grades of all drainage facilities. All grading plans shall meet the requirements as described in the Land Development Code, Section 1100.08 Grading and Drainage Regulations of the Bentonville Municipal Code. The Stormwater Pollution Prevention Plan (SWPPP) and erosion control measures shall meet the requirements the Arkansas Department of Environment Quality.

300.3.3 Street Improvements

The plans shall include plan and profile views for all public and private streets proposed in the development. Cross-sections are required for all streets. All plans shall be produced at a scale that is completely legible for review and for construction. In addition to the requirements set forth elsewhere in these Minimum Standard Specifications for Streets, the following information shall be shown on all street plans submitted for review and approval:

- Street Plan View. The plan view shall include, but not be limited to, the following:
 1. Existing and proposed property/right-of-way lines, easements, and adjacent property owner names and addresses. The type and dimension of easement or tract is to be clearly labeled, and dimensions of property and right-of-way lines are to be marked.
 2. Survey lines and stationing lines shall normally be based on centerline of travel lanes; other profiles may be included but shall be referenced to centerline stationing. Stationing in cul-de-sacs shall be on the centerline to the center of the bulb with flowlines dimensioned within the bulb. Survey lines and stationing lines shall deviate from centerline of the street to parallel the roadway for situations where two sides of a divided street are not parallel.
 3. Stationing shall read in ascending order in the direction of the north arrow or to the right.
 4. Streets, including street names, if known. Streets that have not been named shall be labeled similarly (e.g. Street A, B, C, etc.).
 5. Dimensions of roadway including sidewalk/share-use path widths, greenspace widths, back of curb widths, etc.
 6. Existing utilities and structures including, but not limited to:
 - a. Storm sewer*
 - b. Ditches/swales

- c. Bridges/culverts
- d. Fence lines and gates
- e. Water lines*
- f. Sewer lines*
- g. Curbs and gutters
- h. Edge of pavement
- i. Telephone lines*
- j. Electric lines/poles*
- k. CATV lines*
- l. Gas lines*
- m. Signs
- n. Guardrails
- o. Houses/structures
- p. Trees/landscaping
- q. Driveways

*Denotes all appurtenances for existing infrastructure shall be shown.

- 7. Critical elevation (flowline, invert of pipe, etc.) of all existing and proposed utility or drainage structures.
- 8. Storm drainage flow direction arrows, particularly at intersections and all high and low points.
- 9. Match lines, stations and consecutive sheet numbers, beginning with cover sheet.
- 10. Station and elevation of all horizontal curves including PI, PCs, PTs, etc.; high or low point and VPI/PVI of all vertical curves; existing and proposed, centerline bearings, distances, and complete curve data.
- 11. Curb return radii, existing and proposed. Stations and elevations of all curb returns at the gutter line; mid-point elevations and additional locations as necessary, flowline to flowline intersection elevations, corresponding centerline spot elevations and percent of grade from the PCR to flowline-to-flowline intersections of all crosspans.
- 12. Centerline stations of all intersecting streets.
- 13. Survey tie lines to section corners or quarter corners, consistent with that shown on the plat.

14. All street intersections shall include construction and lane details for proposed and existing facilities for a minimum of 150 feet beyond the limits of construction.
 15. Basis of plan view and profile elevations shall be the same (e.g. flowline to flowline, top of curb and bottom of curb, etc.).
 16. Cul-de-sac high point and grades shown with percent arrows at critical points (e.g. cross slope and flowline).
 17. Location of all proposed and existing sidewalk and/or trails.
 18. Soil boring locations and CBR test locations (when available). Soil boring and CBR results shall be provided in a standalone sheet with results in a tabular format for each location.
 19. Location of all existing or proposed retaining walls.
- Street Profile. Profiles shall include, but not be limited to, the following:
 1. All streets shall be designed to show profile of centerline.
 2. Existing grade and proposed grade. Both grades are to be plainly labeled for all centerline profiles.
 3. Existing and design elevations shall be provided for the centerline.
 4. Elevation and location of all underground utilities (e.g. waterlines, sanitary sewer lines, storm drains, etc.) in the immediate vicinity of the construction shall be shown on the profile. Separate left and right profiles may be required for clarification when there are multiple underground utilities.
 5. Station and elevation of all vertical grade breaks.
 6. Distance and grade between VPIs.
 7. Vertical curves, when necessary, with VPI, VPC, and VPT, high or low point (if applicable) stations and elevations. All vertical curves shall be labeled with length of curve (L) and K- values.
 8. Superelevation information (when relevant)
 9. Profiles for curb returns, when requested.
 10. Specify limits of typical sections and transitions.
 11. Separate drainage profiles are required for off-site storm drain infrastructure.
 - Typical Street Section(s). A typical street section shall be included in the plans and shall show the following:

1. Pavement section type, width, and thickness;
 2. Street cross slope and crown;
 3. Location of profile grade (crown, centerline, curb line);
 4. Curbs and/or ditches/swales;
 5. Existing and proposed grades;
 6. Right-of-way width;
 7. Sidewalks and/or trails, where required;
 8. Landscaping, if required;
 9. Stationing limits for the typical section;
 10. Street name(s) and classification for all proposed street sections; and
 11. Parking, where required.
- Cross-Sections. *Street cross-sections shall be provided at intervals deemed necessary by the City to effectively evaluate connection with the existing facilities (typically **every not more than** 50 feet horizontally, at intersections, transition points, driveways, storm drain infrastructure, etc.). Typical and unique cross-sections shall be submitted for each street, including the proposed width, treatment of curbs and gutters, and sidewalks/trails where deviations are proposed from these Standards. The cross-sections shall include the following:*
 1. Profile centerline, including proposed and existing spot elevations;
 2. Street width;
 3. Right-of-way width;
 4. Pavement cross slope;
 5. Pavement thickness;
 6. Curbs and/or ditches/swales;
 7. Proposed and existing waterlines, sanitary sewer lines, and storm drains (including size, material, elevation, and location); and
 8. Street name.
 - Key Map. *Clearly depict each sheet's relative position compared to the overall project. The street or area that the design pertains to shall be shaded. Minimum scale is 1 inch = 500 feet, showing the location and name of all streets within and adjacent to the proposed construction and all planned streets. The scale should be indicated. The key map should be oriented consistent with detail in the sheet (i.e. same north).*

300.3.4 Street Improvement Details

All pertinent details related to street improvements shall be shown on a detail sheet (or sheets) for the project. Standard City of Bentonville detail sheets shall be included, along with standard ARDOT detail sheets where work is planned within ARDOT right-of-way.

300.3.5 Traffic Signing and Pavement Markings

All permanent and temporary traffic signage and pavement markings shall be shown on the signing and striping plan, with the existing and proposed street system used as the base layout. Locations of signs and pavement markings shall be indicated by station/offset, or other specific dimensions indicating exact locations. This sheet shall also contain any construction or application notes (e.g., application temperatures, surface cleaning methods to be used prior to application, etc.).

- Area Map. Separate signage and striping plans are to consist of an overall area map noting all specific use areas (e.g. schools, parks, recreation centers, library, commercial, industrial, fire zones, no-parking and designated parking areas, etc.).
- Street Segment Pages. The pages following the area map are to be broken down into street segments, for notation of signage and striping details.
- Signage Plan. The permanent signage plan should:
 1. Show the general longitudinal location of each sign (horizontal offset and station)
 2. Specify the sign legend and sign type, per MUTCD requirements;
 3. Specify the sign size;
 4. Detail post and base dimensions and installation plan (showing sleeves, depth below surface, and materials used, according to City standards);
 5. Specify the blank gauge of the sign; and
 6. Note the reflectorization provided
- Striping Plan. The striping plan must show:
 1. Width, color and type;
 2. Lane widths, taper lengths, storage lengths, etc.;
 3. Striping/skip interval;
 4. Typical treatments for acceleration/deceleration lanes, turning lanes, and crosswalks;
 5. Type of material (thermoplastic);

6. Station and offset or dimensions to all angle points, symbol locations, and line terminations; and
7. Pedestrian crossings.

- Traffic Control Plan. Refer to section 2400.11 for details

400 TRANSPORTATION IMPACT STUDY

400.1 Introduction

400.1.1 General

This chapter contains the policies and guidelines necessary for the preparation of Transportation Impact Studies (TIS) for development proposals in the City of Bentonville. The policies exist to ensure consistent and proper traffic planning and engineering practices when developments are being considered within the City. The guidelines provide for a standard process, set of assumptions, set of analytic techniques, and presentation format to be used in the preparation of the TIS.

400.1.2 Applicant Responsibility

The traffic study shall provide the necessary data and analysis to adequately assess the impacts of a development proposal on the existing and/or planned street system. The primary responsibility for assessing the traffic impacts associated with a proposed development will rest with the developer, with the City serving in a review capacity. It shall be prepared under the supervision of, and sealed by, a licensed Professional Engineer in the State of Arkansas with experience in traffic engineering and transportation planning/engineering.

Typically, staff will review any first submittal traffic study within 10 working days of the date of submittal to the City Engineer's office. If study revisions are needed, staff will normally review these within 5 working days of the date of re-submittal. Longer time periods will be necessary if the Arkansas Department of Transportation is involved in the review process. For all State Highways within the study area, the applicant is required to meet the requirements of the Arkansas Department of Transportation. No Pre-construction conference shall be scheduled until the traffic impact study is reviewed and approved by the City as part of the development plans package.

All previous traffic studies relating to the development that are more than two years old will have to be updated, unless the City determines that conditions have not changed significantly.

Where access points are not defined, or a site plan is not available at the time the traffic study is prepared, additional traffic work may be required when a site plan becomes available or the access points are defined.

The applicant shall submit a traffic study for the development unless they can prove, to the satisfaction of the City Engineer, that the trip generation criteria is not met. If sufficient

information is unavailable but the property appears to involve sufficiently intense land use, the applicant will be informed that a traffic study is required.

The contents and extent of a traffic impact study will depend on the location and size of the proposed development and the conditions prevailing in the surrounding area. Larger developments proposed in congested areas require more extensive traffic analysis, whereas smaller sites may only require minimal analysis of traffic on site and at immediate adjacent intersections. Transportation consultants are required to discuss projects with the City prior to starting the study. At a minimum, topics for possible discussion will include trip generation, directional distribution of traffic, trip assignment, definition of the study area, intersections requiring critical lane analysis, and methods for projecting build-out or horizon year volumes. This provides a base of coordination and communication between the City, the owner or developer, and the project's consultants in forecasting future traffic characteristics that realistically define traffic movements associated with the proposed development. Specific requirements will vary depending on the site location.

400.1.3 Capacity and Safety Issues

Development has a direct impact on transportation, including vehicular, transit, bicycle, and pedestrian traffic. In order to meet capacity and safety needs as they relate to the traffic generated from a particular development, specific improvements may be necessary. The goal of the TIS is to address the transportation related issues that result from the new development and to determine the improvements required such that appropriate levels of service are safely maintained. The competing objectives of vehicular movement, pedestrians, bicyclists, and others must be balanced in the development review process. A balanced combination of elements is needed to provide facilities that serve all transportation modes. The TIS will provide information and guidance as plans are developed and decisions made for the approved plan.

- *Vehicular Traffic Improvements.* Examples of capacity and safety improvements for vehicular traffic include road widening/narrowing, capacity of travel lanes, turn lanes, acceleration and deceleration lanes, intersection improvements, traffic signals, stop signs and modifications to access points.
- *Pedestrian and Bicycle* Traffic Considerations and Improvements. Examples of safe, comfortable, and convenient pedestrian services are shorter blocks, lower traffic speeds, tree-lined sidewalks, well-defined crosswalks, median refuges and channelized islands in large street crossings. Grade separated structures are examples of safety improvements where vehicular traffic causes unsafe conditions for pedestrians, and where space is available for the needed ramps or steps. The addition of on- or off-street bicycle facilities per the guidelines found in **Chapter 900, Bicycle Facilities Design and Technical Criteria** may be needed to achieve connectivity between the proposed project and the existing bikeway system.

- Transit Traffic Improvements. Examples of transit traffic improvements include accommodation of public transit facilities such as bus stops, bus bays, and transit stop facilities. This may involve wider lanes to accommodate larger vehicles.

400.2 Requirements and Criteria

400.2.1 When a TIS is Required

An Individual Site TIS shall be required when any new development, has the potential to increase average daily total traffic on the surrounding streets more than:

10060 trips per hour for Local roads or

300 trips per hour; or 5% increase in ADT for Collector and Arterial roads, or

when considered necessary by the Planning Director or City Engineer.

The applicant shall provide a traffic impact study sealed by an Arkansas registered professional engineer with certification as a Professional Traffic Operations Engineer. A draft of the report shall be submitted for review with the initial project submittal, but no later than 30 days before Tech Review Committee.

400.2.2 Scoping Meeting

- Purpose. The purpose of the scoping meeting is to determine the parameters for the study of traffic impacts for a specific development project, and to document those parameters. The parameters determined in the scoping meeting represent general agreement between the City and the consulting engineer, but they may not be all-inclusive. The City retains the right to require any additional information and/or analysis to complete an evaluation of the proposed development project.
- Meeting Setup and Content. The applicant is required to contact the City to arrange for a scoping meeting to discuss the TIS requirements and determine the base assumptions. It is incumbent upon the Applicant to be prepared to discuss the following:
 1. Previous TIS prepared for the site, if any;
 2. Location of the site;
 3. Proposed access and its relationship to adjacent properties and their existing/proposed access;
 4. Preliminary estimates of the site's trip generation and trip distribution at build-out;
 5. Identification of proposed year of build-out;
 6. Trip adjustment factors proposed, if any;
 7. Approved and proposed developments in the study area, and the associated committed roadway improvements;

8. Anticipated roadway improvements to be provided by the applicant;
9. Phasing plan proposed;
10. Potential bicycle and pedestrian connections;
11. Special analysis needs.

400.2.3 Types of Study

- **Master TIS.** Where large complex projects are planned or a project is phased over a multi-year build-out, it may be appropriate to prepare a Master TIS for the initial development followed by periodic updates for specific phases. The Master TIS must include overall phasing of improvements to coincide with project phasing. Updates to the Master TIS shall be submitted with the development applications for the specific phases and shall meet the requirements for the Individual Site TIS.
- **Individual Site Transportation Impact Study.** An Individual Site TIS is prepared for a project that stands alone or is a phase of a master development. It can be for a new use in an existing or remodeled building, the construction of a new building (either single occupant or multiuser), construction of multiple buildings, or the construction of new residential development.

400.2.4 Revisions and Updates

A revision to an approved TIS may be required when a previously approved development proposes an expansion, a change to access, or a change in use where new trip generation estimates exceed the original trip-end generation estimates. If the currently approved study was prepared within the last three years, an amendment letter addressing the changes may be accepted and satisfy the requirements of this guideline.

The letter must address: a) an estimate of site trip generation, b) existing site trip generation, c) the differences between anticipated estimates and existing trip generation and d) changes to the bicycle or pedestrian facilities. If the original study is older than three years, an entirely new study will be required.

400.3 Study Parameters

400.3.1 Project Description

A description of the proposed project will be prepared and include the type of land use and size of the proposed project (number of dwelling units or building square footage). Any proposed phasing will be discussed, and the anticipated completion date established. A figure depicting the proposed site plan will also be included and the proposed vehicular access locations will be described. This section will also include a description of how pedestrian and bicycle travel will be accommodated within the proposed site plan. This will include a discussion of types of sidewalks, trails, and connections to local and perimeter destinations.

400.3.2 Analysis Horizons

Three study horizons are required for a Master or Individual Site TIS analysis. It may be acceptable for the short range and long-range horizons to be identical for some large projects.

- Existing Horizon. The intent of completing an analysis of the existing (current) study horizon is to establish a baseline of traffic conditions.
- Short-Range Horizon. The intent of the short-range planning horizon is to investigate the immediate impacts of the completed, proposed project on the existing and proposed roadway network. The short-range planning horizon year is defined as one year after the full occupancy of the project. If the project is proposed to occur over multiple phases, each phase shall be evaluated for impacts one year after the occupancy of that phase for the short-range analysis. To properly model the impacts, two analyses should be completed. One to project traffic conditions at full build out, and the other to project traffic conditions during the same time without build out.
- Long-Range Horizon. The third planning horizon is the long-range planning horizon. It shall be based on the current Regional Transportation Plan 20-year planning horizon and related modeling. The intent of the long-range planning horizon is to evaluate the implications of the fully developed proposed project on the long-range traffic condition. Data from the Northwest Arkansas Regional Planning Commission is available.

400.3.3 Study Area

The limits of the transportation network study area shall be defined for all levels of TIS analysis. The limits of the transportation network to be studied shall be based on the size and extent of the application for development approval, the existing and future land uses, and traffic conditions on and near the site.

The exact limits of the study area are to be based on good engineering judgment, and an understanding of existing and future land use and traffic conditions at and around the site. The limits of the study area shall be agreed upon at the scoping meeting. The Master TIS shall generally establish the study area for all subsequent Individual Site TIS(s).

At a minimum, the factors to be considered for the establishment of the limits of the study area, the Master or Individual Site TIS should include as designated below:

- All adjacent and internal collector and arterial roadways – Master
- Offside collector and arterial roadways within the study area impacted 10% or more by the project, or provide the primary connections between the project and the urban services, unless otherwise approved by the City Engineer – Master
- Continuity and adequacy of pedestrian and bike facilities – Master
- Access to most direct transit facility or transit route – Master, Individual Site
- Access routes to schools - Master, Individual site
- All adjacent streets, intersections, and high-volume driveways - Individual Site

- Nearest offsite major intersection(s), collector roadways, and arterial roadways - Individual Site
- Internal public roads, including establishing the road classification - Individual Site
- Additional offsite intersections as identified in the scoping meeting - Individual Site
- Pedestrian and bicyclist destinations - Individual Site

400.3.4 Evaluation Elements

The purpose of the Master TIS is to provide a general sense of the overall impacts to the transportation system and to identify the larger scale improvement needs necessitated by the proposed development (i.e. widening of streets, connecting gaps in the street system, etc.). The Master TIS does not need to include intersection analyses, although it may, at the applicant's option, if the applicant intends to proceed with a specific phase of the project immediately following approval of the Master Development Plan.

For example, for a Master Development Plan with a multi-phase build-out, the Master TIS would not only address the overall project, but also identify key measurable criteria that would trigger the construction of some incremental portion of the overall infrastructure improvement plan. Typically, at the Large Scale Development (LSD) or Preliminary Plat (PPL) stage, with each phase of the project a new individual site TIS specific to that phase would be prepared. This new study would verify the accuracy of the original traffic projections, both on-site and background, and check the criteria identified for infrastructure improvements, and other pertinent information.

The key elements of the project impact assessment for a Master or Individual Site TIS shall include the following minimum evaluations as designated below:

- Conformity with the adopted Master Street Plan including any adopted access control plans – Master, Individual Site
- Appropriateness of access locations – Master, Individual Site
- Pedestrian/bike requirements and/or improvements – Master
- Safety and accident analysis – Master, Individual Site
- Neighborhood and public input issues – Master
- Peak hour intersection LOS – Individual Site
- Location and requirements for turn lanes or acceleration/deceleration lanes at accesses or intersections, including recommendations for taper lengths, storage length, acceleration/deceleration lengths, and other geometric design requirements per City or ARDOT requirements – Individual Site
- Intersection and stopping sight distance evaluations and recommendations – Individual Site

- Continuity and adequacy of pedestrian and bicycle facilities within the study area – Individual Site
- Recommended traffic control devices for intersections which may include two-way stop control, four-way stop control or yield signs, school flashers, crosswalks, traffic signals, or roundabouts – Individual Site
- Traffic signal and stop sign warrants – Individual Site
- Appropriateness of the existing roadway signage and striping – Individual Site

400.3.5 Transportation Impact Study Format and Content

In order to provide consistency and to facilitate staff review of the TIS, the following format shall be followed in the preparation of such studies by transportation consultants. A summary outline is provided (as an attachment). Selected items from the following list may be excluded if not applicable to the situation and exclusion is specifically authorized by the City.

A. Introduction. The introduction of the report must contain the following:

- a. Land Use, Site and Study Area Boundaries. A brief description of the size of the land parcel, general terrain features, the location within the jurisdiction and the region must be included in this section. In addition, the roadways adjacent to the site must be identified, along with a description of the roadway's characteristics. The exact limits of the study area should be based on engineering judgment, and an understanding of existing traffic conditions surrounding the site. In all instances, however, the study area limits must be recommended by the developer and their engineer and approved by the City Engineer. A vicinity map that shows the site and the study area boundaries, in relation to the surrounding transportation system, must be included.
- b. Existing and Proposed Site Uses. The existing and proposed uses of the site must be identified in terms of the various zoning categories of the City. In addition, the specific use for which the request is being made must be identified if known, since a number of uses may be permitted under the existing ordinances. It will be the intent of the TIS to evaluate the reasonable worst-case traffic impacts for the proposed development allowed by the zoning. If several different uses are permitted by the zoning, the highest trip generation uses must be assumed for the study.
- c. Existing and Proposed Uses in Vicinity of Site. A complete description (including a map) of the existing land uses in the study area as well as their current zoning and use must be included. In addition, all vacant land within the study area and its assumed future uses must be identified. This latter item is especially important where large tracts of undeveloped land are in the vicinity of the site, and within the

prescribed study area. Generally, much of this information can be obtained from the City's Planning and Development Department staff or from the neighboring jurisdiction if the study area extends beyond the City of Bentonville boundary.

- d. *Existing and Proposed Roadways and Intersections*. Within the study area, the applicant must describe and provide volumes for existing roadways and intersections including geometrics and traffic signal control as well as improvements contemplated by government agencies. This would include the nature of the improvement project, its extent, implementation schedule, and the agency or funding source responsible. A map must be provided showing the location of such facilities.

B. *Trip Generation and Design Hour Volumes*.

See **Section 4300.4.3 Project Traffic** for more information on the requirements.

C. *Trip Distribution*

See **Section 4300.4.3 Project Traffic** for more information on the requirements.

D. *Trip Assignment*

See **Section 4300.4.3 Project Traffic** for more information on the requirements.

E. *Existing and Projected Traffic Volumes*

Graphics must be provided which show the following traffic impacts for private access points, intersections and streets:

1. A.M. peak hour site traffic (in and out) including turning movements.
2. P.M. peak hour site traffic (in and out) including turning movements.
3. A.M. peak hour total traffic including site generated traffic (in and out). These volumes must include through and turning movement volumes for current conditions and a separate set of numbers that also includes build-out.
4. P.M. peak hour traffic total including site generated traffic (in and out). These volumes must include through and turning movement volumes for current conditions and a separate set of numbers that also includes build-out.
5. Any other peak hour which may be critical to site traffic and the street system in the study area should be included in the graphics and show the same information as is provided for the A.M./P.M. peak hours.
6. Actual counts of existing total daily traffic for the street system in the study area at the time the study is being prepared. Counts shall not occur during periods of unusual traffic with approval by the City Engineer.
7. Projected total daily traffic for the street system in the study area based on traffic from the proposed development and counts of existing daily traffic obtained from

- item 6. The component of the existing daily traffic attributable to the existing uses must be identified and the increase to total daily traffic from the proposed uses.
8. Projected total daily traffic for the street system in the study area on traffic from the proposed development, counts of existing daily traffic obtained in item f above, and traffic projections based on build-out of land use within the study area.

F. Raw Traffic Count Data

All raw traffic count data (including average daily volumes and peak hour turning movements) and analysis worksheets must be provided in the appendices of the report. Computer techniques, and the associated printouts may be used as part of the report. All total daily traffic counts must be actual counts and not based on factored peak hour sampling. Latest available counts from Arkansas Department of Transportation, the City, and other agencies may be acceptable if not more than two years old.

400.4 Traffic Volumes

400.4.1 Existing Traffic

- Roadway Traffic Volumes/Traffic Counts. Current A.M. and P.M. peak hour traffic counts as specified shall be obtained for the roadways within the study area for one, non-holiday Tuesday, Wednesday, or Thursday. Each peak hour count shall be conducted over a two-hour period (or as specified by the City Engineer) and shall include 15-minute count data to clearly identify the peak hours.

Weekend counts and/or average daily counts on local roadways may also be required where appropriate when requested by the City Engineer.

The volumes shall be no more than one year old (from the date of application submittal). The City may require the use of seasonal adjustment factors depending on when data was collected and if the project is considered to be in an affected area (i.e. downtown area).

- Intersection Level of Service. A.M. and P.M. peak hour intersection levels of service shall be determined for the existing signalized and unsignalized intersections with collectors and arterials within the area to be studied. Locations to be analyzed will normally be set in the scoping meeting. The analysis shall use procedures described in the latest edition of the Highway Capacity Manual.

400.4.2 Background Traffic

- Short Range Volume Projections. The traffic forecast for the short-range planning horizon shall be the sum of existing traffic volumes plus cumulative development traffic. The cumulative development traffic shall be based, in part, on the A.M. and P.M. peak hour and ADT data established and accepted from planned and approved developments within and near the study area.

100% of the committed trips from the build out of the planned and approved projects in the study area must be included in the short-range volume projection. The assumed baseline surface transportation network should reflect existing facilities (without the proposed project improvements) plus any committed improvements by the City, other public agencies, and/or other approved developments within the study.

The short-range planning horizon background traffic growth rate shall be based on a growth rate based on one of the following methodologies:

1. Historical traffic counts projected to the build-out year (at least three years of traffic data should be used for this), or
 2. Area-wide traffic count analysis which considers traffic volume trends in the study area's circulation system and uses proportion/extrapolation methods.
- Long Range Volume Projection.
 1. Historical traffic counts projected to the build-out year (at least three years of traffic data should be used for this), or
 2. Area-wide traffic count analysis which considers traffic volume trends in the study area's circulation system and uses proportion/extrapolation methods, or
 3. Growth rate agreed upon with the City Engineer.

400.4.3 Project Traffic

- Trip Generation Rate. Trip generation should be calculated from the latest data contained within the Institute of Transportation Engineers' Trip Generation Manual. Other industry publications (such as the ITE Journal or other sources) may be approved by the City. Data limitations, data age, choice of peak hours (for the land use or adjacent street traffic), choice of independent variables, and choice of average rate versus statistically significant modification should be discussed in the study when appropriate. When data is not available for a proposed land use or a modification is proposed, the Applicant must conduct a local trip generation study following procedures prescribed in the ITE Trip Generation Manual and provide sufficient justification for the proposed generation rate. This rate must be approved by the City prior to its use in the written study.
- Preliminary Land Use Assumptions. The trip generation values contained in studies submitted prior to the establishment of a site-specific development plan shall be based on the maximum number of dwelling units permitted for the approved land uses, and/or the maximum trip generation rates for the non-residential development. When a TIS is being developed for a project with an established site-specific development plan, trip generation shall be based on actual dwelling unit counts and square footage(s) proposed on the final plan.

- *Trip Generation Table.* The Applicant shall prepare a Trip Generation Table, listing each type of land use within the site at build-out, the size and unit of measure for each land use, trip generation rates (total daily traffic, A.M. and P.M. peaks), directional splits for each in/out driveway, the resultant total trips generated. The data source shall be stated. Build-out land uses and trip generation shall be used for both the short range and long range planning horizons. Developments proposed that are of a type that build-out in the short-range is not feasible due to the size, may propose phases (such as 2-year increments) for the development.
 - *Adjustments to Trip Generation.* Trip-making reduction factors may be used after first generating trips at full ITE rates or pre-approved rates from other professional sources. These factors fall into two categories: those that reassign some portion of generated trips to the background stream of traffic, and those that remove or move generated trips. In all cases, the underlying assumptions of the ITE trip generation rates must be recognized and considered before any reductions are used in the TIS. Two specific situations will be closely reviewed. The first is when the traffic study assumes rates where the collection of mixed uses, such as at a shopping center, result in lower peak hour trips than when applying individual rates to each land use. The second is when reductions in the trip generation rates are assumed based on reductions due to travel demand management.
4. **Pass-by Trips.** This first category may be considered when trips to the proposed development currently exist as part of the background traffic stream, referred to as a pass-by trip. Pass-by percentages identified in the ITE Trip Generation report or other industry publications will be considered with appropriate explanation and documentation. Pass-by traffic must remain assigned to driveways and access points. They are not additive to the background traffic stream. A technical appendix, table or map that illustrates the re- diversion of pass-by trips is required which may be submitted as a legible, hand-written work sheet(s).
 5. **Internal Site Trips/TDM.** Analytic support documentation of internal site trips, and transit use shall be provided to show how trip adjustments are derived. Optimistic assumptions regarding transit use will not be accepted unless accompanied by specific implementation proposals that will become a condition of approval. Such implementation proposals must have a high expectation of realization within a 5-year period after project initiation.
- *Trip Distribution.* Trip distribution must be documented in the TIS. It may be based on the professional engineer's judgment applied to one or more of the following: regional traffic volume projections, gravity model, market analysis, existing traffic flows, or applied census data. Regardless of the basis of the estimates, the procedures and rationale used in determining the trip distributions must be fully explained and documented. A map showing the percentage of site traffic on each street must be provided as part of the TIS graphic material.

- *Trip Assignment.* The project traffic will be assigned to the roadway system according to the trip distribution established above. The resulting project site generated traffic and total site traffic will be depicted on figures for each analysis horizon. These figures will include peak hour traffic volume information, plus daily traffic volume. Separate maps or values are required when the trip distribution differs by more than 10% between the short- and long-range analysis horizons.

400.4.4 Total Traffic

The total traffic projections will be determined for each of the analysis horizons identified earlier in the base assumptions. The total traffic projections will include the existing traffic, plus the future background traffic, plus the project generated traffic. The future total traffic projections will be depicted on figures for each study year.

Based upon the total traffic projections and the City's street standards and Master Street Plan, the Applicant shall provide roadway functional classification recommendations.

400.5 Project Impacts

400.5.1 Significant Negative Impacts

This section applies primarily to vehicular related impacts associated with the proposed project. A project is defined as significantly impacting a study intersection when one of the following criteria are satisfied:

- *For Signalized Intersections.*
 1. When the added project traffic causes an intersection to fail the minimum acceptable level of service standard; or
 2. When the background traffic conditions (without project traffic) causes an intersection to fail the minimum acceptable level of service standards; and when the project traffic causes more than a 2 percent increase in the intersection delay.
- *For Unsignalized Intersections.*
 1. When backstacking to adjacent intersections would create impeded traffic flows and/or excessive congestion; or
 2. When added project traffic is determined to create potential safety problems.

400.5.2 Project Impact Assessment

The key elements of the project impact assessment include evaluations of issues outlined for a specific analysis. Refer to **Section 300.3.4** for a listing of the Evaluation Elements.

- *Motor Vehicle Impact Evaluations.*
 1. *Existing Condition.* Drawings shall be prepared and included in the report to document traffic counts, lane geometrics (including striping, signing and other pavement

markings), traffic control, existing access locations, lane lengths, widths, tapers, and any other notable features. When arterial roadways are impacted by the proposed project, the report shall include a tabulation or diagram which identifies the number of existing and proposed accesses contained within, and up to one-quarter mile of, the evaluated Arterial Roadway and/or intersection.

2. Using the peak hour traffic volumes forecast and the maximum traffic volumes allowed for the specific classes of roadways, a general evaluation should be made of the street system for the specified analysis horizons. A summary report of the level of service evaluations for roadway links shall be presented in the TIS. Within one block (approximately 500 to 1000 feet) of an intersection with a street of higher functional classification, additional through and turning lanes may be required on a street to meet the level of service requirements in **Section 4300.6** and/or for the intersection. The additional lanes shall not be considered a reclassification of the street.
3. Intersection Delay.
 - a. An A.M. and P.M. peak hour intersection level of service analysis shall be conducted for each intersection analyzed in the TIS, based on procedures specified in the most recent release of the Highway Capacity Manual.
 - b. The principal objective of the intersection level of service traffic impact analysis is to identify whether the traffic from the proposed project when added to the short-range planning horizon traffic will result in a significant impact and an unacceptable level of service.
4. Driveway Access. The design, number, and location of access points to collector and arterial roadways must be submitted for approval with the development. State Highway accesses require the issuance of a permit from ARDOT. The number of access points must be kept to a minimum and be designed to be consistent with the Access Management Policy. Access points will be reviewed and approved by the City based on the following information:
 - a. Access location(s) as shown on the site plan
 - b. Proposed traffic turning movements.
 - c. Analysis of on site (driveway) stacking/queuing and impacts to adjacent streets.
 - d. Signalization requirements and design in accordance with these guidelines.
5. Traffic Signals.
 - a. Proposed and existing access points, proposed intersections, and existing intersections effected by the development being analyzed in the report that have any potential for signalization will be reviewed and discussed during the development review process. Discussion will include review of existing signals/potential modifications, proposed signals, school signals for school

- b. Signal Warrant Analysis for potential signal locations shall consist of a review of the applicable signal warrants contained in the Manual on Uniform Traffic Control Devices.
 - c. If any location proposed for signalization is not spaced according to the City's policy, then a traffic signal progression analysis shall be required.
 - d. Alternatives to signalization at potential signal locations will be discussed in the report. The alternatives to adding new intersections to be discussed should include no new intersection, limited movements, and roundabouts.
 - e. If any signal timing and/or phasing changes are proposed, an appropriate signal progression analysis may be required.
- 6. Traffic Accidents. Traffic accident data for affected street corridors may be required for the study. The study period will normally be three years. Such locations will be specified by the City. Where this is necessary, estimates of increased or decreased accident potential must be evaluated for the development, particularly if the proposed development might impact existing traffic safety problems in the study area, and safely improvement recommended where necessary.
- 7. Noise attenuation. If a residential development is planned adjacent to a freeway or arterial roadway, the need for noise attenuation measures may be required as part of the impact analysis. It is recommended that the need for noise attenuation measures be determined using the methods outlined in Fundamentals and Abatement of Highway Traffic Noise Textbook, FHWA, September 1980.
- Pedestrian and Bicycle Evaluations. Pedestrian and bike facility demand shall be identified and related items for discussion should include:
 - 1. School routing plans per the MUTCD between the project and all schools within 1-1/2 miles of the project boundary;
 - 2. The demand for pedestrian and bike facilities to serve high pedestrian activity areas within the land use;
 - 3. The need for links of bicycle or pedestrian facilities to neighboring land uses or attractions (trails, etc) as guided by the Connecting Bentonville Plan;
 - 4. Geometric improvements and recommended traffic control devices to accommodate pedestrians and bicyclists;
 - 5. Existing and proposed pedestrian and bike facilities shall be evaluated for compliance with the following elements:

- a. Directness. Walking distance to destinations like transit stops, schools, parks, and commercial or activity areas should be direct.
 - b. Continuity. The sidewalk/ walkway system should be complete, without gaps. The pedestrian corridor should be integrated with the activities along the corridor and should provide continuous access to destinations.
 - c. Street Crossings. Safety and comfort is essential while crossing streets, intersections and mid-block crossings. Factors that affect the LOS include: number of lanes to cross, crossing delay for pedestrians, signal indication, cross-walks, lighting, raised medians, visibility, curb ramps, pedestrian buttons, convenience, comfort, and security.
 - d. Security. Pedestrians should be visible to motorists, separated from motor vehicles and bicycles, and under adequate street lighting.
 - e. Surface Condition. Pedestrian facilities should be free from obstructions, cracks, and interruptions.
 - f. Grade. Off street facilities shall be designed to minimize running slopes; maximum grade shall be 5% where possible. If steeper slopes are needed due to terrain, no more than 30% of the length of a facility should exceed 8.33%.
- Special Studies. This section provides the City with opportunities to request specific focused traffic analyses that may be unique to the proposed land use action. The Applicant and the City will determine if special studies are required. These may include, but are not limited to the following:
 - 1. Access spacing,
 - 2. Accident/safety concerns (accident statistics),
 - 3. Truck routing,
 - 4. Neighborhood Transportation Impact Evaluation. The TIS may be required to include a focused analysis of the potential project related impacts on adjacent residential neighborhood quality of life issues such as potential cut-through traffic and speeding/volume concerns. If it is determined that a neighborhood transportation impact evaluation is required, the following procedure should be followed:
 - a. Examine existing transportation conditions within the neighborhood. This should follow the same procedure as set forth earlier for the transportation impact analysis. Daily and peak hour traffic volumes should be collected for the local streets to be included in the analysis.
 - b. Determine project generated traffic for all modes within the neighborhood and show on a figure.

- c. Determine total traffic projections for the local streets. This should follow the same procedures as described earlier, including other projects and area wide growth if applicable.
- d. Determine if the proposed project would create significant impacts to the residential streets using the criteria stated earlier.
- e. If necessary, develop measures, including but not limited to traffic calming techniques, to mitigate any significant impacts.
- f. Sight Distance. Sight distance concerns that are anticipated or observed which may impact driveway, intersection, or roadway operation and safety need to be discussed in the TIS. Recommendations regarding stopping sight distance, intersection sight distance, and passing sight distance needs should be provided by the Applicant's traffic engineer for detailing on the final development, site plan, or final construction plans.

400.6 Level of Service Standards

Level of service "C" will be the design objective for roadways, the overall intersection, and all individual movements. Under no circumstances will be less than the level of service "C" be accepted for site and non-site traffic including existing traffic at build-out of the study area. The design year will be approximately 5 years following construction and include volumes generated by build-out of the study area. The interpretations of "Level of Service" shall be based on the definition specified in the TRB Highway Capacity Manual Special Report 209.

400.7 Mitigation Measures

When a project's vehicular impacts are determined to not meet the minimum acceptable level of service standard, the TIS shall include feasible measures, which would mitigate the project's impacts. The mitigation measures are intended to be in addition to the minimum required improvements necessary to meet the City's standards and codes.

400.7.1 Traffic Signal Operations Improvements

Traffic Signal Operational improvements would include upgrading signal to include additional signal phases and/or, signalization of an unsignalized intersection. Signalization of project access drives would not be considered as a mitigation measure. The City Engineer must approve signal improvements and/or installations.

The need for new traffic signals will be based on warrants contained in the latest edition of Manual on Uniform Traffic Control Devices. In determining the location of a new signal, traffic progression is of paramount importance. Generally, a spacing of one-half mile for all signalized intersections should be maintained. This spacing is usually desirable to achieve good speed, capacity, and optimum signal progression. Pedestrian and non-motorized vehicle movements must be considered in the evaluation and adequate pedestrian and non-motorized vehicle clearance provided in the signal cycle split assumptions.

To provide flexibility for existing conditions and ensure optimum two-way signal progression, an approved traffic engineering analysis must be made to properly locate all proposed accesses that may require signalization. The section of roadway to be analyzed for signal progression will be determined by the City and will include all existing and possible future signalized intersections.

The progression pattern calculations must use a cycle consistent with current signal timing policies of the City. A desirable bandwidth of 50% of the signal cycle must be used where existing conditions allow. Where intersections have no signals presently, but are expected to have signals, typically a 60% mainline, and 40% cross street cycle split should be assumed. Cycle split assumptions must relate to the volume assumptions in the capacity analysis of individual intersections, and where computerized progression analysis techniques are used, they must be of the type which utilizes turning movement volume data and pedestrian and non-motorized vehicle clearance times in the development of time/space diagrams. The green time allocated to the cross street will be considered no less than the time which is required for a pedestrian and non-motorized vehicle to clear the main street using Manual on Uniform Traffic Control Devices standards. Those intersections which would reduce the optimum bandwidth if a traffic signal were installed may be required by the City to remain unsignalized and have turning movements limited by access design or median islands.

400.7.2 Street Widening and Other Physical Improvements

Mitigation measures, which include street widening, and other physical improvements must be demonstrated to be physically feasible and must meet minimum City Standards and Ordinances for both on-site and off-site improvements.

400.7.3 Geometric Improvements

Turn lanes and other auxiliary lane needs shall be identified for each access. Design basis shall generally be ITE, AASHTO, CDOT, NCHRP or other nationally accepted standards. All proposed project entrances onto arterial streets shall be evaluated as to whether they require acceleration lanes or deceleration lanes.

400.8 Report Conclusions

400.8.1 Recommended Improvements

The findings of the Transportation Impact Study should be provided in summary format, including the identification of any areas of significant impacts and recommended improvements/mitigation measures to achieve the LOS standards for all modes.

- *Geometric Improvements.* The TIS shall include recommendations for all geometric improvements such as pavement markings, signs, adding through or turn lanes, adding project access and associated turn lanes, acceleration lanes, and changes in medians. Sufficient dimensions/data shall be identified to facilitate review. Anticipated right-of-way needs shall also be identified.

- *Volume/Capacity Analysis at Critical Points*- Another iteration of the volume/capacity analysis must be described, which demonstrates the anticipated level of service as a result of making these improvements. This level of service must be “C” or better.
- *Traffic Volume Proportions*- Percentage based on the traffic impact analysis may be required by the City to determine the proportion of traffic using various public improvements (both existing and proposed) from several developments with the study.
- *Responsibility*. The applicant shall describe the location, nature, and extent of all transportation improvements that the applicant recommends to achieve the required level of service for each analysis horizon's year. In addition, the party(ies) responsible to complete the improvements shall be identified.

400.8.2 Revisions to the Study

Revisions to the Transportation Impact Study must be provided as required by the City. The need to require revisions will be based on the completeness of the traffic study, the thoroughness of the impact evaluation and the compatibility of the study with the proposed access and development plan. The revised study or report shall be signed and sealed by the Professional Engineer.

500 STREET DESIGN AND TECHNICAL CRITERIA

500.1 General

This chapter defines layout criteria and other design criteria that shall be followed for locating and designing all streets.

500.2 Street Layout Requirements

The locations of Collector and Arterial roadways shall be in accordance with the current Master Street Plan. Other streets shall be located in accordance with all other applicable street layout requirements.

500.2.1 Logical Placement and Extension

All streets shall have a logical relationship to the existing topography and to the location of existing or platted streets within adjacent properties. Certain streets within the project may need to be extended to the project boundary to provide for the future extension of the street through adjacent properties.

500.2.2 Master Planned Arterial and Collector Roadways

The Master Street Plan shows the approximate locations of all Arterial and Collector Roadways for the City and its Planning Area. The Master Street Plan shall be used for establishing approximate locations of these streets. The City Engineer shall hold approval authority for specific alignments for all Arterial and Collector Roadways.

500.2.3 Local Roadways

Layout of new Local Roadways not covered by the Master Street Plan shall meet the needs of the specific development and satisfy all other specific requirements of this chapter and the access management requirements of the Land Development Code, Article 1100, Section 1100.02 Access Management Standards of the Bentonville Municipal Code. The City retains the authority for approval of the overall street layout.

500.3 Street Classifications

Street cross sections shall meet the classifications as shown in the current Master Street Plan and **Table 400-1**.

500.4 General Design Elements

All streets shall be designed in accordance with design speeds specified for each street classification in **Table 400-1**. Where ranges are specified, the design speed shall be determined by the City Engineer.

Table 400-1 Roadway Design Criteria by Classification

Design Element	Street Classification												
	Arterial Boulevard with Sidepath	Arterial with Sidepath	Arterial with 2-Way Separated Bike Lanes	Arterial with Sidewalks	Collector Boulevard with Bike Lanes	Collector with Sidepath	Collector with Bike Lanes	Local with Shared Use	Downtown Collector	Downtown Collector with Parking	Downtown Collector with Bike Lane	Downtown Local	Alley
Right of Way Width, Feet	95	90	95	90	75	70	70	50	65	65	65	50	20
Number of Traffic Lanes (Travel), Feet	4	4	4	4	2	2	2	2	2	2	2	2	2
Number of Center Lanes (Turn), Feet		1	1	1		1	1		1				
Number of Parking Lanes, Feet										2			
Traffic Lane Width, Feet	11	11	11	11	11	11	11	14	11	11	11	14	8
Center Lane Width, Feet		12	12	12		12	12		12				
Parking Lane Width, Feet										9			
Pavement Width (Back-to-Back of Curb), Feet	25' per side	59'	59'	59'	21' per side	37'	51'	31'	37'	41'	41'	31'	16' (no curb & gutter)
On-Street Bike Lane Width, Feet	n/a	n/a	n/a	n/a	7' both sides**	n/a	7' both sides**	n/a	n/a	n/a	9' ^a	n/a	n/a
Raised Median Width (Back to Back of Curb), Feet	16'	n/a	n/a	n/a	14'	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Sidewalk/Sidepath Width, Feet	5' Sidewalk & 12' Sidepath	5' Sidewalk & 12' Sidepath	5' Sidewalk both sides & 12' SBL*	5' Sidewalk both sides	5' Sidewalk both sides	5' Sidewalk & 12' Sidepath	5' Sidewalks both sides	5' Sidewalk both sides	12' Sidewalk both sides	12' Sidewalk both sides	12' Sidewalk both sides	8' Sidewalk both sides	n/a
Greenspace Width, Feet	5'	6'	6'	10'	4'	7'	4'	4'	n/a	n/a	n/a	n/a	n/a
Average Daily Traffic Ranges (veh/day)	5,000 to 60,000	5,000 to 60,000	5,000 to 60,000	5,000 to 60,000	1,000 to 5,000	1,000 to 5,000	1,000 to 5,000	<1,000	1,000 to 5,000	1,000 to 5,000	1,000 to 5,000	<1,000	<100
Design Speed, MPH	45 min. ^b	45 min. ^b	45 min. ^b	45 min. ^b	35	35	35	25	30	30	30	25	15
^b Desired Operating Speed, MPH	^b	^b	^b	^b	30 or less	30 or less	30 or less	20	25	25	25	20	10

* Separated Bike Lanes with 1' separation between adjacent sidewalk.

**Measured from inside edge of bike lane to edge of pavement.

^a Measured from the face of curb

^b Requires individual design and analysis as approved by City Engineer

Horizontal Curves. Horizontal curves shall be circular curves with a minimum centerline radius based on the design speed and cross slope as shown in the **Table 400-2.**

Table 400-2 Minimum Centerline Radii

<u>Design</u>	<u>2% Cross Slope</u>	<u>3% Cross Slope</u>
<u>Speed (mph)</u>	<u>Radius (ft)</u>	<u>Radius (ft)</u>
15	50	52
20	107	111
25	198	208
30	333	353
35	510	544
40	762	821
45	1039	1125

Roadways with higher design speeds, non-standard cross slopes, and/or superelevation shall have minimum centerline radii based on the requirements set forth in the current edition of AASHTO's "Geometric Design of Highways and Streets" (AASHTO Green Book).

Minimum Tangent Length. A tangent of at least 100 feet shall separate reverse curves on arterial and collector roadways unless otherwise directed by the City Engineer. Local roadways shall have a minimum tangent distance between reverse curves of 30 feet and alleys do not have a minimum tangent distance requirement. If the curve radii are at least 50% greater than the radii required by the design speed, the tangent sections may not be required depending on grades and topography. If the curves are superelevated, the superelevation transition lengths will determine the minimum length of tangent between reverse curves.

Consistent Radii. All curves along a Local Roadway segment shall be designed with radii that are approximately equal to provide consistency and minimize unexpected difficult or quick maneuvers for the driver.

Curves with Small Deflection Angles (10° or less). To reduce the appearance of kinks in the street, minimum lengths of curve shall be designed with minimum arc lengths as shown in

Table 400-3.

Table 400-3 Centerline Arc Lengths

	Minimum Centerline Arc Length (ft)
--	---

Street Classification	
Arterial	400
Collector	300
Local	200

Horizontal Curves on Vertical Curves. For driver safety, horizontal curves shall not begin near the top of a crest vertical curve nor near the bottom of a sag vertical curve.

Coefficient of Friction. The coefficient of friction shall conform to the recommendations in Chapter 3 of the AASHTO "Green Book."

Joining Existing Improvements. Connection with existing streets shall be made to match the existing alignment of the existing improvements, in accordance with horizontal alignment criteria.

Lane Transitions. The lengths for the transition in the lane width or for the addition or reduction of the number of travel lanes shall be designed in accordance with AASHTO and MUTCD standards.

500.4.2 Vertical Alignment

Vertical curves shall be used on all vertical grade changes that are equal to or exceeding a 2.00% algebraic difference in grades. All vertical curves shall be parabolic type curves. Minimum vertical curve lengths (L) shall depend on the design speed and shall be equal to K times A where K equals the rate of vertical curvature, and A equals the algebraic difference in grades when the grades are expressed as a percentage. Please see Table 400-4 for maximum allowable K coefficient, which is based on design speed of the road. ($L_{min}=K \times A$)

Table 400-4 Design Controls for Vertical Curves

Speed (mph)	K Values	
	Crest	Sag
25	20	30
30	30	40
35	40-50	50

The minimum grades outside of the 100 ft. intersection requirement shall be 1.00% for the street unless otherwise approved by the City. The maximum allowable grade for a public street is 10%.

The minimum longitudinal slope of any public roadway or alley shall not be less than 1.00%. All plan

submittals must provide plan and profile of any public street or alley showing compliance with these design requirements.

In situations where topography does not allow for compliance with these standards, a waiver may be requested from the planning commission. Where grades are greater than 8% for distances of more than 300 feet, the paving material shall be concrete unless approved otherwise by the City Engineer.

Joining Existing Improvements. Connection with existing streets shall be made to match the existing grade of the existing streets, in accordance with vertical alignment criteria. Grade breaks shall not exceed allowable.

Vertical Clearance. Vertical clearance above a roadway is a minimum of 16.5 feet. Clearance may be higher in ARDOT right-of-way, where ARDOT requirements will govern.

500.4.3 Intersection Sight Distance

Street intersections shall be designed so that adequate sight distance is provided along all streets. The required sight distance shall be determined by the max design speed, grade, number of lanes, lane width, median width, and the vehicle type (as it pertains to driver's eye height and the average acceleration rate of the vehicle). Calculate intersection sight distance using the current edition of AASHTO's "Geometric Design of Highways and Streets" (AASHTO Green Book). Please note that the left and right turning movements have different sight distance lengths. Longer sight distances may be required, as directed by the City Engineer, where topography dictates and/or higher speeds are present and/or when streets with a classification of collector or higher are involved.

Per Appendix B Land Development Code, Article 1100, Section 1100.01 General Provisions of the Bentonville Municipal Code, no obstructions may encroach within the sight triangle between 42" and 90" above the elevations of the pavement edge of each intersecting street, commercial driveway, or vehicular access easement. Additionally, refer to Chapter 94 – I, In General, Section 94-12 of the Bentonville Municipal Code for limitations of objects within intersection corners. In no case shall any permanent object encroach into the line-of-sight of any part of the sight distance triangle.

500.4.4 Cross Slope

Cross slope on a pavement is provided to drain water from the street surface. The design of cross slope shall consider driver comfort and safety.

Minimum Cross Slope. A minimum cross slope on all streets shall be 2.0%. Minimum cross slope on reconstruction or overlays of existing roadways is 1.5%.

Maximum Allowable Cross Slope. The maximum allowable cross slope on all new construction shall be 3%. The maximum allowable cross slope on any reconstruction or overlays of existing roadways shall be 4%.

Cross Slope for Street Modifications. When widening an existing street or adding turn lanes to an existing street, the resulting cross slope of the widened portion shall be within the limits stated above and the new cross slope shall be no less than the existing cross slope. However, if the cross slope of the existing street exceeds these Standards then new curb and gutter shall be designed such that the existing pavement, when overlaid, will result in a straight-line cross slope grade that meets these Standards. Alternatively, the existing pavement may be removed and re-profiled to comply with these Standards.

500.4.5 Superelevation on Horizontal Curves

The purpose of superelevation on a roadway is to maintain the riding comfort on smaller than standard curves. Superelevation may only be used when other means of design will not work and is subject to review and approval by the City Engineer. The following criteria shall be followed:

- Where Superelevation Is Permitted. Superelevation may be allowed for curves on Collector and Arterial streets in order to reduce the minimum centerline radius. In no case shall superelevation exceed 4.0% cross slope. Superelevation shall not be used to reduce minimum radii on Residential Links.
- Run-Out. When superelevation is used, the minimum run-out used entering and exiting the superelevated portion shall be 100 feet.

500.4.6 Design Speed

Each roadway classification has a specific design speed. See **Table 400-1**.

500.5 Median

500.5.1 Turn Lane and Access

The design of medians shall include the evaluation for needed turn lanes and accesses. For the minimum requirements of turn lanes, refer to Chapter 5, Intersections.

500.5.2 Drainage

Landscaped medians shall be provided with drainage facilities to handle sprinkler runoff and nuisance flows. Sprinklers shall be designed to prevent spray onto the pavement surface. A properly designed under drain system shall be required.

500.5.3 Nose

Vehicle tracking templates shall be used to determine the position of the median nose so that vehicles do not track onto the median. The minimum radius for nose curbs shall be 2 feet to back of curb. A WB-40 truck template should be used for the design vehicle.

500.5.4 Transitions

The ends of medians shall transition into turn lanes with a minimum radius of 100 feet. A change of directions must be accomplished with the use of radii. Angle points shall not be allowed.

500.5.5 Objects

No permanent structures, except light poles and fire hydrants shall be placed within 3 feet of the travel lane or in any location that would obstruct sight distance except for structures as approved in these Standards. If a median streetlight is placed within 5 feet of the travel lane, the light must be a breakaway model.

500.6 On-Street Parking

On-street parking shall be provided where the current Master Street Plan dictates on-street parking shall be included as shown in the standard typical section for a particular street classification or as directed by the City Engineer. All on-street parking that is delineated with pavement markings shall be constructed of concrete pavement unless otherwise approved by the City Engineer. On-street parking shall not be placed within 20 feet from the approach or departure of any marked or unmarked crosswalk or within 30 feet from the approach of a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of the road. No part of the on-street parking shall be located within the sight distance triangle. On-Street Parking shall be constructed using the same methods as typical concrete street construction contained within these specifications. Curbing within these on-street spaces shall not exceed 6" in height to allow vehicle door opening. Additionally, all stalls must provide positive drainage to the street or provide curb inlet within the stalls to convey runoff and prevent ponding.

Parallel Parking

On-Street parallel parking stalls shall be a minimum of 10 feet wide from the face of curb unless otherwise required by the Master Street Plan typical section or approved by the City Engineer. A parallel parking stall shall be a minimum of 22 feet and a maximum of 26 feet long, unless approved by the City Engineer.

Angled Parking

Angled parking shall only be permitted on Local Streets. Arterial and Collector Street sections must use parallel parking only. Angled parking stalls shall be a minimum of 9 feet wide and 19 feet long as measured along the parking stall. **Table 400-7** provides dimensions for various parking angles. **Figure 400-7** shows an example of the configuration of 30° angled parking. The City Engineer must approve parking angle on a given street on a case-by-case basis.

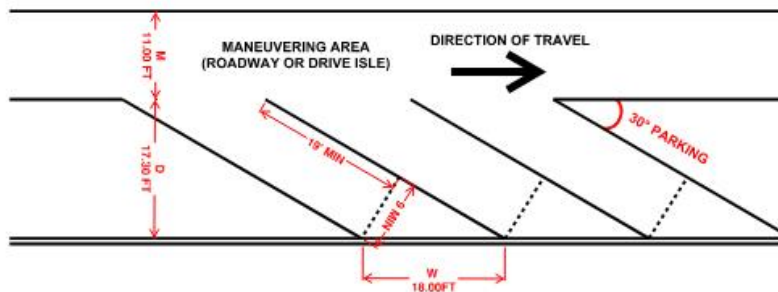
Table 400-5 On-Street Angled Parking Minimum Dimensions

Parking Angle	Width ^a (Feet)	Depth ^b (Feet)
30°	18	17.3
45°	12.7	19.8
60°	10.4	21
90°	9	19

^a Measured from the outside edge to the outside edge of consecutive parking stalls.

^b Measured from the outside edge perpendicular to the edge of adjacent travel lane.

Figure 400-6 On-Street 30° Angled Parking Configuration



500.7 Driveways

Driveway design and construction shall adhere to the Land Development Code, Article 1100, Section 1100.05 Driveway Standards and applicable City of Bentonville Driveway details. The sidewalk cross slope where the sidewalk crosses the driveway shall not have a slope greater than 2%. All driveways shall be concrete to the Right-of-Way line.

All driveways, except for single family residential drives, shall be constructed using the same methods as typical street construction contained within these specifications. Concrete thickness for drives within City right-of-way shall be a minimum of 6 inches over 4 inches of compacted Class 7 Aggregate Base Course over prepared subgrade. Materials and Construction Requirements for concrete driveways shall meet the requirements of the current edition of ARDOT Standard Specifications section 505, except as modified herein. Concrete shall be Class "S" Portland Cement Concrete in accordance with Section 802 or 501, ARDOT

Standard Specifications with a 28-day compressive strength of 3,500 psi and 4% to 7% air entrained. Class 7 Aggregate Base Course and Subgrade material shall adhere to the requirements set forth within these specifications.

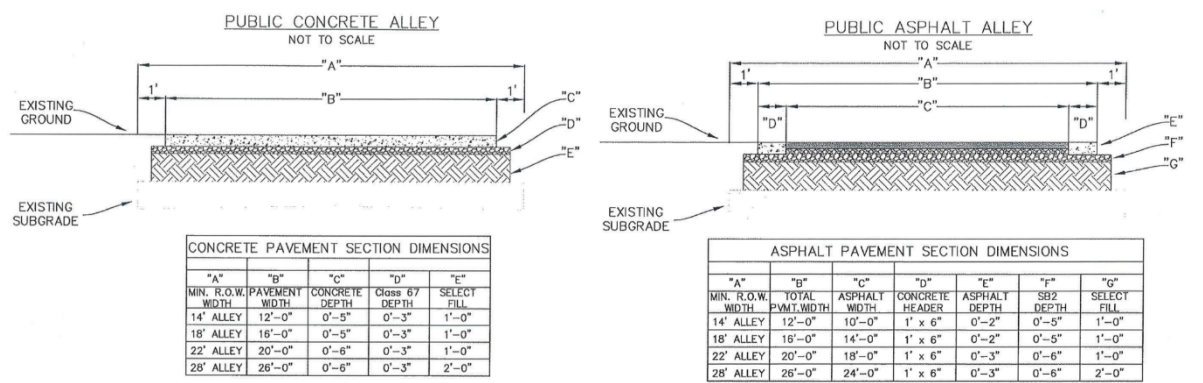
500.8 Alleys (Public)

Alleys are intended to provide access to the rear or side of lots or buildings and not intended for through vehicular traffic. Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. When an alley serves as the sole fire access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys shall be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

Alleys should be aligned parallel to property lines. While it is not required, it is desirable that alleys be designed so that both ends of the alley are connected to a street or another alley. If two alleys intersect, a minimum 10 foot triangular corner cutoff or 15-foot radius along each alley property line should be provided at each corner to accommodate turning movements and sight distance. If an alley does not connect to a street or another alley, and instead, dead-ends, a turnaround area shall be provided. The minimum turnaround area should be 20 foot wide, 60 foot long (centered on the alley), and provide a 10-foot triangular corner cutoff or a 15-foot radius at both corners.

Alley cross sections are permitted be V-shaped, sloping towards the middle of the alley, with a 2% cross slope. This will allow the runoff to slope to the middle of the alley as opposed to the outsides, toward the edge of the lot or building.

Alleys shall be constructed of either concrete or asphalt pavement. Materials, pavement thickness, and construction methods shall adhere to concrete or asphalt pavement specifications provided in **Exhibit 400-8** below. All alley sections adjoining a street shall be concrete through the streets right-of-way. Low Impact Design features may be used if approved in writing by the City Engineer



GENERAL CONCEPT NOTES FOR PUBLIC ALLEYS IN THE DOWNTOWN AREA AND NEW SUBDIVISIONS THROUGHOUT BENTONVILLE.

0. ALLEY DESIGNS MUST FOLLOW EXISTING GRADE AND NOT CHANGE EXISTING DRAINAGE PATTERNS.
1. GRAVEL ALLEY DESIGN IS INTENDED AS AN OPTION FOR THE OLD DOWNTOWN AREA AND DOES NOT SUPPORT TRASH OR FIRE SERVICE. THE GRAVEL ALLEY IS DESIGNED FOR ONE WAY TRAFFIC OF AUTOMOBILES. EXISTING RIGHT OF WAY WIDTHS VARY IN THE OLD DOWNTOWN AREA. NEW, PROPOSED, AND DEDICATED PUBLIC ALLEY RIGHT OF WAY WIDTHS TO BE DETERMINED BY PLANNING COMMISSION IN THE OLD DOWNTOWN AREA.
2. ALLEY DESIGN, CONSTRUCTION, MATERIALS, AND TESTING SHALL COMPLY WITH THE CITY OF BENTONVILLE STREET STANDARDS AND STORMWATER MANAGEMENT AND DRAINAGE MANUAL.
3. ALLEY RIGHT OF WAY WIDTH IS DESIGNATED FOR THE ALLEY AND MOVEMENT OF VEHICLES. ADDITIONAL RIGHT OF WAY OR UTILITY EASEMENTS MAY BE REQUESTED AND DEDICATED, PARALLEL THE ALLEY, FOR THE INSTALLATION OF PUBLIC UTILITIES.
4. ALLEYS PROVIDING TRASH OR FIRE ACCESS SHALL PROVIDE A MINIMUM OF 20' OF PAVEMENT WIDTH. MINIMUM 26' PAVEMENT WIDTH ALLEY REQUIRED FOR FIRE DEPARTMENT AERIAL ACCESS, CONTACT BENTONVILLE FIRE DEPARTMENT.
5. NO PARKING IN ALLEYS.
6. CONTACT STREET DEPARTMENT FOR REQUIRED ALLEY STREET CUT PERMITS AND SIGNAGE.
7. DESIGN SPEEDS FOR ALLEYS IS 5-10 MPH.
9. ALL WORK IN THE CITY RIGHT OF WAY REQUIRES CONSTRUCTION PLANS TO BE SUBMITTED, REVIEWED, AND APPROVED BY CITY OF BENTONVILLE ENGINEERING DEPARTMENT.
10. PRIVATE OR PUBLIC ALLEY INTERSECTIONS WITH PUBLIC ROADS SHALL BE CONCRETE THROUGH THE PUBLIC ROAD RIGHT OF WAY. FIFTEEN FOOT MINIMUM TURNING RADIUS SHALL BE PROVIDED AT ALLEY INTERSECTIONS. SIDEWALKS SHALL EXTEND THROUGH THE ALLEY AND TRUNCATED DOMES SHALL BE PROVIDED. SIDEWALK CROSS SLOPE SHALL NOT EXCEED 2%.

An alternative paving section other than the sections above may be considered if submitted in writing by a geotechnical engineer for review and approval by the City Engineer.

500.9 Railroad Crossings

Grade crossings at railroads shall provide for sight distances per AASHTO Greenbook. The Engineer of Record shall be responsible for all coordination with the railroad company connected with approval of the crossing and shall work with the City in obtaining a Joint Use Agreement with the railroad.

500.10 Non-Connective Street Alignments

500.10.1 Cul-de-sacs

Permitted Locations. Cul-de-sacs shall be used only where necessary. Cul-de-sacs are permitted only on Local Roadways in conformance with Appendix B Land Development Code, Article 1100, Section 1100.16 Street Standards of the Bentonville Municipal Code. Cul-de-sac roads shall be no longer than 660'.

Minimum Radius. The cul-de-sac shall have a minimum diameter of 96 feet to back of curb, or as required by the fire code.

500.10.2 Knuckle

Definition. A bulb or semi-circular extension of a curb on the outside edge of a street or at an "L" turn to provide more street frontage for adjacent lots.

Permitted Locations. Knuckles may be permitted only on Local Roadways that intersect Local Roadways.

Permitted Radii. Knuckles shall have a maximum outside radius measured from the back of curb that is less than or equal to the intersecting road widths as measured from the back of curbs. The minimum radius shall be 15-ft. Refer to **Table 400-10** below for minimum intersection radii based on Master Street Plan classification.

Table 400-10 Minimum Curb Radius by Road Classification

Minimum Curb Radius	
Local Streets	25 feet
Collector Streets	50 feet
Arterial Streets	60 feet

500.10.3 Dead-End Streets

Temporary Dead-End Streets. Temporary dead-end streets will be permitted only on streets that have no direct access from adjoining property. Additionally, a temporary dead-end street shall be planned to extend into neighboring property during a later development phase or project. The road must be fully constructed to the property line and provide temporary road closure signage per MUTCD

Temporary Turnarounds. At locations where a temporary dead-end street exceeds 150 feet in length, a temporary turnaround shall be constructed to the shape and dimensions as required by the fire code.

Temporary Turnaround Easements. All temporary turnarounds shall be constructed within an access easement or street right-of-way. The easement may be vacated by the City when the easement is no longer necessary.

500.11 Drainage Systems

500.11.1 Drainage

Drainage system design shall be in accordance with current City of Bentonville Stormwater Management and Drainage Manual.

Material Submittals. The engineer of record shall submit approved material submittals for all drainage infrastructure within right-of-way. All materials shall conform to the Stormwater Management and Drainage Manual.

Bury Depth. All storm drain underneath roadways shall be designed to have minimum 1 foot cover from the top of the pipe to the bottom of the pavements gravel base course. At locations other than street crossings, it must maintain a minimum of 2 foot cover. If cover does not meet this minimum bury depth, a class IV concrete pipe will be required in that location. When manufacturer recommendations exceed 1-foot, minimum cover shall be per the manufacturer recommendation.

500.11.2 Underdrains

Controlling Groundwater. Underdrains used for the purpose of controlling groundwater on private property may not be constructed within public right-of-way. The system shall be private and must be maintained by viable private parties.

Protecting Right-of-Way Improvements. Underdrains constructed for the purpose of protecting public right-of-way improvements may be installed only if other means are not possible. The City shall own and maintain these systems.

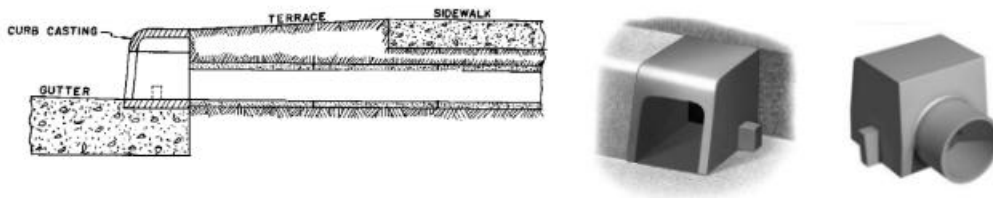
Design Criteria. All underdrains covered by these Standards shall be designed to meet the following criteria:

1. **Positive Outfall.** Demonstrate that under drain has positive outfall for gravity drainage.
2. **Groundwater Barriers.** The system shall be designed such that clay cutoff walls are provided at boundaries of the development to preclude hydraulic communication with offsite utility trenches either upstream or downstream.
3. **Filter Fabric.** The underdrain trench shall be lined with a filter fabric specifically selected in consideration of on-site soil conditions in order to minimize the invasion of fine soil particles into the bedding gravel.

500.11.3 Sidewalk Underdrains

Storm water from concentrated points of discharge shall not be allowed to flow over sidewalks but shall drain to the roadway by use of a sidewalk underdrain or other methods approved by the City Engineer. A sidewalk underdrain shall not be located within a curb ramp, curb cut, or driveway. Sidewalk underdrains shall only be allowed in special situations, on a case-by-case basis, as determined by the City Engineer. If a pipe is being discharged under the sidewalk and to the gutter, the curb must be cored to allow the pipe to discharge or a cast iron curb opening must be used. See Figure 400-11 below.

Figure 400-11 Cast Curb Opening



500.11.4 Crossspans

Basic Requirements. Crossspans for passing storm drainage flow across roadways shall be constructed at intersections along streets that have a slope of 1% or less.

Dimensions and Depth. Crossspans shall be a minimum width of 1.5 feet and a 1-inch typical depth adjacent to all street classifications. All Crossspans shall be concrete.

Minimum Grade. Minimum grade on crossspans at the flowline of the pan shall be 0.5%.

500.11.5 Inlets

Refer to the Stormwater Management and Drainage Manual requirements for sizing of inlets. Inlets or inlet depressions should not be located in the curb return or in the ADA ramp location but shall be located at or behind the tangent points of the curb returns. Inlets located in a sidewalk shall be integrated with sidewalks with a formed ledge. Expansion material should be used where the sidewalk and inlet meet. The transition from inlet to sidewalk surface should be flush meeting ADA threshold requirements. No manholes, inlets, or other storm sewer facilities are allowed within ~~handicap~~ access ramps.

500.11.6 Waterway Crossings

All waterway crossings beneath and/or within the public right-of-way shall be designed to minimize maintenance requirements. The design shall maintain or increase the water velocity through the structure to minimize silting or provide other design elements to address this issue.

500.11.7 Roadside Ditches and Driveway Culvert

Roadside Ditches. Any roadway sections developed without curbs (and with roadside drainage ditches) must complete the ditch construction with the installation of staked sod or other approved erosion control blanket within the ditch area. The profile grade of the ditch shall be maintained at a minimum slope of 1% and a maximum slope of 5%. A ditch profile grade greater than 5% may be approved by the City Engineer if the ditch is permanently stabilized to prevent erosion. The side slopes of the ditches shall be a 3:1 slope or less with a 4-foot wide shoulder between the edge of pavement and the top of slope. Existing and proposed roadside ditches for curbed sections of street are not permitted and shall use a closed storm sewer system and inlets when developed or improved with a Large Scale Development or Preliminary Plat unless otherwise approved by the City Engineer.

Driveway Culverts. The slope and capacity of any roadside ditches shall be maintained in any areas that driveways cross the ditch. Each site is required to provide a pipe culvert that is a minimum of 18 inch and concrete, calculated to meet capacity and strength. The pipe shall be designed to have no less than 12 inches of cover over the pipe. At each end of the culvert, there shall be a headwall or a flared end section installed.

500.11.8 Roadway Ponding and Spread

Ponding and Spread. The roadway shall provide a sufficient number on-street inlets at an adequate spacing to ensure the minimum ponding depth and spread width are met. These values vary based on the roadway classification per the Master Street Plan. See [bentonvilleBentonville](#) Drainage Manual for the minimum requirements.

500.12 Street Improvements

500.12.1 Description of Improvements

Street improvements shall occur on all streets adjacent to the development and meet the Master Street Plan requirements. These improvements shall extend to the property lines of the development and go to the centerline of the street. Additional improvements may be required to safely tie in the existing street to the improved street or at the discretion of the City Engineer, Transportation Director, or Planning Commission based on the developments traffic study.

600 INTERSECTIONS

600.1 General

Intersections shall be designed to provide for the safety of motorists, pedestrians, and bicyclists. This chapter is based on criteria from the ITE Traffic Engineering Handbook, ITE Designing Walkable Urban Thoroughfares and AASHTO's A Policy on Geometric Design of Highways and Streets.

600.1.1 General Principles and Considerations

- (i) By their nature, intersections are conflict locations. Vehicles, pedestrians, and bicycles all cross paths. Each crossing is a conflict point. The basic design of intersections includes the following objectives: Minimize conflicts between modes of transportation.
- (ii) Accommodate all modes with appropriate levels of service for motorists, pedestrians, bicyclists, and transit given the recommended speed, volume and expected mix of traffic.
- (iii) Avoid elimination of any travel modes due to intersection design. Intersection widening for additional turn lanes to relieve traffic congestion should be balanced against impacts to pedestrians, bicyclists and transit.
- (iv) Provide good driver and non-driver visibility through proper sight distance triangles and geometric features that increase visibility.
- (v) Minimize pedestrian exposure to moving traffic.
- (vi) Avoid extreme intersection angles and break up complex intersections with pedestrian refuge islands. Keep intersections easily and fully comprehensible for all users. Strive for simplicity in intersection design.
- (vii) Ensure intersections are fully accessible to the physically disabled.

600.2 Intersection Design Criteria

600.2.1 Locations of Intersections

For intersection location criteria, refer to Appendix B Land Development Code, Article 1100, Section 1100.02 Access Management Standards and Section 1100.16 Street Standards of the Bentonville Municipal Code.

600.2.2 Lane Alignment

All lanes shall be in alignment through each intersection, with a maximum of a 2-foot shift in a hardship situation only, subject to approval by the City Engineer.

600.2.3 Angle of Intersection

Crossing roadways should intersect at 90 degrees whenever possible. In no case shall they intersect at less than 75 degrees or more than 105 degrees.

600.2.4 Horizontal and Vertical Profile

Horizontal. The horizontal alignment of streets through an intersection shall be designed in conformance with **Section 400.4.1**. Intersections may be placed on horizontal curves, provided that the tangent lengths given in **Section 400.4.1** are provided on the minor street and the required sight distance is obtained.

Vertical. The grade of the street with the higher classification shall prevail at intersections. The lesser street shall adapt to the grade of the major street. When roads are of equal classification, the City Engineer shall determine which street grade prevails.

The street profile grade of the lesser street shall not exceed 5% on the approach to the intersection, as measured along the centerline of the street for a minimum distance equal to the tangent length for the street classification. In areas where steep terrain is an issue, the City Engineer may allow a greater approach grade in order to reduce the grading impact on the site.

600.2.5 Exclusive Left Turn Lanes

Exclusive left turn lanes shall be provided on Arterial Roadways and other streets wherever left turn lanes are warranted and approved by the City Engineer. The engineer of record shall use information in the Transportation Impact Study (TIS) to determine whether an exclusive left turn lane is warranted on streets other than Arterial Roadways.

600.2.6 Exclusive Right Turn Lanes

Exclusive right turn lanes shall be provided at locations where they are required by the applicable TIS, and approved by the City Engineer.

Warrants for Right Turn Lanes. The standard details provide guidelines and warrants for whether a right turn lane shall be provided at intersections or accesses.

Design Criteria. Right turn lanes shall be designed to accomplish the following functions:

- Provide a means of safe deceleration outside the high speed through lane.
- Provide a separate storage area for right turns to assist in the optimization of traffic signal phasing.

- Provide a means of separating right turn movements at stop-controlled intersections. The design elements are the approach taper, bay taper, lengths of lanes, width of lanes, and departure taper.

600.2.7 Design Vehicles

As a minimum, intersections shall be designed to accommodate the following design vehicles for the specified turns. The minimum allowable intersection turning radii are as follows.

DL-23 (Delivery Truck). All DL-23 vehicles must be able to turn easily from one street to the next and remain in the correct lane for each roadway. This is required for all roadways.

SU-30 (Single Unit Truck). All SU-30 vehicles must be able to turn easily from one street to the next and remain in the correct lane for each roadway. For low traffic Local/Local Link intersections, the SU-30 may use more than one traffic lane to complete the turn without tracking onto the curb at corners. For all other roadways this vehicle must be able to complete turns without entering into opposing lanes.

CITY-BUS (City Transit Bus). All CITY-BUS vehicles may use more than one traffic lane to complete the turn when turning from the correct lane without tracking onto the curb at corners. This shall apply to all streets. When the intersection is on a regular or planned transit route where the turning movement could conflict with a stopped vehicle at the intersection, then the intersection must be designed to allow the bus to turn easily from one street to the next without entering opposing lanes of either roadway.

WB-40 (Intermediate Semitrailer). All WB-40 vehicles may use more than one traffic lane to complete the turn without tracking onto the curb at corners. In addition, the vehicle must make the turn in one forward maneuver not encroaching into opposing traffic lanes unless the intersection has been designed to allow for safe encroachment. This requirement shall apply to all Arterial/Arterial, Arterial/Collector, Arterial/Local and Collector/Collector intersections. For all other intersections (including mini- roundabouts), the vehicles may use the entire paved surface of the street to negotiate the turn. The vehicle may have to back up to complete the turn.

WB-67 (Interstate Semitrailer). All modern roundabouts and arterial intersections containing raised medians and channelizing islands shall be designed to accommodate a WB- 67 vehicle.

Other Vehicles. For special circumstances other design vehicles may be required by the City Engineer.

600.2.8 Curb Returns

Curb Return Radii. The corner radii at intersections shall be set so that the selected design vehicles can pass through the intersection in an appropriate manner.

Table 500-7 Minimum Curb Radius per Roadway Classification

Street Classification	Minimum Radius (ft.)
Alley	15 ft.
Local Streets	25 ft.
Collector Streets	50 ft.
Arterial Streets	60 ft.

Intersections shall be designed to minimize curb radii while still accommodating the largest applicable design vehicle. The following should be considered when possible in order to minimize the curb return radii:

- Bike lanes, on-street parking, and other facilities should be included to create an effective corner radius which accommodates the design vehicle. When on-street parking is used to establish an effective turning radius, the effective radius shall be delineated within the parking lane by an approved striping pattern, raised curb, or other approved traffic control device.
- Traffic control devices should be arranged as to allow safe encroachment of infrequent vehicles into approaching lanes of traffic.
- Compound radii should be used to minimize the crossing distance for pedestrians.
- The outside vehicular lane should be widened through the intersection to increase the effective turning radius.

A waiver from the above requirements and **Section 500.2.7** may be approved by the City Engineer where:

- High pedestrian volumes are present or reasonably anticipated.
- Volumes of turning vehicles are low.
- The design vehicle constitutes a very low proportion of the turning vehicles.
- Occasional encroachment of the design vehicle beyond that provided in Section 500.2.7 is acceptable.

- Occasional encroachment of turning school bus, moving van, or oversized delivery truck into an opposing lane is not acceptable.
- Larger vehicles than those listed in 500.2.7 are expected to be frequent users of the street.

For curb returns on a State Highway, every effort shall be made to minimize curb radii through negotiation with ARDOT while acknowledging ARDOT's curb radii requirements supersede these Standards.

Curb Return Grades. The minimum allowable grade for flow lines around curb returns shall be no less than 0.50%. 1.00% minimum slope is recommended.

600.2.9 Traffic Islands

The following is a list of different types of traffic islands:

- **Corner Islands Separating Right Turns.** Standard corner islands may be used in Arterial/Arterial intersections to channelize traffic where required to provide pedestrian refuge, or where required by the City Engineer. The striping shall be in accordance with the requirements of **Chapter 700, Traffic Control Devices**.
- **Median Islands Separating Opposing Traffic.** Median islands are required at all Collector/Collector intersections. The length of the island shall include the appropriate approach taper, bay taper and length of lane required by these Standards or supported by another approved resource standard. The design shall be in accordance with standard details and as follows:
 1. **No Obstruction.** Medians must not obstruct the minimum left turn radius for the design vehicle(s).
 2. **Drainage.** Landscaped medians shall include drainage facilities to handle sprinkler run-off and nuisance flows. When low maintenance landscaping is used in conjunction with trickle irrigation, drainage requirements may be waived and outfall curb and gutter should be used.
 3. **Pedestrian Refuge.** A pedestrian refuge area shall be provided at all pedestrian crossings.
- **Splitter Islands on Roundabouts.** In modern roundabout designs, raised splitter islands shall be designed in accordance with Federal Highway Administration Roundabouts to direct traffic and provide pedestrian refuge.

600.2.10 Traffic Signals, Striping and Signing

See **Chapter 700, Traffic Control Devices**.

600.2.11 Access Ramps

See **Chapter 800, Pedestrian Facilities Design and Technical Criteria**.

600.2.12 Right-of-Way

Requirements. All intersection rights-of-way shall be dedicated as shown in the current Master Street Plan to provide adequate right-of-way to include greenspace, sidewalks, and access ramps around the radii. Additional right-of-way may be required at intersections to provide space for additional left or right turn lanes without reducing the widths of standard required facilities.

600.2.13 Intersection Sight Distance

Street intersections shall be designed so that adequate sight distance is provided along all streets. The required sight distance shall be determined by the design speed and grades of the street and the acceleration rate of an average vehicle as prescribed below.

Minimum Requirements. All designs must provide minimum safe stopping sight distance in accordance with **Chapter 400, Street Design and Technical Criteria**, and AASHTO. In addition, for all streets that intersect with Arterial and Collector Roadways, the sight distance must be large enough to allow a vehicle to enter the street and accelerate to the average running speed without interfering with the traffic flow on the Arterial or Collector roadway.

600.2.14 Pedestrian Requirements

See **Chapter 700, Traffic Control Devices**, concerning crosswalk requirements and **Chapter 800, Pedestrian Facilities Design and Technical Criteria**.

600.2.15 Drainage

See **Chapter 400, Street Design and Technical Criteria**, concerning drainage.

600.3 Roundabouts

600.3.1 General

Roundabouts shall meet the standards for roundabout design as defined by the **NCHRP Report 672 Roundabouts: An Informational Guide**, except as modified herein. Roundabouts shall be designed to have appropriate entry, exit, and maneuvering speeds to ensure the

safety of pedestrians, bicyclists, and vehicles in and around the roundabout. Equal spacing between entries is desired, except that roundabouts with three entries should have angles as close to 90 degrees as possible. Roundabouts are divided into three categories according to the size and number of lanes: mini-roundabouts, single-lane roundabouts, and multilane roundabouts.

600.3.2 Design Vehicle

Generally, roundabouts shall be designed to accommodate the largest vehicle likely to use the intersection. **Table 500-9** below provides design vehicles and inscribed diameter ranges for various roundabout configurations. However, each roundabout should be analyzed separately, and the design vehicle may need to be adjusted depending on the project location and application, as directed by the City Engineer.

Table 500-8 Roundabout Design Vehicles and Inscribed Diameters

<u>Roundabout Configuration</u>	<u>Design Vehicle</u>	<u>Inscribed Circle Diameter</u>
Mini-Roundabout	SU-30	45 to 90 ft
Single-Lane Roundabout	B-40	90 to 150 ft
	WB-50	105 to 200 ft
	WB-67	130 to 180 ft
Multilane Roundabout (2 lanes)	WB-50	200 to 250 ft
	WB-67	220 to 300 ft

The design vehicle is to be accommodated by maintaining a 2-foot separation between the design vehicle and the full height curb face. A truck apron shall be provided around the circulatory island. The design vehicle may use the center truck apron for left turn movements and may use a corner truck apron for right-turn movements if necessary. For multilane roundabouts on higher classification roadways with high truck volume, the design vehicles (WB-50 or WB-67) shall be required to operate simultaneously in adjacent lanes with the use of the truck apron for the inside design vehicle, as directed by the City Engineer.

600.3.3 Roundabout Design Criteria and Checklist

The roundabout shall be designed per the requirements provided below in **Table 500-10**. A design checklist shall be provided to the City that includes the actual design criteria utilized as listed in **Table 500-10** for a given roundabout.

Table 500-9 Roundabout Design Criteria

Design Consideration	Mini-Roundabout	Single-Lane Roundabout	Multilane Roundabout
Maximum Entry Speed	20 mph	25 mph	25 to 30 mph
Speed Differential	10 to 15 mph	10 to 15 mph (12mph) sec 6.4.5	10 to 15 mph
Maximum Exit Speed	30 mph	30 mph	30 mph
Maximum Number of Entering Lanes per Approach	1	1	2 or more
Central Island Treatment	Fully Traversable	Raised (may have a traversable apron)	Raised (may have a traversable apron)
Splitter Island Length	50' (min.), 100' (desirable), 200' (or more is desirable on high-speed roadways)		
Splitter Island Width	6' (min.) at the crosswalk		
Entry Width	14' to 18'	14' to 18'	24' to 30' (two-lane) 36' to 45' (three-lane)
Circulatory Roadway Width	16' to 20'	Equal to or up to 120% of the maximum entry width. (typically 16' to 20')	28' to 32' (two-lane) 42' to 48' (three lane)
Entry Curb Radii	50' (min.) 65' to 100' (desirable)	50' (min.) 65' to 100' (desirable)	65' (min.) -or- a small entry curve radii (65' to 120') paired with a tangent or larger entry curve radii (150' min.)
Entry Angle	20° to 40°	20° to 40°	20° to 40°
Exit Radius	50' (min.); 100' to 200' (typical)	50' (min.); 100' to 200' (typical); 800' (max.)	100' to 200' (typical); 800' (max.)
Circulatory Roadway Cross Slope	Outward Sloping is desirable, but can be constructed on a constant plane in grade restricted areas: 1.5% to 3.0% (range), 2.0% (desirable)		
Entry Vertical Profile	Profile should not exceed 3% (max.), 2% (desirable) slope for approximately two car lengths (45') away from the circulatory roadway. 2% shall be the maximum slope where crosswalks are present.		
Exit Vertical Profile	Match entry profile (desirable), 4% (max.) slope for approximately two car lengths (45') away from the circulatory roadway. 2% shall be the maximum slope where crosswalks are present.		

600.3.4 Pedestrian and Bicyclist Facilities at Roundabouts

Roundabouts shall be designed to accommodate pedestrian and bicycle traffic. Roundabouts shall have pedestrian crossings only at the legs of the roundabout. All types of roundabouts shall have splitter islands at each leg of the roundabout to provide a refuge area for pedestrians while crossing. The crosswalk location should be setback one or two vehicle lengths away from the circulatory roadway, typically 20 foot or 45 foot. At the crosswalk location, the splitter island shall be a minimum of 6-foot wide to provide a sufficient refuge area for pedestrians and bicyclists. The crosswalk cut-through in the splitter island shall be at a minimum width of 10 foot. A 2-foot detectable warning device should be used on handicap ramps and on both sides of the splitter island cut-throughs.

Bicycle lanes shall be terminated in advance of a roundabout and should not be placed around the outside of the circulatory roadway of a roundabout. Bicycle lanes should be terminated at least 100 foot before the edge of the circulatory roadway. The approach roadway must narrow down with a taper to accommodate the bicycle lane termination. An AASHTO approved taper rate should be used and the taper should end prior to any crosswalks prior to the circulatory roadway. The bicycle lane should be striped with a dotted pavement marking 50 foot to 200 foot prior to the beginning of the taper and the lane should be dropped entirely through the taper itself.

Bicycle ramps, from the roadway and up to the sidewalk or sidepath, shall not be used unless approved by the City. Bicycle ramps can be confused for pedestrian ramps and therefore should only be used if the roundabout design speed is too high for bicyclists to safely maneuver within the circulatory roadway, or at some multilane roundabouts where it is more challenging for bicyclists to navigate through the roundabout. If a ramp is permitted, the sidewalk or sidepath should be a minimum 10 foot wide to accommodate bicyclists and pedestrians. A bicycle ramp shall be placed at the beginning the roadway taper prior to the roundabout and at a minimum of 50 foot prior to the crosswalk. Bicycle ramps should be placed at a 35° to 45° angle to the roadway and sidewalk and can have up to a 20% steep slope. Bicycle ramps at roundabout exits should be placed similarly to the ramps at the roundabout entrance, but the ramps can be constructed at an angle as small as 20° between the bike ramp and roadway. Bike ramps at roundabout exits should be placed at a minimum of 50 foot after the crosswalks.

600.3.5 Roundabout Sight Distance

Roundabouts shall be designed to verify sufficient stopping sight distance and intersection sight distance. Stopping sight distance should be checked at every point within the roundabout and on each entering and exit approach. Intersection sight distance should be verified for vehicles entering the roundabout with conflicting vehicles within the roundabout and vehicles entering the roundabout from the immediate upstream entry. For additional information on sight distance checks see the NCHRP Report 672 Section 6.7 Performance Checks.

600.3.6 Truck Aprons

Truck aprons shall be included in roundabout designs to minimize roundabout dimensions and maintain deflection for smaller vehicles while accommodating larger design vehicles turning movements. The outer edge of the truck apron shall be raised 2" to 6" above the circulatory roadway using a mountable curb and be constructed of a different material to discourage smaller design vehicles from encroaching onto the apron. The width of the truck apron is defined based on the turning movement of the design vehicle but shall not be less than 8 foot wide. The truck apron shall have a target cross slope of 1% to 2% sloping away from the center of the roundabout but up to 5% cross slope is acceptable.

600.3.7 Fastest Path

Fastest path is a performance check to ensure the roundabout geometry achieves a safe design speed. The fastest path allowed by the geometry determines the maneuvering speed for that particular movement into, through, and exiting the roundabout. A vehicle's fastest path is the smoothest, flattest path possible for a single vehicle disregarding other traffic and all lane markings. The fastest path shall be drawn for all approaches and all movements as a vehicle traverses through the roundabout entry, around the central island, and out each exit. For each fastest path scenario, five critical path radii must be checked: the entry path radius, the circulating path radius, the exit path radius, the left-turn path radius, and the right-turn path radius. With these radii, the velocities shall be determined for each scenario and compared to the roundabout's entry speed, exit speed, and speed differential guidelines. For additional information on constructing the fastest path lines and how to determine the relationship between travel speed and horizontal curvature see the NCHRP Report 672 Section 6.7 Performance Checks.

700 PAVEMENT DESIGN, MATERIALS, AND REPORT

700.1 General

The purpose of this chapter is to present the pavement design criteria and materials required for use on streets in the City of Bentonville. These criteria shall be used in conjunction with **Chapter 5400, Street Design and Technical Criteria**. The final pavement design report shall include all testing in accordance with **Table 1100-29**.

All pavement materials, construction methods, standards, time and temperature constraints, seasonal constraints, and performance requirements shall be in accordance with the current edition of the ARDOT Standard Specifications for Highway Construction, except as modified herein or specifically approved otherwise in writing by the City for a specific and individual exception. All testing shall be in accordance with **Article 800, Inspections and Testing**.

700.1.1 Existing Streets

For existing streets, the City Engineer may require an evaluation of the existing pavement and base structure to determine if an overlay is feasible, or if reconstruction is necessary. Any damage done to existing City streets during construction shall be repaired and/or replaced at the contractor's expense. All repair work shall meet the requirements of this document.

700.1.2 AASHTO Design

The design criteria and procedures presented follow the AASHTO Guide for the Design of Pavement Structures.

700.1.3 Standard Pavement Section

Streets are to be constructed of Asphalt Concrete Hot Mix (ACHM) pavement or Portland Cement Concrete (PCC) pavement, base course material, and subbase material (where required), and placed on compacted, unyielding subgrade.

The use of treated subgrade, treated base, and/or full depth asphalt pavement may be acceptable when designed and submitted by the engineer of record, and approved by the City Engineer in accordance with these Standards.

The pavement section requirements for alley construction, whether private or public, shall be the same as for a public roadway. Proposals for alternative pavement materials will require approval from the City Engineer.

700.1.4 Roundabout Pavement

The pavement thickness design for the circulatory roadway shall be based on the sum of the 20- year design volumes from all legs. A separate design analysis is required. Refer to **Section 500.3** for roundabout design requirements.

700.1.5 Approval

The pavement design shall be submitted with final construction plans for approval.

700.1.6 Pavement Report Revisions

A revised pavement design investigation and report shall be required if the following conditions occur:

- **Phases.** If a street is to be built in phases, (i.e., the center two lanes are built first, then at some later date more lanes are added), and it has been at least two years since the original design was completed.
- **Imported Fill Material.** If any new fill material that does not match the properties of the subgrade soil proposed in the design is imported, the City may require a new pavement design report or additional testing to verify the acceptability of this material for roadway fill.
- **Change in Existing Conditions.** If material that is not consistent with the approved design report is discovered during construction, the City may require a new pavement design report or additional testing to verify the acceptability of this material.

700.2 Soil Investigation Requirements

All testing and geotechnical work shall be provided by a firm approved by the City Engineer and provided at the expense of the developer or the design engineer. The geotechnical firm shall provide copies of all test results, reports, soils classifications and subsurface drainage requirements as required in **Section 200.1.4** directly to the City Engineer.

700.2.1 Location and Frequency of Soil Borings

Soil borings shall be taken in the existing or proposed street right-of-way. Subgrade samples shall be taken upon the material that will be subgrade for the proposed street improvements. Sample sizes shall be adequate for soil classification, compaction, and California Bearing Ratio (CBR) testing.

A minimum of one boring shall be obtained for any roadway segment. The distance between borings shall not exceed 500 feet. Multiple samples shall be taken alternately among lanes and shall be evenly spaced. The City Engineer may require more frequent testing. The investigation and sampling of soils shall conform to AASHTO T 86 (ASTM D420) or latest revision and test procedures referenced therein. The sampling of in-situ subgrade soils may be accomplished by boring or excavation of test pits. The minimum sampling and testing

frequency shall be one (1) density test, one (1) liquid limit, one (1) plasticity index, one (1) gradation and soils classification and one (1) CBR for each 500 feet of street or section thereof, or change in subgrade material, with a minimum of three sets of tests per project. The sample, whether by boring or test pit, shall be performed within the proposed roadway limits. The minimum depth of boring or excavation for in-situ materials shall be four (4) feet below the top of the elevation of the final compacted subgrade. Additional depth shall be required when deemed necessary by the design engineer or the City Engineer.

700.2.2 Imported Fill

All fill material placed in the right-of-way shall be tested and receive approval by the City prior to its use on the project. The material shall meet minimum requirements. Sampling shall be at the beginning of the project, and after every 3,000 cubic yards of material is placed. The cost of testing shall be at the contractor's expense.

700.2.3 Supervision by Engineer

All sampling and testing of soils shall be performed under the direct supervision of a professional engineer who must sign and stamp the report.

700.3 Subgrade and Fill Requirements

700.3.1 Materials and Construction Requirements

Subgrade shall be defined as the in-situ or imported material within 24 inches of the bottom of the aggregate or asphalt base layer. Subgrade limits shall extend to 1 foot behind the back of curb, or edge of pavement when no curb is present. Embankment shall adhere to the materials and construction requirements for Compacted Embankment of Section 210 or the ARDOT Standard Specifications, current addition except as modified herein. Prepared subgrade for the placement of pavement shall adhere to the materials and construction requirements for Subgrade of Section 212 of the ARDOT Standard Specifications, current edition, except as modified herein.

Any suitable in-situ material, as determined by a qualified Geotechnical Engineer, may be used in part or in total to construct embankments or it may be removed from the project and replaced with new material conforming to material requirements as specified in this specification.

Roadway embankment shall be placed in parallel layers over the full width not exceeding 10", loose measurement, and shall be compacted as specified and stable before the next layer is placed. Effective spreading equipment shall be used on each lift to obtain uniform thickness before compacting. Water shall be added or removed, as necessary to obtain required density. The Contractor shall be responsible for the stability of each layer. The material will be considered stable when it will not rut and/or pump under construction operations.

When the excavated material consists predominantly of rock fragments of such size that the material cannot be placed in layers of the thickness prescribed, such material may be placed in the embankment in layers not exceeding in thickness the approximate size of the larger rocks (30" maximum). Rocks or boulders too large to permit placing in 30" layers shall be reduced in size as necessary to permit this placement. The 12" of the embankment immediately below finished subgrade may be placed in one layer with no rock exceeding 10" in its greatest dimension. Each layer shall be constructed so that rock voids are substantially filled with rock fines and/or earth. Rocks shall not be end dumped over the edges of the layer being constructed, but shall be deposited on the layer and moved ahead so as to advance the layer with a mixture of rock fines and/or earth.

The Contractor shall be responsible for the stability of all constructed embankments and shall restore, at no cost to the City, any portions that have become displaced due to carelessness or negligent work.

In portions of embankment immediately adjacent to structures or are for other reasons inaccessible to the compaction equipment in use, only suitable material shall be used and it shall be placed in successive parallel layers of not more than 6" thickness, loose measurement. Hand tamping will not be permitted.

Roadway, shared-use path, driveways, and sidewalk subgrade shall be compacted to a density not less than ninety-five percent (95%) of maximum density, at or near optimum moisture, obtained in the laboratory. Optimum moisture may be maintained in each layer by the addition of water or by aeration as may be necessary to increase or decrease moisture under the conditions encountered. The moisture-density relationship of the material shall be determined in the laboratory in accordance with AASHTO Designation T 99. In-situ soils used as subgrade shall be scarified to a minimum depth of 8 inches below finish subgrade, recompacted, and tested for compliance with these standards. Density requirements will not apply to portions of embankment constructed of material so rocky that it cannot satisfactorily be tested according to the above requirements.

The subgrade shall be kept properly drained at all times by the use of temporary ditches and/or pumps as required during construction. Improperly drained subgrade will not be justification for undercut. The City Engineer may require the exposed surface to dry before any judgment is rendered to the quality or workmanship of the exposed soils. The City Engineer may require the subgrade to be scarified/disked (to promote drying) and recompacted prior to determining whether undercut will be permitted. When the City Engineer deems material unsuitable for use, the material shall be undercut and backfilled to the finished grade with approved material.

CBR testing in accordance with ASTM D 1883-94 shall be completed on all soils proposed for use as subgrade material. CBR testing shall be performed at the dry density corresponding to 95% of the maximum dry density of the material being tested, and at 2% above optimum moisture content. The 3-point method of CBR testing shall be performed on in-situ soils classified as A-1 or A-2, and on all soils proposed for use as borrow material for subgrade.

The top 24 inches of subgrade material (in-situ or imported) must be of material meeting the following requirements unless a formal design is approved:

- A. Material classified by the AASHTO Soil Classification System as A-1, A-2, or A-3, having a maximum of 35 percent of the material passing the number 200 sieve, and having a CBR equal to or greater than 8.
- B. Material not meeting the above requirements for AASHTO Classification and gradation, but having a CBR equal to or greater than 8, a Liquid Limit and Plasticity Index of less than or equal to 40 and 15, respectively.
- C. Material not meeting the above requirements for Liquid Limit and Plasticity Index may be used if chemically modified by the use of lime, fly ash, or cement. The type and amount of treatment shall be determined by a material testing lab, supported by the Engineer of Record, and approved by the City. The chemically modified soil must meet all requirements of Section A above.
- D. Material not meeting the CBR requirements of Section A above but meeting the requirements for Liquid and Plasticity limits may be used provided a formal pavement design based on the actual CBR value of the soil provided. For this case, CBR values shall be a minimum of 4. Use of lower CBR values may be allowed where specialized pavement designs using geogrids or other technologies are proposed.

In-situ or imported subgrade soils not meeting the requirements listed above and with a liquid limit greater than 45 or a plasticity index greater than 15 shall be undercut to a depth determined by the design engineer and accepted by the City Engineer. The unsuitable material shall be removed from the street section or improved by a designed method of stabilization accepted by the City Engineer. The minimum depth of undercut and backfill shall be 24 inches in the absence of engineering data showing otherwise. Other soils which the City Engineer determines cannot be properly compacted shall also be undercut to a specified depth. This excavated unsuitable material shall be disposed of off-site.

Backfill for undercut areas shall meet the requirements described above for subgrade material. Other materials exceeding these requirements may be used as backfill, subject to the approval of the City Engineer. All backfill shall be free of organic matter, debris, and durable rock

fragments in excess of approximately a 30" dimension. Backfill shall be placed and compacted in maximum lifts and density requirements in accordance with this specification.

700.3.2 Subsurface Water Investigation

If groundwater is encountered or predicted to be encountered within 5 feet of the original or proposed ground surface, a subsurface water investigation report shall be submitted for approval by the City Engineer. Special attention is called to the typical need for all streets in cut sections and on hillsides to include subsurface drainage systems. The design engineer shall be required to perform, or acquire, geotechnical and subsurface investigation to determine the need of subsurface drainage for each street and segment thereof to be designed and constructed. This information may be a separate report or may be included in the geotechnical report. This investigation is required to ensure mitigation of high groundwater effects upon public improvements within the right-of-way. The requirement for drainage layers, subsurface drainage, and underdrains shall be evaluated by the design engineer/geotechnical engineer on an individual project basis. Pipe underdrains shall be installed at all locations where subsurface moisture will affect the stability of the subgrade or result in unsatisfactory pavement performance.

700.3.3 Embankment Outside of the Roadway

Material for curb backfill, under sidewalks, on backslopes, or in other areas within the right-of-way may be any material that is free from sod, stumps, roots, or other perishable or deleterious material that is capable of forming a stable embankment when compacted. Areas outside the roadway shall be compacted to minimum of 95% Standard Proctor Density unless otherwise specified.

700.3.4 Construction Acceptance

Sampling and testing of subgrade materials shall be as set forth in **Section 1100** of these Standards. Moisture content shall be +/- 3% optimum moisture unless otherwise supported by site specific geotechnical data and approved in writing by City Engineer. Pavement designs that utilize a subbase course shall include test data and specifications for the subbase material in the calculations submitted to the City Engineer for review and approval.

The Geotechnical Engineer and the Engineer of Record shall certify that street construction was performed in accordance with these specifications before placement of pavement.

700.4 Pavement Design Criteria

700.4.1 Design Method

Pavement thickness shall be designed by the AASHTO Guide for Design of Pavement Structures, latest edition. Other design methods, including the Asphalt Institute method, may be approved on an individual basis.

In lieu of formal design for Local streets and Alleys, the designer may use the minimum criteria as provided in **Table 600-13** and **Table 600-14**. Streets classified as arterial and collector must be designed on an individual basis and all criteria utilized must be documented.

700.4.2 Design Period

A minimum design period (traffic analysis period) of 20 years shall be used for pavement designs.

700.4.3 Traffic Analysis

A formal Transportation Impact Study with projections and supporting data shall be submitted for all street classifications to provide minimum Equivalent Single Axle Loads (ESAL) criteria. The basis for traffic projections shall be included in data submitted. Equivalent Single Axle Loads (ESAL) units are based on 18 kip (80 kN) axle loading on each design lane. All data and design procedures in this section use ESAL units for pavement loading repetitions. Directional distribution of ESALs may be 50% unless the Transportation Impact Study indicates otherwise. Lane distribution factors shall be 80% for two lanes of travel in each direction.

In the absence of truck traffic distribution data, 5% trucks shall be used, distributed across truck types in accordance with Federal Highway Administration guidance for urban arterial streets. The City Engineer may require a higher percentage of trucks to be included in the calculations when existing or projected truck traffic is expected to exceed 5%.

The following equation shall be used when calculating the design traffic for 20-year projections:

$$\text{ESALs} \times \text{DD} \times \text{LD} \times 365 \times 20$$

Where:

ESALs = 18-kip Equivalent Single Axle Loads

DD = Directional Distribution

LD = Lane Distribution

Two Lane: $\text{ESALs} \times 0.5 \times 1.0 \times 20 \times 365$

Four Lane: $\text{ESALs} \times 0.5 \times 0.8 \times 20 \times 365$

700.4.4 Resilient Modulus Correlation

The correlation of California Bearing Ratio (CBR) and Resilient Modulus for pavement design input should be made using the NCHRP 1-37A equation shown: $M_R (\text{psi}) = 2555 \times \text{CBR}^{0.64}$

700.4.5 Design Reliability and Serviceability

The design reliability percentage and serviceability index inputs are shown for each functional classification in **Table 600-11**.

Table 600-10 Design Reliability and Serviceability Inputs

Design Reliability and Serviceability Inputs						
Classification	Reliability	Standard Deviation		Initial Serviceability	Terminal Serviceability	Performance
		Flexible	Rigid			
Arterial	95	0.45	0.35	4.5	2.5	2.0
Collector	85	0.45	0.35	4.5	2.5	2.0
Local	85	0.45	0.35	4.5	2.5	2.0
Alley	80	0.45	0.35	4.5	2.5	2.5

700.4.6 Pavement Material Parameters

Table 600-12 provides structural coefficients for pavement materials.

Table 600-11 Pavement Material Parameters

Material	Structural Coefficient (Per Inch)	Limiting Test Criteria
ACHM Surface Course	0.44	2" Min. Course
ACHM Binder Course	0.44	3" Min. Course
ACHM Base Course	0.36	R>90 4" Min. Course
Aggregate Base Course (Class 7)	0.14	R>72 6" Min. Course
Chemically Treated Subgrades (or Approved Substitute)		Compressive Strength of Field Specimen
Cement Treated Subgrade	0.10	7 day, 650–1000 psi

Fly Ash Treated Subgrade	0.10	7 day, 150 psi @ 70°±
Lime Treated Subgrade	0.07	7 day, 160 psi, PI <6
Kiln Dust Treated Subgrade	0.10	7 day, 150 psi, PI <6

700.4.7 Minimum Pavement Sections for Roadways by Classification

Table 600-13 and **Table 600-14** provide minimum pavement sections for asphalt and concrete roadways by roadway classification.

Table 600-12 Minimum Pavement Sections for Asphalt Roadways

Street Classification	Local/Alley	Collector	Arterial
Minimum Thickness Asphalt Surface Course (in.)	3 in.	Pvmt. Design Required	Pvmt. Design Required
Minimum Thickness Asphalt Binder Course (in.)	n/a	Pvmt. Design Required	Pvmt. Design Required
Minimum Thickness Aggregate Base Course (in.)	8 in.	Pvmt. Design Required	Pvmt. Design Required

(Minimum SN = 3.0)

Table 600-13 Minimum Pavement Sections for Concrete Roadways*

Street Classification	Local/Alley	Collector	Arterial
Minimum Thickness Concrete Pavement (in.)	6 in.	Pvmt. Design Required	Pvmt. Design Required
Minimum Thickness Aggregate Base Course (in.)	4 in.	Pvmt. Design Required	Pvmt. Design Required

*All rigid pavement designs require a joint layout plan and associated details.

All street classifications except for local or alley shall require formal design. Formal designs shall be performed by the Design Engineer to determine specific pavement sections required for specific subgrade and specific project requirements. Pavement designs shall be submitted to the City Engineer for review. Soils testing is required in compliance with the Pavement Design Standards and a minimum acceptable subgrade CBR value of 8 shall be required to utilize the minimum sections shown above.

Joint spacing and joint design shall be in accordance with the AASHTO Guide for Design of Pavement Structures, except as modified herein. (Ord. of 7-20-1999, app. B)

700.5 Pavement Design Report

The pavement design report shall be prepared by (or under the supervision of), signed, and stamped by an Arkansas licensed professional engineer. The report shall make a recommendation for a typical pavement structural section based on known site soil conditions and a valid transportation impact study, when required. The report shall be submitted in PDF format.

700.5.1 Required Information for Pavement Design Report

1.0 Study Area

- a. Site vicinity map depicting project area.
- b. Plat with street names labeled.

2.0 Traffic Data

- a. Existing and Future Average Daily Traffic (ADT)
- b. Heavy truck percentage
- c. 18-kip Equivalent Single Axle Loads (ESAL) determination

3.0 Soils Report

- a. Field Investigation
 - i. Method of subsurface exploration
 - ii. Boring locations on scaled drawings.
 - iii. Boring logs
- b. Laboratory Testing (In-situ and borrow)
 - i. Load bearing strength – California Bearing Ratio (CBR)
 - ii. Natural water content

- iii. Atterberg limits
 - iv. Sieve analyses
 - v. AASHTO soil classification
 - vi. Moisture-Density relationship (Procter Test)
- c. General Conditions
 - i. Site conditions
 - ii. Subsurface conditions
 - iii. Subgrade support
 - iv. Subgrade preparation
- d. Construction considerations

4.0 Pavement Design

- a. AASHTO pavement design calculations
- b. Recommended pavement sections

700.6 Asphalt Concrete Hot Mix (ACHM) Pavement

700.6.1 Materials and Construction Requirements

Materials and Construction Requirements for Asphalt Concrete Hot Mix Base, Binder, and Surface courses shall meet the requirements of the current edition of ARDOT Standard Specifications sections 404, 405, 406, 407, 409 and 410 as applicable, except as modified herein. No Marshall mixes are allowed unless specifically authorized in writing by City staff.

Asphalt grade and number of gyrations (Nmax) shall be per **Table 600-15**

Table 600-14 Asphalt Requirements

	Surface Course		Binder Course	
Street Classification	Min. Asphalt Grade	Number of Gyrations (Nmax)	Min. Asphalt Grade	Number of Gyrations (Nmax)
Local/Alley	64-22	115	64-22	115
Collector	70-22	160	64-22	160
Arterial	76-22	205	70-22	205

Lift Thickness

Surface Course lift thicknesses shall be a minimum of 3 times the maximum nominal aggregate size and a maximum of 2". Base and Binder Courses shall be minimum of three times the maximum nominal aggregate size. Base and Binder Course maximum lift thicknesses will be limited by capability of compaction equipment to achieve minimum compaction requirements but will not be allowed to exceed six times the maximum nominal aggregate size.

Surface Course Mix

3/8" (9.5 mm) nominal maximum aggregate size surface course mix shall be used on all local and alley streets, and 1/2" (12.5 mm) nominal maximum aggregate size surface course mix shall be used on arterial and collector streets unless otherwise approved in writing by the City Engineer.

700.6.2 Design and Quality Control of Asphalt Mixtures

Design and Quality Control of Asphalt Mixtures shall be in accordance with ARDOT Section 404.

700.6.3 Construction Acceptance

Construction acceptance shall be in accordance with ARDOT Section 410, except as modified herein.

The finished surface, when checked with a 10' straight-edge parallel to the centerline, shall show no variation more than 3/16" for binder courses and not more than 1/8" for surface courses when the profile grade line is shown on the plans. If the profile grade line is not shown on the plans, the variations shall be not more than 1/4" for binder courses and not more than 3/16" for surface courses. When surface tests indicate surface tolerances do not meet these requirements, corrections to the pavement and changes to the paving operations shall be made before beginning the next day's operations.

All transverse joints shall be straightedged immediately following rolling of the joint. Paving shall not continue until the transverse joint meets the applicable surface tolerances shown above.

Pavement that is determined to be non-complying for any reason other than the properties listed in table 410-1 will be evaluated according to the following:

- All ACHM placement shall be within reasonably close conformity with the lines, grades, cross sections, dimensions, and material requirements, including tolerances, shown in the plans or indicated in the specifications.
- Unless otherwise specified, in the event the materials or finished product in which the materials are used is not within close conformity with the plans and specifications but reasonably acceptable work has been produced, the City Engineer will then determine if

the work shall be accepted and remain in place. In this event, the Engineer of Record will document the basis of acceptance by Change Order that will provide for an appropriate adjustment in the contract cost for such work or materials as deemed necessary to conform to the determination based on engineering judgement.

- In the event the materials or the finished product in which the materials are used or the work performed is found not to be in reasonably close conformity with the plans and specifications and have resulted in inferior or unsatisfactory product, the work or materials shall be removed and replaced or otherwise corrected at no cost to the City.
- The City Engineer will determine whether the non-complying pavement must be corrected, removed and replaced, or left in place.
- Corrections shall be completed in accordance to section 410.09 of ARDOT specifications.

Incentive pay will not be applied to placement of ACHM courses.

700.7 Aggregate Base Course

700.7.1 Materials and Construction Requirements

Base course material shall be crushed stone meeting the materials and construction requirements for Class 7 aggregate base course of Section 303 of the ARDOT Standard Specifications, current edition, except as modified herein. Base course materials shall be certified by the supplier to meet the ARDOT Class 7 requirements and identified as to the type of material, properties (including gradation, density and proctor), and source.

700.8 Portland Cement Concrete Pavement

700.8.1 Materials and Construction Requirements

Portland Cement Concrete Pavement (P.C.C.) shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 501, except as modified herein. Concrete for paving shall have a minimum 28-day compressive strength of 4,000 psi and shall have air entrainment of 4 to 8 percent.

Joint Spacing

For jointed plain concrete pavement (JPCP), the maximum panel dimension in feet shall not exceed 1.5 to 2 times the slab thickness in inches with a maximum slab dimension in any direction not greater than 15 foot. In addition, the ratio of panel length and width shall not exceed the 1.5 ratio unless slab is continuously reinforced.

Joint Sealant

Sealant for joints shall be silicone conforming to section 501.02 (h) of ARDOT specifications. Materials shall be selected from ARDOT's Qualified Products List.

Backer rod shall be a non-moisture absorbing, closed-cell, expanded polyethylene foam rod. The rod shall be compatible with the sealant and no bond or reaction shall occur between the rod and the sealant.

Joints shall be sealed no sooner than 6 days following placement of the concrete except when High Early Strength Concrete pavement is specified, the period may be reduced to 18 hours. Joints shall be sealed before the pavement is opened to traffic, including construction equipment. The pavement temperature shall be above 50°F (10°C) before installation of silicone joint sealing material.

Immediately after saw cutting is complete the resulting cement slurry shall be completely removed from the joint by water washing (less than 100 psi pressure). After the joint is sufficiently dried, the joint shall be sandblasted. One pass along each reservoir face is required. After sandblasting the joint shall be blown out with compressed air. When the surfaces are clean and dry, and just prior to placement of the sealant, compressed air shall be used to blow out the joint and remove all residual dust. Air compressors shall be equipped with suitable traps capable of removing all free water and oil from the compressed air and shall be capable of furnishing air with a pressure greater than 90 psi.

Sealant shall be installed in accordance with the following requirements:

A backer rod or bond breaker shall be installed prior to placement of the joint sealer. The backing material shall be placed and shall be non-adhesive to the concrete or the sealant material. The self-leveling sealant shall be applied in a continuous operation, by means of approved pressure equipment that will force the sealing material to the bottom of the joint and completely fill the joint without spilling the material on the surface of the pavement. Sealant which does not bond to the concrete surface of the joint walls, contains voids, or fails to set up to a tack-free condition will be rejected and replaced by the Contractor at no additional cost to the City. Before sealing the joints, the Contractor shall demonstrate that the equipment and procedures for preparing, mixing, and placing the sealant will produce a satisfactory joint seal. This shall include the preparation and application of an adequate amount of the sealant that will demonstrate, to the satisfaction of the City, the installation of the sealant.

700.9 Curb and Gutter

700.9.1 Standard Detail

All curb and gutter shall be portland cement concrete conforming to the City of Bentonville Curb and Gutter Detail. ~~Mountable curbs will not be allowed in the City of Bentonville except at driveways or designated mountable aprons without written authorization of the City Engineer.~~

700.9.2 Materials and Construction Requirements

Materials and construction methods for curb and gutters shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 634, except as modified herein.

Concrete

Concrete shall be Class "S" Portland Cement Concrete in accordance with Section 802 or 501, ARDOT Standard Specifications with a 28-day compressive strength of 3,500 psi. Admixtures shall not be used unless specifically approved by the City Engineer. Maximum slump shall not exceed 4".

Curing compound shall be a white pigmented membrane-forming liquid conforming to the requirements of ASTM Designation C309, Type 2.

Joints

1/2" wide expansion joints shall be required at 75 ft. intervals and at all stationary structures and ends of curb returns. Expansion joints shall be made with 1/2 " asphalt impregnated fiberboard conforming to AASHTO M-213. Acceptable materials may be found on the current ARDOT "Qualified Products List". Expansion joint material shall be full depth of the curb and perpendicular to the curb line.

Contraction joints shall be 1/8" to 3/8" x 1 1/2" at 15 ft. Intervals. All contraction joints and cold joints shall be filled with joint sealant to finished grade. Joint sealing compound for contraction joints shall be filled in accordance with the requirements for Joint Seals as specified in section 501. Closed cell backer rod shall be used in deep joints, as needed, according to the manufacturer's instructions.

Forms

Forms shall be made of metal or wood and shall have a depth equal to or greater than the thickness of the pavement slab. The minimum length of each section of form used shall be ten (10) feet. Each section or form shall be uniform and free from undesirable bends or warps.

The maximum deviation of the top surface of any section shall not exceed one-eighth (1/8) inch, or the inside face not more than 1/4 inch from planned alignment. The method of connection between sections shall be such that the joint thus formed shall be free from movement in any direction. Forms shall be of such cross-section and strength and so secured as to resist the pressure of the impact and vibration of any equipment which they support, without springing or settlement.

Every 10-foot length of form shall have at least three form braces and pin sockets which shall be spaced at intervals of not more than 5 feet, having the end brace and socket not more than

six inches from the end of the form. Approved flexible forms shall be used for construction where the radius is 150 feet or less.

The subgrade under the forms shall be cut and compacted to a width not less than one foot behind the back of curb and gutter, removing all soft and yielding areas and replacing with suitable material compacted. Forms shall be joined neatly and in such a manner that the joints are free from play or movement in any direction. The supply of forms shall be sufficient to permit their remaining in place for at least twelve hours after the concrete has been placed. All forms shall be cleaned and oiled prior to use.

The alignment and grade elevations of the forms shall be checked by the Contractor and the necessary corrections made immediately before placing the concrete. When any form has been disturbed or any subgrade there under has become unstable, the forms shall be reset and rechecked.

Placing Concrete

The subgrade shall be moist, but not muddy, at the time of placing of the concrete. If required by the City, the prepared subgrade shall be saturated with water the previous night, or not less than 6 or more than 20 hours prior to placing the concrete. If the subgrade subsequently becomes too dry, it shall be sprinkled again ahead of placing the concrete, in such a manner as not to form mud or puddles of water.

Engineer of Record shall give the City at least twenty-four (24) hours advance notice before placing concrete, and the subgrade shall be checked and approved by the City Engineer or his/her designated representative before any concrete is placed.

The concrete shall be mixed in quantities required for immediate use and shall be deposited on the subgrade to the required depth and width of the curb and gutter in successive batches and in a continuous operation without the use of intermediate forms or bulkheads. The concrete shall be placed as uniformly as possible in order to minimize the amount of additional spreading necessary. While being placed, the concrete shall be vibrated with suitable tools so that the formation of voids or honeycomb pockets is prevented.

The concrete shall be especially well vibrated and tamped against the forms along all joints. Care shall be taken in the distribution of the concrete to deposit a sufficient volume along the outside form lines so that the curb section can be consolidated and finished simultaneously with the slab.

No concrete shall be placed around manholes or other structures until they have been adjusted to the required grade and alignment.

Mechanical Placement

Curb and gutter placed by slip-form or extruding equipment will be accepted providing it complies with all of the above requirements other than forms.

Finishing

The curb shall be tooled to the required radii as soon as possible after the concrete takes its initial set. The gutter shall be shaped with a wood float at least 4 feet long. After the face forms and templates are removed, the joints shall be tooled and the surface shall be finally finished with a hard bristle broom to remove all imperfections without additional mortar or dryer. In all cases, the resulting surface shall be smooth and of uniform color, free from sags, twists or warps and true to the specified lines and grades shown on the plans.

Face forms shall be removed from curbs within 24 hours and the face finished by rubbing with a wetted cement mortar brick or wood float until it is smooth.

Surface tests shall be performed in accordance with section 634.03 (e).

Curing

Immediately after the finishing operation has been completed and as soon as marring of the concrete will not occur, the entire surface of the newly placed concrete shall be cured according to Section 501 of ARDOT Standard Specifications.

Cold Weather Protection

Cold weather protection shall be as specified in Section 501 ARDOT Standard Specifications.

Backfilling

After curing, the curb shall be immediately backfilled to within 4" of the top curb to eliminate any possibility of washing beneath the curb. The remaining 4" shall be topsoil.

Driveway Entrances

At all entrances to residences or commercial buildings the concrete curb shall be removed by saw cutting of either side of the entrance. All driveway entrances shall require a minimum of 8 foot formed and poured transition that will tie to the saw cut curb. Removal of curb by sledgehammer without first saw cutting shall not be allowed. The practice of excavating behind the curb and gutter and then backfilling with the broken curb section concrete is not acceptable. Any backfill shall be Class 7 crushed limestone.

700.10 Street Cuts, Excavations, and Borings

700.10.1 General Requirements and Permit

Permit. It shall be unlawful for any person to excavate, bore under or cut any street, alley, sidewalk, road, highway or other public way, or curb and gutter in the City of Bentonville, Arkansas, without first obtaining a Right of Way permit from the City. Such permit shall be granted only after a written application has been filed, all fees have been paid, and guarantees are in place as set forth herein. Utilities crossings shall be required to be bored unless an open cut is deemed to be required and approved by the City. Information to be included in the permit application shall include:

- Name and address of the owner or agent in charge of the property abutting the proposed work area.
- The name and address of the party doing the work.
- A map that indicates the location of the work area and the dimensions of the excavation area
- A plan or a clear description of the work to be done.
- A traffic control plan that meets the “Manual on Uniform Traffic Control Devices” latest edition.

Inspection fee and Surety bond. At the time of making application for a boring, jacking or open cut permit, an inspection fee as noted in the current fee schedule. Before a permit for boring, jacking or open cut shall be issued, the applicant for such permit shall deposit a cashier's check or a sufficient surety bond with the City of Bentonville as required per Appendix B Land Development Code, Article 300, Section 300.10 Completion Guarantee of the Bentonville Municipal Code. The cashier's check and/or bond shall be forfeited for failure to comply with the requirements set forth herein. The amount of such cashier's check or surety bond shall be determined by the criteria as follows:

The amount for a boring or jacking permit shall not be less than the approved amount in the schedule of fees.

The amount for an open cut shall be estimated by square surface yards and calculated by the current fees for open cuts as set forth in the Municipal Code and then multiplied by 150%.

In the case of sidewalks and curb and gutter, or other public way, the amount shall be determined by the current fee schedule as set forth in the Municipal Code.

No fees or bonds shall be required for those projects funded by the City.

Upon satisfactory completion and approval of the bore, jack, or open cut, the City shall authorize the return of any sum deposited as previously described. If the Permit holder shall fail, refuse or neglect to make such repair or remove and replace any rejected work as provided in this ordinance, the City may make such repair or cause such repair to be made. The cost of such repair shall be deducted from the amount on deposit with the City. Any remaining balance of the deposit shall be returned to the Permit holder.

700.10.2 Street Cut Procedures and Repair

Street cuts cause damage that reduces the level of service of the street on which they are made. To minimize this damage, and in some cases, improve the street conditions where cuts are made, the City is adopting the backfill, patch, and surface repair standards as described herein and relevant details.

These street cut standards apply for all cuts and excavations, regardless of the reason for the cut and excavation. These standards apply to all private and public utilities and contractors. These standards are not intended to supersede more substantial repair or resurfacing requirements on projects where specified repairs are shown on approved construction drawings or otherwise directed by the Transportation Director or Designee.

In general, the repair standard shall conform to [City Standard Details E-0 to E-3](#) and be what is termed a "T-patch," which includes a minimum bench (or key) of 18 inches beyond the edges of the excavation. This 18-inch bench will define the width of the required surface repair (if applicable) measured parallel to the travel direction of the street.

700.10.2.1 The length of the surface repair (if applicable) measured perpendicular to the street will be at a minimum the full width of a travel lane (from curb or edge of pavement to the crown or edge of travel lane). If the edge of the excavation crosses the crown or edge of the travel lane, the surface repair must extend to the edge of the next travel lane. The cost of all repairs shall be borne by the party cutting the streets.

- 700.10.2.2 Resurfacing requirements may be reduced or increased at the Transportation Director or Designee's discretion. In situations where extenuating circumstances exist, such as pending resurfacing or road widening projects, safety, traffic flow issues, speed humps, adjacent pavement features, drainage concerns, or the condition of adjoining pavement.
- 700.10.2.3 All streets shall not be cut unless specific approval in writing is obtained from the Transportation Director or Designee.
- 700.10.2.4 No Right of Way permit shall be issued without prior consent from the Transportation Director or Designee. Once the permit has been reviewed, approved, and all financial obligations met, the permit will be issued, allowing construction to commence.
- 700.10.2.5 A guarantee must be posted with the City Street Department before any street may be cut. The size of the street cut will determine the guarantee amount. Guarantees are in the form of a cashier's check, license and permit bond, or a letter of credit.
- 700.10.2.6 The contractor is responsible for all work zone signage. All work zones must meet MUTCD standards and be set in place before work begins. A traffic control plan must be submitted and approved by the City before any road closure is approved. One weeks' notice will be needed before a road closure is allowed.
- 700.10.2.7 No overnight opened street cuts are permitted unless approved by the City. If street cuts are authorized to be left open overnight, the cut must be plated by the contractor and the work zone marked with approved devices, as noted in MUTCD.
- 700.10.2.8 All street cuts shall be visibly marked and must be saw-cut full depth on all sides to ensure smooth straight edges before any excavations begin.
- 700.10.2.9 All stockpiled material shall be handled in a safe manner and placed where it will cause the least possible inconvenience to the public. In no case shall such material be stockpiled or scattered over the surface of the pavement or impede vehicular or pedestrian traffic flow. Acceptable erosion control Best Management Practices (BMP's) shall be implemented for stockpiled materials as described in Appendix B Land Development Code, Article 1700.
- 700.10.2.10 No trench or opening made on any street, alley, sidewalk, road, highway, or other public way, or curb and gutter shall remain open longer than is absolutely necessary, and in no event more than 24 hours, except by special written permission of the City. If a cut is required to be open for longer than 24 hours and the party making it failed to secure the necessary extension of time, then such refilling shall be made under the direction of the City at the expense of the party that has secured the permit. Temporary bridging of the open cut such as "plating" shall be required if a cut is required to stay open more than 12 hours. For public safety, a minimum "plate" thickness of one inch shall be required. The contractor shall follow all Occupational Safety and Health Administration (OSHA) standards.

700.10.2.11 No excavation shall be made in any street, alley, sidewalk, road, highway, or other public way or curb and gutter in the City that exceeds 400 feet in length at any one time, except by special written permission of the Transportation Director or Designee.

700.10.2.12 The City Street Department must be notified before any base materials or backfill is placed into the trench. No backfill may be placed in an open trench without the presence of the City Inspector. Regular working hours are from 7:30 am to 4:00 pm, Monday through Friday (7:00 am to 3:30 pm during summer hours). Any party needing to make an emergency street cut after those hours must call the City Street Inspector. Nothing in this article shall prevent any person from performing any open cut that may be necessary for the preservation of life or property when necessity may arise during the times when City offices are closed. In cases of emergency, the person making such excavation shall make application for a permit within 24 hours after City offices are first opened subsequent to the making of such excavation. A per hour fee will be assessed to all after hour call-outs or additional time required that occurs after regular working hours in addition to the standard charges. This fee can be found in the current fee schedule. Inspections require a minimum of 24-hour notification.

700.10.2.13 Class 7 base is required for all backfilling. Base material must be placed into the trench in no more than 6-inch lifts, and each lift must be machine tamped to a minimum of 95% density. The City will review the use of substitute materials as backfill when submitted with the street cut request. The contractor must have approval from the Transportation Director or Designee before using any substitute. If pervious material is approved for use as backfill, impervious material shall be placed at the ends of the trench to prevent the loss of structural bedding

700.10.2.14 Materials and testing shall follow the requirements set forth within these specifications. Submittals may be requested at any time to ensure conformance. The City may reduce, increase, or modify testing as needed.

700.10.2.15 After the repair work has been completed, the permittee shall notify the City that such work has been completed. The City shall make an inspection to ensure that the work has been done in accordance with the requirements of this chapter and reasonable specifications provided to the Permittee by the City prior to the commencement of the repair work. In the event any or part of any work is not done in a satisfactory manner or not in conformity with this chapter or specifications, the City shall notify the contractor and owner in writing of the non-acceptance of the work. All such rejected work shall be removed and replaced within thirty (30) days of the notification.

700.10.2.16 Pavement smoothness shall be checked for both temporary and permanent patches. The finished surface, when tested with a contractor supplied, City approved straight-edge, placed parallel to the centerline, shall show no variation more than a 1/4". If pavement smoothness can not be met after 60 days then the entire street width will need to be milled and overlaid with 2" of asphalt. The length of the overlay will need to be a minimum of 50'. The mill and overlay will be centered over the patches and pass the straight edge test noted above.

700.10.2.17 A temporary patch of cold mix must be placed and compacted over the final lift of the back-fill to match the existing street grade (3-inch minimum).

700.10.2.18 The width and length of the permanent patch will be measured, and the individual requiring the cut will be billed at a rate for the current amount approved by City Council for asphalt by the square yard for the permanent repair.

700.10.2.19 The party cutting the trench shall be responsible for any settling of the street cut for a period of (90) ninety days from the date of acceptance of the temporary patch by the City. The guarantee will be held as a warranty for 90 days.

700.10.2.20 The guarantee shall be returned to the applicant only after the City has received payment in full for the permanent repair and the warranty period for the permitted area has expired.

700.10.3 Boring and Jacking Procedures

The following procedures and requirements for boring and jacking shall apply:

700.10.3.1 The Permittee shall provide a map that clearly depicts the location of each individual bored or jacked crossing.

700.10.3.2 The Permittee shall mark each individual bored or jacked crossing with "pink" chalk paint, as to provide the City inspector a reference line as to where the boring or jacking took place.

700.10.3.3 When jacking or boring, the depth of bury on installations which are jacked or bored under any street shall have a minimum depth of bury of two and one-half (2 ½) feet below the low points of the street cross section to the top of the pipe or casing, or three and one-half (3½) feet below the bottom of the pavement structure (top of subgrade) to the top of the pipe or casing, whichever gives the greatest depth. In the case of a street section with a ditch section, the bury shall be a minimum of one (1) foot below flow line, but still a minimum of the above referenced depth below street section, whichever is greater. If the pavement or curb and gutter structure is damaged by the jacking or boring installation, it shall be repaired in a manner approved by the Street Manager.

700.10.3.4 After the completion of the jacking or boring, the permittee shall contact the Transportation Director or Designee within forty-eight (48) hours of such completed work for an inspection. Upon satisfactory completion and approval of the jack or bore and upon satisfactory completion of any repairs required as a result of the jack or bore, the Transportation Director or Designee shall authorize the return of any sum deposited. In the event that the permittee shall fail, refuse or neglect to remove and replace any rejected work as provided in this ordinance, the City may deduct the cost from the amount on deposit with the City. Any remaining balance of the deposit shall be returned to the Permit holder.

700.10.4 Penalty

Except in emergency situations, any person, firm, organization, contractor, or engineer that performs any excavation, cut, jacking, or boring prior to acquiring a permit shall be punished by a fine not to exceed one thousand dollars (\$1,000.00). All activities requiring a permit shall be immediately halted and temporarily repaired until proper permit has been issued.

700.10.5 Street Cuts and Repairs by the City

The City may choose to cut and repair any street, alley, sidewalk, road, highway or other public way or curb and gutter for individuals, if the City determines that it is in the City's best interests. A fee for such a cut and repair will be collected from the individual requesting such a service from the City in accordance with the fee schedule as set forth in the Municipal Code. If this street cut/repair requires any after hour's services from the City, an after-hours fee shall be required in addition to the normal fee.

800 TRAFFIC CONTROL DEVICES

800.1 General

This chapter describes general signal, signing, and striping design requirements for use in the City of Bentonville. All design and construction of signals, signing, and striping shall be in conformance with this chapter and the latest revision of the MUTCD. These criteria are established to provide uniform procedures to aid the design engineer in preparing improvement plans for projects in the City of Bentonville. These criteria are not intended to restrict the design engineer from utilizing innovative design; however, they may be modified only with prior authorization of the City Engineer. If applicable, a traffic signal, signage, or pavement marking plan must be included in the construction plan submittal.

Engineer of Record shall provide a letter at the end of the project stating the date when product and maintenance will be turned over to the City of Bentonville

800.2 Installation Responsibility

The cost and installation of traffic signals, street signage and pavement markings are the responsibility of the developer with a proposed development. The work and materials necessary for the installation shall be included as part of the street improvements.

800.3 Traffic Signal Design Requirements

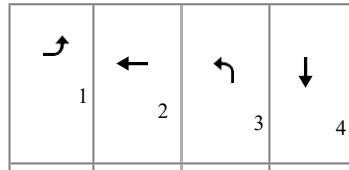
The traffic signal system shall consist of the signal controller, signal poles, signal heads, cable, conduit, detection, communication equipment, preemption, backup battery system, and any other appurtenances required to provide a complete, operable traffic signal system.

Components of the system shall conform to these specifications unless otherwise approved in writing by the City Engineer. Equipment used shall be from the City's Approved Products List (APL).

800.3.1 Signal Phasing

When designing a traffic signal (new installation or modification), the signal phasing (number and sequence of the phases) shall be discussed with the City. Traffic signal phasing will be illustrated on the plans using a NEMA diagram as shown in **Figure 700-2** below. The City uses two standard phasing sequences, depending on whether the main-street/coordinated movements are north-south or east-west:

East-West street is coordinated/major



North-South street is coordinated/major

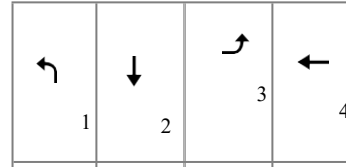


Figure 700-1 NEMA Diagram

800.3.2 Signal Head

All vehicular traffic signal heads shall be 12 inches in diameter and Black polycarbonate with tunnel visor. Traffic signal heads shall be placed in accordance with the most current version of ARDOT standard drawings SD-8 (Signal Head Placement) and SD-11 (Steel Pole With Mast Arm). These placement criteria are to be used as guidance by designers. Special situations may arise in which alternate arrangements are appropriate. Deviations from the above criteria must be approved by the City Engineer.

All traffic signal and pedestrian indications shall be LED. Pedestrian signals should include countdown displays. In addition, backplates shall be provided for all traffic signal heads that are mounted to the mast arm. Signal heads that are mounted to the signal pole will be evaluated for backplates on a case-by-case basis.

800.3.3 Emergency Preemption

Installation will consist of Opticom GPS emergency preemption equipment with cabinet mount antenna. See City's Approved Product List.

800.3.4 Video Detection

Unless otherwise specified by the City Engineer, video detection shall be used for stop bar detection at all signal installations. The video detection system shall be per the City's APL. Typically, one camera per approach will be used, unless needs (posted speed limits) dictate otherwise. Stop bar cameras should be used for side streets while advanced and stop bar for main street/coordinated streets. The camera should be mounted to the signal mast arm via a six-foot riser arm. The manufacturer's representative shall be consulted to determine the proper placement of the video cameras. In addition to the video detectors, virtual detection zones (VDZ) should also be illustrated and numbered on the signal plan. VDZ are typically shown as; 6' x 50' VDZ presence, centered in the lane, with the leading end of the zone two

feet in advance of the stop line and 6' x 6' VDZ advance, centered in lane, with the lagging edge being a distance from the stop bar, the placement is dependent on posted speed limit, see ARDOT VDZ placement guidelines.

800.3.5 Battery Backup System (BBS)

The Design Engineer shall coordinate and verify the location of the proposed traffic signal cabinet and power supply. This item consists of installing an emergency BBS in the vicinity of the power supply. It shall be mounted inside a separate equipment cabinet of the type and size as used shall be from the City's Approved Products List (APL).

800.3.6 Traffic Signal Pull Boxes

Pull boxes should typically be provided whenever conduit changes direction and adjacent to signal poles and controllers, see the most current version of ARDOT standard drawing SD-6 (Heavy Duty Pull Box). Pull boxes should be installed at least 1 foot 6 inches from the back of curb to the center of the box and no closer than 2 feet to any pole. The distance between traffic signal boxes should not exceed 200 feet to facilitate the pulling of cable.

Traffic signal box lids (including interconnect) shall be labeled "TRAFFIC SIGNAL" or "CITY FIBER."

800.3.7 Conduit

All conduit for traffic signal installations shall be either Schedule 40 polyvinyl chloride (PVC) conduit or Schedule 40 high density polyethylene (HDPE) conduit. Conduit installed under roadway surfaces shall be installed by pushing or boring methods. If this is not feasible a design exception must be approved by the City Engineer, then a trenching method as shown in the most current version of the ARDOT standard drawing SD-11 (Steel Pole with Mast Arm) may be used. All trenching shall comply with federal, state, and local regulations.

Signal conduit that extends from signal poles to adjacent pull boxes should typically be a minimum 3-inch conduit, while signal conduit that extends from the signal controller to the adjacent pull box should consist of two 3-inch conduits. Any conduit crossing the street should be a minimum of 3 inches. Signal conduit for interconnect cable should typically be 2-inch conduit.

Table 700-15 Typical Conduit Sizes

Signal pole to Adjacent Box	3"
Controller to Adjacent Pull Box	3"
Street Crossing	3"
Interconnect	2"

Street lighting cable is permitted in signal conduit runs and boxes. The conduit sizes in **Table 700-17** are typical applications. No street lighting cable should run through (or terminate in) the traffic signal controller cabinet.

At new installations, an additional 2-inch conduit run from the controller to the adjacent pull box (with pull string) shall be included for fiber interconnect.

The Design Engineer shall verify that the signal conduit is properly sized adhering to the National Electric Code conduit fill guidelines, any design exceptions shall be noted on the plans and approved by the City Engineer. For estimating conduit quantities, center-to-center distances should be used.

800.3.8 Power Supply

The Design Engineer shall coordinate and verify the location of the proposed power supply with the Bentonville Electric Utility Department (BEUD) or other appropriate utility company to ensure availability of service. A service disconnect shall be located within 10 feet of cabinet, refer to the most current version of ARDOT standard drawing SD-9 (Service Point). Contractor shall build Free Standing Meter Rack, refer to BEUD standard detail BEUD DS-1003 (100A/200A Meter Pedestal).

800.3.9 Signal Poles

Signal poles shall typically be located six feet (four feet minimum) from the back of curb (or edge of pavement, where there is no curb) to the center of the pole unless otherwise approved by the City Engineer. See ARDOT standard drawings SD-11 (Steel Pole With Mast Arm). However, no signal pole, pole base, or appurtenance shall be located within 2 feet of the face of curb or edge of shoulder. Signal poles shall typically not be located in a median or channelizing island. When pedestrian signal heads are used, signal poles with push buttons should be placed at locations that comply with, to the extent possible, with all Americans with Disabilities Act (ADA) provisions. At a maximum, the push button should be located within 5 feet of the crosswalk extended; within 10 feet of the edge of curb, shoulder or pavement at its closest point; and be accessible. This may require the use of pedestrian push button pedestals. The City does not require that signal poles be aligned with the crosswalk locations. However, the pedestrian heads shall be visible for pedestrian traffic.

Signal pole clearance to overhead power lines shall be a minimum distance 10 feet horizontally and vertically.

Astrobrackets (not prefabricated nipples) shall be used for attaching signal heads to poles.

800.3.10 Controller Cabinet Assembly

Controller Cabinets shall be oriented per International Municipal Signal Association (IMSA) Standards, located adjacent to and behind the sidewalk or at least 10 feet from the back of curb to the center of the controller where no sidewalk exists. In locations where no curb exists, the controller should typically be placed more than 10 feet from the edge of pavement to the center of the controller if possible. The area around controller cabinet shall be flat and level 5 feet in all directions, see the most current version of ARDOT standard drawing SD-11 (Steel Pole with Mast Arm) for details.

The controller type and manufacturer shall be per the City's Approved Product List.

800.3.11 Wiring

The City has standardized the number of conductors required for the various types of traffic signal equipment.

Four and five section signal heads shall be fed by 7-conductor cable from the signal head to the pole base. Three section signal heads shall be fed by 5-conductor cable from the signal head to the pole base.

Pedestrian signal heads shall be fed by 5-conductor cable from the pedestrian head to the pole base. Pushbutton detectors, when used, shall be fed by one 2-conductor cable from the pushbutton detector to the controller cabinet.

In estimating quantities, cable slack shall be computed according to the **Table 700-18** below.

Table 700-16 Cable Slack

Abbreviations

S.H.	=	Signal Head
P	=	Pole
P.H.	=	Pole Height
P.F.	=	Pole Foundation
P.B.	=	Pull Box
CONT.	=	Controller Cabinet
+	=	Additional Material
CON. L.	=	Conduit Length
LUM. ARM	=	Luminaire Arm Length
LUM.	=	Luminaire Head
V.C.	=	Video Camera
TUBE LEN.	=	Tube Length
ANT.	=	Antenna
S.P.	=	Service Point

Description Examples

S. H. #5 TO POLE BASE
PED HEAD #22 TO POLE BASE
POLE BASE TO PB (E&F)
PB (E&F TO PB (D)
PB (D) TO PB (D/C)
PB (D/C) TO PB (C)
PB (C) TO PB (ANT.)
PB (ANT.) TO CONTROLLER
PUSH BUTTON TO POLE BASE
POLE BASE TO PB (E&F)
PB (E&F TO PB (D)
PB (D) TO PB (D/C)
PB (D/C) TO PB (C)
PB (C) TO PB (ANT.)
PB (ANT.) TO CONTROLLER
LUMINAIRE TO POLE BASE
VIDEO CAM. #2 TO POLE BASE
SERVICE POINT TO PB(SP)

Additional material

3-Section Head	=	8	Feet
4-Section Head	=	10	Feet
5-Section Head	=	13	Feet
Dog House Head	=	10	Feet
Hybrid Beacon Head	=	6	Feet
Emergency Head	=	6	Feet
Pedestrian Head	=	3	Feet
Pole Base (Signal Pole/10'-15' Ped Pole)			
1 - 5c	=	6	Feet
1 - 12c	=	6	Feet
1 - 20c	=	6	Feet
E.C. for Luminaires	=	6	Feet
Video Cable	=	6	Feet
Antenna Cable	=	6	Feet
N.M.C.	=	6	Feet
Pole Base (Push Button Pole)			
1 - 5c	=	2	Feet
Pull Box	=	3	Feet
Controller Cabinet	=	10	Feet
Service Point	=	14	Feet
Luminaire Head	=	5	Feet
Video Camera	=	2	Feet
Antenna	=	5	Feet

On Signal Pole

Pedestrian Head Height	=	8	Feet
Push Button Height	=	4	Feet
Supplement Signal Head	=	10	Feet

Pedestrian Push Button Pole

Push Button Height	=	4	Feet
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If Video Camera is on the luminaire arm

Length of the luminaire arm plus 23" tube length plus additional material for video camera

If Video Camera is on the end of the mast arm

Length of the mast arm plus tube length plus additional material for video camera

If Video Camera is between two signal heads

Length from pole to the signal head furthest away from pole plus tube length plus additional material for video camera

For 1c/#8 E.G.C., A.W.G (pole to pull box)

Pole Base	=	12	Feet
Pull Box	=	6	Feet
Length of Conduit is double from pole base to pull box			

The City prefers right-turn overlaps to be hard-wired. This is done by connecting the yellow and green arrows in the signal head to appropriate field terminals.

Splicing of cables will not be allowed.

800.3.12 Timing

Traffic signal timings shall be provided to the City Engineer by the designer and shall **not** be shown on the plans.

800.3.13 Overhead Signs

The overhead street name signs shall be placed between the signal pole and the first vehicle signal head, refer to the most current version of ARDOT standard drawing SD-11 (Steel Pole with Mast Arm).

The designer will compute the sign dimensions and show them on the plans. Lettering sizes are included in the City's standard plans.

800.3.14 Traffic Signal Interconnect

At locations specified by the City Engineer or where a new traffic signal is to be constructed, interconnection of the traffic signals is required. Pull box labeling and spacing should be as per **Section 700.3.6**.

Interconnect cable shall be Single Mode Fiber (SMF), unless otherwise directed by the City Engineer (or designee).

At new installations where interconnect is not required, future interconnect conduit shall be installed as per Section 700.3.7.

800.4 Traffic Signal Plan Requirements

This section governs the preparation of improvement plans for a traffic signal project.

800.4.1 General

The traffic signal plans shall include all information necessary to build and check the design of a traffic signal system. For new developments, the traffic signal plans shall be submitted with the public improvement plans (if any) and shall clearly show public street and stormwater drainage improvements and utilities in a de-emphasized manner. The plans shall be arranged as required by the City. The title sheet for the plans shall be signed and sealed by an Arkansas Registered Professional Engineer responsible for preparing the plans. The signed and sealed plans shall be submitted to the City for review and approval prior to construction.

800.4.2 Private Improvements

If any private improvements are shown on the public improvement plans, they shall be clearly defined and marked as such. An appropriate note shall be included on the drawings stating that these private improvements will not be maintained by the City of Bentonville. This section is not intended to imply that private improvements will be allowed within the public right-of-way.

800.4.3 Sheet Size

The sheet size for improvement plans is twenty-two inches by thirty-four inches. Full-size and half-size plans are required for all submittals. All sheets in a given set shall be the same size.

800.4.4 Types of Sheets in Plans

The improvement plans shall typically consist of the following sheets:

Title Sheet

General Notes, Legend, and Survey Control Sheet

City Standard Details

Traffic Signal Notes and Quantities Sheet

Traffic Signal Plan Sheet (60 scale)

Traffic Signal Plan Sheet (40 scale)

Interconnect Plan Sheet (if needed)

Wiring Diagram Sheet

Phasing, Signal Heads, and Detector Chart Sheet

Pavement Marking and Signing Plan (if needed)

Traffic Control Plan (if needed)

ARDOT Standard Detail Sheets

Each sheet should contain proper project identification, the type of sheet, a sheet number, including the individual sheet number and the total number of sheets, and dates of when the plans were originally prepared and all revisions.

Applicable City and ARDOT Standard Details sheets shall be included in the plan set.

800.4.5 Title Sheet

The title sheet shall include the following information:

- A. The project title, centered at the top of the sheet as follows:

NAME OF INTERSECTION/PROJECT
CITY OF BENTONVILLE
BENTONVILLE, ARKANSAS
(City Project Number, Bid Number When Applicable)

- B. The City logo shall appear bottom center.
- C. An index of the sheets included in the plans.
- D. A list of applicable ARDOT Standard Roadway Drawings. (As Needed)
- E. A list containing the name and local telephone number of each utility company and the Arkansas 811 One-Call System.
- F. The name, address, and telephone number of the design engineer.
- G. The name, address, and telephone number of the owner/developer, where applicable.
- H. A vicinity map adequately showing the project location in relation to major streets and the section in which it is situated, with a north arrow and approximate scale.
- I. A signature block to be signed and sealed by the Arkansas Registered Professional Engineer responsible for preparing the plans.

Note that traffic volume information need not be shown in the plans unless required by another reviewing agency (e.g., ARDOT).

800.4.6 General Notes and Legend Sheet

See the City's example signal plans for a sample sheet. The general notes and legend sheet shall include the following information:

- A. list of general notes to the contractor.
- B. A legend of symbols that apply to all sheets.
- C. Survey Control Points

800.4.7 City Standard Detail Sheet

See the City's example signal plans for a sample sheet.

- A. City Standard Detail Sheets (As needed).

800.4.8 Traffic Signal Notes and Quantities Sheet

See the City's example signal plans for a sample sheet.

- A. Notes and Quantities sheet should include General and project specific traffic signal notes as well as Traffic Signal Quantities Summary.

800.4.9 Traffic Signal Plan Sheet (60 Scale)

See the City's example signal plans for a sample sheet. The traffic signal plan sheet shall include the following information:

- A. One or more plan sheets adequately showing the traffic signal system in relation to the streets and adjacent properties, with a north arrow, and a bar scale at a minimum scale of one inch (1") equals sixty feet (60').
- B. All existing and proposed utilities such as power, gas, water, telephone, cable, sanitary sewer, storm sewer, and other items shall be accurately shown according to the best available information in the records of the owner of the facility, or field location, and shall be identified as to type, size, material, etc., as may be applicable. Existing utilities should be shown in gray.
- C. All existing and known proposed improvements within fifty feet (50') each side of the right-of-way and one hundred feet (100') beyond the project limits shall be shown at their proper locations unless otherwise approved or required by the Engineer. These improvements shall include items such as street pavement, curbs and gutters, sidewalks and driveways, storm and sanitary sewers, water mains and fire hydrants, utility poles and pedestals, trees and shrubs, fences and walls, buildings, and similar items, and shall be identified as to type, size, material, etc., as may be applicable. Irrelevant items may be omitted for new developments. Existing items should be shown in gray. New non-signal items may be shown with a thin black line. Future non-signal items may be shown with a dashed line.

Pole locations. Typically, signal equipment does not need to be identified by station and offset unless stationing is available. If the signal is part of an improvement project for which stationing and controls have been developed, street centerline stations should be shown and marked at one hundred-foot (100') intervals for consistency between the signal and improvement plans. Pole locations should be referenced from the curb or pavement edge using a schematic location diagram on the signal plan sheet (see City example signal plans) and with station and offset when available.

The plans should clearly show the proposed placement of all traffic signal equipment including power supply assembly, power source, poles, heads, Opticom, cameras, signs, street lights, junction and service boxes, conduit, loops, and controller cabinet. The items to be constructed or installed for the project should be legibly noted. The following should be displayed: Pole Dimensions, Detector Spacing Chart, Signal Faces with Notes, Phasing Diagram, Notes, and Call outs.

800.4.10 Traffic Signal Plan Sheet (40 Scale)

See the City's example signal plans for a sample sheet. The traffic signal plan sheet shall include the following information:

The plans should clearly show the proposed placement of all traffic signal equipment including power supply assembly, power source, poles, heads, Opticom, cameras, signs, street lights, junction and service boxes, conduit, loops, and controller cabinet. The items to be constructed or installed for the project should be legibly noted. The following should be displayed: Pole Locations, Design Parameters, Notes, and Call outs.

800.4.11 Interconnect Plan Sheet (if needed)

If interconnect to an adjacent signal (or fiber optic system) is part of the design, a separate interconnect plan may be included. This plan should be at a minimum scale of 1 inch = 80 feet and should identify all conduit and boxes necessary to provide a complete interconnect system. The plan should also include notes (and details, if necessary) identifying how connections will be made in each controller. The plan should include a quantity table indicating total length of conduit and wiring, as well as the total number of boxes.

800.4.12 Wiring Sheet

See the City's example signal plans for a sample sheet and ARDOT Traffic Signal Design Checklist. This sheet should include the following information:

- A. Wiring Diagram (an overall schematic of the traffic signal system, including interconnect if any)
- B. Notes
- C. Grounding Array
- D. Ped Push-Button Detail (if needed)

800.4.13 Phasing, Signal Heads, and Detector Chart Sheet

- A. NEMA signal phasing diagram and sequence diagram should be displayed and should follow the City's standard phasing (see Section 700.3.1)

- B. Interval Chart with Flash Sequence
- C. Detector Chart
- D. Signal Faces proposed and existing
- E. Notes

800.5 Traffic Signing

800.5.1 General

- A. Type and Location of Signs. The City Engineer shall make the final determination regarding the type and location of signage controls within the city right-of-way. These controls shall include traffic control signs, street name signs, delineators, and permanent barricades.
- B. Design, Installation, and Maintenance. Because the City will maintain the permanent traffic control devices on public rights-of-way, all traffic control devices shall be fabricated and installed in accordance with this chapter and the latest edition of the MUTCD.
- C. New Roadway. Permanent signage, unless otherwise approved by the City Engineer, shall be completely in place before any new roadway is opened to the public.
- D. Other Standards. These Standards are to be used in conjunction with other applicable City regulations.
- E. Sign Posts, Supports, and Mountings
 - a. Sign Post (Greenspace Installation). The post shall be 2 #/ft green U-channel for signs with an area of 8 square feet or less. Signs with an area greater than 8 square feet shall be 3 #/ft. Stop and Yield signs shall be 3 #/ft. Post height will vary based on the size of the sign, minimum height required by the MUTCD, and a minimum vertical penetration of 30 inches.
 - b. Sign Post (Concrete Installation). Shall be same as Greenspace Installation with the exception of a 12" sleeve made of 4" Schedule 40 PVC. After installation, the space inside the sleeve shall be filled with gravel and topped off with ¾ to 1" grout to match sidewalk, etc.
 - c. Pole Mounted Signs. Signs being attached to traffic signal poles, mast arms, or any other pole shall be installed using a stainless-steel strap and bracket system with an aluminum stiffener.
 - d. Sign Bolts. The bolt, washer, lock washer, and nut shall be zinc coated. A nylon washer shall be placed between the face of the sign and a zinc washer.
- F. Sign Reflectivity. Reflective materials shall be a prismatic sheeting made with Micro-Prism in accordance with the latest version of ASTM D4956. Guide, pedestrian, and

school area signs shall have a TYPE XI (DG3) sheeting material and all other signs shall have a minimum TYPE III. Reflective material shall have a minimum 7-year warranty.

- G. Backing Plates. Aluminum blanks of .080 gauge are standard, except for signs larger than 36 x 36 inches, which shall be .100- or .125-gauge aluminum.

800.5.2 Intersections

A. Street Name Sign.

- a. Signalized Intersection. The sign face shall be a combination of upper and lowercase letters and include the street name, suffix, and block number & direction. 18-inch plates shall be used at all signalized intersections; lengths will vary to fit street names.
- b. Sign Assembly: There shall be one plate for each mast arm. Typical installation shall include four street name signs, one for each direction. All 18-inch blank signs shall be .125-gauge.
- c. Sign Face: The font shall be Hwy. Series B. The letter size shall be 12 inches for the street name upper case (first letter) followed by 9 inches lower case and 6 inches for the prefix and suffix. The letters and numbers are to be white on a green background. There shall be a 0.75-inch white border. See Section 7.3.1 (F) for reflectivity requirements.

- B. Non-Signalized Intersection. The sign face shall be a combination of upper and lowercase letters and include the street name and suffix. 9-inch plates shall be used at all nonsignalized intersections; lengths will vary to fit street names.

- a. Sign Assembly: There shall be one plate for each road, with a minimum of two plates per street sign assembly. Typical installation shall include two street name signs, one for each direction. All 9-inch blank signs shall be .080-gauge.
- b. Sign Face: The font shall be Hwy. Series B. The initial letter size shall be 6 inches followed by 4.5-inch lettering. Prefix and suffix shall be 3 inches. The letters and numbers shall be white on a green background. There shall be a 0.625-inch white border.

C. Stop Signs.

- a. Location of all stop signs shall be determined and discussed in the Transportation Impact Study (TIS), when required.
- b. Stop signs will be placed in accordance with the TIS, approved construction plans, and the MUTCD.

800.5.3 Traffic Control Signs

- A. Regulatory. All regulatory signs shall be sized, designed, and installed in accordance with the latest editions of FHWA's Standard Highway Signs and MUTCD. All signage is subject to review and approval by the City Engineer.
- B. Warning. All warning signs shall be sized, designed, and installed in accordance with the latest editions of FHWA's Standard Highway Signs and MUTCD. All signage is subject to review and approval by the City Engineer.

Pedestrian crossings located along established school pedestrian routes and in school zones shall be signed at the crossing and in advance in accordance with the latest edition of the MUTCD. School area signs shall have a fluorescent yellow/green background.

800.5.4 Roundabouts

Roundabouts shall be signed in accordance with the latest edition of the NCHRP Report 672 Roundabouts: An Informational Guide.

800.5.5 Temporary Construction Signage

All temporary construction signage shall be placed according to MUTCD standards. All temporary signage is subject to review and approval by the City. Temporary street lane closures shall be coordinated with the City Engineer, emergency services and transportation providers. When required Detour Plans shall be submitted for review.

800.6 Pavement Markings and Striping

800.6.1 General

- A. Design of Striping and Markings. The design of striping and markings shall be in accordance with these Standards and the latest edition of the MUTCD.

The City Engineer shall make the final determination in regards to the type and location of pavement striping and marking within the right-of-way during the review of the project.

- B. Installation and Maintenance. The City maintains the permanent pavement striping and marking on public rights-of-way after completion of the warranty period. All such devices shall be specified and installed in accordance with these Standards and the latest edition of ARDOT's Standard Specifications for Highway Construction.
- C. New Roadway. Permanent striping and marking, unless otherwise approved by the City Engineer, shall be completely in place before any new roadway is opened to the public.

800.6.2 Pavement Markings (Symbols and Arrows)

- A. General. Preformed thermoplastic shall be used for all pavement markings such as arrows, “only,” crosswalks, railroad crossings, school crossings, stop lines, yield lines, bike symbols and any other symbol required by the City Engineer.
- B. Preformed Thermoplastic Pavement Marking Specifications. See Section 719 of ARDOT's Standard Specifications for Highway Construction, latest edition.
- C. Crosswalks.
 - a. General. Crosswalk markings shall be used at all signalized intersections, approved crossings, school routes, adjacent to schools, and as otherwise directed. All crossing locations with 20 or more pedestrians per hour for any hour of an average day shall be marked. Children, senior citizens, and disabled users shall be counted 2x in this volume calculation.
 - b. Standard Crosswalk. White 6-foot long x 1-foot wide bars at 4-feet on centers shall be used for all crosswalks.
 - c. Crosswalk Enhancements. Crosswalk enhancements may be required at certain intersections, including uncontrolled intersections and midblock crossings. See Section 700.7 for selection and design guidance.
- D. Stop Lines. All stop lines shall be white and a minimum of 12 inches wide. Stop bars are required at all signalized locations.
- E. Roundabouts. Pavement Markings in roundabouts shall be designed and installed in accordance with the latest edition of the NCHRP Report 672, Roundabouts: An Information Guide and the MUTCD.

800.6.3 Striping

- A. General.
 - a. Typical striping widths for lane lines are 6 inches, unless otherwise noted. Double yellow centerline must have a 6-inch minimum gap between stripes.
 - b. Thermoplastic markings shall be used on all striping unless otherwise approved by the City Engineer. Refer to Section 719, ARDOT Standard Specifications for Highway Construction latest edition for thermoplastic marking specifications.
 - c. All striping on sealcoats shall require a layout line. Prior to striping, tabs are required for sealcoats (prior to the sealcoat process). All other conditions require spot taping at an interval of 25 feet or closer.
- B. Broken Line. All broken lines shall be 6-inch wide using a 40-foot cycle (10 feet long with 30- foot gap).

- C. Dotted Line. All dotted lines shall be 6-inch wide using a 6-foot cycle (2 feet long with 4-foot gap).
- D. Turn Bay Line. All turn bay lines shall be created with a minimum 6-inch wide line. However, if a turn bay occurs on a horizontal curve, the bay taper from the start of the double wide 6-inch may be marked with short 6-inch-wide dotted lines (2 feet long with 4-foot gap).
- E. Centerline. All centerline striping shall be double yellow, each a minimum of 6 inches wide, with a 6-inch minimum gap between the two.
- F. Parking Stalls. All striping for parking shall be white and 4 inches wide. All edge lines of parking areas shall also be white and a minimum of 4 inches wide.
- G. Bikeway. Striping to separate a travel lane and a bike lane shall be white and 6 inches wide.

800.6.4 Temporary Striping

All temporary striping shall conform to the ARDOT Standard Specifications for Highway Construction. When approved, temporary striping shall be required prior to the opening of a roadway for travel where pavement and/or permanent striping cannot be completed due to weather and/or time constraints or for staged construction.

- A. Specifications. Temporary striping shall be the same color and width as for permanent striping. Temporary striping shall consist of tabs, tape, or paint depending on the pavement surface, spaced at 25-foot intervals.
- B. Time Duration Limit. Temporary striping is permitted for no more than 7 days unless for staged construction or otherwise approved.
- C. Extensions. Extensions must be requested in writing if weather does not allow installation of permanent striping.

800.7 Midblock Crossings and Uncontrolled Intersections

To increase walkability and pedestrian safety, midblock crossings may be allowed or required on certain streets and implemented in accordance with NACTO's Guidance for Midblock Crossings and these Standards. The minimum expected crossing volume for installation of a midblock crosswalk is typically 20 or more pedestrians per hour for any hour of an average day. Children, senior citizens, and disabled users shall be counted 2x in this volume calculation. Crossing locations near schools, parks, or other destinations, and more than 300 feet from the nearest crossing may be considered regardless of the pedestrian volume.

Midblock crossings and crossings at intersections without stop or signal control may require additional safety features under certain conditions. Countermeasures as outlined in the FHWA Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations shall be installed as appropriate for the speed and volume of traffic and type of roadway conditions.

Crosswalks shall be marked at uncontrolled crossing locations where the following conditions occur:

- Pedestrians exceed 20 pedestrians per hour for one hour, 18 pedestrians per hour for two hours, or 15 pedestrians per hour for 3 hours. Children, senior citizens, and disabled users count 2x for purposes of this volume calculation.
- Vehicle ADT exceeds 3000 vpd.
- Operating (85 percentile) speeds are greater than 35 mph.

All marked crosswalks at uncontrolled locations shall include:

- High visibility crosswalk markings per standard details.
- Adequate sight distance by restricting parking and other obstructions.
- Adequate nighttime lighting levels. Lighting shall be installed on both sides of the crosswalk located such that the pedestrian is front lit while in the crosswalk.
- Crossing warning signs.

Table 1 of the FHWA Guide for Improving Safety at Uncontrolled Crossing Locations shall be used to select crossing enhancements beyond the standards listed above. Notes and modifications to this table are as follows:

- 397.1.1.1.2 RRFB's are a minimum requirement when operating (85th percentile) speeds are above 35 mph and may be required at lower speeds when ADT is higher than 9000 vpd.
- 397.1.1.1.3 Pedestrian hybrid beacons are always required when warranted per MUTCD criteria.
- 397.1.1.1.4 Other treatments identified in Table 1 shall be considered based on roadway configuration and traffic speed and volume. Treatment types circled or highlighted in black shall be minimum requirements.

900 PEDESTRIAN FACILITIES DESIGN AND TECHNICAL CRITERIA

900.1 General

This chapter sets forth the minimum criteria to be used in the design of all sidewalks, access ramps, and other pedestrian facilities within the right-of-way, or other public easements.

900.1.1 Reference Documents

Within this chapter, AASHTO's A Policy on Geometric Design of Highways and Streets, the AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, the NACTO Urban Street Design Guide, and the ITE Designing Walkable Urban Thoroughfares were used as a reference.

900.1.2 ADA Requirements

All pedestrian facilities shall be designed in accordance with American Disabilities Act (ADA) regulations and the requirements of these Standards. Any waivers from these requirements shall be in accordance with ADA requirements and shall be approved by the City Engineer prior to construction.

900.1.3 Obstructions

Manholes, utility poles or other appurtenances or obstructions, should not be located in sidewalks or trails unless specifically approved by the City Engineer. A minimum accessible path of 5 feet in width should be provided that is free of such obstruction when feasible.

900.1.4 Pedestrian Crossings

All crosswalks shall be marked in accordance with **Chapter 700, Traffic Control Devices**. Crosswalks will be required at all signalized intersections, school areas, and high pedestrian areas as designated by the City Engineer.

900.1.5 Pedestrian Refuge Area

For Arterial Roadways with raised medians and on splitter islands for roundabouts, a pedestrian refuge area shall be created in the median to increase pedestrian safety as directed by City Engineer.

900.1.6 Safety Railings (Handrails)

Safety railings will be required on any drop adjacent to a sidewalk/trail greater than 30 inches that has a slope of 1:1 or greater. Handrails shall be a minimum of 42 inches in height according to AASHTO.

900.2 Sidewalks

Materials and construction requirements for sidewalks shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 633 and the ARDOT Qualified Product List (QPL), except as modified herein.

900.2.1 General Layout, Design Criteria, and Material Properties

- A. Width. Minimum sidewalk widths for the various street classifications shall be as specified in the City of Bentonville Master Street Plan and as shown in **Table 400-1**. The City Engineer may require additional width for activity areas and routes leading to and from these areas. The final sidewalk width shall be determined through additional study of higher pedestrian traffic areas.

When a sidewalk is less than 8 feet in width and located adjacent to the back of curb where on street parking is allowed, the sidewalk shall be widened by 1.5 feet to accommodate the car doors opening onto the sidewalk area.

- B. Shy Distance. A shy distance of 2 feet is required where vertical barriers (walls, fences, signs, etc.) greater than 40 inches in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk. A shy distance of 1.5 feet is required from the back of curb. A shy distance of 1 foot is required for all other fixed obstacles. Shy distances shall be added to the minimum widths of sidewalks specified in the Master Street Plan or required by the City Engineer to determine the final sidewalk width.
- C. Minimum Distance to Slope. There shall be a minimum of 1 foot between the sidewalk and the beginning of a slope greater than 2.00%.
- D. Concrete. Concrete shall conform to ARDOT Class "S", 3500 psi, 6.5 bag mix with 4-7% air entrainment. Alternative materials must be approved in writing by the City Engineer. All sidewalks not within driveways shall be a minimum of 4 inches thick concrete. All sidewalks within a driveway shall be a minimum of 6 inches thick.
- E. Sidewalk Crossings of Driveways and Alleys. Sidewalks and side paths shall have continuous longitudinal grade through driveways and alleys. Sidewalks shall have an expansion joint at the edge of sidewalk opposite the street. The sidewalk edge adjacent to the street shall have at least 1 inch deep grooved joint mark to clearly delineate the sidewalk from the driveway or alley.

- F. Sidewalk Elevation. The back of sidewalk elevation shall be such that the slope down from the back of sidewalk to the top of curb is not greater than 2.00% with a target slope of 1.00% unless otherwise approved by the City Engineer.

G. Slope.

- a. Cross Slope. Sidewalk cross slopes shall be a minimum of 1 percent and a maximum of 2%. The cross slope shall be towards the street unless otherwise approved.
- b. Longitudinal Slope. Longitudinal slope of sidewalks shall be consistent with the adjacent street slopes.
- c. ADA Requirements for Steeper Slopes. Sidewalks with greater than 5 percent longitudinal slope or those not adjacent to a street, shall be constructed to meet ADA requirements by use of ramps and landings, construction of switchbacks, or other acceptable means.

H. Joints.

- a. Material. Expansion joint material shall meet AASHTO M213 for an asphaltic fiber expansion joint material or other joint material meeting the requirements of the latest edition of the ARDOT Standard Specifications and Qualified Product List (QPL). Joint material shall be installed with a zip strip which is removed after the concrete has cured and sealed with a mastic sealer. Expansion joint material shall be left 1/2" lower than grade or trimmed 1/2" lower and filled with self-leveling sealant to finished grade. No wood shall be utilized for expansion joint material.
- b. Location. Full depth expansion joints shall be provided where sidewalks abut drainage structures, retaining walls, building faces, existing concrete flatwork, and all other fixed objects. Expansion joint material shall be provided at each cold joint. Additionally, expansion joints shall be installed perpendicular to the sidewalk at intervals equal to five (5) times the sidewalk width. Expansion joints shall be a minimum of 1/2" width and extend the full depth of the concrete.

Contraction (weakened plan) joints shall have tooled or saw-cut transverse joints with joint spacing matching sidewalk width. The contraction joints shall be constructed to 1/4 depth of the sidewalk thickness and shall be 1/8" to 3/8" wide.

- c. Joint Sealant. All contraction joints and cold joints shall be filled to finished grade with self-leveling sealant such as Sonneborn sl-1 or equivalent meeting the requirements of ASTM C 920, Type S. A self-leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.
- I. Aggregate Base. A minimum 4" compacted aggregate base course (Class 7) shall be constructed below concrete sidewalk extending 6" beyond sidewalk edges. Material shall adhere to ARDOT Standard Specifications Section 303 and be compacted to 95% of Modified Proctor Density as determined by AASHTO T 180 or ASTM D1557.
- J. Subgrade. The subgrade shall be excavated or filled to the required grade. Unacceptable material shall be removed and replaced with suitable material, free from topsoil, leaves, twigs, or other organic material, trash, large rocks, or other deleterious materials, and the entire subgrade shall be thoroughly compacted with approved mechanical equipment to not less than 90% of the material's maximum density as determined by AASHTO T99 or ASTM D698.
- K. Finish. All sidewalks shall receive a broom finish and all edges shall have a 1/2" radius edge.
- L. Curing Compound. All sidewalks require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days. Concrete curing compound shall be Sealtight 1600-white manufactured by W.R. Meadows, or an approved equal on the ARDOT Qualified Product List (QPL.)
- M. Existing Sidewalks. When redevelopment is proposed on properties with existing sidewalks, the plans shall show the location of all existing and proposed sidewalk improvements. Each development will be subject to review of the overall impact to the sidewalks to evaluate the extent of the sidewalk replacement. All sidewalks shall conform to the Master Street plan standards unless approved by the City Engineer. Widening of the existing sidewalks to meet current sidewalk width standards is not allowed.

Removal and replacement of the existing sidewalks is required for all:

1. Segments of the sidewalk, including ramps, that do not meet all applicable ADA standards, including cross slope and running slope.
2. Segments that have cracked and/or settled to the extent that they are out of ADA compliance. This is defined as more than 1/4 inch of vertical displacement or cracks or joints more than 1/2 inch wide.
3. Segments that display surface spalling or other distress such that a trip hazard (more than 1/4 inch vertical displacement) is created.
4. Segments of sidewalk damaged during construction to the extent that any of the items above apply.

900.2.2 Construction Requirements

Topsoil shall be stripped to a minimum depth of 6" below grade underneath the sidewalk. Subgrade shall be prepared as required being well and firmly tamped with rammer and brought to a firm and solid surface upon which to construct the sidewalk. A minimum of four (4) inches of Class 7 Aggregate Base Course shall be placed on subgrade and firmly tamped down to meet compaction requirements at a minimum 4" compacted depth. The Class 7 base course shall extend six (6) inches either side of the sidewalk to help provide a strengthened base.

After the Class 7 Aggregate Base Course has been compacted and inspected and approved, 4" of Portland Cement Concrete shall be placed, tamped to consolidate concrete, brought to a smooth level surface with the top of the form, then floated well and a broom finished. Tooled or sawcut transverse joints shall be placed perpendicular to the sidewalk at intervals equal to the width of the sidewalk. Concrete shall be properly protected from damage until sufficiently hard for use.

All Subgrade, base and formwork for sidewalks constructed within the public right-of way are required to be inspected and approved prior to placement of the sidewalk.

900.3 Access Ramps

900.3.1 Ramp Requirements

Access ramps shall be installed where sidewalk intersects a curb, commercial driveway, street or alley for all new construction or reconstruction of curb and sidewalk. Access ramps shall meet ADA requirements to the maximum extent feasible. Materials and construction methods for sidewalk ramps shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 641, except as modified herein.

- A. Locations. Two access ramps shall be included at all intersection corners. On T-intersections, corresponding access ramp are required opposite the intersecting street. Access ramps shall not be placed in designated parking areas nor in or across from driveways. Ramps shall be located to avoid conflicts with the storm drain inlet depressions. Ramps shall be included when no ramp exists on the opposite side of the street.
- B. Width. The minimum width of an access ramp shall match the width of the sidewalk or trail unless supported by the Engineer of Record and approved by the City Engineer.
- C. Slope. The slope of the ramp shall not be greater than 8.33% (1:12) for all new developments. It is preferred that ramp slopes are less than the allowed maximum.
- D. Flared Sides. The slope of the flared sides shall not be greater than 10% (1:10).
- E. Finish. Access ramps shall have a broom finish.
- F. Curing Compound. All access ramps require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.

- G. *Detectable Warnings*. Detectable warning devices (truncated domes) meeting ADA requirements shall be installed at curb ramps and blended transitions at street crossings, cut through pedestrian refuge islands (excluding those less than six feet wide), pedestrian at-grade rail crossings, and other locations as required by ADA. Detectable warning devices shall be located so that the nearest edge of the device is 6 inches from the face of curb.

900.4 Shared-Use Paved Trails

900.4.1 General Layout and Design Criteria

- A. *Width*. The minimum width of shared-use paved trails shall be 12 feet, or in accordance with applicable Master Street Plan cross sections and shall follow the trail cross-section standard details. Plan.
- B. *Materials*. All materials shall be in accordance with these specifications.
- C. *Grades*. All trails shall be constructed with a 2% maximum cross slope in the same direction as the existing grade unless otherwise designated to allow drainage to sheet flow across the trail. Trails adjacent to streets shall have 2% maximum cross slope towards the street. Longitudinal grade shall not exceed 5%. Longitudinal grade may be varied for sites with difficult topography. In such cases, the AASHTO longitudinal grade requirement for bicycles shall apply.
- D. *Clear Zones for Shared-Use Paved Trails*. A clear zone space of 3 feet is required from the edge of the trail where no vertical barriers (walls, fences, signs, etc.) are allowed. For safety of the trail, clear zones shall be free of any obstructions according to AASHTO requirements.
- E. *Concrete Trail Requirements*. All concrete shall conform to ARDOT Class "S", 3500 psi, 6.5 bag mix with 4-7% air entrainment except as modified herein. Concrete trail sections shall be constructed to the following standards:
- Surface*. Concrete trail portions shall have a minimum 4-inch-thick concrete surface reinforced with fibers or welded wire fabric with a medium broom finish.
 - Base Course*. Base course for concrete trails shall consist of a 4-inch minimum thick layer of Class 7 aggregate compacted to 95% M.P.D.
 - Subgrade*. The top 24 inches of subgrade shall meet the requirements of **Chapter 600, Section 600.3** Subgrade and Fill Requirements. Existing material not meeting these requirements shall be removed and replaced with approved select fill and compacted to 95% Standard Proctor Density (S.P.D.). Specific site conditions may require the additional undercut, placement of stone backfill or other methods in order to create a solid base. If a trail is along the roadway, subgrade shall meet both the requirements of sidewalk subgrade and be compacted to 95% Standard Proctor Density.

- d. Expansion joints. Full depth expansion joints shall be provided where trails abut drainage structures, retaining walls, building faces, and all other fixed objects. Expansion joint material shall be provided at each cold joint. Expansion joint material shall be asphalt impregnated fiberboard meeting the requirements of AASHTO M213, or other joint material meeting the requirements of the latest edition of the ARDOT Standard Specifications.
- e. Contraction Joints. 1 inch deep weakened plane joints, or saw-cut joints, shall be placed in trail at regular intervals matching the trail width, but not greater than 12 feet apart.
- f. Joint Sealant. All expansion joints and saw joints shall be sealed with joint sealant such as Sonneborn SL1 meeting the requirements of ASTM C 920, Type S. A self-leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.
- F. Trail Shoulders. A 2-foot shoulder adjacent to the trail shall be graded smooth and should not exceed 2% cross-slope in the same direction as the trail.
- G. Tie Back Slopes. The ground beyond the shoulder shall meet the existing grade with a maximum slope of 3:1. A swale may be required on the uphill side of the trail to direct stormwater runoff to a storm sewer system or culvert crossing. These may be required where runoff is concentrated onto the trail.
- H. Trail Signage. Trail signage shall comply with the MUTCD, Part 9 – Traffic Controls for Bicycle Facilities. Note: signs specified in the MUTCD for trails are smaller than signs used along streets, refer to the MUTCD chart for shared use paths.
- I. Street Crosswalks. Trails that intersect and cross public streets shall have crosswalk pavement markings. Shared-use paved trails shall have continuous longitudinal grade through driveways, streets, and alleys.
- J. Striping. Striping shall be included on shared-use paved trails and installed according to the MUTCD, Part 9 – Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety.
- K. Location Criteria. Shared-use paved trail locations shall be based on safety, circulation, and access considerations.
- L. Overhead Clearance. All shared-use paved trails shall have a minimum of 10 feet clear vertical distance above the path.
- M. Drainage Design. All culvert crossings shall be designed to carry the 10-year storm event.

900.4.2 Horizontal Curves

Shared-use paved trails shall have a minimum centerline radius of 50 feet unless otherwise approved. All changes in horizontal alignment shall be curved and not have angle transitions.

900.4.3 Trail Lighting

Trail lighting and electrical conduit shall be installed as required by the City Engineer. Trail lighting shall be spaced to meet AASHTO 0.5-foot candle minimum.

900.5 Pedestrian Crossings

All crosswalks shall be marked in accordance with **Chapter 700, Traffic Control Devices**. Crosswalk markings will be required at all signalized intersections, school areas, and high pedestrian areas as designated by the City Engineer. Crossings at uncontrolled intersections or midblock locations may be required to have additional enhancements including rapid flashing beacons or pedestrian hybrid beacons as provided in the MUTCD.

900.6 Pedestrian Refuge Areas

For Arterial Roadways with raised medians and on splitter islands for roundabouts, a pedestrian refuge area shall be created to increase pedestrian safety.

900.7 Pedestrian or Shared Tunnel

All tunnels shall be designed and constructed with a clear interior width of 14' and clear interior height of 9'. The clear space must be free of all obstruction including but not limited to lights, handrails, and elevated floors.

900.8 Timeframe for Completion of Sidewalks

Sidewalks must be completed before the Certificate of Occupancy will be issued and permanent connection to utilities permitted. The owner(s) of record will be required to install sidewalks on any lot(s) which remain undeveloped three years after filing of the final plat or within 90 days from notification by the City if sidewalks are constructed on both sides of said lot. If the sidewalks are not constructed within three years of filing of the final plat or upon notification by the City, the City shall have the right (but shall not be required) to construct the sidewalks and to charge the cost thereof to the property owner(s) through placement of a lien on the real property. The final plat and protective covenants shall state these requirements.

1000 BICYCLE FACILITIES DESIGN AND TECHNICAL CRITERIA

1000.1 General

This chapter sets forth the minimum criteria to be used in the design of all bike lanes, bike paths, or other bicycles facilities within the City's rights-of-way.

1000.1.1 Reference Documents

In this chapter, the Connecting Bentonville Bicycle and Pedestrian Master Plan, the AASHTO Guide for the Development of Bicycle Facilities, the NACTO Urban Bikeway Design Guide, and the MUTCD were used as references.

1000.1.2 Bicycle Master Plan

This subsection was developed based on the City's Connecting Bentonville Bicycle and Pedestrian Master Plan. All projects shall optimize bicycle travel within the City by providing bicycle facilities in all new developments in accordance with this plan and the FHWA Bicycle Selection Guide.

1000.1.3 Obstructions

Manholes, storm drains, utility poles or other appurtenances or obstructions, should not be located in bike lanes or bike paths.

1000.1.4 Protected Intersections

When an intersection is planned along a bike facility that is designated on the Connecting Bentonville Bicycle and Pedestrian Master Plan, a protected intersection may be required as determined by the City Engineer. Protected intersection design shall be based on NACTO's Don't Give Up at the Intersection.

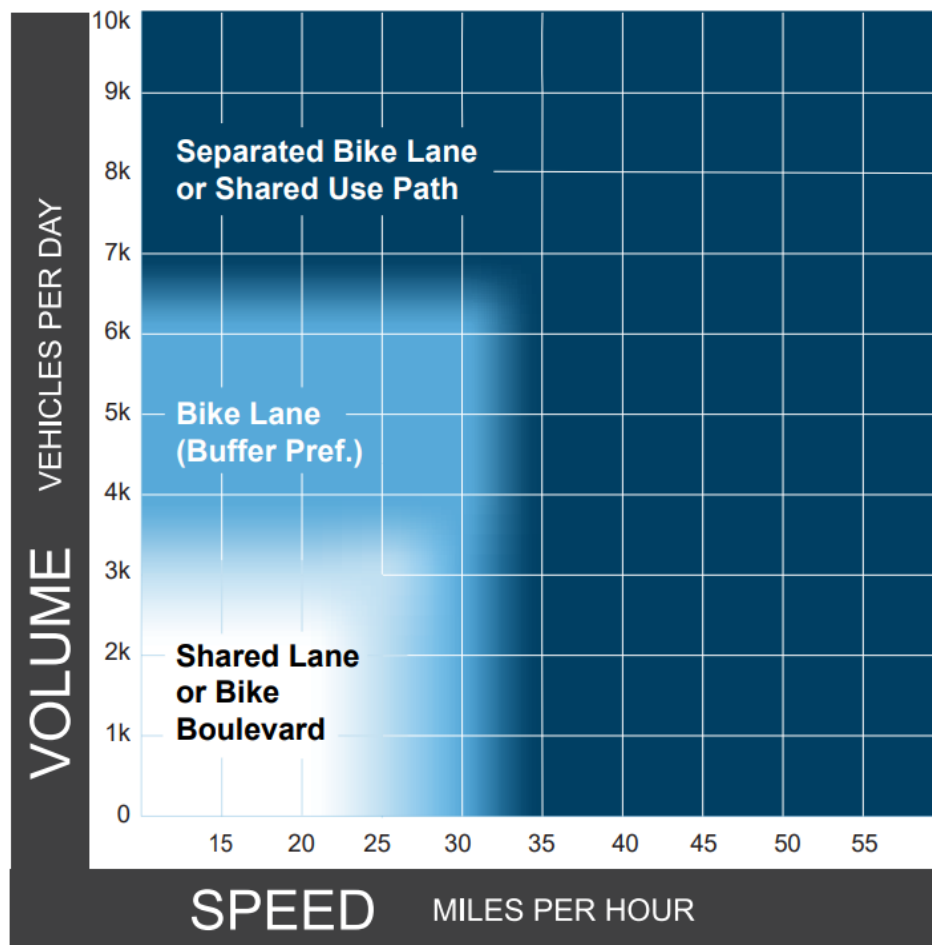
1000.2 On-Street Bike Lanes Design Requirements

1000.2.1 Bicycle or Shared Tunnel

All tunnels shall be designed and constructed with a clear interior width of 14' and clear interior height of 9'. The clear space must be free of all obstruction including but not limited to lights, handrails, and elevated floors.

1000.2.2 On-Street Bike Routes

Specific streets are designated in the Connecting Bentonville Bicycle and Pedestrian Master Plan as on-street bicycle routes. Streets designated as on-street bicycle routes shall be designed in accordance with the Master Street Plan and the FHWA Bikeway Selection Guide as shown **Figure 900-3.**



Notes

- 1 Chart assumes operating speeds are similar to posted speeds. If they differ, use operating speed rather than posted speed.
- 2 Advisory bike lanes may be an option where traffic volume is <3K ADT.
- 3 See page 32 for a discussion of alternatives if the preferred bikeway type is not feasible.

Figure 900-2 FHWA Bikeway Selection Guide

1000.2.3 Widths and Cross Sections

In almost all cases, vehicle traffic volumes and speeds will dictate whether a shared street or separate shared-use paved trail is appropriate. Bike lane width shall not be less than 6 feet measured from the face of curb or edge of pavement if no curb exists.

1000.2.4 Signage and Striping

All designated bike facilities shall be signed and striped, as required by MUTCD and as required in **Chapter 700, Traffic Control Devices**. 6-inch green thermoplastic or epoxy striping is required through intersections. For shared streets, a thermoplastic “sharrow” symbol with green backing shall be used.

1100 NEIGHBORHOOD TRAFFIC SAFETY

1100.1 General

This chapter presents acceptable methods of neighborhood traffic calming that are determined by the City to be necessary for existing Local Roadways. This chapter also provides for specific design criteria for several traffic calming methods.

The City of Bentonville is taking a proactive approach to improving road safety by adopting ordinances that incorporate traffic calming into street design. One ordinance establishes a policy regarding retrofitting existing residential and local streets with traffic calming devices. The second ordinance requires the use of traffic calming techniques and devices in the design of new local and residential streets. This guidebook is designed to assist city officials as well as developers of new streets in incorporating traffic calming into their design. Each method of traffic calming carries its own advantages and disadvantages. This guidebook is designed to identify these so that the city official or developer can determine the device or technique that is most appropriate for the particular street or neighborhood.

What is Traffic Calming? The Institute of Transportation Engineers defines traffic calming as the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users. Traffic calming measures are intended to be self-enforcing.

What is a Traffic Calming Device? A traffic calming device is a physical change or design of a street that causes a driver to slow down. Must be engineered and relies on physics.

What are Traffic Calming Strategies? Traffic calming strategies are techniques that are used to create a traveling environment that naturally causes a driver to slow down. These strategies require the driver to pay closer attention. This may include the layout of the streets in a curvilinear fashion, allowing parking along the street, a tree canopy, landscaping, streetscape and signage. Relies on human psychology.

Why use traffic calming? Traffic calming can reduce through traffic; reduce truck traffic; reduce occurrence of excessive speeding; reduce noise, vibration, and air pollution; reduce accidents; and provide a safer environment for pedestrians and children.

The Residential Traffic Management Policy identifies three levels of traffic calming. The following sections identify the traffic calming techniques based on these identified levels. Level 1 is essentially getting the word out regarding speed and volume of traffic on local and residential streets. Level 2 and Level 3 include physical changes to the street that naturally disperses and slows down traffic.

Section 1100.5 Streets of the Subdivision Code requires speed control points. The Speed Control Traffic Calming devices described in Level 3 qualify as speed control points in new developments. These regulations also encourage traffic reducing techniques which are identified in the street layout and design section.

1100.1.1 Intended Use

The necessity or desire for traffic safety and calming stems from the perception that Local Roadways, particularly in residential areas, do not always function as intended. These roadways should be low traffic volume roadways used for direct access to residences on the street. They are also intended as a multi-modal system that is shared by vehicular, bicycle, and pedestrian traffic in a manner that minimally impacts residents in these areas.

1100.2 Traffic Safety Problems

The presence of too many vehicles traveling at high speeds through a neighborhood diminishes that neighborhood's quality of life. Traffic calming measures are intended to minimize these issues and return the quality of life to the neighborhood. Care must be taken by the designer so that the installation of traffic calming devices does not create unintended hazards that delay emergency response or jeopardize the safety of bicyclists, pedestrians or motorists.

1100.2.1 Speeding

Speeding may occur on roadways that allow the driver to feel safe while exceeding the posted speed limit. Factors that contribute to this perception include long, unbroken lines of sight, steep roadway grades, wide roadways, low density developments, low pedestrian activity, and large building setbacks. In addition, speeding may occur when the street functions as a higher classification street than originally intended.

1100.2.2 Measuring Speed of Roadway

The standard method of measuring speed on any street is the determination of the 85th percentile speed. The 85th percentile speed is the speed at which or below which 85 percent of the vehicles travel. If the 85th percentile speed is at or below the posted speed limit, then speeding is not considered a problem. However, if the 85th percentile speed is over the posted speed limit by 5 miles per hour or greater, either the posted speed limit may be inappropriate, or a speeding problem may exist.

1100.2.3 Intrusion (Cut-Through Traffic)

Intrusion is increased volume or excessive non-local traffic along a neighborhood street. This cut-through traffic is caused by drivers who use a Local Roadway to go through a neighborhood and save time on their trip. These streets, which are less impeded than others, will often invite cut-through traffic. Routes that are perceived to be timesaving will attract more traffic. This increased cut-through traffic can cause Local roadways to function more like a Collector Roadway.

1100.2.4 Pedestrian Safety

Pedestrian safety negatively impacted by speeding vehicles, cut-through traffic, or a combination of these problems. The high concern areas are in the vicinity of neighborhood schools and parks or mid-block pedestrian crossings, particularly on streets with on-street parking. These areas require special consideration for the mobility and safety of the pedestrian.

1100.3 Traffic Calming Design Criteria

Specific signage, striping, and markings shall be in accordance with other City standards, the MUTCD, and NACTO. The use of some traffic calming devices may not be appropriate in certain locations. In all instances where traffic calming will be implemented, the design and location shall be approved by the City Engineer and Fire Marshal.

1100.3.1 Level 1: Education and Awareness

Level 1 involves educational and informational techniques to increase public awareness of speed limits, traffic safety concerns and encourage reduced speeds. Below are the methods associated with Level 1.

1100.3.1.1 Discussion

Conversations, e-mails, meetings, letters and handouts to residents regarding neighborhood traffic safety. Staff helps provide informational materials and residents are responsible for getting the information to residents affected by the issue or concern. Cost is minimal. Conversations, e-mails, meetings, letters and handouts to residents regarding neighborhood traffic safety. Staff helps provide informational materials and residents are responsible for getting the information to residents affected by the issue or concern. Cost is minimal.

Advantages	Disadvantages
- Allows residents to express views. - Identifies traffic issues.	- Effectiveness may be minimal. - Audience limited to those concerned. - Potentially time consuming.

1000.3.2 Radar Trailer: Placement of a portable radar trailer that displays the speed of passing vehicles. Cost is minimal.



Advantages	Disadvantages
• Educates drivers of speeds. • Can temporarily reduce speeds.	• Does not enforce the speed limit. • Effective only on single lane roadways. • Limited effectiveness with higher volumes

1100.3.2 Enforcement: Police Department selects times and locations to pro-actively enforce posted speed limits by issuing tickets/citations. Cost is minimal.



Advantages	Disadvantages
• Visibility of enforcement. • Temporarily reduces speeds. • Increases awareness.	• Temporary solution. • Police resources must be available.

Signage: May include a variety of signage, including additional speed limit signs or specialty signs, such as “Children at Play” or “Keep Kids Alive, Drive 25.”



Costs are associated with installation and maintenance of signs.

Advantages	Disadvantages
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Clearly indicates the message. Helps reduce speeds.	Ineffective without other measures. Sign clutter / visual pollution. Vandalism
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Level 2: Minor Street Changes

Level 2 traffic calming measures include minor changes to the physical street condition that are of reasonable cost that can be applied to residential and local streets. Below are the methods associated with Level 2.

1100.3.3 High Visibility Crosswalks:

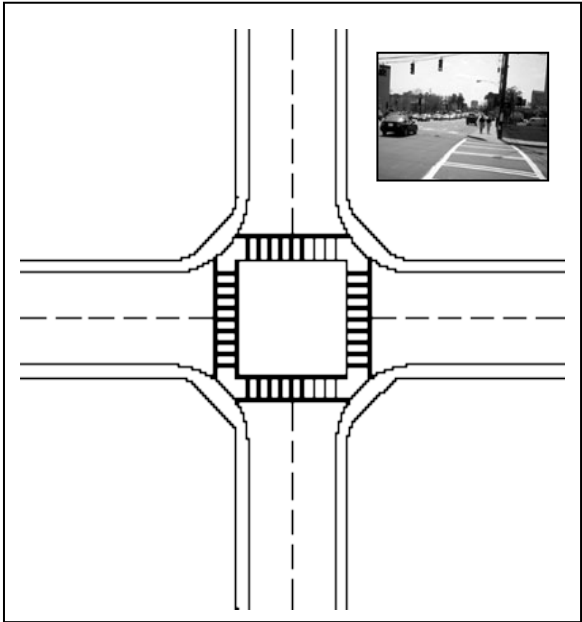
1100.3.4 Increasing visibility of crosswalks by painting a strip on the outer edges of the crosswalk and installation of appropriate signage.

Advantages

- Increases visibility.

Disadvantages

- False sense of security for pedestrians.
- High maintenance costs.
- Increases cost of resurfacing.



1100.3.5 Neighborhood Main Street

Center island narrowing are areas of curbed or painted islands located before an intersection or mid-block along the centerline of a street. They can be an appropriate traffic calming device on Local Roadways. Center island narrowing is used to slow traffic by narrowing the roadway with a median, and to increase pedestrian safety by providing a refuge halfway across the street so that only one direction of traffic needs be crossed at a time. Fire code requires 20' minimum for 2 way traffic. 15' can be used for 1 way traffic if the roadway is divided. A drivable curb will be needed in

some situations to allow for emergency equipment access. Provisions to allow traffic to pull to the side of the road to allow for emergency equipment access.

Advantages	Disadvantages
- Can be implemented quickly - Improves Safety - Reduce vehicle speeds - Can add aesthetic value. - Effective in reducing traffic volume. - appearance with landscaping - Does not restrict resident access - Improves bicycle safety	- Can result in loss of on-street parking space - Residents may oppose striping local streets. - Increases maintenance and resurfacing costs. - Landscaping maintenance - Reduces width of greenspace between the street and sidewalk

Reference <https://nacto.org/publication/urban-street-design-guide/streets/neighborhood-main-street/>



In-Street Pedestrian Crossing Sign: Used to remind motorists to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk. The following policies should be followed to ensure this technique is not overused.

- Sign shall not be used at intersections whose approaches are controlled either by stop signs or traffic control signals.
- Use only at key locations such as high pedestrian volume crosswalks.
- Use sign only at existing crosswalk locations.
- The sign shall only be used as an in-street sign, not on the outside shoulder or parking lane. When installed, the sign shall not impede or obstruct any traffic movement including through turn movements.
- When the sign is used at or in advance of a school crossing to supplement the ground mounted school warning signs, the sign shall include the SCHOOL plaque.

- The sign shall be used on streets with vehicle traffic volumes that exceed 1,500 vehicles per day.
- Use only in 35 mph or lower speed zones.
- The following supplemental conditions may warrant the signs installation:
 - Locations adjacent to and along established pedestrian routes to and from a school.
 - Locations adjacent to community centers, libraries, and other high use public facilities.
 - Locations adjacent to public parks.
 - Locations where accident records, sight obstructions and/or pedestrian volume warrants the installation.
 - Locations where significant numbers of handicapped persons cross a street.
 - Locations where significant numbers of senior citizens cross a street.

Advantages	Disadvantages
• Can be implemented quickly. • Can reduce speeds and improve safety.	- Gives pedestrians a false sense of security. - Vandalism may be an issue.



Level 3: Major Street Changes Speed Control Measures

Level 3 traffic calming measures are those that result in a major change to the physical character of the street and are typically associated with higher costs.

Below are the methods associated with Level 3, categorized by those designed to control speed and those designed to control volume.

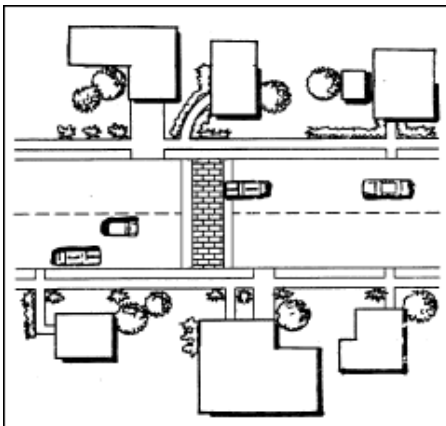
1100.3.6 Speed Table

Speed tables are midblock traffic calming devices that raise the entire wheelbase of a vehicle to reduce its traffic speed. Speed tables are longer than speed humps and flat-topped, with a maximum height of 3 inches and a length of 25 feet. Vehicle operating speeds for streets with speed tables range from 25–45 mph, depending on the spacing. Speed tables are flat-topped speed humps often constructed with brick or other textured materials on the flat section. Speed tables are typically long enough for the entire wheelbase of a passenger car to rest on the flat section. The brick or other textured materials improve the appearance of speed tables and draw attention to them. Speed tables are good for locations where low speeds are desired, but a somewhat smooth ride is needed for larger vehicles. Speed Tables are not acceptable in areas that require aerial fire fighting equipment or near fire hydrants.

Advantages	Disadvantages
- Reduces vehicle speeds - Easier on large vehicles (such as fire trucks) than Speed Humps. - Effective in reducing speeds, but not as well as Speed Humps. - Enhance safety. Can also be used as a raised crosswalk with proper markings and signage.	- Unattractive without textured pavement. - Textured materials, if used, can be expensive. - May increase noise and air pollution. - Can cause drainage issues.

Other Considerations. Need to be removable for snow removal and street maintenance.

Reference <https://nacto.org/publication/urban-street-design-guide/street-design-elements/vertical-speed-control-elements/speed-table/>

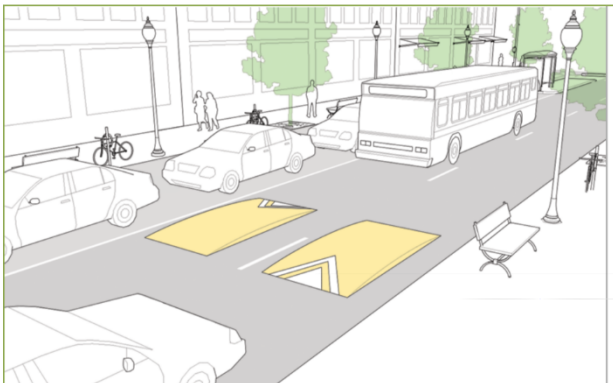


1100.3.7 Speed Cushion

Speed cushions are either speed humps or speed tables that include wheel cutouts to allow large vehicles to pass unaffected, while reducing passenger car speeds. They can be offset to allow unimpeded passage by emergency vehicles and are typically used on key emergency response routes.

Advantages	Disadvantages
- Reduce vehicle speeds	- Can result in loss of on-street parking space - Street Maintenance and Snow removal - Drainage must be accommodated - Landscaping maintenance

Reference <https://nacto.org/publication/urban-street-design-guide/street-design-elements/vertical-speed-control-elements/speed-cushion/>

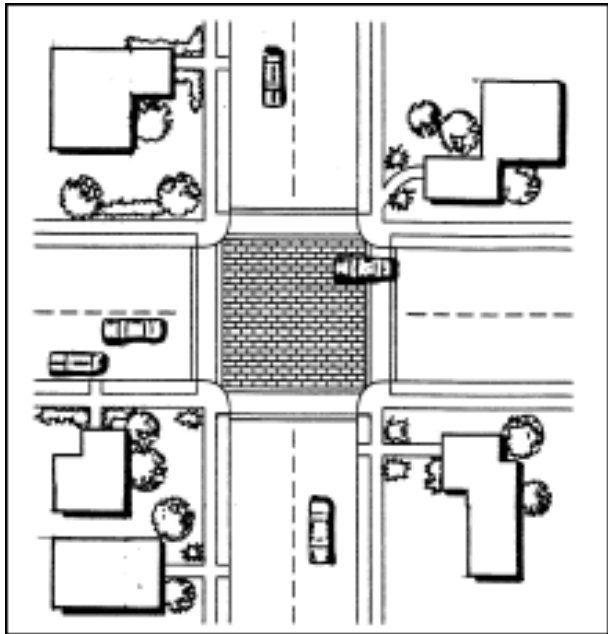


1100.3.8 Raised Intersection:

Raised intersections are flat raised areas covering an entire intersection, with ramps on all approaches and often with brick or other textured materials on the flat section. Raised intersections are good for intersections with substantial pedestrian activity, and areas where other traffic calming measures would be unacceptable because they take away scarce parking spaces. Raised Intersection are longer than speed humps and flat-topped, with a maximum height of 3 inches and a length of 25 feet. Vehicle operating speeds for streets with Raised Intersection range from 25–45 mph, depending on the spacing. Raised Intersection are flat-topped speed humps often constructed with brick or other textured materials on the flat section. Raised Intersection are typically long enough for the entire wheelbase of a passenger car to rest on the flat section. The brick or other textured materials improve the appearance of Raised Intersection and draw attention to them. Raised Intersection are good for locations where low speeds are desired, but a somewhat smooth ride is needed for larger vehicles. Raised Intersection are not acceptable in areas that require aerial fire-fighting equipment or near fire hydrants.

Advantages	Disadvantages
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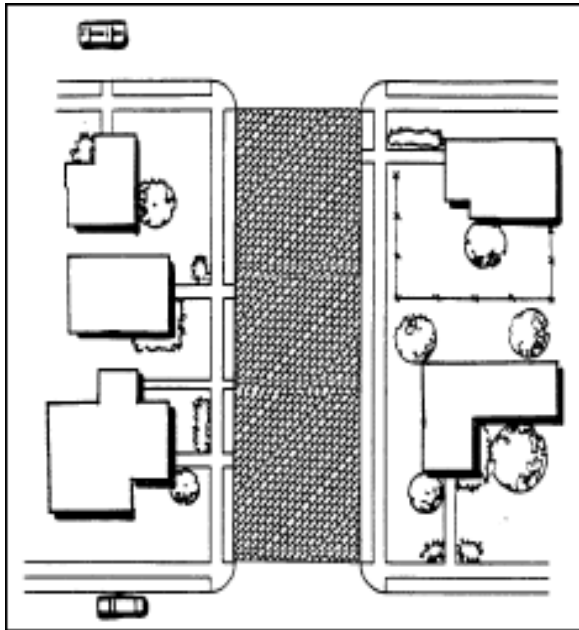
- Improves pedestrian and vehicular safety. - Can add aesthetic value. - Can calm two streets at once.	- Tend to be expensive, varying by materials used - Less effective in reducing speeds than Speed Tables - Can cause drainage issues
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1100.3.9 Textured Pavement:

Textured and colored pavement includes the use of stamped pavement or alternate paving materials to create an uneven surface for vehicles to traverse. Textured pavements are good for areas where there is substantial pedestrian activity and noise is not a major concern. Often effective in conjunction with other measures.

Advantages	Disadvantages
- Can reduce vehicle speeds over an extended length. - Can add aesthetic value. - Can calm two streets at once.	- Tend to be expensive, varying by materials used. - Can make crossings more difficult for wheelchair users and the visually impaired. - Can create noise disturbance for nearby residences.



1100.3.10 Chicanes

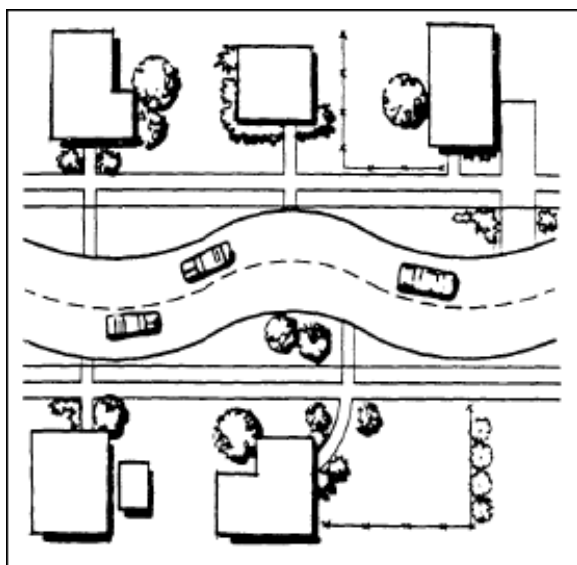
Chicanes are a series of three curb bulb-outs that are staggered on alternating sides of the street, forming S-shaped curves that force vehicles to negotiate the narrowed roadway in a snake-like fashion. They can be an appropriate traffic calming device on Local Roadways having volumes less than 3,500 vehicles per day, and on two-lane, two way or one-lane, one-way streets. Chicanes are used mid-block to slow vehicle speeds by forcing motorists to weave through the bulb-outs using horizontal deflection. A drivable curb will be needed in some situations to allow for emergency equipment access. Chicanes are not acceptable in areas that require aerial fire-fighting equipment or near fire hydrants. Provisions to allow traffic to pull to the side of the road to allow for emergency equipment access are required.

Advantages	Disadvantages
- Reduce vehicle speeds - Reduce traffic volumes - May reduce collisions - May reduce traffic noise - Can approve neighborhood appearance with landscaping - Improves bicycle safety - Easily negotiable by large vehicles, except under heavy traffic conditions.	- Can result in loss of on-street parking space - With two-lane chicanes, motorists may cross the centerline to maintain a straight line of travel - Landscaping maintenance - May slow emergency vehicles - Must be designed carefully to discourage drivers from deviating out of the appropriate lane. - Can be expensive. - May eliminate some on- street parking.

	- Can cause drainage issues.
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Other Considerations. Traffic volumes should be balanced in each direction as chicanes lose effectiveness when volumes are significantly unbalanced. Chicanes may not be appropriate in areas with high truck traffic and should not be used in locations where grades exceed 8%. Placement will depend on site conditions and driveway locations.

Reference <https://nacto.org/publication/urban-street-design-guide/street-design-elements/curb-extensions/chicane/>



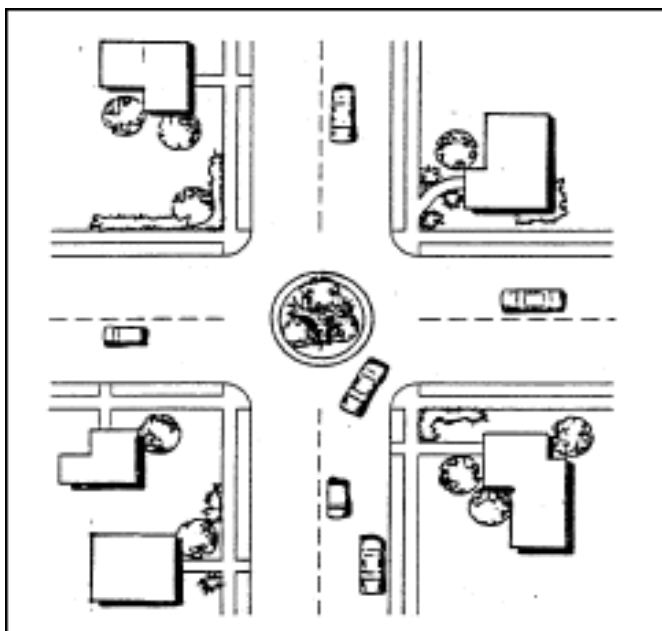
1100.3.11 Mini roundabout

Mini Roundabouts are raised islands located in the center of an unsignalized intersection that force traffic to circulate in a counterclockwise direction. They can be an appropriate traffic calming device on Local Roadways having volumes less than 3,500 vehicles per day and on streets without high pedestrian or left-turning volumes. Traffic circles are used to slow vehicles at intersections due to the horizontal deflection. They are good for calming intersections, especially within neighborhoods, where large vehicle traffic is not a major concern, but speeds, volumes, and safety are problems.

Advantages	Disadvantages
- Reduce vehicle speeds - May reduce collisions - Reduces number of conflict points at an intersection - May reduce traffic noise - Can approve neighborhood appearance with landscaping - Creates a visual obstruction that deters through traffic - Improves bicycle safety - Can calm two streets at once.	- Can result in loss of on-street parking space - May make it difficult for emergency vehicles, buses, and trucks to turn left - Landscaping maintenance - May require additional right-of-way

Other Considerations. Mini roundabouts circles may not actually be round depending on the intersection configuration. A turning analysis must be completed to ensure that the design vehicle can negotiate the traffic circle. To accommodate emergency vehicles, buses, and trucks a mountable concrete apron may be used. Additional street lighting may be required.

Reference <https://nacto.org/publication/urban-street-design-guide/intersections/minor-intersections/mini-roundabout/>

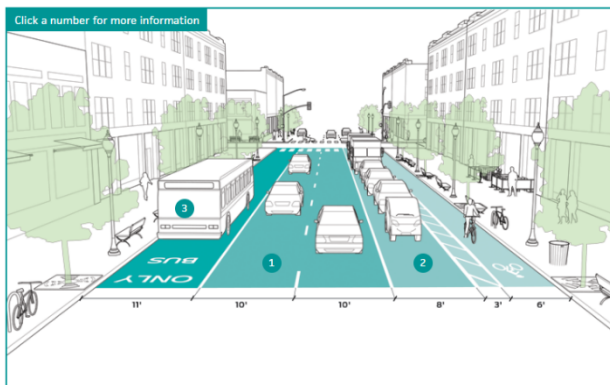


1100.3.12 Lane Width

On-street parking creates the appearance of a narrower roadway due to the proximity of parked vehicles and doors opening into traffic. It can be an appropriate traffic calming device on any street of adequate width, commonly found in commercial areas and business districts. On-street parking is used to reduce vehicle speeds on wide streets and provide additional parking spaces for businesses and residents. Lane width changes need to be approved by the Fire Marshall.

Advantages	Disadvantages
- Reduce vehicle speeds - Creates buffer between moving vehicles and pedestrians/bicycles	- May require additional right-of-way - Disrupts traffic flow when vehicles are parking - Drainage must be accommodated

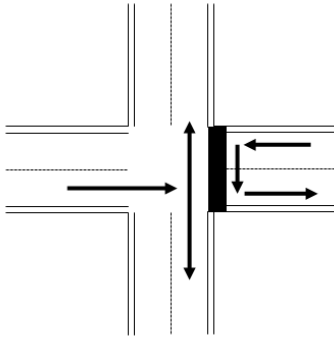
Reference <https://nacto.org/publication/urban-street-design-guide/street-design-elements/lane-width/>



Level 3: Major Street Changes Volume Control Measures

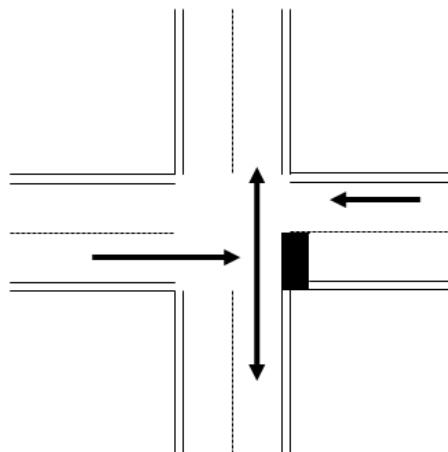
Full Closures: Full street closures are barriers placed across a street to completely close the street to through-traffic, usually leaving only sidewalks open. They are good for locations with extreme traffic volume problems and several other measures have been unsuccessful. May include cul-de-sacs or dead-ends.

Advantages	Disadvantages
• Can maintain pedestrian and bicycle access. • Effective in reducing traffic volume.	• Cause circuitous routes for local residents and emergency services. • Tend to be expensive. • May limit access to businesses.



Half Closures: Half closures are barriers that block travel in one direction for a short distance on otherwise two-way streets. They are good for locations with extreme traffic volume problems and other measures have been unsuccessful. Also called partial closures or one-way closures.

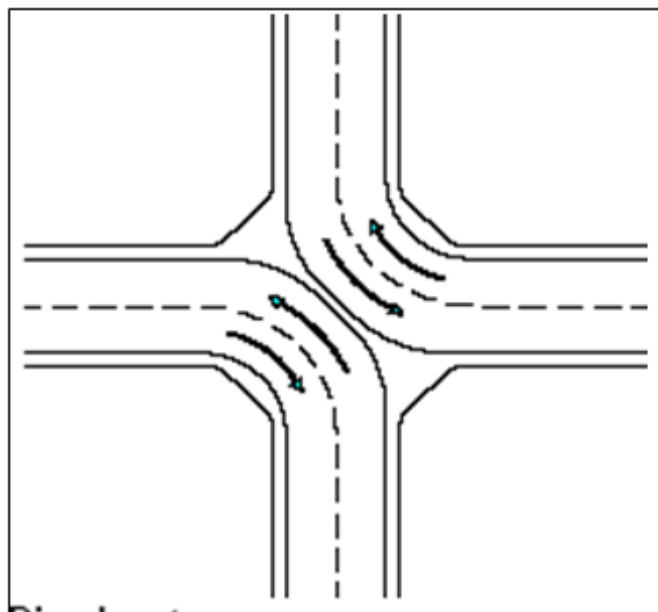
Advantages	Disadvantages
Can maintain pedestrian and bicycle access.	Cause circuitous routes for local residents and emergency services.
Effective in reducing traffic volume.	Depending on the design, drivers may be able to circumvent the barrier May limit access to businesses.



Diagonal Diverters: Diagonal diverters are barriers placed diagonally across an intersection, blocking through movements and creating two separate, L-shaped streets. Like half closures,

diagonal diverters are often staggered to create circuitous routes through the neighborhood as a whole, discouraging non-local traffic while maintaining access for local residents. They are good for inner-neighborhood locations with non- local traffic volume problems. Also called full diverters or diagonal road closures.

Advantages	Disadvantages
- Does not require a closure per se, only a redirection of existing streets. - Can maintain pedestrian and bicycle access. - Effective in reducing traffic volumes.	- Cause circuitous routes for local residents and emergency services. - Tend to be expensive. - May require reconstruction of corner curbs.

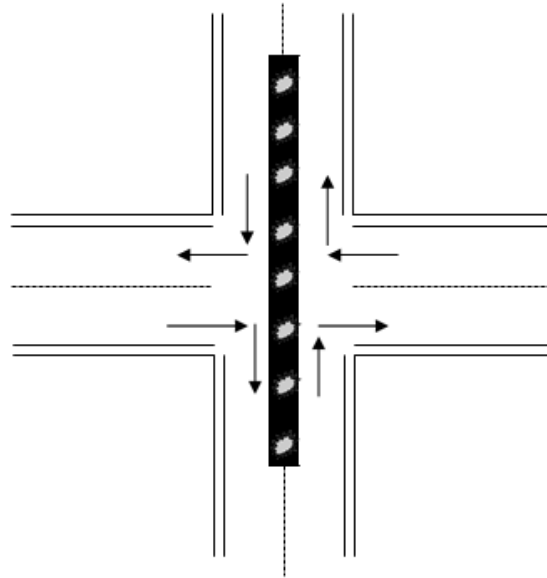


Median Barriers: Median barriers are islands located along the centerline of a street and continuing through an intersection to block through movement at a cross street. Also called median diverter or island diverters. They are good for:

- Local street connections to main streets where through traffic along the continuing local street is a problem
- Main streets where left-turns to and/or from the side street are unsafe

Advantages	Disadvantages
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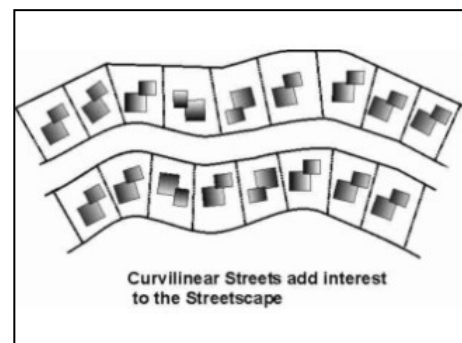
- | | |
|--|---|
| <ul style="list-style-type: none"> - Can improve safety at an intersection of a local street. - Can reduce traffic volumes on a cut-through route that crosses a major street. | <ul style="list-style-type: none"> - Require available street width on the major street. - Limit turns to and from the side street for local residents and emergency services |
|--|---|



Street Layout and Design

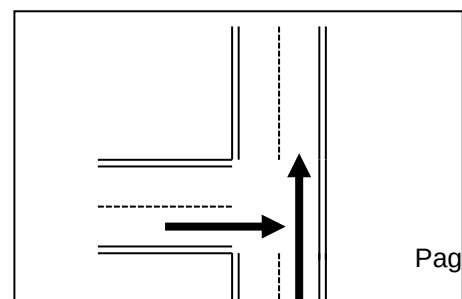
Curvilinear Street Form

Curvilinear street form takes a grid pattern and applies moderate curves to the street to encourage drivers to slow down.



T-intersections (three-way intersections)

T-intersections, or three-way intersections, help slow down traffic while still maintaining connectivity.



Typically, a minor street intersects into a major street.

Entry Treatments

Subdivision entry treatments, such as a landscaped median with signage help encourage drivers to slow down and pay closer attention to surroundings. The entry treatments helps drivers become aware that they are entering a residential area.



Tree-lined Streets

Streets lined with large, mature trees establishes a natural canopy, which creates a sense of enclosure. The sense of enclosure tends to compel a driver to reduce speed. Raised Intersection are not acceptable in areas that require aerial fire-fighting equipment or near fire hydrants.



Impact of Traffic Calming Measures								
Measure	Volume Reduction	Speed Reduction	Improved Safety	Emergency Access	Costs	Maintenance Problems	Noise Pollution	Loss of On-Street Parking
Level 1 Measures								
Discussion	None	Minor	Minor	None	Minor	None	None	None
Radar Trailer	None	Minor	Minor	None	Minor	None	None	None
Enforcement	Minor	Minor	Minor	None	Minor	None	None	None
Signage	Minor	Minor	Minor	None	Minor	Minor	None	None
Level 2 Measures								
High Visibility Crosswalks	None	None	Minor	None	Minor	None	None	None
Narrowing Lanes	None	Minor	Minor	Major	Minor	None	None	None
Neighborhood Main Street	None	Minor	Minor	Major	Minor	None	None	Major
In Street Pedestrian Sign	None	Minor	Minor	Minor	Minor	Minor	None	Minor
Level 3 Measures – Speed Control								
Speed Table	None	Major	None	Minor	Minor	Minor	Minor	Minor
Speed Cushion	None	None	Minor	Minor	Minor	None	Minor	Minor
Raised Intersection	None	Major	Minor	Minor	Major	None	Minor	None
Textured Pavement	None	Major	Minor	Minor	Major	None	Minor	None

Chicane	None	Major	Minor	Minor	Major	None	Minor	Major
Mini Roundabout	None	Major	Minor	Minor	Major	None	Minor	Major
Lane Width	None	Major	Minor	Minor	Major	None	None	None
Level 3 Measures – Volume Control								
Full Closure	Major	Minor	Minor	Minor	Minor	None	None	None
Half Closure	Major	Minor	Minor	Minor	Minor	None	None	None
Diagonal Diverters	Major	Minor	Minor	Major	Major	Minor	Minor	Minor
Median Barriers	Major	Minor	Minor	Major	Major	None	None	Minor
Other Measures								
Curvilinear Streets	None	Minor	Minor	Major	Major	Minor	Minor	Minor
T Intersection	None	Minor	Minor	Minor	Minor	None	None	None
Entry Treatments	None	None	Minor	Minor	Minor	Minor	None	Minor
Treelined Streets	None	Minor	Minor	Minor	Minor	Major	Minor	None

1101 RESIDENTIAL TRAFFIC MANAGEMENT

1101.1 Purpose

A common concern of neighborhood residents is the volume and speed of traffic on local residential streets. Traffic calming techniques are designed to help address these concerns. They use a combination of primarily physical measures to reduce speeds, reduce the number of vehicles, and improve road safety for all users.

The purpose of this policy is to establish a process by which neighborhood residents can seek traffic calming measures on residential and local streets. This policy shall not be deemed to limit the authority of the city to remedy problems on their own initiative.

1101.2 Applicability

The following criteria must be met in order to be considered for traffic calming measures:

1. Street shall be residential in nature and classified as a residential or local on the Master Street Plan.
2. Street shall be a public street.
3. Street must not be classified as a primary route for emergency response vehicles which would produce significant evidence of emergency response delay.
4. Vehicular volumes meet or exceed 250 vehicles per day.
5. Changes in traffic flow will not result in unreasonable liability exposure to the City.
6. Changes in traffic flow will not divert significant amounts of traffic to other residential streets.

1101.3 Traffic Calming Measures

The City's traffic management program involves three levels of traffic management and traffic calming measures. The measures are described briefly below. Detailed information is provided in the Traffic Calming Guidebook.

Level 1 — Education and Awareness. Level 1 traffic calming measures involve providing education about traffic and road safety and increasing awareness of posted speed limits and safety issues. These are the least intrusive and lowest cost measures and should be implemented first before proceeding to Level 2 or Level 3 measures.

Level 2 — Minor Street Changes. Level 2 measures result in minor changes to the street designed to help increase awareness and improve safety.

Level 3 — Major Street Changes. Level 3 measures require major changes to the physical character of the street and are typically associated with higher costs. They are categorized by those that control speed and those that control volume. These measures include:

1101.4 Process for Residential Traffic Management

The following process will be used by the City to address requests for traffic calming measures:

1101.4.1 **Application (Resident Responsibility).** Residents with concerns regarding traffic volume and speed within the neighborhood must complete and submit the Neighborhood Traffic Management Request Form to the Traffic and Signage Committee. The form must include a written description of the concerns and requires signatures from four (4) separate residents in the impacted area.

1101.4.2 **Existing Condition Traffic Study (City Responsibility).** Once the City receives the Neighborhood Traffic Management Request Form, staff will conduct an Existing Condition Traffic Study to determine if the affected area meets the requirements shown in Table 1 and to determine the extent of the problem. The Existing Condition Traffic Study includes the study of three elements: volume, speed and accidents. The street must meet at least two of the requirements provided in Table 1: Existing Condition Traffic Study Requirements, below, in order to be considered for traffic calming measures.

Table 1 Existing Condition Traffic Study Requirements			
Study Element	Measurement	Department Responsible	Requirement for Traffic Calming Measures
Traffic Count	24 hour	Transportation	250 vpd
Traffic Speed	4-hour sample, or 100 vehicles, whichever is first	Transportation	50% of speeds recorded 7 miles or more above posted

			speed limit
Accident Records	Past 3 years	Police	Average 1.5 accidents per year

1101.5 Level 1 Implementation.

1101.5.1 **Responsibilities.** If applicable, Level 1 traffic calming measures should be recommended first. Staff will make a recommendation to the residents of the suggested measures. The city and residents will share responsibility in implementing these measures, depending on the technique proposed.

1101.5.2 **Costs.** The City will be responsible for all costs associated with Level 1 traffic calming measures.

1101.5.3 **C. Evaluation.** If Level 1 is recommended, these measures will be evaluated for two (2) months. At the end of two months, the city will evaluate the measures by conducting the traffic count and documentation of traffic speeds as outlined in Table 1: Existing Condition Traffic Study Requirements. If data show conditions are the same or increases, the City may proceed with additional studies to determine appropriate Level 2 or Level 3 measures. If data show conditions are improved, no further action is required.

1101.6 Level 2 / Level 3 Implementation.

1101.6.1 **Cost.** Level 2 measures will be funded at a 50/50 cost share between the city and residents. This does not guarantee that the City will have funding available for its share at the time of the petition and may need to approve funding in future years. The property owners may wait until City funds are available or pay 100% of the costs. Any resident share of the funding shall be collected on a volunteer basis by the local residents and presented to the City prior to construction.

1101.6.2 If Level 3 measures are to be implemented, City staff will make the request to City Council for approval and funding determination. The City may choose to fund 0% to 100% of the project costs. Again, this does not guarantee funding will be available at the time of the request. Any resident share of the project cost shall be collected on a volunteer basis by the local residents and presented to the City prior to construction.

1101.6.3 **Evaluation.** An evaluation of installed traffic calming measures will be conducted approximately 6 months after installation to determine whether the traffic calming measures have adequately addressed the traffic concerns.

1101.6.4 **Appeal of Staff Decision.** If the city proposes no action based on the results of the Existing Condition Traffic Analysis, the applicant may appeal to the City Council within 21 days of the written notification. Such appeal shall be in writing, signed by the persons desiring to appeal, and shall state the reasons and basis of the appeal, listing any errors which formed the basis for staff decision. Streets that do not meet the qualifying criteria outline in B. Applicability above are not eligible for traffic calming measures and are not eligible for appeal.

1101.6.5 **Traffic Calming Removal.** Residents wishing to remove an installed Level 2 or Level 3 traffic calming measure shall follow the same procedures as the installation process of the traffic calming measure, including the petition. If the request is made within one year of the installation of the Level 2 or Level 3 traffic calming measure, the residents' cost share for the removal will be the same proportion as the installation. The City may choose to remove an installed traffic calming measure at its own cost if emergency response is significantly impacted or if the initial problem has transferred to another street.

1101.7 Petition Requirements

The following procedures shall be followed in order to submit a petition to the City for Level 2 or Level 3 traffic calming measures:

1101.7.1 **Boundary.** The city will determine the affected area of the planned traffic calming improvement, which will be the area for petitioning. The affected area will be defined by those property owners where necessary travel routes to and from their residential property are to be altered by the proposed measure and properties that could be impacted by traffic diversion cause by the traffic calming measure. The city will provide a map of the affected area along with property owner addresses.

1101.7.2 **Petition Document.** The petition document used for circulation must include the following information and shall be approved by the City:

1101.7.2.1 *Existing Condition Traffic Study.* Include a brief summary showing the results of the Existing Conditions Traffic Study.

1101.7.2.2 *Description or Illustration of Proposed Measure(s).* The petition must include a statement and drawing describing the proposed traffic calming measure(s).

1101.7.2.3 *C. Anticipated Costs.* The petition shall include a statement that all persons signing the petition acknowledge that it is the City's policy that residents may be responsible for costs directly associated with the design and construction of Level 2 or Level 3 traffic calming measure(s).

1101.7.2.4 d. *Contact Information*. Each property owner who signs the petition must provide a current address and phone number.

1101.7.3 Signatures Needed. The petition requesting a Level 2 traffic calming measure must have signatures of 80% of the property owners in the affected area as defined by the City. The petition requesting a Level 3 traffic calming measure must have signatures of 85% of the property owners in the affected area, as defined by the City.

1101.7.4 Review for Compliance. The Community Development Department is responsible for reviewing all petitions to verify compliance with the above described requirements. Any petition not meeting these requirements will not be accepted for consideration and will be returned.

1101.7.5 Level 2 or Level 3 **Traffic Impact** Analysis. The City will recommend and examine the technical feasibility and anticipated impacts of the proposed traffic calming measures. The analysis must address each of the following issues:

1101.7.5.1 *Master Street Plan*: What is the classification of the street as shown on the currently adopted Master Street Plan?

1101.7.5.2 *Existing Conditions*: What are the results of the Existing Condition Traffic Study?

1101.7.5.3 *Effectiveness*: Does or will the proposed action address the specific traffic concern? See Traffic Calming Guidebook for potential impacts.

1101.7.5.4 *Effect on Emergency Vehicle Response Time*: What is the extent of the impact on response time for emergency vehicles? Fire and Police must address this issue.

1101.7.5.6 *Traffic Diversion*. Will the proposed traffic calming measure divert a significant amount of traffic onto adjacent roadways?

1101.7.5.7 *Consideration for Other Users*. How does the proposed measure impact other road users, such as bicyclists and pedestrians?

1101.7.5.8 *Noise Impacts*. Will the proposed measure result in extreme braking, or other noise caused by going over or around the device that could result in extreme noise pollution for residents near the device?

1101.7.5.9 *Loss of Parking.* Will the proposed device result in an unacceptable loss of on-street parking?

1101.7.5.10 ~~on-street parking?~~

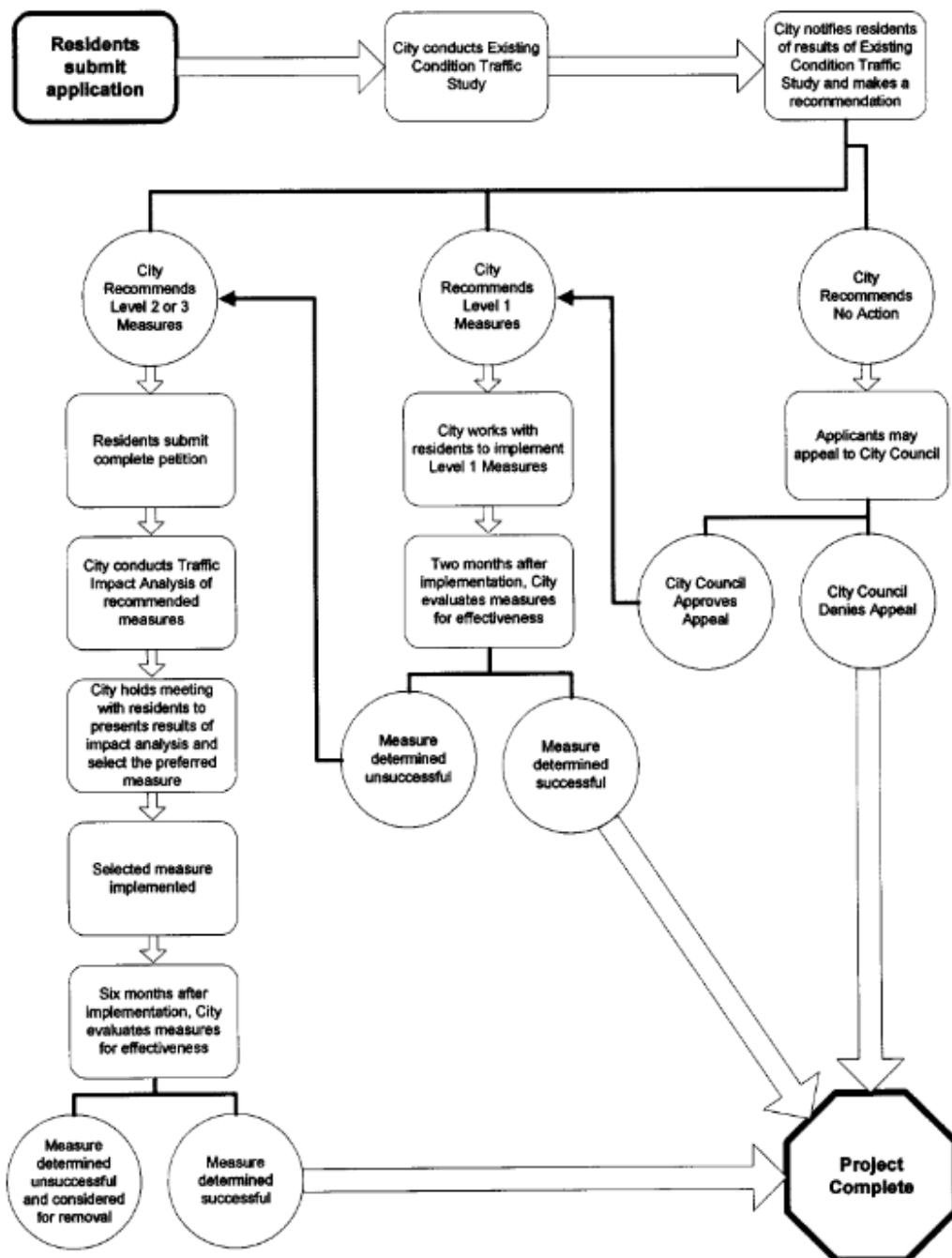
1101.7.5.11 *Visual Impact.* What is the impact of the proposed device to the visual

1101.7.5.12 quality of the neighborhood? Is there an opportunity for landscaping?

1101.7.5.13 *Maintenance Costs.* What are the costs associated with maintaining the device and is the cost feasible? Cost estimates should include landscaping that requires regular maintenance, vandalism, street paving, striping, and replacement.



Neighborhood Traffic Management Process



1200 STREET INSPECTION AND TESTING PROCEDURES

1200.1 General

1200.1.1 Scheduling

The Engineer of Record or their representative shall schedule inspections and tests with the City. A minimum of a 48-hour notice is required. Tests delayed by weather or other factors will be rescheduled on the same basis and require the Engineer of Record to re-schedule.

If the City is not able to observe an inspection or a test, the Engineer of Record or their representative may conduct the inspection or test with prior approval from the City. The Engineer of Record shall furnish the City with a copy of the inspection report of this day, indicating what tests and inspections were performed and the results of those inspections and tests (i.e., pass, fail, or numerical results). The report shall be reviewed by the Engineer of Record for conformance with Federal, State and Local laws before submitting to the City for review and approval.

1200.1.2 City Observation

The inspection of street construction by the City will be limited to general observations, inspections, and testing of the project at various stages as outlined in these specifications. The City reserves the right to observe and inspect the construction at all times.

1200.1.3 Responsibility of the Engineer of Record

1200.1.3.1 Inspections

The Engineer of Record shall provide full-time inspection on the job as required by state law. This law is interpreted by the City to mean that the Engineer of Record or their representative must be on the job whenever a critical construction activity is taking place. The Engineer of Record or their representative shall keep a daily log of all construction activities and testing for the project. The logs shall be submitted to the City in PDF format on a weekly basis, unless otherwise approved.

The Engineer of Record shall be qualified to read and interpret the plans and specifications and to observe the construction and testing procedures to ensure compliance. The costs of all inspections and oversight of the construction process shall be paid for by the developer.

Prior to final acceptance, the project shall be subject to a final inspection by the City, the Engineer of Record, Developer/Owner, and the Contractor.

1200.1.3.2 Field Decisions

The Engineer of Record or their designee shall be qualified to make field decisions regarding the development. The Engineer of Record or their designee shall work with the development to provide immediate solutions to any issues that may arise in the field. These solutions shall be presented to the City for approval. If the City determines that the solutions are significant then the Engineer of Record shall submit revisions to the approved plans as discussed in these specifications.

1200.1.3.3 Revisions to Approved Plans

If revisions to the approved plans are warranted, the Engineer of Record shall submit all revisions to the City for review and approval. The Engineer of Record shall review the revisions before submission to ensure compliance with all Federal, State and Local laws. Any work performed without all the necessary approvals shall be subject to removal.

1200.1.4 Testing

During the construction process, testing from an independent laboratory is required on all infrastructure installation including but not limited to: soils, concrete, asphalt, etc.. All testing laboratories engaged in testing for projects shall be pre-qualified by the City Engineer. All costs associated with testing, the work performed, and materials supplied to verify compliance with these specifications shall be the responsibility of the developer.

The use of the testing laboratory's services does not relieve the developer of the responsibility to furnish the required materials and to perform the required construction in full compliance with these specifications. Passing test results do not constitute acceptance of the work or materials represented by the test. The developer is responsible for quality control of their work.

When evidence indicates that the work performed may not comply with these specifications, the City Engineer may require additional tests or data beyond that required in these specifications. The costs of such requests shall be borne by the developer. Should such tests or additional data show a failure to meet these specifications, the developer shall be responsible for all costs associated with repair or replacement of said failure.

1200.2 Subgrade and Fill

1200.2.1 General

Subgrade must be evaluated and approved by the Engineer of Record or their designated representative and receive concurrence with the City before placement of the next course. Any necessary reworking, compaction or replacement will be required prior to continuation. Approvals are only valid to a time when weather conditions may have changed the condition of the subgrade. Changes in weather such as freezing or precipitation, which may cause

changes in the subgrade, will require re-approval of the subgrade. The Engineer of Record or their designee shall inform the City and the Developer on the conditions of the subgrade and their recommendations in weather conditions.

1200.2.2 Inspections and Testing

1200.2.2.1 Existing Material.

Unsuitable material shall be excavated to a depth as directed by the Engineer of Record or the geotechnical engineer. This recommendation will need to be approved by the City before work in this area continues. This unsuitable material shall be disposed of and replaced with fill material meeting the requirements of **Section 600.3, Subgrade and Fill Requirements**.

If the existing material is acceptable for use as subgrade material, or modified to be suitable, the subgrade will be scarified to a depth of 8 inches and recompacted to conform to the requirements of this chapter.

1200.2.2.2 Moisture and Density Requirements.

All lifts in embankment areas shall be compacted to requirements set forth in **Section 600.3, Subgrade and Fill Requirements**. The moisture content of the material shall be within 3% of optimum moisture content before compaction.

Maximum density will be determined using AASHTO T-99 (Standard Proctor). In-place field density measurements shall be determined using AASHTO T-191, T-233 or T-310.

Density requirements do not apply to portions of embankments constructed of materials such as rock that cannot be tested by approved testing methods.

1200.2.2.3 Proof-Rolling.

Proof rolling of subgrade shall be required prior to taking density tests. Proof rolling shall be done with a fully loaded tandem-axle dump truck. Proof Rolling shall occur in each lane for the entire length of the proposed street. Proof Rolling shall occur on subgrade before placement of the initial lift of material and again once final subgrade has been achieved.

1200.2.2.4 Testing Frequency.

Density tests shall be taken every 300 feet for each lane or portion thereof. For streets less than 300 feet in length, a minimum of one test shall be taken for each lane. The Engineer of Record or their designee shall determine the location of the tests. Locations that are chosen are subject to approval by the City.

1200.2.2.5 Finished Subgrade.

The subgrade shall be shaped for its full width to the required grade and cross section. The finished subgrade shall not vary at any point by more than 1/2 inch from the design elevation. Contractor shall work with the Engineer of Record, Geotechnical Firm and the City to provide any type of data to support that final subgrade has been achieved and is in compliance.

Table 1100.2.2 – Material-Testing and Inspection Requirements

Test Required	Test Reference ^a			Frequency
	AASHTO	ASTM	A _R DOT	
Sampling	T 87	D 421		One/Type of Soil
Soil Classification	M 145			
Sieve Analysis	T 88	D 422		
Atterberg Limits	T 89/T90	D 4318		
Standard Proctor Moisture-Density	T 99	D 698		
Modified Proctor Moisture-Density	T 180	D 1557		
California Bearing Ratio (CBR)	T 193	D 1883		
Subgrade Stability Proof Roll				EA Lane/ Length of Roadway
Moisture & Density (In-Place)	T 310	D 6938		One/300 LF/ 8" Lift

1200.2.3 Base Course

The base course material shall be placed on a completed and approved subgrade or existing base that conforms to the grade and cross section shown on the plans. Base course shall not be placed on frozen subgrade.

1200.2.3.1 **Materials**. Materials for aggregate base courses shall meet the requirements of Section 303 of the ARDOT Standard Specifications (latest edition) for Class 7 as specified in **Section 600.7, Aggregate Base Course**.

1200.2.3.2 **Moisture and Density Requirements**. All lifts shall be compacted at substantially optimum moisture content to not less than 98% of the maximum density within the traveled way of the road. Aggregate base course placed in areas outside of traveled ways, such as driveways, islands, gore areas, or sidewalks shall be compacted to not less than 95% of the maximum density. Maximum density will be determined using AASHTO T-180 (Modified Proctor). In-place field density and moisture measurements shall be determined using AASHTO T-310. The testing frequency shall be in accordance with **Table 1100.2.3**

1200.2.3.3 **Thickness**. The compacted base course shall be tested for thickness in the same general location of the density testing. The finished base course shall not vary at any point by more than 1/4 inch from the design thickness.

1200.2.3.4 **Testing Frequency**. Density tests shall be taken every 300 feet for each lane or portion thereof. For streets less than 300 feet in length, a minimum of one test shall be taken for each lane. The Engineer of Record or their designee shall determine the location of the tests. Locations that are chosen are subject to approval by the City.

1200.2.3.5 **Finished Grade**. The base course shall be shaped for its full width to the required grade and cross section. The finished base course shall not vary at any point by more than 1/2-inch from the design elevation. Contractor shall work with the Engineer of Record, Geotechnical Firm and the City to provide any type of data to support that final subgrade has been achieved and is in compliance.

1200.2.3.6 **Final Proof-Rolling**. Proof rolling of base course shall be required prior to taking density tests. Proof rolling shall be done with a fully loaded tandem-axle dump truck. Proof Rolling shall occur in each lane for the entire length of the proposed street.

Table 1100.2.3 – Material-Testing and Inspection Requirements

Test Required	Test Reference ^a			Frequency
	AASHTO	ASTM	ARDOT	
Sampling	T 2	D 75		One/Type of Aggregate
Percentage of Wear	T 96	C 131		

Soundness	T 104	C 88		
Sieve Analysis	T 27	C 136		
Moisture-Density Relationship	T 180	D 1557		
Moisture & Density (In-Place)	T 310	D 6938		One/ 300LF/ 8" Lift
Thickness				

1200.2.4 Pavement Pre-Construction Conference

Below are a list of items needed before a pavement pre-construction conference can be scheduled onsite. These items shall be reviewed by the Engineer of Record before being submitted to the City for review. If approved, the Engineer of Record may schedule a meeting with the City following the inspection requirements in section 1100.1.1. If the items are not approved, the Engineer of Record shall make the necessary modifications and re-submit.

1200.2.4.1 *Engineer of Record Recommendation.* The Engineer of Record shall submit a cover letter recommending that the Development has performed and passed all of the testing required to pave in accordance with all City of Bentonville Regulations.

1200.2.4.2 *Mix Designs.* Pavement mix designs shall be reviewed by the Engineer of Record for conformance with these standards. Once the Pavement Mix Design has been reviewed by the Engineer of Record, the Engineer of Record shall submit a recommendation along with the Pavement Mix Design to the City for review and approval. If a mix design not accepted by the City is used, the City may require removal of all improvements placed with the unaccepted material.

1200.2.4.3 *Test Reports.* Testing Reports shall be reviewed by the Engineer of Record for conformance with these standards. Once the Testing Reports have been reviewed by the Engineer of Record, the Engineer of Record shall submit a recommendation along with the Testing Reports to the City for review and approval. All test reports shall show the location where the test was performed or at which work or batch is represented by the test. Test reports shall include all information specified in the AASHTO, ASTM, or local test procedure used. Prior to acceptance of each phase of a project, all final reports shall be submitted to the City indicating compliance with these Standards.

1200.2.5 Asphalt Concrete Hot Mix (ACHM)

1200.2.5.1 Materials. Materials for Asphalt Concrete Hot Mix base, binder, and surface courses shall meet the requirements of the ARDOT Standard Specifications (latest edition) as referenced in **Section 600.6** of these Standards. Construction Acceptance of Asphalt Concrete Mix Courses shall be in accordance with ARDOT Section 410, except as modified herein.

1200.2.5.2 ACHM Testing. All testing shall be done in accordance with AASHTO or ASTM as designated throughout this chapter. Testing results for asphalt binder content, VMA, and air voids shall be provided by the contractor upon request by the City Engineer. Prior to the pavement being cored, plant data shall be furnished to the City.

For every development, the pavement shall be cored at 300-foot intervals, alternating lanes for each core. The core locations shall be chosen to accurately represent the quality of the asphalt placed in a particular area. For all developments, a minimum of two cores shall be taken regardless of total pavement length for averaging purposes. The City Engineer reserves the right to require additional cores be taken if paving was done under different conditions. For example, if part of a development was paved one week and the other part the next week due to inclement weather or other reasons.

1200.2.5.3 Thickness. Asphalt streets shall be cored every 300 feet or portion thereof for the purpose of checking density and thickness, except that each cul-de-sac street shall have a minimum of two cores taken regardless of length, with one being taken within the cul-de-sac. The location of the core shall be chosen by the City Engineer or his/her designated representative so as to accurately represent the quality of the asphalt laid in a particular area. Lanes of streets laid on different days may be required to have additional cores at City Engineer's discretion. Core samples shall be used to indicate asphalt thickness, and in no case shall be more than $\frac{1}{4}$ inch less than specified thickness. For cores that indicate thickness $\frac{1}{4}$ inch to $\frac{1}{2}$ inch less than that specified, "isolation" cores will be required. To "isolate", the contractor, at no expense to the City, shall cut cores 10 feet either side of the initial core. If one or both of the cores are in the acceptable tolerance, the section will be accepted. If one or both cores fail, then additional cores will be cut 25 feet away from the initial core in the failing directions. Subsequent cores will be cut at 50 foot intervals in the direction of failure until a core that passes tolerance is obtained. The isolated area will be that which falls within the limits of acceptable thickness. The areas that fall within the $\frac{1}{4}$ inch to $\frac{1}{2}$ inch less than specified thickness may be removed and replaced or warranted for five (5) years at 150% of construction cost based on the estimate provided by the Engineer of Record. Areas that are determined to exceed the $\frac{1}{2}$ inch less than specified thickness shall be removed and replaced within the limits of the acceptable thickness determined by the isolation method.

1200.2.5.4 Density Requirements. Minimum asphalt density for black base, binder, and surface courses shall be 92.0% of the maximum theoretical density. Maximum asphalt density for black base, binder and surface courses shall be 96% of maximum theoretical density. Asphalt densities that fall between 90% to 92% and 96% to 98% shall be left in

place and an extended warranty of five (5) years at 150% of construction cost based on the estimate provided by the Engineer of Record will be required on the deficient asphalt pavement. Where densities are less than 90% or greater than 98%, the paving shall be removed and replaced. The limits of the deficient asphalt pavement shall be determined by the "isolation method" by first cutting two cores within 2 feet each side of the failing core, then add the results of the density of the original core and the two additional core densities. Divide by three and if the average of the three core densities fall within the acceptable ranges as specified above, then that section will be accepted per the aforementioned requirements. If the average of the original and the two re-cores fall below acceptable range, then additional cores will be cut first going 25 feet longitudinally in each direction from the original core and determining the densities of each. A resulting failing core from that point will require an additional core being cut 50 feet from that previous core and will continue in 50 foot increments until a passing core density is obtained. The failed area will consist of the area falling within the limits of the passing re-cores and will be addressed per the aforementioned requirements.

1200.2.5.5 Smoothness. The finished surface, when checked with a 10 foot straight-edge parallel to the centerline, shall show no variation more than 3/16" (5 mm) for binder courses and not more than 1/8" (3 mm) for surface courses when the profile grade line is shown on the plans. If the profile grade line is not shown on the plans, the variations shall be not more than 1/4" (6 mm) for binder courses and not more than 3/16" (5 mm) for surface courses. When surface tests indicate surface tolerances do not meet these requirements, corrections to the pavement and changes to the paving operations shall be made as directed by the City Engineer at no cost to the City. The Contractor is responsible for providing the straightedge and execution of the test. The Contractor, EOR, and the City shall be present for testing. The EOR shall record the locations of all deficiencies and help the contractor develop a plan to correct these areas. This plan will be submitted to the City for review and approval before any work begins.

Table 1100.2.5 – Material-Testing and Inspection Requirements

Test Required	Test Reference ^a			Frequency
	AASHTO	ASTM	A _R DOT	
Aggregates				
Sampling	T 2	D 75		One/Source of Material
Percentage of Wear	T 96	C 131		
Soundness	T 104	C 88		
Sieve Analysis	T 27	C 136		
Bituminous Mixture				
Sampling	T 168		465	One/Type of Mixture
Stability	T 45			
Air Voids (AV)	T269			
Voids in Mineral Aggregate (VMA)			464	
Water Sensitivity			455	
Density – Maximum Theoretical	T 209			
Density (Field)	T 166		461	One/300 LF
Thickness (Core)				
Asphalt Binder Content			449/449A	One/500 TN
Smoothness			410.09(b) (2)	Daily Inspection
Aggregate Gradation	T 30	C 136	460	One/750 TN

1200.2.6 Portland Cement Concrete Pavement

1200.2.6.1 Materials. Materials for Portland Cement Concrete Pavement shall meet the requirements of Section 501 of the ARDOT Standard Specifications (latest edition), except as modified herein, as referenced in **Section 600.8** of these Standards.

1200.2.6.2 Concrete Testing. All testing shall be done in accordance with AASHTO or ASTM as designated throughout this chapter.

1200.2.6.3 Construction Acceptance. Acceptance of Portland Cement Concrete Pavement (P.C.C.) shall meet the requirements of Section 501.04 of the ARDOT Standard Specifications, as shown in **Table 1100-31**, except as modified herein. When the average of the test results for a given property for a lot fall within the range shown as "Compliance Limits", the lot will be accepted with no price reduction. If the average of the test results for a lot listed in the table falls within the limits shown as "Price Reduction Limits", the material shall be left in place and an extended five (5) year warranty for concrete placement at 150% of construction costs based on estimate provided by the Engineer of Record percentage of the in-place construction cost of the deficient P.C.C. Pavement shall be provided to the City. If the average of the test results for a lot falls outside the limits shown as "Lot Rejection Limits", the entire lot shall be removed and replaced at no cost to the City.

At the Contractor's option, additional testing due to compressive strength results may be performed by the Contractor at locations determined by the City. In such cases, three cores shall be taken in each subplot containing compressive strength results not in Compliance Limits. The compressive strength shall be determined by the average result of the cores. Cores shall be sampled according to AASHTO T 24. The average of the three cores must meet or exceed applicable price reduction limits or pavement rejection limits. Acceptance and warranties will then be determined based on these results. This testing will be performed at no cost to the City. The holes made in taking the samples shall be repaired by the Contractor at no cost to the City.

Thickness shall not be more than 0.50 inches deficient. Areas of more than 0.50 inches deficiency shall be removed and replaced. The City may at its sole discretion choose to leave the deficient concrete slab in place and accept an extended five (5) year warranty for concrete placement at 150% of construction costs based on estimate provided by the Engineer of Record. All core test holes for concrete streets shall be filled with non-shrink grout flush with final surface within 24 hours of test.

The finished pavement surface shall have a maximum profile index of 5" per mile (± 0.1 " blanking band) for each 0.1 mile section, or portion thereof. The cross slope of the pavement shall vary no more than 1/8" in 10' when tested with a straightedge. Methods for determining this shall be as described in of Section 501.05(m) of the ARDOT Standard Specifications. Grinding shall be performed, if necessary, to meet these requirements for high spots in the pavement. Areas showing low spots of more than 1/4" in 10' in the longitudinal direction shall be corrected by grinding or shall be

removed and replaced according to Section 507 of the ARDOT Standard Specifications to an elevation that will not show surface deviations in excess of 1/8" in 10'.

All panels with cracks wider than 1/8 inch shall be repaired by total removal of the panel and replacement as required by the criteria herein. All panel cracks 1/8 inch and narrower may be routed and sealed at the discretion of the City Engineer. There shall be no more than one structural crack per panel. Panels with more than one structural crack shall be repaired by total panel removal and replacement.

All sections removed shall have edges parallel to adjacent panel joints. All saw cuts for removal of slabs shall be full depth cuts. No panel shall be allowed that has a crack meeting an adjacent panel at an angle more acute than 45 degrees to a finished edge or control joint. All corner cracks to a panel shall be removed and replaced. Any vertical differential movement across a crack greater than 3/16 inch shall be repaired by either partial or total panel removal and replacement. All panels with faulted joints resulting from settlement and/or pumping of the edges shall be repaired by removal and replacement. All manholes, water valves, range boxes, etc., shall be flush to 1/4 inch below the final surface roadway grade. When an entire panel is removed, the panel shall be secured to the surrounding panels with 18-inch long 1/2-inch diameter smooth dowel bars placed at 12-inch centers.

Table 1100-17 Compliance, Price Reductions, and Rejection limits for P.C.C. Pavement

Property	Compliance Limits	Price Reduction Limits	Price Reduction	Lot Rejection Limits	Sublot Rejection Limits
Air Content	4.0% -8.0%	3.5% - 3.9% and 8.1% - 8.4%	10%	less than 3.0% and more than 9.0%	less than 2.0% and more than 10.0%
		3.0% - 3.4% and 8.5% - 9.0%	20%		
Compressive Strength	4000 psi (min) (28.0 MPa)	3999 – 3800 psi (27.9 – 26.2 MPa)	10%	Less than 3400 psi (23.4 MPa)	Less than 3200 psi (22.1 MPa)
		3799 – 3600 psi (26.1 – 24.8 MPa)	20%		
		3599 – 3400 psi (24.7 – 23.4 MPa)	30%		

1200.3 Structural Concrete

This section delineates the testing, inspection, and related documentation requirements for all structures, including retaining walls, cast-in-place box culverts, and other concrete structures specified within.

1200.3.1 Concrete Specifications

Concrete for structures shall meet the minimum requirements of ARDOT Class S concrete as provided in the latest edition of the ARDOT Specifications Section 802, Concrete for Structures, except as modified herein. Class S shall be used in drop inlets, junction boxes, box culverts, bridges, retaining walls, and other structures as specified. Class S (AE) may be substituted for Class S.

1200.3.2 Concrete Testing and Inspections

- A. Structural and Inspection Requirements. The structural design engineer or his representative, familiar with assumptions inherent in the structure design, shall inspect the construction in sufficient detail to confirm that the construction meets the requirements of the plans and specifications.
- B. Foundation Testing and Inspection Requirements. Unstable foundation material shall be removed to a depth determined by the Engineer of Record or Geotechnical Engineer and approved by the City Engineer below the finish grade elevation and be replaced with a material and construction procedure as approved by the City.
- C. Inspection of Forms and False Work.
 - a. The forms shall be clean of all dirt, mortar, and all foreign material. Forms that will later be removed shall be thoroughly coated with an approved form oil.
 - b. The forms shall be mortar tight and of a quality (in addition to the bracing) to withstand the pressures from deposited concrete.
 - c. Unless otherwise specified, forms for exposed surfaces shall be constructed with triangular fillets 3/4 inch at all exterior corners.
- D. Inspection of Reinforcing Steel.
 - a. Material Grade and Size. The material grade and size shall be as specified by the engineer of record on the certified construction plans.
 - b. Tying.
 - i. The intersections of all bars shall be tied in accordance with the following requirements: Slab bars shall be tied at every intersection around the periphery and at spacing according to bar sizes. Unless bar spacing is less than 12" in which case every other intersection shall be tied. However, in no case shall less than 30% of the intersections be tied.

ii. Wall bars should be tied sufficiently to prevent shifting, at least 3 times in any bar length at every third or fourth intersection and at spaces according to bar sizes, staggered:

1. #5 and smaller - 3'0"
2. #6 to #9 - 4'0" to 5'0"
3. #10 to #11 - 6'0" to 8'0"

Upper and lower mats shall be tied or otherwise fastened at 4 foot maximum spacing in each direction. Minimum splice length shall be 24 bar diameters.

1. All reinforcing steel shall be supported with steel chair or precast mortar.
2. Reinforcing steel shall be clean and free of all foreign material before concrete is placed.
3. All clearances shall be in compliance with approved plans and specifications.

E. Concrete Testing and Inspections.

- a. Materials Specifications. The class of concrete shall be in accordance with these specifications. Concrete that does not meet strength in 28 days is subject to removal.
- b. Concrete Tests.
 - i. All testing shall be done in accordance with AASHTO or ASTM as designated in **Table 1100-3**.
 - ii. Maximum time allowed between sampling and casting cylinders shall not exceed 15 minutes. Cylinders shall be transported to the laboratory within 24 hours of casting but after the concrete has hardened, (see AASHTO T23 or ASTM C-31).
 - iii. The slump test shall be performed in accordance with AASHTO T119. The air test shall be performed in accordance with AASHTO T196 or T121. Slump and air test measurements shall be taken with each cylinder series.
 - iv. If compressive strength of cylinders does not meet the specified values, the engineer of record shall recommend and the City Engineer shall approve the necessary mitigation measures needed.

F. Testing Frequency and Related Inspections.

- a. Testing frequency shall be in accordance with **Table 1100-3.**
- b. At least 4 compressive strength cylinders shall be taken from the same concrete delivery truck to provide design compliance testing at the laboratory. Two of the four specimens will be tested at 28 days for acceptance and 1 shall be tested at 7 days for information. The fourth cylinder shall only be necessary if the 28-day fails. Additional cylinders may be required, as directed by the City Engineer.

G. Placement (Inspection).

- a. Concrete placement shall be done in a manner such that the concrete is not segregated or altered before placing. It shall not be allowed to free fall more than 5 feet. Concrete shall be placed in lifts not to exceed 18 inches.
- b. A sufficient number of vibrators shall be used to properly consolidate the concrete as required.
- c. Weepholes and drainage systems should be installed in the structure at the locations noted on the plans or specifications.
- d. Construction joints and expansion joints shall be constructed in conformance with approved plans and specifications.

Table 1100.3 – Material-Testing and Inspection Requirements

Test Required	Test Reference ^a			Frequency
	AASHTO	ASTM	A _R DOT	
Aggregates				
Sampling	T 2	D 75		One/Source of Material
Organic Impurities	T 21	C 40		
Sieve Analysis	T 27	C 136		
Percentage of Wear	T 96	C 131		
Soundness	T 104	C 88		
Friable Particles	T 112	C 142		
Concrete Mixture				
Sampling	T 141	C 172		One/100 CY
Slump	T 119	C 143		
Temperature				
Air Content	T 152	C 231		
Cylinders	T 22/T 23	C 39/C 31		One Set (4)/100 CY
Thickness (Core)	T 24	C 42		One/1000 LF/Lane
Smoothness			501.05(m)	Daily Inspection

1200.4 Non- Structural Concrete

Non-structural concrete includes curb, gutter, sidewalks, driveways, crossspans and ADA ramps.

1200.4.1 Concrete Specifications

- A. Materials. Non-Structural concrete shall meet the minimum requirements of ARDOT Class S with 4% to 7% air entrainment as provided in the latest edition of the ARDOT Specifications Section 802, Concrete for Structures, except as modified herein. Non-structural concrete shall be used in curb and gutter, sidewalks driveways, crossspans, ADA ramps and miscellaneous concrete items as specified.
- B. General Specifications.
 - a. Humps and Depressions. Any localized humps and/or depressions greater than 1/4 inch (as measured with a 10-foot straight edge) will require removal and replacement of the work in question.
 - b. Water Ponding. Ponding of water shall not be greater than 1/4 inch in depth.
 - c. Flow Line Depth. Curb and gutter flow line depth shall not vary from adopted standards by more than $\pm 1/4$ inch, measured vertically from the top of curb to the gutter invert.
 - d. Cross Slope in Pedestrian Walks. Pedestrian walks shall have a maximum of 2.0% cross slope.
 - e. Joint Spacing. Contraction and construction joints shall be placed at a maximum spacing of 15 feet in curb and gutter, crossspans, trickle channels, etc. Refer to **Chapter 800, Pedestrian Facilities Design and Criteria**, for sidewalk and trail joint spacing.
 - f. Heave or Settlement of Sidewalk. Heave or settlement of sidewalk, relative to separate curb pour, greater than 1/4" shall be cause for corrective action.
 - g. Utility Placement. No utility facilities shall be placed in curb and gutter, sidewalk, crossspan, ADA ramp etc., unless specifically called out on the approved construction plans. This includes meter boxes, manholes, power poles, fire hydrants, water valves, etc.
 - h. Concrete Cracks.
 - i. At the time of final acceptance, the repair of all cracks shall be completed.

- ii. Any section of concrete with longitudinal cracks or with cracks greater than 1/16- inch in width will require complete removal and replacement of that section between joints.
- iii. Repair action for hairline cracks may be waived at the discretion of the City Engineer. For the purpose of this section, a hairline crack is one that is reasonably immeasurable and without separation as determined by the City Engineer.
- i. Concrete Chips and Gouges. Chips and gouges in the concrete will be evaluated on an individual basis. If determined by the City to be unacceptable, then the section shall be removed and replaced.
- j. Other Imperfections in Concrete Surface. Stress cracking, pop-outs, spalling, rain damage, graffiti, and other surface defects will remain discretionary and will usually require removal and replacement.
- k. Final Grade.
 - i. A light broom finish shall be required.
 - ii. All concrete work shall have the proper finished grade.
 - iii. No abrupt changes in grade shall be allowed, i.e., curb returns from new to existing, driveway entrances, etc.

1200.4.2 Concrete Testing and Inspections

A. Concrete Tests.

- a. Concrete Tests.
 - i. All testing shall be done in accordance with AASHTO or ASTM as designated in **Table 1100-4**.
 - ii. Maximum time allowed between sampling and casting cylinders shall not exceed 15 minutes. Cylinders shall be transported to the laboratory within 24 hours of casting but after the concrete has hardened, (see AASHTO T23 or ASTM C-31).
 - iii. The slump test shall be performed in accordance with AASHTO T119. The air test shall be performed in accordance with AASHTO T196 or T121. Slump and air test measurements shall be taken with each cylinder series.
 - iv. If compressive strength of cylinders does not meet the specified values, the engineer of record shall recommend and the City Engineer shall approve the necessary mitigation measures needed.

- b. Grade Verification of Gutter Flow Line. After completion of curb and gutter, including curb returns and crossspans, and prior to installation of asphalt, the new installation must be flow-tested with water in the presence of the City Engineer Designated Representative to confirm that there are no areas that hold water. The City Engineer will confirm the results and accept or reject the work. The work will not be accepted if it holds water more than 1/4 inch deep or for a distance greater than 5 feet. Unacceptable work must be removed and replaced.

B. Testing Frequency and Related Inspections.

- a. Testing frequency shall be in accordance with **Table 1100-4.**
- b. At least 4 compressive strength cylinders shall be taken from the same concrete delivery truck to provide design compliance testing at the laboratory. Two of the four specimens will be tested at 28 days for acceptance and 1 shall be tested at 7 days for information. The fourth cylinder shall only be necessary if the 28-day fails. Additional cylinders may be required, as directed by the City Engineer.

C. Placement (Inspection).

- a. Concrete placement shall be done in a manner such that the concrete is not segregated or altered before placing. It shall not be allowed to free fall more than 5 feet. Concrete shall be placed in lifts not to exceed 18 inches.
- b. A sufficient number of vibrators shall be used to properly consolidate the concrete as required.
- c. Construction joints and expansion joints shall be constructed in conformance with approved plans and specifications.

Table 1100.4 – Material-Testing and Inspection Requirements

Test Required	Test Reference ^a			Frequency
	AASHTO	ASTM	A _R DOT	
Aggregates				
Sampling	T 2	D 75		One/Source of Material
Organic Impurities	T 21	C 40		
Sieve Analysis	T 27	C 136		
Percentage of Wear	T 96	C 131		
Soundness	T 104	C 88		
Friable Particles	T 112	C 142		
Concrete Mixture				
Sampling	T 141	C 172		One/100 CY
Slump	T 119	C 143		
Temperature				
Air Content	T 152	C 231		
Cylinders	T 22/T 23	C 39/C 31		One Set (4)/100 CY
Thickness (Core)	T 24	C 42		One/1000 LF/Lane
Smoothness			501.05(m)	Daily Inspection

1200.5 Miscellaneous**1200.5.1 Traffic Signs, Striping, and Signals**

- A. Installation/Application. The Engineer of Record shall verify that traffic control devices are installed or applied at appropriate locations as shown on the approved signing and striping plans. Engineer of Record shall notify the City of their findings and schedule an inspection.

All striping layouts will be reviewed by the Engineer of Record prior to any installation of paint or markings. The Engineer of Record shall notify the City 48-hours in advance before any application for inspection or approval.

1200.5.2 Storm Drain Bury Depth

- A. All storm drain underneath roadways shall have a minimum of 1 foot of cover from the top of the pipe to the bottom of the pavement structure or meet manufacturer recommendations for cover less than 1 foot. When manufacturer recommendations exceed 1 foot, the minimum cover shall be per the manufacturer recommendation. Storm drain not meeting minimum cover requirements is subject to removal and replacement at the discretion of the City Engineer

Table 1100-18 City Inspection Items

Construction Stage	Inspection Items
Subgrade	*Street subgrade constructed to accurate grade and within specified tolerances. *Moisture condition of subgrade ($\pm$ 3% of optimum unless otherwise approved in writing). *Subgrade stability (Proof rolling required in addition to density tests. Proof-roll to be performed with rubber-tired construction vehicle weighing a minimum of 25 tons such as a fully loaded, tandem-axle dump truck unless otherwise approved in writing by City Engineer.).
Base Course	*Base course constructed to accurate grade and within specified tolerance. *Surface texture uniform (no evidence of segregation). *Moisture condition of base course *Base course stability (Proof rolling required in addition to density tests. Proof-roll to be performed with rubber-tired construction vehicle weighing a minimum of 25 tons such as a fully loaded, tandem-axle dump truck unless otherwise approved in writing by City Engineer.)
Curb and gutter	*Curb and gutter alignment and grade accuracy *Cross section in conformance with City Standard detail *Concrete finish as specified. No toppings or thin patches permitted. No cracks or other defects. *Joint spacing accurate. Joint filler and sealer complete. *Where removal and replacement of curb and gutter is required, the replacement section shall extend from joint to joint or as directed by the City Engineer.
Surfacing	*Grade and cross section accurate. Surfaces within prescribed tolerance. *Texture and finish uniform. *Joints straight and smooth. Joint filler and sealer completed. No cracks or openings at joints. *Finish pavement surface shall not be lower than the top of gutter.
Sidewalks/Ramps	*Grade and cross section accurate. *Sidewalk subgrade stability. *Texture and finish uniform. *Joints straight and smooth. Joint filler and sealer completed. No cracks or openings at joints. *Meets ADA and Requirements
Stormwater BMP's	*BMP's installed correctly and functioning as intended per approved plans *SWPPP and all other necessary permits obtained and properly posted at the site

1300 ACCEPTANCE, WARRANTY PROCEDURES & RECORD DRAWINGS

1300.1 General

This chapter defines the requirements for approval and acceptance of the improvements installed within the rights-of-way and easements. This chapter also covers warranty procedures and record drawings requirements.

1300.1.1 Developer's Process

The developer shall be required to meet the following process prior to the acceptance of the public improvements and maintenance:

- A. Completion of Work. Completion of all public improvements required in the approved construction plans and specifications in accordance with these Standards.
- B. Notification. Developer notifies the engineer of record of the project completion.
- C. Inspection – By Engineer of Record. The engineer of record shall perform a site inspection to determine if the project is substantially complete and ready for a joint inspection as described below. The engineer of record shall generate a punch list of deficiencies and all items on the list shall be corrected before scheduling a joint inspection. The City Engineer may deem some punch list items as incidental and allow the scheduling of the joint inspection.
- D. Joint Inspection. A joint inspection will be performed with City representatives, the engineer of record, and the contractor. The public improvements will be inspected for compliance to the plans, standards, and specifications. The engineer of record shall develop a final punch list.
- E. Correction of Deficiencies. The contractor or developer shall correct deficiencies. As-built survey may identify additional deficiencies, which shall be addressed as stated below.
- F. Submittal of Record Drawings. The engineer of record shall submit signed and sealed record drawings in accordance with the description in **Section 1200.5**. One hard copy, one electronic copy in PDF format and one electronic copy in .dwg format shall be submitted to the Engineering Department. A review copy in PDF format will be required for review purposes prior to the final submittal.
- G. Initial Acceptance. After the contractor has corrected the deficiencies identified on the punch list and the engineer of record has inspected the site, the City may be contacted by the engineer of record to inspect the corrections. Upon satisfactory completion of the punch list items and submittal of the public improvement construction costs, warranty guarantee, inspection reports, material testing reports, engineer certifications, final as-built drainage report, record drawings, and any other project requirements per the approval letter, initial acceptance shall be granted.

1300.2 Initial Acceptance

1300.2.1 Recommendation for Initial Acceptance

After the contractor has completed the punch list, the engineer of record shall inspect and notify the City Engineer that the work has been complete. The City Engineer shall recommend granting or denial of initial acceptance based on re-inspection for compliance with the joint inspection punch list.

If new deficiencies are found, either in quality or extent of construction, the developer/contractor shall be notified in writing of these deficiencies. These deficiencies shall be also be corrected, and additional inspections shall be performed until the work is acceptable.

1300.2.2 Initial Acceptance Letter

The City Engineer shall issue written notice either granting or withholding initial acceptance within ten working days of the acceptance re-inspection. The initial acceptance letter shall specify the date on which the developer is eligible to request final acceptance.

1300.2.3 Submittal of Record Drawings

Prior to issuance of the initial acceptance, record drawings shall be completed, stamped, and signed by the engineer of record and submitted to the City Engineer. The record drawings shall be submitted in electronic form (as specified by the City Engineer). Refer to Section 1200.5 for record drawing requirements.

1300.2.4 Submittal of Warranty Guarantee

Prior to issuance of the initial acceptance, a warranty maintenance guarantee in the amount of 25% of all public improvements associated with the project shall be submitted to the City. The following items shall be included on the guarantee:

- a. Identify guarantee as for MAINTENANCE.
- b. Name of project.
- c. Project description & location (address, subdivision, if applicable).
- d. Description of items guaranteed & total construction cost of public infrastructure.
- e. Name the City of Bentonville as Obligee or Duel Obligee.
- f. Contact information for the provider of guarantee – (who purchased the guarantee).

1300.3 Warranty Period

1300.3.1 Definition of the Warranty Period

The warranty period for all public improvements shall be no less than one year. During the warranty period, the developer/contractor shall guarantee the work to be free of any damage or defects in workmanship and material. The warranty period shall start the date that initial acceptance occurs. The warranty period shall end with the final acceptance of the public improvements. If deficiencies are noted during the City's warranty inspection, the developer/contractor shall repair the deficiencies.

1300.3.2 The Warrantee Guarantee

A warranty guarantee shall be required for the entire warranty period. The warranty guarantee shall be in the form of a letter of credit, maintenance bond, or cashier's check in accordance with Appendix B Land Development Code, Article 300, Section 300.09 Maintenance Guarantee of the Bentonville Municipal Code. The guarantee shall be in the amount of 25% of the total value of the public improvements for the project, including water, sewer, drainage, sidewalk, etc.

1300.3.3 Time Frames for Completing Repair

At any time before the completion of the warranty period, the City may notify the developer of needed repairs. If repair areas are considered to be an imminent danger to the public health, safety, and welfare, the contractor shall act within 24 hours to complete the repair. If the work is not considered a safety issue, the developer has 10 working days to schedule the work, and 30 calendar days to complete the work. Extensions of time may be considered when necessary due to weather constraints.

1300.3.4 Failure to Complete Repair

If the developer has not completed the warranty repairs in the time frame specified, the City may choose to affect the necessary repairs. The City will either invoice the developer for all costs for the related work plus a \$500.00 administrative fee or it will collect from the guarantee.

1300.3.5 Responsibility for Maintenance

The developer is responsible for maintaining all public improvements throughout the warranty period.

1300.4 Final Acceptance

1300.4.1 Request for Final Inspection

Within 45 days of the end of the warranty period, the developer shall request a final inspection and acceptance, in writing, to the City Engineer.

1300.4.2 Preparation for Inspection

The developer is responsible for sweeping and cleaning public improvements for inspection. If the developer does not provide a clean site, including having curb flow lines clear of debris and dirt, then the inspection may be postponed until the site is sufficiently clean.

1300.4.3 Inspection and Punch List

The City Engineer shall inspect all public improvements related to the project. If applicable, a written final punch list shall be compiled listing any necessary repair or replacement of materials or workmanship. The punch list shall be sent to the developer and contractor.

1300.4.4 Damage Caused by City Crews

If the developer can demonstrate that the City maintenance crews caused damage to certain improvements, the developer will not be held responsible for the replacement.

1300.4.5 Re-inspection

If repair or replacement of public improvements is required, the developer/contractor shall complete repair or replacement within 30 calendar days of receipt of the final punch list, unless otherwise agreed upon. Upon completion, the developer/contractor shall contact the City Engineer for a re-inspection.

1300.4.6 Release from Responsibility

Once all repairs or replacements are satisfactorily completed, the developer/contractor shall receive written notice from the City that all public improvements are complete and the City releases the developer/contractor from responsibility for all future maintenance and repairs for the public improvements on this project.

1300.4.7 Release of Warranty Guarantee

Upon the satisfactory completion of the final punch list the City will release the warranty guarantee.

1300.4.8 Failure to Complete Repair

If the developer has not completed the warranty repairs in the time frame specified, the City may choose to affect the necessary repairs. The City will either invoice the developer for all costs for the related work plus a \$500.00 administrative fee or it will collect from the guarantee.

1300.5 Record Drawings

1300.5.1 Updating Plans with Design Changes

The construction plans shall be updated with all design changes that occurred after plan approval. The final installation of all public infrastructure shall be surveyed prior to submittal of record drawings. The professional surveyor shall provide stamped drawings specifically identifying the limits of as-built survey performed. Field changes not previously approved by

City Engineer, discovered during the as-built process are at the contractor's risk and may not be accepted.

- A. Street. Street record drawings shall identify the actual pavement type and grade or mix type used; if the subgrade was treated or additional undercut: location of any under drains added; and document all changes to widths and lengths for streets, sidewalks, and curbs.
 - a. At 100 ft interval or as necessary to reflect actual placement of roadway, the back of curb shall be located in reference to the existing/or proposed right-of-way.
 - i. Deviations more than 6 inches shall be identified on the plans and included in a transmittal letter to the City Engineer.
 - ii. Additional right-of-way dedication or reconstruction may be required.
 - b. At grade breaks, no more than 500 ft intervals, profile and cross slope verification will be performed and shown on plans.
 - i. Deviations more than 0.5% profile or cross slope shall be identified on the plans and included in a transmittal letter to the City Engineer.
 - ii. Geometric K values no longer meeting city criteria shall be evaluated.
 - iii. Additional calculations or reconstruction may be required.
 - c. Record drawings shall identify all signage and striping locations as actually placed in the project.
- B. Drainage. Record storm drainage drawings shall document the location, size, rim elevation and invert elevation of all pipes (including pipe class), inlets, riprap, headwalls, detention pond volumes, swale cross-sections and all other storm drainage infrastructure shown on the construction plans, including those improvements located in areas outside of the public right- of-way, if appropriate. Record drawings shall also show all pipe and/or drainage way/swale grade percentages.
 - a. More than 2-foot deviation of design alignment shall require new easement dedication or adjustment of the storm drain.

- b. More than 0.1-foot deviation of design elevation shall require revisions in the drainage report. Any field changes, that no longer meets drainage design criteria, shall be removed and replaced.
 - c. Any field changes, that creates an adverse slope, shall be removed and replaced to original design.
 - d. Change in specified material shall require revisions to the drainage report.
- C. Utilities. Water and sanitary sewer record drawings shall document the location, size, invert elevations and rim elevation of all pipes and manholes, location of all valves, changes in direction, encasements, meters, services, hydrants, etc.
 - a. Professional surveyor shall provide stamped drawings specifically identifying the limits of as-built survey performed.
 - b. More than 2-foot deviation of design alignment shall require new easement dedication or adjustment of the utility drain.
 - c. See Water & Sewer Specifications for additional criteria.
- D. Other. Record drawings shall verify other information as specifically requested by the City Engineer or outlined in the project's conditional approval letter.

1300.5.2 Minor Design Changes

Minor changes are not required to be included on the record drawings. Minor changes include incorrect references and grade changes less than 0.1 foot.

1300.5.3 Submittal of Plans

An Arkansas licensed professional engineer shall update and stamp the record drawing construction plans. The engineer of record shall submit the plans to the City and receive approval prior to the initial acceptance.

The engineer of record must also certify that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Bentonville requirements.

1300.5.4 Form of Submittal

All record documents shall be submitted in the following formats as required by the City Engineer:

- A. Record drawings shall be submitted in electronic format as specified by the City Engineer, in PDF format, in .dwg format and three full size paper copies. CAD files with "As-built" information shall be georeferenced in an AutoCad compatible digital format for incorporation into the City's GIS systems.
- B. Warranty guarantee shall be original documents.
- C. All other documents shall be submitted in electronic PDF format.
 - a. Public improvement construction costs;
 - b. Inspection reports;
 - c. Submittals & material testing reports;
 - d. Engineer certifications;
 - e. Final as-built drainage report.

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING AMENDMENTS TO THE STREET SPECIFICATIONS
FOR THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Bentonville Transportation Department has reviewed the Street Specifications and recommends changes for the 2024 year; and

WHEREAS, these changes have been reviewed by City Staff and received approval from the Planning Commission.

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

Section 1: The City of Bentonville Street Specifications, should be and the same is hereby amended as shown in the attached Exhibit “A”;

Section 2 - 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 3 - 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 _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk

Exhibit “A”

Street Specification Amendment 2024

Proposed Street Specification	Current Street Specifications	Change
100 Definitions	200.9 Definitions	Added Access Management, ACHM, ACI, Alley, Applicant, Code, Construction Costs, Contract Document, Cross Slope, Deceleration Lane, Design Speed, Development, Driveway, Frontage, Issued for Construction Plans, ITE, Lane Width, Lift, Lip, LOS, PC, PCR, Permittee, Phasing Plan, PI, Plans, Pre-Construction Meeting/Professional Engineer (P.E.), Professional Land Surveyor (P.L.S.), Project, Project Supervisor, PROWAG, PT, Public Improvements, Punch List, Initial, or Final, Record Drawings, Report, Right-of-Way (ROW), Shall, Should, Sidewalks, Sight Distance, Stop Work Order (SWO), Stopping Sight Distance, Structure, Subcontractor, Substantial Completion, SWPPP, Warranty Period, Work. Changed AHTD to ARDOT
200 General Provisions	100 General Provisions	Moved the section and updated the information.
300 Construction Plan Submittal Requirements	300 Design Data and Plan Submission	Added details to the sections noted below.
300.1 General	300.1 General	Remove City Engineer discretion, and reference to water and sewer
300.1.1 Submittal Content		
300.1.2 Engineering Services	NA	Added requirement for documents to be sealed by the Engineer of Record.
300.1.3 Horizontal and Vertical Datum	300.1 Horizontal and Vertical Datum	Changed to reference Article 1000 of the Land Development Code
300.1.4 Design Report	300.2 Design Report	
300.1.5 Additional Requirements	NA	Added notice that additional information may be required for unusual or serious problems.
300.1.6 Plan Revisions	NA	Added instructions for plan revisions.
300.1.7 Incomplete Plans	NA	Added note about incomplete plans.
300.2 General Formatting and Required information	300.4 Plans	Added reference to Article 900 of the Land Development Code. Add requirements for space for a City Approval stamp, Engineers seal, indemnification statement, scale, dates, north arrow, existing facilities, and a legend.
300.3 Sheet Title Names and Specific Requirements.	NA	Added required information for each sheet in the drawing set.
300.3.4 Street Improvement Details	200.2 Plans and Specifications	Moved and updated references to standard details.

Proposed Street Specification	Current Street Specifications	Change
300.3.5 Traffic Signing and Pavement Markings	NA	Added requirements for signs and markings.
400 Transportation Impact Study	200.8 Need for Traffic Study	Added requirements for who can prepare the TIS, what needs to be included, and when it is required.
500 Street Design and Technical Criteria	300.4 Plans, 400 Street Design Principles	Moved sections and added additional design details such as a table for various design information, Medians, and on-street parking. Made changes to match the latest Master Street Plan.
600 Intersections	400.3 Intersections	Moved section and added more technical design details.
700 Pavement Design, Materials, and Report	500 Pavement Design	Moved section and added additional information related to design.
700.10 Street Cuts, Excavations, and Borings	City of Bentonville Street Cut Specifications	Added the existing policy.
800 Traffic Control Devices	400.3 Intersections	Moved section added traffic signal design section.
900 Pedestrian Facilities Design and Technical Criteria	900 Sidewalks	Moved information for pedestrian facilities and added current design criteria.
1000 Bicycle Facilities Design and Technical Criteria	900 Sidewalks	Moved information for bicycle facilities and added current design criteria.
1100 Neighborhood Traffic Safety	Traffic calming guidebook	Added the traffic calming guidebook details. Additional guidance and references to NACTO information where available. The Traffic, Safety and Signage committee changed what devices are recommended and conditions where they are applicable.
1101 Residential Traffic Management	City of Bentonville Residential Traffic Management Policy	Added the exiting policy and process flow chart.
1200 Street Inspection and Testing	800 Inspections and Testing	Moved section and updated inspection and testing requirements.
1300 Acceptance, Warranty Procedures and Record Drawings.	200.7 Acceptance by the City, 800.2 Inspections, 900.3 Warranty, 900.5 Warranty	Consolidated information from the various sections.



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Travis Matlock
Phone:	479-271-5941	For Department(s):	Inventory Warehouse
Email:	tmatlock@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☒ Waiver of Bid	☒ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Ordinance Waiving Competitive Bidding to Order 1/0 Underground Wire
Action Recommendation & Justification:	Approval of an Ordinance to waive competitive bidding to purchase 1/0 UG Wire from Stuart Irby with Unit Prices and estimated quantities attached for \$472,500.00, plus applicable taxes. Approved by Utility Board 5-0. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Award is based on low responsive quote AND shortest lead time per line item, for estimated totals: Stuart Irby in the estimated amount of \$472,500.00, plus applicable taxes (Mid December) AECL in the estimated amount of \$455,000.00 (low quote does not meet BEUD standards) Techline in the estimated amount of \$439,000.00 (low quote does not meet BEUD standard). Due to market volatility and lead time, it is not practical or feasible to solicit competitive bids.
Amount for Approval:	\$ 472,500.00

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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**City of Bentonville Electric Utilities Department
15KV Underground Primary Cable
Bid Form**

<u>BEUD Inventory Part Number</u>	<u>Wire Size</u>	<u>Feet Required</u>	<u>Price Per Foot - Stuart Irby</u>	<u>Lead Time</u>
2147	1/0 Full Neutral AL	100,000	\$4.73	Mid December 2024
	AECI - Okonite wire		\$5.23	40 weeks
	AECI - Prysmian wire		\$4.55	End of 2024 (does not meet spec)
	Techline		\$4.39	30 weeks (does not meet spec)
Total Price for All Line Items				\$472,500.00

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO AN AGREEMENT WITH STUART IRBY, FOR 1/0 UNDERGROUND WIRE, IN THE AMOUNT OF FOUR HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$472,500.00) PLUS APPLICABLE TAXES; WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Inventory Department requires 1/0 underground wire to provide for Electric Utility installations and projects;

WHEREAS, Stuart Irby provided the most responsive quote and lead time combination that was within BEUD specifications;

WHEREAS, due to current supply chain issues and price volatility, soliciting bids is not feasible; and

WHEREAS, this purchase will be made using budgeted funds.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor and City Clerk are hereby authorized to enter into an agreement with Stuart Irby, for the purchase of 1/0 underground wire in the amount of four hundred seventy-two thousand five hundred dollars (\$472,500.00.00), plus applicable taxes;

Section 2: Due to current market volatility and supply chain issues with this product, it would be neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3 - Emergency Clause: The need to make this purchase is immediate and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its 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 of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this ____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Travis Matlock
Phone:	479-271-5941	For Department(s):	Inventory Warehouse
Email:	tmatlock@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☒ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Award Bid IFB-24-28 for the Purchase of Wood Poles
Action Recommendation & Justification:	Awarding Bid IFB-24-28 for the Purchase of Wood Poles from Carpenter's Pole and Piling. Approved by Utility Board 5-0. No budget adjustment is required.
Additional Comments for Consideration (Optional):	Lowest bidders on wood poles: Carpenter's Pole and Piling in the amount of \$66,544.00
Amount for Approval:	\$ 66,544.00

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

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CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT

FORMAL SEALED BID TABULATION

Date of Bid Opening:	4/17/24	Time of Bid Opening:	1:15 PM	Solicitation ID Number:	IFB-24-28
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Solicitation Title: Wood Distribution Poles

Bidders:				Carpenter Pole & Piling		Stella-Jones	
Line Item	Quantity Required	Height/Class	Description	Unit Price	Extended Price	Unit Price	Extended Price
1	20	40/3	BEUD Inventory Part #1721	\$431.00	\$8,620.00	\$459.00	\$9,180.00
2	48	45/3	BEUD Inventory Part #1724	\$549.00	\$26,352.00	\$552.00	\$26,496.00
3	36	50/1	BEUD Inventory Part #1725	\$877.00	\$31,572.00	\$920.00	\$33,120.00
Total Bid Price				\$66,544.00		\$68,796.00	
						<i>*Stella-Jones's Total Bid Price was corrected during bid evaluation</i>	

purchasing@bentonvillear.com - (479) 271-3115

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID IFB 24-28 TO CARPENTER’S POLE AND PILING FOR THE PURCHASE OF WOOD POLES, IN THE AMOUNT OF SIXTY-SIX THOUSAND FIVE HUNDRED FORTY-FOUR DOLLARS (\$66,544.00) PLUS APPLICABLE TAXES; AND FOR OTHER PURPOSES.

WHEREAS, Carpenter’s Pole and Piling is the lowest qualified bidder for bid IFB-24-28;

WHEREAS, this contract covers the purchase of wood poles that will be ordered on an ‘as needed’ basis; and

WHEREAS, this is a budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Carpenter’s Pole and Piling for the purchase of wood poles, in the amount of sixty-six thousand five hundred forty-four dollars (\$66,544.00), plus applicable taxes;

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.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

Stephanie Orman, MAYOR

ATTEST:

Malorie Marrs, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Travis Matlock
Phone:	479-271-5941	For Department(s):	Inventory Warehouse
Email:	tmatlock@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☒ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Award Bid IFB-24-32 for the 48" Water Main Repair Materials
Action Recommendation & Justification:	Awarding Bid IFB-24-32 for the purchase of 48" Water Main Repair Materials from Northwest Arkansas Winwater and Southern Pipe and Supply. Approved by Utility Board 5-0. No budget adjustment is required.
Additional Comments for Consideration (Optional):	Lowest bidders: Northwest Arkansas Winwater in the amount of \$72,068.67 Southern Pipe and Supply in the amount of \$55,995.20
Amount for Approval:	\$ 128,063.87 plus applicable taxes

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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**CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT****FORMAL SEALED BID TABULATION**

Date of Bid Opening:	4/23/2024	Time of Bid Opening:	1:00 PM	Solicitation ID Number:	IFB-24-32
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Solicitation Title: Water Main Repair Materials

Bidders:					Northwest Arkansas Winwater		Southern Pipe & Supply	
Line Item	Estimated Quantity	Unit of Measure	BEUD Part No.	Description	Unit Price	Extended Price	Unit Price	Extended Price
1	60	FT	4614	48" Ductile Iron CL350 Gauged pipe, full 20' joint within 2' of the bell shall have an O.D. of 50.8" NO SUB	\$892.08	\$53,524.80	\$887.92	\$53,275.20
2	4	EA	4615	48" MJ BOLT PACK MJ GASKET/BOLTS AND NUTS Bolt length needs to accommodate a C110 full Body fitting, 8.5" from bottom of t-head to end of threads. NO SUB	No Bid	No Bid	\$680.00	\$2,720.00
3	4	EA	4616	48" DUCTILE MEGALUGS 1148DEC RESTRAINTS NO SUB	\$2,820.40	\$11,281.60	\$2,910.00	\$11,640.00
4	1	EA	4617	48" L301 BELL ADAPTER X MJS DIAPERS/GASKETS INCLUDED NO SUB	\$9,142.12	\$9,142.12	\$10,272.00	\$10,272.00
5	1	EA	4618	48" L301 SPIGOT X MJS DIAPERS/GASKETS INCLUDED NO SUB	\$9,433.55	\$9,433.55	\$10,570.00	\$10,570.00
6	2	EA	4619	48" Long sleeve epoxy coated fitting C110 full body with an ID of 50.97" accommodating 48" pipe OD 50.8" NO SUB	\$21,105.70	\$42,211.40	\$21,330.00	\$42,660.00
Total Bid Price					\$125,593.47		\$131,137.20	

**Ferguson Enterprises LLC Bid Submission rejected during Bid Evaluation due to failing to submit a new Non-Collusion Affidavit, as specified in the correction request.*purchasing@bentonvillear.com - (479) 271-3115

RESOLUTION NO. _____

A RESOLUTION AWARDED BID IFB 24-32 TO NW ARKANSAS WINWATER AND SOUTHERN PIPE AND SUPPLY, FOR THE PURCHASE OF WATER MAIN MATERIALS, IN THE AMOUNT OF ONE HUNDRED TWENTY-EIGHT THOUSAND SIXTY-THREE DOLLARS AND EIGHTY-SEVEN CENTS (\$128,063.87) PLUS APPLICABLE TAXES; AND FOR OTHER PURPOSES.

WHEREAS, NW Arkansas Winwater and Southern Pipe and Supply are the lowest qualified bidders for bid IFB-24-32;

WHEREAS, this contract covers the purchase of water main materials needed for the 48" Water Main Project; and

WHEREAS, this is a budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to enter into contracts with NW Arkansas Winwater and Southern Pipe and Supply, for the purchase of water main materials, in the amount of one hundred twenty-eight thousand sixty-three dollars and eighty-seven cents (\$128,063.87), plus applicable taxes;

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.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

Stephanie Orman, MAYOR

ATTEST:

Malorie Marrs, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Travis Matlock
Phone:	479-271-5941	For Department(s):	Electric
Email:	tmatlock@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☒ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Award Bid IFB 24-02 Re-Bid to MVA Power, Inc. for Steel Poles & Switches
Action Recommendation & Justification:	The City of Bentonville recommends awarding IFB 24-02 re-bid for the t-line switches/steel poles for the transmission line connection between Substation "G" and Substation "I" to MVA Power, Inc. for \$335,941.17 and associated budget adjustment. Approved by Utility Board 5-0. A budget adjustment is needed.
Additional Comments for Consideration (Optional):	See attached bid tabulation. \$1,000,000.00, is currently budgeted for the steel poles/switches based on engineers OPC. Total for the steel poles/switches is \$1,329,917.17. There is a \$329,917.17 budget adjustment request to cover the additional cost. There was a previous bid award of \$993,976.00, for the first purchase of steel poles, which leaves \$335,941.17 for this bid award.
Amount for Approval:	\$ 335,941.17

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

503010-47311	Ovrhead Prim Construction	\$ 329,917.17	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☒ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

CITY OF BENTONVILLE
BENTONVILLE, AR

SWITCHES, STEEL POLES,
AND MOUNTING HARDWARE
FOR SUBSTATION G – SUBSTATION I

IFB-24-02

BID RECOMMENDATION
BID DATE: 1:00 P.M., April 17, 2024

BIDDER

MVA POWER, INC.

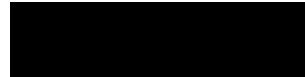
TOTAL BID PRICE

\$ 335,941.17

RECOMMENDATION

*The proposal offered by **MVA POWER, INC.** in the amount of **\$335,941.17** is recommended for acceptance.*

ALLGEIER, MARTIN and ASSOCIATES, INC.



Nicolaus A Jessip, P.E.

04/26/2024

**CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT****FORMAL SEALED BID TABULATION**

Date of Bid Opening:	4/17/24	Time of Bid Opening:	1:00 PM	Solicitation ID Number:	IFB-24-02 Re-Bid
----------------------	---------	----------------------	---------	-------------------------	------------------

Solicitation Title: Switches, Steel Poles, and Mounting Hardware as Specified

Bidders:					MVA Power Inc.		
Line Item	Pole Quantity	Structure Name	Switch/Structure Drawing	Structure Frame Drawing	Unit Price	Extended Price	
Schedule 1: Standard Class (Pre-Engineered) Steel Poles							
1-1	1	S110-H6	COB-S48	TPF-SW1A	\$73,169.89	\$73,169.89	
1-2	1	S110-H6	COB-S51	TPF-SW1B	\$73,169.89	\$73,169.89	
Total Amount Schedule 1						\$146,339.78	
Schedule 2: Engineered Steel Structures							
2-1	1	SSI	COB-S1	TPF-SW3	\$189,601.39	\$189,601.39	
Total Amount Schedule 2						\$189,601.39	
Total Bid Price						\$335,941.17	
purchasing@bentonvillear.com - (479) 271-3115							

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID IFB-24-02 TO MVA POWER, INC. FOR THE PURCHASE OF T-LINE SWITCHES AND STEEL POLES, IN THE TOTAL AMOUNT OF THREE HUNDRED THIRTY-FIVE THOUSAND NINE HUNDRED FORTY-ONE DOLLARS AND SEVENTEEN CENTS (\$335,941.17); AMENDING THE 2024 BUDGET TO APPROPRIATE THREE HUNDRED TWENTY-NINE THOUSAND NINE HUNDRED SEVENTEEN DOLLARS AND SEVENTEEN CENTS (\$329,917.17) FROM UTILITY FUND TO ACCOUNT #503010-47311 – OVERHEAD PRIMARY CONSTRUCTION; AND FOR OTHER PURPOSES.

WHEREAS, City of Bentonville recommends awarding IFB-24-02 re-bid to MVA Power, Inc, which is the lowest bidder, in the amount of three hundred thirty-five thousand nine hundred forty-one dollars and seventeen cents (\$335,941.17);

WHEREAS, this contract is needed for the transmission line connection between Substation “G” and Substation “I”; and

WHEREAS, one million dollars (\$1,000,000.00) is currently budgeted for this project, and nine hundred ninety-three thousand nine hundred seventy-six dollars (\$993,976.00) has already been awarded, leaving the need for a budget adjustment in the amount of three hundred twenty-nine thousand nine hundred seventeen dollars and seventeen cents (\$329,917.17) for this bid award.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with MVA Power, Inc. for the purchase of T-Line Switches and Steel Poles, in the total amount of three hundred thirty-five thousand nine hundred forty-one dollars and seventeen cents (\$335,941.17);

Section 2: The 2024 Budget is hereby amended to appropriate three hundred twenty-nine thousand nine hundred seventeen dollars and seventeen cents (\$329,917.17) from Utility Funds to Account #503010-47311 – Overhead Primary Construction;

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 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.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Donald Schmidt
Phone:	(479) 271-3140	For Department(s):	Water Utilities
Email:	dschmidt@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Purchase Two (2) Dump Trucks through Sourcewell Cooperative (Co-Op)
Action Recommendation & Justification:	Resolution requesting Council approval for the purchase of two dump trucks from National Auto Fleet Group through participation in the Sourcewell Cooperative (Co-Op) contract 060920-NAF, in the amount of \$258,587.80. Utility Board approved 5-0. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	These trucks are replacing two current units (3020-15 and 3040-12) that have several maintenance issues including diesel emission problems. We decided to go with a gas burning option in the new trucks to effectively eliminate the emissions problems. Both trucks are approved in the 2024 budget. One truck is budgeted in Sewer Rehab, 503040 and the other is budgeted in Water, 503020. Use of this Co-Op has been reviewed by Purchasing and is in line with the City's purchasing policy.
Amount for Approval:	\$ \$258,587.80

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

4/5/2024

Quote ID#2833HD (R1)

City of Bentonville
3200 Municipal Drive
Bentonville, AR 72712

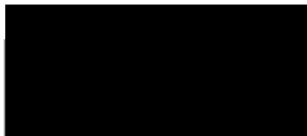
Dear City of Bentonville,

National Auto Fleet Group is pleased to quote the following sourced item(s) for your consideration. One (1) New/Unused **(2025 Ford F-750 Gas (F7A) Regular Cab 158" WB 84" CA with 10' Henderson Dump Body and Equipment)** and provided by Mr. Phil Carrott with Grand Truck Equipment, each for:

	Contract Price	Two Units (2)
Chassis and Option	\$ 80,000.00	\$ 160,000.00
Henderson Quote	\$ 49,293.90	\$ 98,587.80
Tax (0.00%)	\$ 0.00	\$ 0.00
 Total	 \$ 129,293.90	 \$ 258,587.80

This sourced item(s) is available under the Sourcewell (Formerly Known as NJPA) Contract 060920-NAF. Please reference this Bid Number on all Purchase Orders.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.



Ben Roaniguez

HD Contract Manager

BEN@NationalAutoFleetGroup.com

Office (855) 289-6572

Fax (831) 480-8497



DODGE



HENDERSON

PRODUCTS, INC.

1085 SOUTH THIRD STREET
PO BOX 40, MANCHESTER, IA 52057-0040
PHONE: 563-927-2828

SALES QUOTATION

DATE	PAGE
4/3/2024	1

CUSTOMER: City of Bentonville Water
CONTACT:
ADDRESS: 3200 Municipal Drive
Bentonville, Arkansas USA 72712

QUOTE ID: 181080-19
QUOTE DATE: 4/3/2024
VALID UNTIL: 6/2/2024

PHONE: 497-271-3140
FAX:
EMAIL:

SALESPERSON: Phil Carrott
PHONE: 816-665-3394
CELL:
FAX: 918-782-1011
EMAIL: pcarrott@gmail.com

QUANTITY	DESCRIPTION	LIST PRICE EACH	EXT. LIST PRICE
2	QUOTE 181080-19: Bentonville Water Company CONFIGURATION 2-1: HPI Marke STANDARD FEATURES: DESCRIPTION: HPI USA/ENGLISH, MARK E, CLASSIC, 10' FLOOR LENGTH, MARK E PRODUCT FAMILY COUNTRY/LANGUAGE: USA/ENGLISH FAMILY: MARK E, CLASSIC BODY SIZE/SHAPE FLOOR LENGTH: 10' FLOOR LENGTH SIDE HEIGHT: 30" SIDE HEIGHT MATERIAL/CONSTRUCTION BODY MATERIAL(SIDES/HEADSHEET): 10GA GR50 SIDES/HEADSHEET SIDE BRACES: (1) 10 GA G50 WELD ON SIDE BRACE TOP RAIL/RUB RAIL MATERIAL: 10GA GR50 TOP & RUB RAILS REAR BOLSTER HEIGHT: 8" BOLSTER, 2-1/8" POCKETS REAR BOLSTER MATERIAL: 7GA GR50 REAR BOLSTERS FRONT BOLSTER: NO FRONT BOLSTERS FLOOR MATERIAL: 3/16" AR400 FLOOR HOIST HOIST TYPE: TRN MT HOIST, INTERNAL DH, SA CYLINDER MODEL: CS/G4 2 STD WTY, SALT AP REC* HOOKLIFT A-FRAME: NON-HOOKLIFT HOIST MOUNT TYPE: STANDARD WIDTH CRADLE INSTALL HOIST & CRADLE: UPFITTER INSTALLED H&C LONGSILLS LONGSILLS: 8" I-BEAM LONGSILLS, SKIP WELD MAINTENANCE BODY HINGE MAINTENANCE: GREASEABLE PINS, WITH BUSHINGS TAILGATE TAILGATE STYLE: CONFIGURABLE STANDARD TAILGATE	\$10,590.00 \$267.00 \$28.00 \$1,129.00 (\$558.00) \$6,602.00 \$198.00	\$21,180.00 \$534.00 \$56.00 \$2,258.00 (\$1,116.00) \$13,204.00 \$396.00



HENDERSON

PRODUCTS, INC.

1085 SOUTH THIRD STREET
PO BOX 40, MANCHESTER, IA 52057-0040
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SALES QUOTATION

DATE	PAGE
4/3/2024	2

CUSTOMER: City of Bentonville Water
CONTACT:
ADDRESS: 3200 Municipal Drive
Bentonville, Arkansas USA 72712

QUOTE ID: 181080-19
QUOTE DATE: 4/3/2024
VALID UNTIL: 6/2/2024

PHONE: 497-271-3140
FAX:
EMAIL:

SALESPERSON: Phil Carrott
PHONE: 816-665-3394
CELL:
FAX: 918-782-1011
EMAIL: pcarrott@gmail.com

QUANTITY	DESCRIPTION	LIST PRICE EACH	EXT. LIST PRICE
	TAILGATE SHEET MATERIAL: 3/16" AR400 TAILGATE SHEET	\$509.00	\$1,018.00
	TAILGATE LINER: NO TAILGATE LINER		
	COAL CHUTE: NO COAL CHUTE		
	TAILGATE BRACE: 1 HORIZONTAL TAILGATE BRACE	\$93.00	\$186.00
	TAILGATE LIFT STYLE/LOCATION: SINGLE CENTERED D-RING, TOP BRACE	\$54.00	\$108.00
	TAILGATE RELEASE & CONTROL: DOUBLE ACTING, SS BUSHING, TG RELEASE	(\$73.00)	(\$146.00)
	TAILGATE HINGE: HD, 1-1/2" PIN, 1" PLT, W/BUSHING	\$74.00	\$148.00
	TAILGATE CHAINS: 80" ZINC TAILGATE CHAINS	\$80.00	\$160.00
	BOLSTER CHAIN HOOKS: BANJO CHAIN HOOKS INSTALLED		
	HORIZONTAL J-HOOKS: HORIZONTAL J-HOOKS	\$85.00	\$170.00
	TAILGATE PIN LANYARDS: NO TAILGATE PIN LANYARDS		
	TAILGATE AIR VALVE: TG AIR VALVE ONLY:ELEC CONTROL	\$114.00	\$228.00
	LUBRICATION		
	LUBRICATION: GREASEABLE PINS, JAWS, & SHAFT	\$263.00	\$526.00
	CAB SHIELD		
	CABSHIELD STYLE/WIDTH/OVERHANG: WELD-ON,22"x86", W/ TARP SHROUD		
	CABSHIELD MATERIAL: GR50, 10GA PANEL, 7GA ENDS	\$1,110.00	\$2,220.00
	CABSHIELD INSTALLATION: CABSHIELD INSTALL HEIGHT TBD	\$198.00	\$396.00
	CABSHIELD OFFSET: CENTERED		
	CABSHIELD LIGHTING: NO CABSHIELD LIGHTS		
	ACCESSORIES & ATTACHMENTS		
	ASPHALT LIP: 12" PIN ON 7GA GR50 ASP LIP, INSTALL	\$899.00	\$1,798.00
	SIDE BOARDS: UPFITTER SUPPLIED SIDEBOARDS		
	SIDE LADDER LOCATION: LADDER/GRBHND, DS FRNT, INSTL	\$141.00	\$282.00
	SIDE LADDER TYPE: LADDER, PULLOUT 201SS, FIXED UPR	\$1,094.00	\$2,188.00
	BODY STEPS: NO INTERIOR STEPS		
	ELECTRICAL & LIGHTS		
	RUB RAIL LIGHTING: NO RUB RAIL LIGHTING		
	REAR BOLSTER MARKER LIGHTING: 2.5" RED REAR BLSTR LIGHT	\$47.00	\$94.00
	REAR FACING REAR BOLSTER LIGHT: 1 OBROUND LIGHT	\$46.00	\$92.00



HENDERSON

PRODUCTS, INC.

1085 SOUTH THIRD STREET
PO BOX 40, MANCHESTER, IA 52057-0040
PHONE: 563-927-2828

SALES QUOTATION

DATE	PAGE
4/3/2024	3

CUSTOMER: City of Bentonville Water
CONTACT:
ADDRESS: 3200 Municipal Drive
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QUOTE ID: 181080-19
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PHONE: 497-271-3140
FAX:
EMAIL:

SALESPERSON: Phil Carrott
PHONE: 816-665-3394
CELL:
FAX: 918-782-1011
EMAIL: pcarrott@gmail.com

QUANTITY	DESCRIPTION	LIST PRICE EACH	EXT. LIST PRICE
	LIGHTING ADD ONS: NO WELD-ON LIGHT BOX		
	LIGHTING PACKAGE: FACTORY LED LIGHTING PACKAGE	\$277.00	\$554.00
	HARNESS CONNECTION POINT: HARNESS CONNECT: CHASSIS REAR	\$104.00	\$208.00
	LIQUID APPLICATION		
	PWS TANKS: NO PREWET TANKS		
	PREWET PREP: NO PREWET BOX BRACKET		
	ACCESSORIES & ATTACHMENTS		
	WALK RAILS: NO WALK RAILS		
	TARP RAILS: NO TARP RAILS		
	VIBRATOR LOCATION: NO VIBRATOR		
	TGS INSTALLATION: NO FACTORY INSTALLED TGS		
	TGS INTEGRATION: NO TGS SPILL SHIELDS		
	TGS/ASPHALT LIP MOUNT HOLES: NO MOUNT HOLES IN BOLSTER		
	PAINT & FINISH		
	FINISH PREP: SANDBLAST & PRIME BODY	\$915.00	\$1,830.00
	PAINT/FINISH: CUSTOM PAINT/FINISH		
	CUSTOM PAINT/FINISH: Powder Paint Black	\$2,935.00	\$5,870.00
	CUSTOM, NON-DEFINED		
	NOTE 1:: ADDITIONAL CUSTOM OPTION		
	CUSTOM OFFERING: Arm style tarp & Flaps	\$6,550.00	\$13,100.00
	NOTE 2:: ADDITIONAL CUSTOM OPTION		
	CUSTOM OFFERING 2: Dump, hydr, tarp freight	\$5,500.00	\$11,000.00
	NOTE 3:: ADDITIONAL CUSTOM OPTIONS		
	CUSTOM OFFERING 3:: Hydraulics & Installation	\$15,500.00	\$31,000.00
	NOTE 4: NO ADDITIONAL CUSTOM OPTIONS		
	NOTE 5: NO ADDITIONAL CUSTOM OPTIONS		
	NOTE 6: NO ADDITIONAL CUSTOM OPTIONS		
	NOTE 7: NO ADDITIONAL CUSTOM OPTIONS		
	NOTE 8: NO ADDITIONAL CUSTOM OPTIONS		
	End Customer: City of Bentonville		



HENDERSON

PRODUCTS, INC.

1085 SOUTH THIRD STREET
PO BOX 40, MANCHESTER, IA 52057-0040
PHONE: 563-927-2828

SALES QUOTATION

Page 4

Quote #181080

Rev #19

DATE

PAGE

CUSTOMER:
CONTACT:
ADDRESS:

QUOTE ID:
QUOTE DATE:
VALID UNTIL:

PHONE:
FAX:
EMAIL:

SALESPERSON:
PHONE:
CELL:
FAX:
EMAIL:

QUANTITY	DESCRIPTION	LIST PRICE EACH	EXT. LIST PRICE
	Due to the volatility in material costs and chassis delays, pricing is subject to change at time of manufacturing and / or upfit. Signed: _____ Date: _____		

Quote Total: \$109,542.00
10% Discount: (\$10,954.20)
Dealer Cost: \$98,587.80
0% Sales Tax: \$0.00
Total Dealer Cost: \$98,587.80

Prepared for: Grand Truck Equipment Phil, Carrott

2025 F-750 Gas Regular Cab Base (F7A)
Price Level: 515

Client Proposal

Prepared by:
Deborah Jones
Office: 913-782-0881
Quote ID: GTBENTONV
Date: 03/07/2024



Prepared for: Grand Truck Equipment Phil

Carrott
Prepared by: Deborah Jones
03/07/2024



Olathe Ford | 1845 E Santa Fe Olathe Kansas | 660621695

2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

As Configured Vehicle

Code	Description
Base Vehicle	
F7A	Base Vehicle Price (F7A)
Engines	
99N	7.3L 2V DEVCT NA PFI V8 Gas - 335 HP @ 3750 rpm Torque: 468 ft.lbs. @ 3750 rpm.
425	50-State Emissions
Transmissions	
44P	Ford TorqShift HD 6-Speed Automatic - Double Overdrive, LESS PTO Provision and Tow/Haul <i>Includes tow/haul.</i>
41B	Transmission Power Take-Off Provision w/LiveDrive Capability and Tow/Haul
Front Wheels & Tires	
643	Wheels, Front 22.5x8.25 White Powder Coated Steel, 10-Hole <i>(285.75MM BC) hub piloted, flanged nut, metric mount, 8.25 DC rims; with steel hubs.</i>
T2B	Tires, Front Two 11R22.5G Goodyear Fuel Max RSA (497 rev/mile)
Rear Wheels & Tires	
663	Wheels, Rear 22.5x8.25 White Powder Coated Steel, 10-Hole <i>(285.75MM BC) hub piloted, flanged nut, metric mount, 8.25 DC rims; with steel hubs.</i>
R2A	Tires, Rear Four 11R22.5H Goodyear Fuel Max RSA (497 rev/mile)
Brakes	

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Carrott
Prepared by: Deborah Jones
03/07/2024

Olathe Ford | 1845 E Santa Fe Olathe Kansas | 660621695

2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

As Configured Vehicle (cont'd)

Code	Description
67H	Hydraulic Brake System - Bosch HydroMax w/Traction Control <i>Full power with automatic adjustment, 4-channel ABS antilock brake system. Includes 12" x 3" (Bosch) DSSA type rear axle mounted parking brake, Orscheln lever control, right of driver and hand operated park brake lever.</i>

Front Axle and Suspension

43P	12,000 lb. Cap. Non-Driving - Dana E-1202I - I-Beam Type
61E	Taper-Leaf Springs, Parabolic - 13,200 lb. Cap <i>3-leaf, 62" x 3.15". Also includes, standard duty, dual, double acting shock absorbers.</i>
15S	Front Stabilizer Bar
60A	Lube, Front Axle, EmGard 50W, Synthetic Oil

Rear Axle and Suspension

475	21,000 lb. Single Reduction - Open - Dana / Spicer 21060S <i>NOTE: When specifying an axle ratio, check performance guidelines for startability and gradeability.</i>
68R	Multi-Leaf Springs - 23,000 lb. Cap <i>11-leaf. Includes 2,000 lb auxiliary springs for load stabilization.</i>
961	Shock Absorbers, Rear - Double Acting
607	Lube, Rear Axle, EmGard 75W-90, Synthetic Oil
X6D	6.50 Axle Ratio

Wheelbase

158WB	158" Wheelbase/84" CA/49" AF/246" OAL
-------	--

Frame

536	Single Channel - Straight 'C' 14.18 SM, 120,000 PSI <i>1,701,600 RBM. Heat treated alloy steel; 10.125" x 3.580" x 0.312" (257.2mm x 90.9mm x 8.0mm).</i>
-----	---

Prepared for: Grand Truck Equipment Phil

Carrott
Prepared by: Deborah Jones
03/07/2024



Olathe Ford | 1845 E Santa Fe Olathe Kansas | 660621695

2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

As Configured Vehicle (cont'd)

Code	Description
Exhaust	
91H	Single, Horizontal Muffler - Frame Mounted Right Side Back of Cab w/Catalytic Converter <i>Downward facing, outlet tip.</i>
Fuel Tanks	
65D	Fuel Tank - LH 60 Gallon - Steel
Electrical / Alternator / Battery	
17E	240 Amp Alternator <i>Extra heavy duty 12 Volt.</i>
63B	Battery - Two 900 CCA, 1800 Total, Includes Steel Battery Box <i>12Volt, Motorcraft.</i>
59E	Body Builder Wiring - At End of Frame, Separate - (ILO Standard - Back of Cab Combined) <i>Includes sealed connectors for 2 ground circuits, with separate left/stop, separate right/stop, stop lamps, back up lamps. Also includes 2 additional pass through wires to cab.</i>
17M	Back-Up Alarm - Electric, 102 dBA
16V	Voltmeter <i>Available in message center.</i>
Seats	
88R	30/0/30 Air Ride Driver (Integral Air Pump) & Fixed Passenger w/Consolelette - Vinyl
Cab Interior	
600A	Preferred Equipment Package 600A <i>Includes:</i> <i>- Bumper, Front - Black, Full Width</i> <i>- Wheel Seals, Front - Oil lubricated, SKF ScotSeal PlusXL Seals</i> <i>- Wheel Seals, Rear - Oil lubricated, SKF ScotSeal PlusXL Seals</i> <i>- Painted Grille - Plastic</i> <i>- Lights - Roof Marker/Clearance - Amber Lenses, 5 Lights</i> <i>- Tow Hooks, Front (2) - Frame-Mounted, Painted Black</i> <i>- Floor Covering - Black Vinyl</i>

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Grand Truck Equipment Phil

Carrott

Prepared by: Deborah Jones

03/07/2024



Olathe Ford | 1845 E Santa Fe Olathe Kansas | 660621695

2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

As Configured Vehicle (cont'd)

Code	Description
	- Intelligent Oil Life Monitor - Steering Column - Tilt / Telescoping - Steering Wheel - Black PVC w/Integral Cruise Control Switches, includes Audio Controls
87H	Driver Assist Technology Package. Hydraulic Brake <i>Includes Autonomous Emergency Braking, Forward Collision Warning, Lane Departure Warning and Auto High Beam Control.</i> <i>Includes:</i> - Enhanced Cluster w/High-Level 8-Inch Display <i>Electronic speedometer (MPH/KPH) includes oil pressure, coolant temperature, fuel gauge, tachometer and indicator lights. Also included is enhanced 3-button Message Center with odometer, trip odometer, distance to empty for fuel, average fuel economy, hour meter, and warning messages. Transmission temperature in message center.</i>
61M	Rear View Camera w/Mirror Display <i>Rear view mirror video with full length display included in kit. To be installed by Upfitter.</i>
92K	Enhanced Cluster w/High-Level 8-Inch Display <i>Electronic speedometer (MPH/KPH) includes oil pressure, coolant temperature, fuel gauge, tachometer and indicator lights. Also included is enhanced 3-button Message Center with odometer, trip odometer, distance to empty for fuel, average fuel economy, hour meter, and warning messages. Transmission temperature in message center.</i>
90P	Power Equipment Group - (Included in (90A) Appearance Group) <i>Includes power front side windows, power door locks, door trim panel and passive anti-theft system.</i> <i>Includes:</i> - SecuriLock Passive Anti-Theft System <i>The SecuriLock Passive Anti-Theft System is designed to help prevent the engine from being started unless a coded key, programmed to the vehicle, is used. It helps protect against drive-away theft through an electronically coded ignition key, its electronically coded ignition key features billions of possible codes to start the vehicle and is not compatible with non-OEM aftermarket remote start systems.</i> - Remote Keyless Entry w/2 Key Fobs
59F	Four Body Builder Switches - Mounted in Center Instrument Panel <i>With connector access located in engine compartment. Amperages vary by switch: 10, 15, 25, 25.</i>
55P	110 A/C Outlet - in Lower Center Finish Panel
588	Radio: AM/FM Stereo w/2 Speakers, USB input, Clock Display and Bluetooth
85A	SecuriLock Passive Anti-Theft System

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Prepared for: Grand Truck Equipment Phil

Carrott
Prepared by: Deborah Jones
03/07/2024



Olathe Ford | 1845 E Santa Fe Olathe Kansas | 660621695

2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

As Configured Vehicle (cont'd)

Code	Description
	<i>The SecuriLock Passive Anti-Theft System is designed to help prevent the engine from being started unless a coded key, programmed to the vehicle, is used. It helps protect against drive-away theft through an electronically coded ignition key, its electronically coded ignition key features billions of possible codes to start the vehicle and is not compatible with non-OEM aftermarket remote start systems.</i>

Cab Exterior

54R	Mirrors, Dual - Heated & Motorized Rectangular, XL2020 - 102" Width <i>Integral spot mirror, sail type, solid black finish.</i>
63F	Aux Spot Mirrors - Front Fender Mounted - (2) Driver Side and Passenger Side

Miscellaneous

PAINT	Paint Type - Environmentally Friendly, "3 - Wet System"
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Exterior Color

YZ_01	Oxford White
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Interior Color

E_01	Gray
------	------

SUBTOTAL
Fuel Charge (12)
Destination Charge

TOTAL

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2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Selected Equip & Specs

Dimensions

- GCWR: 37,000 lbs.
- Vehicle body length: 246.0"
- * **Vehicle body height: 95.2"**
- Front track: 83.8"
- Turning radius (to curb): 21.9'
- Rear tire outside width: 96.0"
- * **Frame section modulus: 14.2 cu.in.**
- * **Frame rail depth: 10.1"**
- * **Frame rail thickness: .3"**
- Front bumper to front axle: 39.0"
- Rear brake diameter: 15.0"
- Leg room first-row: 41.4"
- Hip room first-row: 67.6"
- Driver distance from axle: 54.4"
- Vehicle body width: 96.7"
- Wheelbase: 158.0"
- Rear track: 72.6"
- Cab to axle: 84.0"
- Axle to end of frame: 49.0"
- * **Frame yield strength (psi): 120000.0**
- * **Frame rail width: 3.6"**
- Frame rail section: 9.5"
- Front brake diameter: 15.0"
- Headroom first-row: 40.7"
- Shoulder room first-row: 68.0"

Powertrain

- 7.3L V-8 variable valve control, engine with 335HP
- Injection Type: sequential MPI
- Horsepower: 335 HP@3750 RPM
- Radiator
- RNDM shift indicator
- 6-speed automatic
- Recommended fuel: regular unleaded
- Standard rear differential
- Engine cylinders: V-8
- Spark ignition system
- Torque: 468 lb.-ft.@3750 RPM
- * **Auxiliary power take-off**
- 75 mph speed limiter
- Rear-wheel drive
- Low-speed ABS traction control

Fuel Economy and Emissions

- Federal emissions

Suspension and Handling

- Standard ride suspension
- * **Standard grade rear shock absorbers**
- Standard grade front shock absorbers

Driveability

- Hydraulic disc brakes
- 4-wheel antilock (ABS) brakes
- * **Predictive brake assist system**
- Rigid axle front suspension
- * **Front anti-roll bar**
- Rigid axle rear suspension
- Front and rear ventilated disc brakes
- Four channel ABS brakes
- Hill start assist
- Leaf spring front suspension
- Tapered leaf front suspension
- Leaf spring rear suspension

Prepared for: Grand Truck Equipment Phil

Carrott

Prepared by: Deborah Jones

03/07/2024



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2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Selected Equip & Specs (cont'd)

- Hydraulic power-assist steering system
- 2-wheel steering system
- Re-circulating ball steering

Body Exterior

- Side assist steps
- Clearcoat paint
- Black side window trim
- Black door handles
- 2 front tow hooks
- Black grille
- Black door mirrors
- Convex spotter in driver and passenger side door mirrors
- English measure truck 279/82R22.5 AS BSW front and rear tires
- Steel front wheels
- Steel rear wheels
- 22.5 x 8.25-inch front and dual rear wheels
- 2 doors
- Monotone paint
- Black windshield trim
- Black front bumper
- Straight front bumper ends
- Hood mounted grille
- Trailer style side mirrors
- * **Video-feed rearview mirror**
- White front wheels
- White rear wheels
- Disc rear wheel

Convenience

- * **Power door locks with 2 stage unlocking**
- * **Auto-locking doors**
- * **Power first-row windows**
- Driver foot rest
- Standard glove box
- 2 beverage holders
- Instrument panel bin
- Dual electric horn
- Trip computer
- * **Keyfob activated door locks**
- Cruise control with steering wheel mounted controls
- Partial floor console
- Fixed rear windshield
- Front beverage holders
- * **Driver and passenger door bins**
- Dashboard storage
- Steering column lever gearshift location
- * **Upfitter switches**

Comfort

- Manual climate control
- Full headliner coverage
- Full floor coverage
- Manual telescopic steering wheel
- Cloth headliner material
- Full vinyl floor covering
- Manual tilting steering wheel
- Urethane steering wheel

Seats and Trim

- Seating capacity: 2
- Folding driver seat back
- * **Driver seat air suspension**
- Manual fore/aft
- Bucket driver seat
- Low driver seat back
- 4 driver seats way-direction
- Bucket passenger seat

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2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Selected Equip & Specs (cont'd)

- * **Folding passenger seat back**
 - 4 passenger seats way-direction
- * **Fixed passenger seat headrest**
 - Front passenger seat armrest
- Low passenger seat back
- Manual fore/aft
- Driver seat armrest
- Vinyl front seat upholstery

Entertainment Features

- * **1 total number of 1st row displays**
 - In-vehicle audio
 - FM radio
 - Auxiliary input jack
 - Speakers number: 2
 - Steering wheel mounted audio controls
 - Fixed audio antenna
- AM/FM stereo radio
- AM radio
- Seek scan
- External memory control
- Standard grade speakers
- Wireless audio streaming

Lighting, Visibility and Instrumentation

- Analog instrumentation display
- In-radio display clock
- * **Gauge cluster display size (inches): 8.00**
 - Oil pressure gauge
- * **Voltmeter**
 - Transmission fluid temperature gauge
- Light tinted windows
- Halogen headlights
- Multiple enclosed headlights
- * **Auto high-beam headlights**
 - Variable intermittent front windshield wipers
 - Front reading lights
 - Variable instrument panel light
 - Cab clearance lights
- Trip odometer
- Driver information center
- Tachometer
- Engine/electric motor temperature gauge
- Oil temperature gauge
- Engine hour meter
- Aero-composite headlights
- Auto on/off headlight control
- Delay-off headlights
- DRL preference setting
- Speed sensitive wipers
- * **Illuminated entry**
 - Daytime running lights
 - Delay interior courtesy lights

Technology and Telematics

- Bluetooth handsfree wireless device connectivity
- 1 USB port

Safety and Security

- * **Immobilizer**
 - Vehicle tracker
- * **Rear mounted camera**
- * **Back-up alarm**
- * **Remote panic alarm**
- * **Forward collision mitigation**
 - Electronic stability control system

Dimensions



2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Selected Equip & Specs (cont'd)

General Weights

* Curb weight	9,420 lbs.	* Rear curb weight	3,608 lbs.
Front GAWR	12000 lbs.	Rear GAWR	21000 lbs.
GVWR	33000 lbs.	GCWR	37000 lbs.

Trailing Weights

GCWR	37,000 lbs.
------	-------------

Weights

Maximum GVWR	37,000 lbs.	* Max RBM (in.-lbs.)	1,780,800 max RBM (in.-lbs.)
* Nominal RBM (in.-lbs.)	1,701,600 nominal RBM (in.-lbs.)		

Front Weights

* Front curb weight	5,812 lbs.	* Axle capacity front	12,000 lbs.
* Spring rating front	13,200 lbs.	Tire/wheel capacity front	12,350 lbs.

Rear Weights

Axle capacity rear	21,000 lbs.	* Spring rating rear	23,000 lbs.
* Tire/wheel capacity rear	24,020 lbs.		

Exterior Measurements

Vehicle body length	246.0"	Vehicle body width	96.7"
* Vehicle body height	95.2"	Wheelbase	158.0"
* Front frame height loaded	35.3"	Front brake diameter	15.0"
* Front frame height unloaded	37.4"	Rear brake diameter	15.0"
* Rear frame height loaded	36.8"	* Rear frame height unloaded	38.2"
Turning radius (to bumper)	23.5'	Width - mirrors folded	90.7"
Width - mirrors extended	121.9"	Front track	83.8"
Rear track	72.6"	Driver distance from axle	54.4"
Turning radius (to curb)	21.9'	Cab to axle	84.0"
Rear tire outside width	96.0"	Axle to end of frame	49.0"
* Frame section modulus	14.2 cu.in.	* Frame yield strength (psi)	120000.0
* Frame rail depth	10.1"	* Frame rail width	3.6"
* Frame rail thickness	.3"	Frame rail section	9.5"
Front bumper to front axle	39.0"		

Headroom

Headroom first-row	40.7"
--------------------	-------

Legroom

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2025 F-750 Gas Regular Cab Base (F7A)

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Selected Equip & Specs (cont'd)

Leg room first-row	41.4"
<i>Shoulder Room</i>	
Shoulder room first-row	68.0"
<i>Hip Room</i>	
Hip room first-row	67.6"

Powertrain

Engine

Engine 7.3L V-8 variable valve control, engine with 335HP	Valves per cylinder	2
Engine cylinders	V-8	
Engine location	Front mounted engine	
Engine mounting direction	Longitudinal mounted engine	
Cylinder head material	Aluminum cylinder head	
	Injection type	sequential MPI
	Ignition	Spark ignition system
	Engine block material	Iron engine block

Engine Specs

Displacement	7.3L	cc	445 cu.in.
Bore	4.22"	Stroke	3.98"
Compression ratio	10.5		

Engine Power

Horsepower	335 HP@3750 RPM	Torque	468 lb.-ft.@3750 RPM
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Alternator

* Alternator amps	240A	Alternator type	Heavy-duty alternator
-------------------	------	-----------------	-----------------------

Battery

* Battery type	Dual lead acid battery	* Battery rating	1800CCA
Battery step	Battery step	Battery location	Battery location forward right
Battery run down protection	Battery run down protection		

Engine Extras

Radiator	Radiator	* Auxiliary power take-off	Auxiliary power take-off
Shift indicator	RNDM shift indicator		

Transmission

Transmission	6-speed automatic	Transmission electronic control	Transmission electronic control
Speed limiter	75 mph speed limiter	Overdrive transmission	Overdrive transmission
Lock-up transmission	Lock-up transmission	First gear ratio	3.974

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Selected Equip & Specs (cont'd)

Second gear ratio	2.318	Third gear ratio	1.516
Fourth gear ratio	1.149	Fifth gear ratio	0.858
Sixth gear ratio	0.674	Reverse gear ratio	3.128
Stall ratio	2	Selectable mode transmission	Tow/Haul Mode
Transmission oil cooler	Transmission oil cooler	selectable mode transmission	
		* PTO transmission provision	PTO transmission provision

Drive Type

Drive type Rear-wheel drive

Drivetrain

* Axle ratio 6.5 Axle speed Single axle speed

Exhaust

Tailpipe Non stainless steel single exhaust
Additional muffler type horizontal
Additional muffler location right
Additional tailpipe type horizontal
Additional tailpipe location right

Fuel

Fuel type regular unleaded

Fuel Tank

Front left fuel tank shape rectangular * Front left fuel tank capacity 59.99 US gallons

Drive Feature

Traction control Low-speed ABS traction control Differential Standard rear differential

Fuel Economy and Emissions

Emissions

Emissions Federal emissions

Suspension and Handling

Suspension

Suspension Standard ride suspension
Front shock absorbers Standard grade front shock absorbers
* Rear shock absorbers Standard grade rear shock absorbers

Driveability

Brakes

Brake type Hydraulic disc brakes
Ventilated brakes Front and rear ventilated disc brakes

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Selected Equip & Specs (cont'd)

ABS brakes	Four channel ABS brakes	ABS brakes	4-wheel antilock (ABS) brakes
Brake Assistance		* Brake assist system	
Hill start assist	Hill start assist	Predictive brake assist system	
Front Suspension		Suspension ride type front	
* Anti-roll bar front	Front anti-roll bar	Rigid axle front suspension	
Suspension type front		Leaf spring front suspension	
Front Spring		Springs front	
Regular front springs		Tapered leaf front suspension	
Rear Spring		Rear springs	
Springs rear		Regular grade rear springs	
Auxiliary rear spring		Rubber auxiliary rear spring	
Rear Suspension		Suspension ride type rear	
Suspension type rear		Leaf spring rear suspension	
Rigid axle rear suspension		Steering type	
Steering		Hydraulic power-assist steering system	
Steering type number of wheels		2-wheel steering system	

Exterior

Front Wheels		Front wheels diameter	
		22.5"	
Rear Wheels		Front wheels width	
		8.3"	
Rear wheels diameter		Rear wheels width	
22.5"		8.3"	
Front And Rear Wheels		Appearance	
		none	
Front Tires		Aspect	
		82	
Sidewalls		BSW	
Type		english measure truck tire	
Front wheel - RPM		497	
Rear Tires		Diameter	
		22.5"	
Aspect		Tread	
		AS	
		Width	
		279mm	

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2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Selected Equip & Specs (cont'd)

Sidewalls	BSW	Tread	AS
Type	english measure truck tire	Width	279mm
Rear wheel - RPM	497		

Body Exterior

Exterior Features

Number of doors	2 doors	Side steps	Side assist steps
Front splash guards	Front splash guards		

Frame

Clean CA frame	Clean CA frame
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Body

Body panels	Composite and galvanized steel body panels
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Mirrors

Convex spotter	Convex spotter in driver and passenger side door mirrors	* Video rearview mirror	Video-feed rearview mirror
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Tires

Front tires LT load rating	G	* Rear tires LT load rating	H
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Wheels

Front wheel type	Disc front wheel	Dual rear wheels	Dual rear wheels
Number of front wheel studs	10 front wheel studs	Number of rear wheel studs	10 rear wheel studs

Convenience

Door Locks

* Door locks	Power door locks with 2 stage unlocking	* Keyfob door locks	Keyfob activated door locks
* Auto door locks	Auto-locking doors		

Cruise Control

Cruise control	Cruise control with steering wheel mounted controls
----------------	---

Exterior Mirrors

* Door mirrors	Power door mirrors	Folding door mirrors	Manual folding door mirrors
Heated door mirrors	Heated driver and passenger side door mirrors		

Front Side Windows

* First-row windows	Power first-row windows
---------------------	-------------------------

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2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Selected Equip & Specs (cont'd)

Floor Console

Floor console Partial floor console

Passenger Visor

Visor passenger mirror Passenger visor mirror

Power Outlets

12V power outlets 2 12V power outlets

* 120V AC power outlets 1 120V AC power outlet

Pedals

Driver foot rest Driver foot rest

Rear Windshield

Rear windshield Fixed rear windshield

Storage

* Door bins front Driver and passenger door bins

Number of beverage holders 2 beverage holders

Beverage holders Front beverage holders

Glove box Standard glove box

Instrument panel storage Instrument panel bin

Dashboard storage Dashboard storage

Windows Feature

* One-touch up window Driver and passenger one-touch up windows

* One-touch down window Driver and passenger one-touch down windows

Miscellaneous

Trip computer Trip computer

Gearshift location Steering column lever gearshift location

* Upfitter switches Upfitter switches

Horn Dual electric horn

Comfort

Climate Control

Climate control Manual climate control

Headliner

Headliner material Cloth headliner material

Headliner coverage Full headliner coverage

Floor Trim

Floor covering Full vinyl floor covering

Floor coverage Full floor coverage

Steering Wheel

Steering wheel telescopic Manual telescopic steering wheel

Steering wheel material Urethane steering wheel

Steering wheel tilt Manual tilting steering wheel



2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Selected Equip & Specs (cont'd)

Seats and Trim

Seat Capacity

Seating capacity 2

Front Seats

Front seat type Bucket driver seat

Driver seat back Folding driver seat back

* Driver seat suspension Driver seat air suspension

Driver seat fore/aft Manual fore/aft

Passenger seat back type ... Low passenger seat back

Passenger seat fore/aft Manual fore/aft

Armrests front driver Driver seat armrest

Front Seat Trim

Front seat upholstery Vinyl front seat upholstery

Gearshifter Material

Gearshifter material Urethane gear shifter material

Entertainment Features

LCD Displays

* Number of first-row LCD displays 1 total number of 1st row displays

Radio Features

Aux input jack Auxiliary input jack

Seek scan Seek scan

Speakers

Speakers Standard grade speakers

Audio Features

Steering mounted audio control Steering wheel mounted audio controls

Front seat type Bucket passenger seat

Driver seat back type Low driver seat back

Driver seats way-direction 4 driver seats way-direction

* Passenger seat back Folding passenger seat back

Passenger seats way-direction 4 passenger seats way-direction

* Passenger headrest type Fixed passenger seat headrest

Armrests front passenger Front passenger seat armrest

Front seatback upholstery Carpet front seatback upholstery

External memory External memory control

Speakers number 2

Wireless streaming Wireless audio streaming

Lighting, Visibility and Instrumentation

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2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Selected Equip & Specs (cont'd)

Instrumentation

Trip odometer Trip odometer Instrumentation display ... Analog instrumentation display

Instrumentation Displays

Driver information center Driver information center Clock In-radio display clock

Instrumentation Gauges

Tachometer Tachometer
Oil temperature gauge Oil temperature gauge
* Voltmeter Voltmeter
* Gauge cluster display size (inches) 8.00
Oil pressure gauge Oil pressure gauge
Transmission temperature gauge Transmission fluid temperature gauge
Engine/electric motor temperature gauge Engine/electric motor temperature gauge
Engine hour meter Engine hour meter

Instrumentation Warnings

Oil pressure warning Oil pressure warning
Low brake fluid warning ... Low brake fluid warning
Headlights on reminder ... Headlights on reminder
Door ajar warning Door ajar warning
Transmission fluid temperature warning Transmission fluid temp warning
Low fuel warning Low fuel warning
Battery charge warning ... Battery charge warning
Key in vehicle warning Key in vehicle warning
Service interval warning Service interval indicator

Glass

Tinted windows Light tinted windows

Headlights

Headlights Halogen headlights
Auto headlights Auto on/off headlight control
Delay off headlights Delay-off headlights
DRL preference setting ... DRL preference setting
Headlight type Aero-composite headlights
Multiple headlights Multiple enclosed headlights
* Auto high-beam headlights ... Auto high-beam headlights

Front Windshield

Wipers ... Variable intermittent front windshield wipers
Speed sensitive wipers ... Speed sensitive wipers

Interior Lighting

* Illuminated entry Illuminated entry
Variable panel light Variable instrument panel light
Front reading lights Front reading lights

Lights

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Selected Equip & Specs (cont'd)

Running lights	Daytime running lights	Interior courtesy lights	Delay interior courtesy lights
Clearance lights	Cab clearance lights		

Technology and Telematics

Connectivity

Handsfree Bluetooth handsfree wireless device connectivity

USB Ports

USB ports 1 USB port

Safety and Security

Security System

* Immobilizer	Immobilizer	* Remote panic alarm	Remote panic alarm
Vehicle tracker	Vehicle tracker		

Active Driving Assistance

* Forward collision warning Forward collision mitigation

Cameras

* Rear camera Rear mounted camera

Traction Control

Electronic stability control Electronic stability control system

Parking Sensors

* Back up alarm Back-up alarm



2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Warranty

Standard Warranty

<i>Basic Warranty</i>	
Basic warranty	24 months/unlimited
<i>Powertrain Warranty</i>	
Powertrain warranty	60 months/100,000 miles
<i>Corrosion Perforation</i>	
Corrosion perforation warranty	36 months/unlimited
<i>Roadside Assistance Warranty</i>	
Roadside warranty	24 months/unlimited
<i>Frame Rail Warranty</i>	
Frame Rail Warranty	60 months/unlimited

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2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Major Equipment

(Based on selected options, shown at right)
6-speed automatic

- * Side assist steps
- * White rear wheels
- * Disc rear wheel
- * Front tires LT load rating: G
- * Overdrive transmission
- * Transmission electronic control
- * Alternator Amps: 240A
- * Low-speed ABS traction control
- * Dual lead acid battery
- * Injection Type: sequential MPI
- * Steering wheel mounted audio controls
- * AM/FM stereo radio
- * Auxiliary input jack
- * Vehicle body length: 246.0"
- * Cab to axle: 84.0"
- * Axle capacity rear: 21,000 lbs.
- * Axle capacity front: 12,000 lbs.
- * Standard ride suspension
- * Trip computer
- * Heated driver and passenger side door mirrors

Exterior: Oxford White
Interior: Gray

- * White front wheels
- * Steel rear wheels
- * 22.5 x 8.25-inch front and dual rear wheels
- * English measure truck 279/82R22.5 AS BSW front and rear tires
- * Lock-up transmission
- * PTO transmission provision
- * Non stainless steel single exhaust
- * Battery rating: 1800CCA
- * Battery run down protection
- * Auxiliary power take-off
- * Wireless audio streaming
- * Seek scan
- * External memory control
- * Wheelbase: 158.0"
- * Axle to end of frame: 49.0"
- * Tire/wheel capacity rear: 24,020 lbs.
- * Spring rating front: 13,200 lbs.
- * Dual electric horn
- * Power door mirrors
- * Manual folding door mirrors

As Configured Vehicle

STANDARD VEHICLE PRICE

Preferred Equipment Package 600A

7.3L 2V DEVCT NA PFI V8 Gas - 335 HP @ 3750 rpm

50-State Emissions

Ford TorqShift HD 6-Speed Automatic - Double Overdrive, LESS PTO Provision and Tow/Haul

Wheels, Front 22.5x8.25 White Powder Coated Steel, 10-Hole

Tires, Front Two 11R22.5G Goodyear Fuel Max RSA (497 rev/mile)

Wheels, Rear 22.5x8.25 White Powder Coated Steel, 10-Hole

Hydraulic Brake System - Bosch HydroMax w/Traction Control

21,000 lb. Single Reduction - Open - Dana / Spicer 21060S

158" Wheelbase/84" CA/49" AF/246" OAL

Single, Horizontal Muffler - Frame Mounted Right Side Back of Cab w/Catalytic Converter

14 Gal. Single Tank Fuel Fill. Mandatory Charge Applied, Based On Tank Selection

Radio: AM/FM Stereo w/2 Speakers, USB input, Clock Display and Bluetooth

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2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Major Equipment

- | | |
|----------------------------------|---|
| * DRL preference setting | * Daytime running lights |
| * Light tinted windows | * Variable intermittent front windshield wipers |
| * Speed sensitive wipers | * Electronic stability control system |
| * Immobilizer | * Manual climate control |
| * Bucket driver seat | * Folding driver seat back |
| * Low driver seat back | * Driver seat air suspension |
| * 4 driver seats way-direction | * Manual fore/aft |
| * Bucket passenger seat | * Folding passenger seat back |
| * Low passenger seat back | * 4 passenger seats way-direction |
| * Manual fore/aft | * Fixed passenger seat headrest |
| * Driver seat armrest | * Front passenger seat armrest |
| * Vinyl front seat upholstery | * Carpet front seatback upholstery |
| * Hydraulic disc brakes | * 4-wheel antilock (ABS) brakes |
| * Predictive brake assist system | * Hill start assist |

Fuel Economy

City
N/A



Hwy
N/A

As Configured Vehicle

- Paint Type - Environmentally Friendly, "3 - Wet System"
- Bumper, Front - Black, Full Width
- Wheel Seals, Front - Oil lubricated, SKF ScotSeal PlusXL Seals
- Wheel Seals, Rear - Oil lubricated, SKF ScotSeal PlusXL Seals
- Painted Grille - Plastic
- Lights - Roof Marker/Clearance - Amber Lenses, 5 Lights
- Tow Hooks, Front (2) - Frame-Mounted, Painted Black
- Floor Covering - Black Vinyl
- Intelligent Oil Life Monitor
- Steering Column - Tilt / Telescoping
- Steering Wheel - Black PVC w/Integral Cruise Control Switches, includes Audio Controls
- Tires, Rear Four 11R22.5H Goodyear Fuel Max RSA (497 rev/mile)
- 12,000 lb. Cap. Non-Driving - Dana E-1202I - I-Beam Type
- Multi-Leaf Springs - 23,000 lb. Cap
- Single Channel - Straight 'C' 14.18 SM, 120,000 PSI

Prepared for: Grand Truck Equipment Phil

Carrott
Prepared by: Deborah Jones
03/07/2024



Olathe Ford | 1845 E Santa Fe Olathe Kansas | 660621695

2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

As Configured Vehicle

- Fuel Tank - LH 60 Gallon - Steel
- Battery - Two 900 CCA, 1800 Total, Includes Steel Battery Box
- 30/0/30 Air Ride Driver (Integral Air Pump) & Fixed Passenger w/Console - Vinyl
- Mirrors, Dual - Heated & Motorized Rectangular, XL2020 - 102" Width
- Gray
- Oxford White
- Transmission Power Take-Off Provision w/LiveDrive Capability and Tow/Haul
- Taper-Leaf Springs, Parabolic - 13,200 lb. Cap
- Front Stabilizer Bar
- Lube, Front Axle, EmGard 50W, Synthetic Oil
- Shock Absorbers, Rear - Double Acting
- Lube, Rear Axle, EmGard 75W-90, Synthetic Oil
- 6.50 Axle Ratio
- 240 Amp Alternator
- Body Builder Wiring - At End of Frame, Separate - (ILO Standard - Back of Cab Combined)
- Back-Up Alarm - Electric, 102 dBA

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Grand Truck Equipment Phil

Carrott
Prepared by: Deborah Jones
03/07/2024



Olathe Ford | 1845 E Santa Fe Olathe Kansas | 660621695

2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

As Configured Vehicle

- Voltmeter
- Driver Assist Technology Package. Hydraulic Brake
- Enhanced Cluster w/High-Level 8-Inch Display
- Rear View Camera w/Mirror Display
- Power Equipment Group - (Included in (90A) Appearance Group)
- SecuriLock Passive Anti-Theft System
- Remote Keyless Entry w/2 Key Fobs
- Four Body Builder Switches - Mounted in Center Instrument Panel
- 110 A/C Outlet - in Lower Center Finish Panel
- Aux Spot Mirrors - Front Fender Mounted - (2) Driver Side and Passenger Side

SUBTOTAL
Destination Charge

TOTAL

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

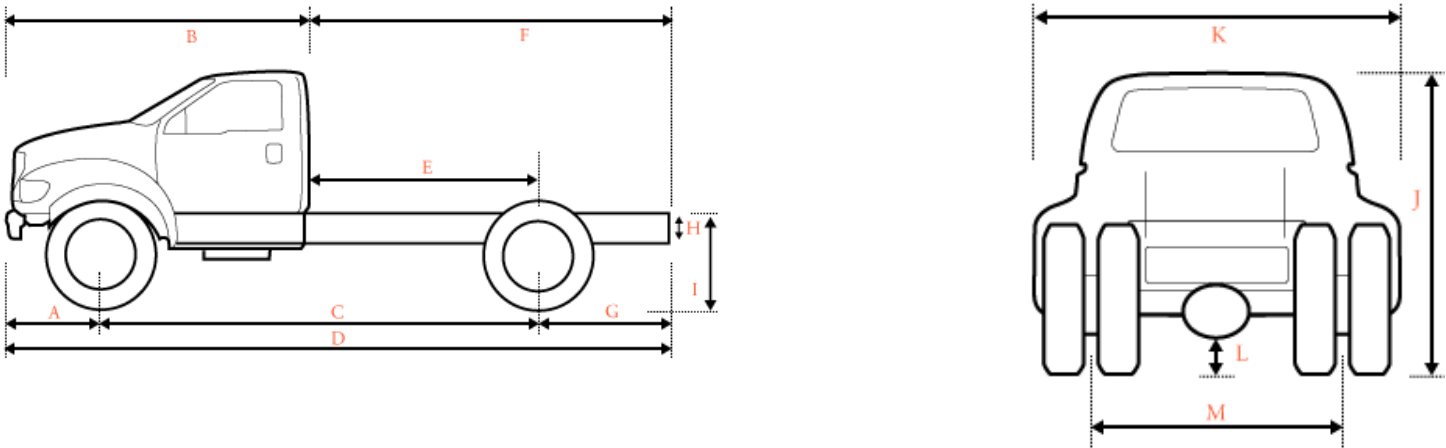


2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Vehicle Dimension and Performance Summary

Performance predictions in this report represent an estimate of vehicle performance based on standard operating conditions. Variations in customer equipment, load configuration, ambient conditions, and/or operator driving techniques can cause significant variations in vehicle performance. These values are not representative of results that may be shown in actual dynamometer tests. This report should therefore be used as a guide for comparative vehicle performance.



Dimensions

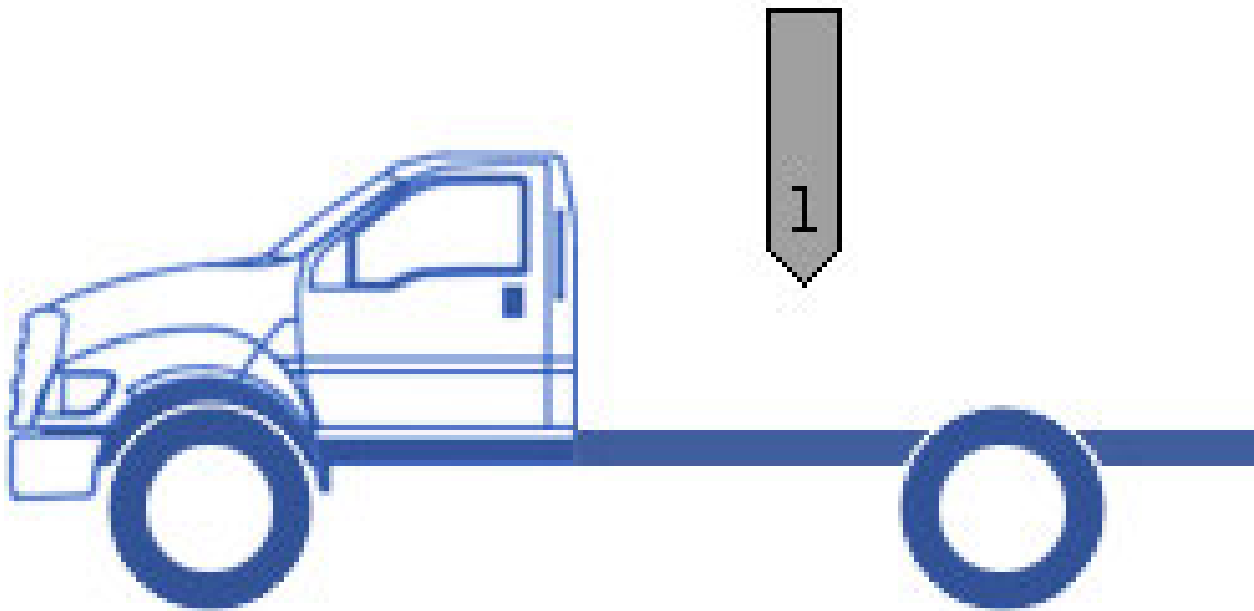
A	Front of Bumper to Front Axle	39.00 in.
B	Front Bumper to Back of Cab (BBC)	113.00 in.
C	Wheelbase (WB)	158.00 in.
D	Overall Length (OAL)	246.00 in.
E	Back of Cab to Rear Axle (CA)	84.00 in.
F	Back of Cab to End of Frame	133.00 in.
G	Rear Axle to End of Frame (AF)	49.00 in.
H	Frame Section Height	10.10 in.
I	Rear Frame Height Unloaded	38.20 in.
I	Rear Frame Height Loaded	36.80 in.
J	Cab Height	95.20 in.
K	Body Width	96.70 in.
L	Maximum Ground Clearance	N/A
L	Minimum Ground Clearance	N/A
M	Front Tread	83.80 in.
M	Rear Tread	72.60 in.



2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Vehicle Dimension and Performance Summary (cont'd)



Weight

Licensing

GVWR exceeds 26,000 lbs and requires a Commercial Driver's License (CDL). Contact your local state commercial driver licensing office for specifics on what your state requires.

GVW	Front Axle	Rear Axle	Totals
Chassis	5,812 lbs	3,608 lbs	9,420 lbs
Body	0 lbs	0 lbs	0 lbs
Occupants Weight	200 lbs	100 lbs	300 lbs
Fuel	40 lbs	20 lbs	60 lbs
1 Max Payload - (Max Payload)	5,948 lbs	17,272 lbs	23,220 lbs
TOTAL	12,000 lbs	21,000 lbs	33,000 lbs

Ratings	Front Axle	Rear Axle	GVWR
GAWR	12,000 lbs	21,000 lbs	33,000 lbs
Wheels/Tires	12,350 lbs	24,020 lbs	
Suspension	13,200 lbs	23,000 lbs	
Axle	12,000 lbs	21,000 lbs	
Legal Axle Limit	0 lbs	0 lbs	

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Carrott
Prepared by: Deborah Jones
03/07/2024

Olathe Ford | 1845 E Santa Fe Olathe Kansas | 660621695

2025 F-750 Gas Regular Cab Base (F7A)

Price Level: 515 | Quote ID: GTBENTONV

Vehicle Dimension and Performance Summary (cont'd)

Start, Grade and Speed

Shift Indicator

Vehicle equipped **without** Park Pawl. Shift indicator will display **RNDM**.

Start	Ratio	Desired	Calculated
Start grade capability in 1st gear	3.97	15.00 %	17.02 %
Start grade capability in reverse	3.13	15.00 %	13.39 %
Grade	Ratio	Desired	Calculated
Maximum grade in 4th gear	1.15	3.00 %	4.92 %
Maximum grade in 5th gear	0.86	3.00 %	3.67 %
Maximum grade in 6th gear	0.67	3.00 %	2.89 %
Speed		Desired	Calculated
Top Speed (level grade)		75 mph	103 mph
To meet your requirement you need a maximum axle ratio of 10.75			
Top Speed on 3% grade		55 mph	
To meet your requirement you need a maximum of 198 hp			
Cruise Speed		60 mph	72 mph
Engine RPM at desired cruise speed			2,177 rpm

Variables in Use

Start

Rear axle ratio:	6.50	Clutch engagement torque:	234 ft.lbs.
Tire size:	11R22.5 (497 rev/mile)	Torque conversion ratio:	2.00
Gross Vehicle Weight (GVW):	33,000 lbs		

Grade

Rear axle ratio:	6.50	Gross Vehicle Weight (GVW):	33,000 lbs
Tire size:	11R22.5 (497 rev/mile)	Peak engine torque:	468 ft.lbs.

Speed

Engine Power:	335 hp @ 3,750 rpm	Worst road surface	Typical Highway
Peak Torque RPM:	3,750 rpm	Final Drive Ratio:	0.67
Frontal Area:	57.89 Sq.Ft.	Drag Coefficient	0.80
Cruising RPM	2,600 rpm		

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH NATIONAL AUTO FLEET GROUP, FOR THE PURCHASE OF TWO DUMP TRUCKS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY-EIGHT THOUSAND FIVE HUNDRED EIGHTY-SEVEN DOLLARS AND EIGHTY CENTS (\$258,587.80); AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Water Utilities Department requests to enter into an agreement with National Auto Fleet Group to replace two existing dump trucks (Units 3020-15 and 3040-12);

WHEREAS, this purchase is through participation in the Sourcewell Cooperative purchasing contract, 060920-NAF, in the amount of two hundred fifty-eight thousand five hundred eighty-seven dollars and eighty cents (\$258,587.80);

WHEREAS, the City's Purchasing office performed an evaluation, determining that the solicitation is in line with both Arkansas State Statute §19-11-249 and the City's Purchasing Policy; and

WHEREAS, this is a budgeted item.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor and City Clerk are hereby authorized to enter into an agreement with National Auto Fleet Group for the purchase of two dump trucks, in an amount not to exceed two hundred fifty-eight thousand five hundred eighty-seven dollars and eighty cents (\$258,587.80) using the Sourcewell Cooperative purchasing contract, 060920-NAF;

Section 2: Since this purchase is being made through a cooperative purchasing contract utilizing State law and the City's Purchasing Policy, this does not need to be bid;

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 Provisions: 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.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

STEPHANIE ORMAN, Mayor

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Mike Bender
Phone:	479-271-3140	For Department(s):	Water Utilities
Email:	mbender@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Approving a Budget Adjustment for Emergency Repair of 48" Water Transmission Main
Action Recommendation & Justification:	Budget adjustment to recognize total expenses for the repair of the City's 48-inch water transmission main in the amount of \$96,373.64. Utility Board approved this item 5-0. A budget adjustment is needed.
Additional Comments for Consideration (Optional):	This is in addition to the original adjustment of \$200,000.00 when the emergency contract was approved. This adjustment includes costs for Crossland Heavy Contractors, City labor and equipment, City material, and cost of lost water. Total cost of emergency repair was \$296,373.64. See attachment for breakdown of costs and associated accounts for budget adjustment.
Amount for Approval:	\$ 96,373.64

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☒ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

Budget Addjustment amounts and account numbers are contained in the Memo.

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

MEMO

To: City Council, Mayor Orman

From: Mike Bender

CC:

Date: May 14, 2024

Re: 48-inch Emergency Repair near Hwy 112 – Budget Adjustment for Final Costs



Staff is requesting City Council approval of a budget adjustment in the amount of \$96,373.64 to cover costs associated with the emergency repair on the City's 48-inch water transmission line near Hwy 112 in Cave Springs. The City Council approved an emergency repair contract with Crossland Heavy Contractors, Inc (Crossland). on April 23. The ordinance associated with the award included a budget adjustment of \$200,000.00 to Account 503020-47321 Improvements Other – Line Improvements based on initial estimates for work to be performed by Crossland. Final costs, including City labor and materials have been calculated for the repair. See summary below for final costs which has been billed to the contractor responsible for the damage.

Osage Repair			
Emergency Repair of 48" Main			
West side of Hwy 112 just south of Osage Creek north of Wallis Road			
Total Costs			
Crossland Heavy Construction Contract	\$151,045.13		
City Staff Labor	\$26,078.75		
City Equipment	\$700.00		
Material provided by City	\$102,308.79		
Water (10,546,083 gals. @ 1.54/1,000)	\$16,240.97		
Total	\$296,373.64		
Budget Adjustment			
Item Description	Account Number	Account Description	Amount
Crossland Contract and City Materials	503020-47321	Improvements Other - Line Improvements	\$253,353.92
City Equipment	503020-44440	Machine/Equipment	\$700.00
Purchase of Lost Water	503020-46110	Purchase of Power	\$16,240.97
City Staff Labor	503020-41310	Overtime Wages	\$21,207.41
FICA costs of City Labor	503020-41510	FICA	\$1,622.37
APERS costs of City Labor	503020-41810	APERS	\$3,248.98
			\$296,373.64
Total busget adjustment for total cost of emergency repair			\$296,373.64
Budget Adjustment with original approval of emergency contract to account 503020-47321			\$200,000.00
Final budget adjustment to cover remaining costs			\$96,373.64

Thank you for your consideration of this request.

Application and Certificate For Payment

To Owner: CITY OF BENTONVILLE, AR 117 WEST CENTRAL BENTONVILLE, AR 72712	Project: Bentonville 48 Inch CPP P 975 N Main St Cave Springs, AR 72718	Application No: 1 Date: 04/22/2024
From (Contractor): CROSSLAND HEAVY CONTRACTORS, I P.O. BOX 350 COLUMBUS, KS 66725	Contractor Job Number: 24A05WL	Period To: 04/22/24 Architect's Project No: Contract Date:
Phone: 620 429-1410	Via (Architect):	
	Contract For:	

Contractor's Application For Payment

Change Order Summary	Additions	Deductions
Change orders approved in previous months by owner		
Number Date Approved		
Change orders approved this month	1 04/01/24	51,045.13
Totals	51,045.13	
Net change by change orders	51,045.13	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor: [Redacted]
By: [Signature] Date: 4-23-24
State of: Kansas County of: Cherokee
Subscribed and sworn to before me this 23 day of April 2024 (year).
Notary public: [Redacted]
My commission expires 12-21-25

DENISE LUCIAN
Notary Public - State of Kansas
My Appt. Expires 12-21-25

Original contract sum	100,000.00
Net change by change orders	51,045.13
Contract sum to date	151,045.13
Total completed and stored to date	151,045.13
Retainage	
0.0% of completed work	0.00
0.0% of stored material	0.00
Total retainage	0.00
Total earned less retainage	151,045.13
Less previous certificates of payment	0.00
0.000% of taxable amount	0.00
Current sales tax	0.00
Current payment due	151,045.13
Balance to finish, including retainage	0.00

Architect's Certificate for Payment

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified: \$ _____

Architect:
By: _____ Date: _____

This Certification is not negotiable. The Amount Certified is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Application and Certificate For Payment -- page 2

To Owner: CITY OF BENTONVILLE, AR
From (Contractor): CROSSLAND HEAVY CONTRACTORS, I
Project: Bentonville 48 Inch CPP P

Application No: 1 Date: 04/22/24 Period To: 04/22/24
Contractor's Job Number: 24A05WL
Architect's Project No:

Item Number	Description	Unit Price	Contract Quantity	UM	Scheduled Value	Work Completed Previous Application		Work Completed This Period		Completed and Stored To Date			Retention	Memo
						Quantity	Amount	Quantity	Amount	Quantity	Amount	%		
AA SCHEDULE OF VALUES														
001	BENTONVILLE 48" WL POINT REPAIR #1 (CAVE SPRINGS)	0.0000		.00 LS	151,045.13	0.00 %	0.00	100.00 %	151,045.13	100.00 %	151,045.13	100.0	0.00	
Total SCHEDULE OF VALUES					151,045.13		0.00		151,045.13		151,045.13		0.00	
Application Total					151,045.13		0.00		151,045.13		151,045.13		0.00	

CROSSLAND HEAVY CONTRACTORS

501 S. East Avenue P.O. Box 350

Columbus, Kansas 66725

t 620.429.1410

f 620.429.2977

DATE: 4/23/24

RE: WARNING REGARDING OWNER EFT PAYMENTS ON THIS PROJECT

Dear Owner:

ELECTRONIC FUNDS TRANSFER FRAUD ADVISORY; PAYMENT INSTRUCTIONS:

Electronic funds transfer ("EFT") fraud is on the rise. If you receive an email or other message containing EFT transfer instructions on this project, regardless of the purported sender, it is very likely an attempted scam. **Do not follow the instructions and do not respond to the email.** Examples of email scams include messages that appear to be from someone at Crossland Heavy Contractors but are not. For example, the email may be from "heavy_contractors.com" or "heavyc0ntractors.com" rather than "heavycontractors.com". If you have any questions about any email or other message you have received concerning payments on this project, please call our office headquarters in Columbus Kansas and ask to speak directly with Matt Kitchen, Treasury Manager - Office phone: 620-429-1414/Cell: 620-210-2038, or Dave Allison, Chief Administrative Officer - Cell: 913-232-1490.

Please also advise all of your employees or agents who are or may in the future be involved in making payments on this project of this warning. Any one person on your team who is not aware of this danger could cause payments to be transferred to a scammer. All payments made by any form of EFT, including but not limited to wire transfer or ACH, must be made by using instructions that were provided to you separately prior to or at the time the Project Contract for Construction was executed by you and Crossland Heavy Contractors, Inc. **This information will not change for the duration of the contract unless via change order executed by both parties.**

Because Crossland will expect payments on the Project per the Contract terms regardless of payments made to scammers, you may want to consider this issue in your overall risk management considerations and make sure your insurance products cover any cyber risk to funding this project.

In the event you make project payments by check, please send checks to the following address. **This information will not change for the duration of the contract unless via change order executed by both parties:**

Crossland Heavy Contractors, Inc.
Attn: Accounts Receivable
501 S. East Ave.,
P.O. Box 350
Columbus, KS 66725

Please let us know if you have any questions.

Sincerely,

Bentonville 48" WL Point Repair #1 (Cave Springs) Billing Worksheet					
Pay App #:	1	Date:			
		4/22/2024			
Item Number	Bid Item	Qty	UOM2	Unit Cost	Total Cost
1	Mobilization	1	LS	\$3,512.00	\$3,462.60
2	Labor	691.4	HOURS	\$93.50	\$64,642.63
3	Equipment	1	LS	\$25,086.80	\$25,086.80
4	Concrete Pump Truck	1	LS	\$1,237.15	\$1,237.15
5	Concrete Materials	60	CY	\$155.00	\$9,300.00
6	Trench Boxes & Street Plates	1	LS	\$341.63	\$341.63
7	Small Tools & Supplies	1	LS	\$4,978.84	\$4,978.84
8	Dump Truck	0.75	HR	\$95.00	\$71.25
9	Erosion Control, Welding & Dewatering Sub	1	LS	\$27,408.60	\$27,408.60
10	Pipe Materials	1	LS	\$784.25	784.25
11	Overhead & Profit	1	LS	10%	\$13,731.38
				Grand Total	\$151,045.13

Bentonville 48" WL Point Repair #1 (Cave Springs) Cost Category Breakdown

LABOR BREAKDOWN

Employee	Phase	Cost Type	Type	Hours	Rate	Cost Amount
JASON C. DEZURIK	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	87.85	\$ 120.00	\$ 10,542.00
JACK H. GRAYSON JR	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	28.5	\$ 120.00	\$ 3,420.00
DYLAN GREGORY	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	19	\$ 120.00	\$ 2,280.00
KEVIN ERIBERTO GUTIERREZ	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	24	\$ 41.00	\$ 984.00
TY G HARRIS	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	24	\$ 41.00	\$ 984.00
GARED L HOLT	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	59.18	\$ 41.00	\$ 2,426.38
DEAN G HORSTMANN	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	8.98	\$ 120.00	\$ 1,077.60
BRYAN J LOWERY	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	48.02	\$ 120.00	\$ 5,762.40
MATTHEW MATHENY	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	88.65	\$ 120.00	\$ 10,638.00
STANLEY SEBASTIAN RANKIN	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	47	\$ 41.00	\$ 1,927.00
COURTNEY J WILLIAMS	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	52.61	\$ 120.00	\$ 6,313.20
JUSTIN L. WILLIAMS	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	40.46	\$ 120.00	\$ 4,855.20
ROSS WILMOTH IV	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	81.5	\$ 41.00	\$ 3,341.50
TANNER WRIGHT	1001-3308-018 DEMO & RPR 48in WL	L (CONSTR SALARIES)	PR-Employee	6.98	\$ 120.00	\$ 837.60
BILL HAGENBURGER				67.67	\$ 125.00	\$ 8,458.75
JASON NECESSARY				5	\$ 125.00	\$ 625.00
GUNTER DEZURIK				2	\$ 85.00	\$ 170.00
Total				691.4		\$ 64,642.63

EQUIPMENT BREAKDOWN

Description (name)	Phase	Cost Type	Type	Hours	Rate	Cost Amount
DOZER, CAT D5K2 XL, WINCH	0200-0102-026 (CRAWLER DOZER SMALL)	E (EQUIPMENT)	EQ-Equipment	56	\$ 75.35	\$ 4,219.60
EXCAVATOR, CAT 336 (TC) DB AUX -20 II	0200-0102-036 (EXCAVATOR SMALL 36 TO 44 TON)	E (EQUIPMENT)	EQ-Equipment	60	\$ 132.76	\$ 7,965.60
EXCAVATOR, CAT 345C HT	0200-0102-038 (EXCAVATOR MEDIUM 44 TO 55 TON)	E (EQUIPMENT)	EQ-Equipment	60	\$ 163.36	\$ 9,801.60
BREAKER, HYDRAULIC, TRACKHOE	0200-0102-999 (MISC EQUIPMENT)	E (EQUIPMENT)	EQ-Equipment			\$ 3,100.00
Total				176		\$ 25,086.80

CROSSLAND HEAVY CONTRACTORS, I
Job Cost History Report From Inception To 04/19/24
Includes Posted Transactions Only

Cost Type: Date	L	Reference	Description	Additional Information	Hours	Quantity
Job: 24A05WL Bentonville 48 Inch CPP P						
Phase: 1001-3308-018 DEMO & RPR 48in WL Cost Type: L CONSTR SALARIES						
4/19/24	PR	MATMAT	MATTHEW MATHENY	Check# J890546	10.50	
4/19/24	PR	MATMAT	MATTHEW MATHENY	Check# J890546	9.00	
4/19/24	PR	MATMAT	MATTHEW MATHENY	Check# J890546	6.50	
4/12/24	PR	DEZJAS	JASON C. DEZURIK	Check# J89848	8.00	
4/12/24	PR	DEZJAS	JASON C. DEZURIK	Check# J89848	5.83	
4/12/24	PR	DEZJAS	JASON C. DEZURIK	Check# J89848	8.00	
4/12/24	PR	DEZJAS	JASON C. DEZURIK	Check# J89848	7.40	
4/12/24	PR	DEZJAS	JASON C. DEZURIK	Check# J89848	8.67	
4/12/24	PR	DEZJAS	JASON C. DEZURIK	Check# J89848	4.52	
4/12/24	PR	DEZJAS	JASON C. DEZURIK	Check# J89848	13.63	
4/12/24	PR	DEZJAS	JASON C. DEZURIK	Check# J89848	12.30	
4/12/24	PR	GREDYL	DYLAN GREGORY	Check# J89918	12.00	
4/12/24	PR	GREDYL	DYLAN GREGORY	Check# J89918	7.00	
4/12/24	PR	GUTKEV	KEVIN ERIBERTO GUTIERREZ	Check# J89925	6.85	
4/12/24	PR	GUTKEV	KEVIN ERIBERTO GUTIERREZ	Check# J89925	5.15	
4/12/24	PR	GUTKEV	KEVIN ERIBERTO GUTIERREZ	Check# J89925	12.00	
4/12/24	PR	HARTYG	TY G HARRIS	Check# J89937	6.77	
4/12/24	PR	HARTYG	TY G HARRIS	Check# J89937	5.23	
4/12/24	PR	HARTYG	TY G HARRIS	Check# J89937	12.00	
4/12/24	PR	HOLGAR	GARED L HOLT	Check# J89956	8.00	
4/12/24	PR	HOLGAR	GARED L HOLT	Check# J89956	4.18	
4/12/24	PR	HOLGAR	GARED L HOLT	Check# J89956	8.00	
4/12/24	PR	HOLGAR	GARED L HOLT	Check# J89956	4.00	
4/12/24	PR	HOLGAR	GARED L HOLT	Check# J89956	11.12	
4/12/24	PR	HOLGAR	GARED L HOLT	Check# J89956	0.88	
4/12/24	PR	HOLGAR	GARED L HOLT	Check# J89956	13.00	
4/12/24	PR	HOLGAR	GARED L HOLT	Check# J89956	10.00	
4/12/24	PR	HORDEA	DEAN G HORSTMANN	Check# J89958	8.98	
4/12/24	PR	LOWBRY	BRYAN J LOWERY	Check# J90004	12.63	
4/12/24	PR	LOWBRY	BRYAN J LOWERY	Check# J90004	12.15	
4/12/24	PR	LOWBRY	BRYAN J LOWERY	Check# J90004	13.12	
4/12/24	PR	LOWBRY	BRYAN J LOWERY	Check# J90004	4.12	
4/12/24	PR	MATMAT	MATTHEW MATHENY	Check# J90034	13.72	
4/12/24	PR	MATMAT	MATTHEW MATHENY	Check# J90034	14.70	
4/12/24	PR	MATMAT	MATTHEW MATHENY	Check# J90034	10.98	
4/12/24	PR	MATMAT	MATTHEW MATHENY	Check# J90034	12.65	
4/12/24	PR	MATMAT	MATTHEW MATHENY	Check# J90034	10.60	
4/12/24	PR	RANSTA	STANLEY SEBASTIAN RANKIN	Check# J90116	7.07	
4/12/24	PR	RANSTA	STANLEY SEBASTIAN RANKIN	Check# J90116	4.93	
4/12/24	PR	RANSTA	STANLEY SEBASTIAN RANKIN	Check# J90116	12.00	
4/12/24	PR	RANSTA	STANLEY SEBASTIAN RANKIN	Check# J90116	13.00	
4/12/24	PR	RANSTA	STANLEY SEBASTIAN RANKIN	Check# J90116	10.00	
4/12/24	PR	WILCOU	COURTNEY J WILLIAMS	Check# J90226	13.53	
4/12/24	PR	WILCOU	COURTNEY J WILLIAMS	Check# J90226	14.60	
4/12/24	PR	WILCOU	COURTNEY J WILLIAMS	Check# J90226	13.40	
4/12/24	PR	WILCOU	COURTNEY J WILLIAMS	Check# J90226	11.08	
4/12/24	PR	WILJUS	JUSTIN L. WILLIAMS	Check# J90228	13.32	
4/12/24	PR	WILJUS	JUSTIN L. WILLIAMS	Check# J90228	15.12	
4/12/24	PR	WILJUS	JUSTIN L. WILLIAMS	Check# J90228	12.02	
4/12/24	PR	WILROS	ROSS WILMOTH IV	Check# J90230	8.00	
4/12/24	PR	WILROS	ROSS WILMOTH IV	Check# J90230	4.00	
4/12/24	PR	WILROS	ROSS WILMOTH IV	Check# J90230	8.00	

4/12/24	PR	WILROS	ROSS WILMOTH IV	Check# J90230	4.00	
4/12/24	PR	WILROS	ROSS WILMOTH IV	Check# J90230	8.37	
4/12/24	PR	WILROS	ROSS WILMOTH IV	Check# J90230	3.83	
4/12/24	PR	WILROS	ROSS WILMOTH IV	Check# J90230	13.00	
4/12/24	PR	WILROS	ROSS WILMOTH IV	Check# J90230	11.00	
4/12/24	PR	WRITAN	TANNER WRIGHT	Check# J90236	6.98	
4/19/24	PR	DEZJAS	JASON C. DEZURIK	Check# J90361	11.50	
4/19/24	PR	DEZJAS	JASON C. DEZURIK	Check# J90361	8.00	
4/19/24	PR	GRAJAH	JACK H. GRAYSON JR	Check# J90428	8.00	
4/19/24	PR	GRAJAH	JACK H. GRAYSON JR	Check# J90428	2.25	
4/19/24	PR	GRAJAH	JACK H. GRAYSON JR	Check# J90428	8.00	
4/19/24	PR	GRAJAH	JACK H. GRAYSON JR	Check# J90428	2.00	
4/19/24	PR	GRAJAH	JACK H. GRAYSON JR	Check# J90428	8.00	
4/19/24	PR	GRAJAH	JACK H. GRAYSON JR	Check# J90428	0.25	
4/19/24	PR	LOWBRY	BRYAN J LOWERY	Check# J90516	6.00	
4/19/24	PR	WILROS	ROSS WILMOTH IV	Check# J90743	12.13	
4/19/24	PR	WILROS	ROSS WILMOTH IV	Check# J90743	0.12	
4/19/24	PR	WILROS	ROSS WILMOTH IV	Check# J90743	9.25	
Subtotal for Phase: 1001-3308-018 DEMO & RPR 48in WL Cost Type: L CONSTR SALARIES					616.73	0.00
Total for Job: 24A05WL Bentonville 48 Inch CPP P					616.73	0.00
Job 24A05WL Recap						

CROSSLAND HEAVY CONTRACTORS, I
Job Cost History Report From Inception To 04/19/24
Includes Posted Transactions Only

Cost Type:	OMS	Reference	Description	Additional Information	Hours	Quantity	Amount
Job: 24A05WL Bentonville 46 Inch CPP P							
Phase: 0100-0001-002 GENERAL LIABILITY Cost Type: O OTHER							
03/31/24	AP	007GENLI	GENERAL LIABILITY	Invoice INS-033124 dated 3/31/24 24A05WL/GEN LIABILITY			350.00
Subtotal for Phase: 0100-0001-002 GENERAL LIABILITY Cost Type: O OTHER					0.00	0.00	350.00
Phase: 0100-0001-004 BUILDERS RISK Cost Type: O OTHER							
03/31/24	AP	002BUIRI	CHC BUILDERS RISK	Invoice INS-033124 dated 3/31/24 24A05WL/BUILDERS RISK			100.00
Subtotal for Phase: 0100-0001-004 BUILDERS RISK Cost Type: O OTHER					0.00	0.00	100.00
Phase: 0100-0002-002 MOBILIZATION Cost Type: O OTHER							
04/19/24	AP	014NWAHH	NWA HEAVY HAUL & TRANSPORT INC	Invoice 5367 dated 4/ 4/24 24A05WL-MOAVED CAT 345			1,704.50
04/19/24	AP	014NWAHH	NWA HEAVY HAUL & TRANSPORT INC	Invoice 5368 dated 4/ 4/24 24A05WL-MOVED CAT336 EX			683.10
04/07/24	EQ	03-1026	KENWORTH SEMI TRACTOR	Rate: 0.00			325.00
04/07/24	EQ	03-1026	KENWORTH SEMI TRACTOR	Rate: 0.00			325.00
04/07/24	EQ	03-1696	PETERBILT SEMI TRACTOR	Rate: 0.00			325.00
04/07/24	EQ	03-1696	PETERBILT SEMI TRACTOR	Rate: 0.00			100.00
Subtotal for Phase: 0100-0002-002 MOBILIZATION Cost Type: O OTHER					0.00	0.00	3,462.80
Phase: 0100-0050-016 SITE PIPE STS Cost Type: O OTHER							
04/16/24	AP	012LOWES	LOWE'S	Invoice 994193 dated 4/ 5/24 24A05WL MISC			805.20
04/16/24	AP	012LOWES	LOWE'S	Invoice 901187E dated 4/ 5/24 24A05WL MISC			28.88
04/16/24	AP	012LOWES	LOWE'S	Invoice 901188F dated 4/ 5/24 24A05WL MISC			17.14
04/18/24	AP	003CINAZ	AT&T MOBILITY	Invoice APRIL-24A dated 4/18/24 24A05WL/HORDEA			3.66
04/18/24	AP	003CINAZ	AT&T MOBILITY	Invoice APRIL-24B dated 4/18/24 24A05WL/LOWBRY			10.83
04/18/24	AP	003CINAZ	AT&T MOBILITY	Invoice APRIL-24C dated 4/18/24 24A05WL/WILJUS			6.45
04/19/24	AP	004DARRA	DARRAGH COMPANY	Invoice 08230691 dated 4/ 9/24 24A05WL M18 FUEL 9 CUTOFF,GROU			735.26
04/19/24	AP	004DARRA	DARRAGH COMPANY	Invoice 08230998 dated 4/12/24 24A05WL M18 2SPEED GREASE BARE			250.76
04/19/24	AP	020THOPI	THOMPSON PIPE GROUP-PRESSURE	Invoice CD99013506 dated 4/12/24 24A05WL - FIELD REP SITE VISIT			3,120.66
Subtotal for Phase: 0100-0050-016 SITE PIPE STS Cost Type: O OTHER					0.00	0.00	4,978.84
Phase: 0200-0102-150 CONCRETE PUMP TRUCK Cost Type: E EQUIPMENT							
04/19/24	AP	002BRUMO	BRUNDAGE BONE CONC PUMPING INC	Invoice 240-315350 dated 4/ 8/24 24A05WL-4/8 POUR			1,237.15
Subtotal for Phase: 0200-0102-150 CONCRETE PUMP TRUCK Cost Type: E EQUIPMENT					0.00	0.00	1,237.15
Phase: 0200-0102-154 TRENCH BOXES Cost Type: E EQUIPMENT							
04/19/24	AP	015OZLAS	OZARK LASER SYSTEMS INC	Invoice 22008554 dated 4/ 8/24 24A05WL-TRENCH SHEILD			341.63
Subtotal for Phase: 0200-0102-154 TRENCH BOXES Cost Type: E EQUIPMENT					0.00	0.00	341.63
Phase: 0500-0396-008 4000 PSI CONCRETE Cost Type: M MATERIALS							
04/08/24	JC	24A05WL	4000 PSI - 60 CY				9,300.00
Subtotal for Phase: 0500-0396-008 4000 PSI CONCRETE Cost Type: M MATERIALS					0.00	0.00	9,300.00
Phase: 0500-3396-002 SITE PIPE MATERIALS Cost Type: M MATERIALS							
Job: 24A05WL Bentonville 48 Inch CPP P							
Phase: 0500-3396-002 SITE PIPE MATERIALS Cost Type: M MATERIALS							
04/09/24	AP	006FERGU	FEI WATERWORKS 1895	Invoice 0754475 dated 4/ 5/24 24A05WL MISC			327.89
Subtotal for Phase: 0500-3396-002 SITE PIPE MATERIALS Cost Type: M MATERIALS					0.00	0.00	327.89
Phase: 0500-5031-006 CLEAN ROCK Cost Type: M MATERIALS							
04/19/24	AP	001APACC	APAC CENTRAL INC.	Invoice 7002038532 dated 4/13/24 24A05WL-3/4" CLEAN		18.36	456.36
Subtotal for Phase: 0500-5031-006 CLEAN ROCK Cost Type: M MATERIALS					0.00	18.36	456.36
Phase: 0600-0399-002 CONCRETE WORK SUB Cost Type: S SUB-CONTRACTS							
04/19/24	AP	019SECNA	SECOND NATURE LANDSCAPES INC	Invoice 4211 dated 4/ 5/24 24A05WL - 24A05WL - EROSION CO			671.25
Subtotal for Phase: 0600-0399-002 CONCRETE WORK SUB Cost Type: S SUB-CONTRACTS					0.00	0.00	671.25
Phase: 0600-4199-008 TRUCKING SUB Cost Type: S SUB-CONTRACTS							
04/07/24	EQ	03-1814	TRUCK, DUMP	Rate: 0.00			71.25
Subtotal for Phase: 0600-4199-008 TRUCKING SUB Cost Type: S SUB-CONTRACTS					0.00	0.00	71.25
Phase: 0600-6005-026 WELDING SUB Cost Type: S SUB-CONTRACTS							
04/19/24	AP	002JLBRY	JLBRY-SON INC	Invoice 5730-01-0424 dated 4/ 9/24 24A05WL - WELDING			11,284.00
Subtotal for Phase: 0600-6005-026 WELDING SUB Cost Type: S SUB-CONTRACTS					0.00	0.00	11,284.00
Phase: 0600-6033-004 DEWATERING SUB Cost Type: S SUB-CONTRACTS							
04/19/24	AP	018RAIRE	RAIN FOR RENT	Invoice 1993270 dated 4/10/24 24A05WL-4/3-4/8 RENTAL			15,453.35
Subtotal for Phase: 0600-6033-004 DEWATERING SUB Cost Type: S SUB-CONTRACTS					0.00	0.00	15,453.35

City of Bentonville, AR - Production



PICK TICKET

Status: SHIPPED
Location: WH, MAIN WAREHOUSE

Page 1

Order Number: 20821
Order Date: 04/12/2024
Department: 3040, Sewer Rehab
Route:
GL Effective Date: 04/12/2024
Requisition Number:
Fiscal Year: 2024
Fiscal Period: 04
Assigned to Employee:

Ship To

Item	Description:	UOM	Ordered	Shipped	Back-Ord	Unit Price	Item Total
General Notes							
WF1128283001Loren							
4614	DUCTILE PIPE 48" TYTON DIP CL350 (20' LENGTHS) NOM BCL/ EA		20.0	20.0	0.0	980.74	19614.74
Sublocation(s) for item 4614						Sublocation QOH	
WATER WI-GENERAL YARD						60.00	
4615	48" MJ BOLT PACK MJ GASKET/BOLTS AND NUTS COB PART#4615 EA		4.0	4.0	0.0	873.87	3495.46
Sublocation(s) for item 4615						Sublocation QOH	
WATER WI-GENERAL YARD						4.00	
4616	48" DUCTILE MEGALUGS 1148DEC RESTRAINTS COB PART#4616 EA		4.0	4.0	0.0	3,692.89	14771.55
Sublocation(s) for item 4616						Sublocation QOH	
WATER WI-GENERAL YARD						4.00	
4617	48" L301 BELL ADAPTER X MJS DIAPERS/GASKETS INCLUDED CO EA		1.0	1.0	0.0	15,937.86	15937.86
Sublocation(s) for item 4617						Sublocation QOH	
WATER WI-GENERAL YARD						1.00	
4618	48" L301 SPIGOT X MJS DIAPERS/GASKETS INCLUDED COB PART EA		1.0	1.0	0.0	16,098.74	16098.74
Sublocation(s) for item 4618						Sublocation QOH	
WATER WI-GENERAL YARD						1.00	
4619	48" LONG SLEEVE EXPOXY COATED COB PART#4619 EA		2.0	2.0	0.0	16,195.22	32390.44

Note: The costs are estimated based on the ordered quantities. The actual costs will be determined based on the shipped quantities when the ticket is posted.

Received By: _____

City of Bentonville, AR - Production



PICK TICKET

Status: SHIPPED
Location: WH, MAIN WAREHOUSE

Page 2

Order Number: 20821
Order Date: 04/12/2024
Department: 3040, Sewer Rehab
Route:
GL Effective Date: 04/12/2024
Requisition Number:
Fiscal Year: 2024
Fiscal Period: 04
Assigned to Employee:

Ship To

Item	Description:	UOM	Ordered	Shipped	Back-Ord	Unit Price	Item Total
Sublocation(s) for item 4619							Sublocation QOH
WATER WI-GENERAL YARD							2.00

Total 102,308.79

Account----- Amount-----
503020 - 47321 102,308.79

** END OF REPORT - Generated by Trevor Ashford **

Note: The costs are estimated based on the ordered quantities. The actual costs will be determined based on the shipped quantities when the ticket is posted.

Received By_____

48" Repair at Osage Creek - Employee Hours

Employee	Regular Hours	Regular Wages	OT Hours	OT Wages	Comp Hours	Comp Wages	Total \$
Jimmy Wiltgen (\$36.24)	14	\$507.36	16	\$869.76	0	\$0.00	
Braden Brown (\$24.80)	14	\$347.20	12	\$446.40	0	\$0.00	
Cody Harrington (\$24.80)	2	\$49.60	5	\$186.00	0	\$0.00	
Mike Mahurin (\$27.12)	16	\$433.92	0	\$0.00	20.5	\$555.96	
Skyler Brown (\$24.80)	0	\$0.00	8	\$297.60	0	\$0.00	
Jeremy Nguyen (\$24.80)	4	\$99.20	0	\$0.00	0	\$0.00	
Jon Belvin (\$27.12)	16	\$433.92	0	\$0.00	12.5	\$339.00	
Bob Foresee (\$27.12)	3	\$81.36	11	\$447.48	0	\$0.00	
John Dudley (\$27.12)	0	\$0.00	0	\$0.00	0	\$0.00	
John Vidal (\$24.80)	12	\$297.60	17.5	\$651.00	19	\$471.20	
Elijah Bowdren (\$24.80)	10	\$248.00	0	\$0.00	12.75	\$316.20	
Raul Jimenez (\$24.80)	2	\$49.60	15	\$558.00	0	\$0.00	

Totals	93	\$2,547.76	84.5	\$3,456.24	64.75	\$1,682.36	\$7,686.36
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Landon McGarrah (\$36.24)	24	\$869.76	21	\$1,141.56	0	\$0.00	
Tom Barrentine (\$24.80)	14	\$347.20	0	\$0.00	6	\$148.80	
Chris Oliver (\$24.80)	0	\$0.00	10	\$372.00	0	\$0.00	
Dakota Hollingsworth (\$24.80)	8	\$198.40	6	\$223.20	0	\$0.00	
Christian DeSantiago (\$24.80)	0	\$0.00	7	\$260.40	0	\$0.00	
Steven Merlos (\$24.80)	4	\$99.20	2.5	\$93.00	0	\$0.00	
Andres Hernandez (\$24.80)	20	\$496.00	5.5	\$204.60	4.5	\$111.60	
Shelby Stewart (\$27.12)	0	\$0.00	0	\$0.00	6	\$162.72	
Billy Webster (\$27.12)	0	\$0.00	11.5	\$467.82	0	\$0.00	
Clint Guinn (\$27.12)	24	\$650.88	10	\$406.80	7	\$189.84	
Dylan Fulkerson (\$27.12)	24	\$650.88	15	\$610.20	13	\$352.56	

Totals	118	\$3,312.32	88.5	\$3,779.58	36.5	\$965.52	\$8,057.42
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Dustin Youngblood (\$36.24)	6	\$217.44	22.5	\$1,223.10	0	\$0.00	
Calvin Isgrigg (\$25.71)	0	\$0.00	0	\$0.00	0	\$0.00	
Jenny Davis (\$25.71)	0	\$0.00	0	\$0.00	0	\$0.00	
Matthew Van Houden (\$25.71)	6	\$154.26	0	\$0.00	16.5	\$424.22	
John Staib (\$28.52)	0	\$0.00	0	\$0.00	3.5	\$99.82	
David Neumann (\$29.93)	0	\$0.00	12	\$538.74	0	\$0.00	
Christopher Moreland (\$25.71)	0	\$0.00	5.5	\$212.11	0	\$0.00	
Connor Hatch (\$25.71)	6	\$154.26	8	\$308.52	0	\$0.00	
Matthew Grimes (\$29.93)	0	\$0.00	28.5	\$1,279.51	0	\$0.00	
Orla Engstrom (\$25.71)	6	\$154.26	1.75	\$67.49	7.75	\$199.25	
Jason Blood (\$25.71)	6	\$154.26	0	\$0.00	10.75	\$276.39	

Totals	30	\$834.48	78.25	\$3,629.47	38.5	\$999.68	\$5,463.63
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Labor Totals	241	\$6,694.56	250.75	\$10,865.29	136	\$3,647.56	\$21,207.41
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48" Repair at Osage Creek - Equipment Used

Dump Truck (\$100)	4	\$400.00	0	\$0.00	0	\$0.00	
Backhoe (\$75)	4	\$300.00	0	\$0.00	0	\$0.00	

Equipment Totals	8	\$700.00	0	\$0.00	0	\$0.00	\$700.00
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Grand total to be billed: \$21,907.41

I Street Parameters		
Total Ft	Total Gallons	Gallons Per Foot
32	9,000,000	281,250

Water Moved Calculator			
Start Level (ft)	End Level (ft)	Time (Hrs)	Direction
25.0	22.1	0.55	Pump (-)
Water to Move (ft)	Water to Move (gal)	GpM	

Enter what you know, and the calculator will tell you what you don't.

Total Gallons Moved	GpH	GPM	Ft Moved	Ft per Hour	Hours	Start Level (ft)	Start Level (gal)	End Level (ft)	End level (gal)
815,625	1,482,955	24,716	2.9	-	-	-	-	-	-
-	-	-	0.0	0.0	-	-	-	-	-
-	-	-	0.0	0.0	-	-	7,031,250.0	-	-
-	-	-	-	0.0	-	-	-	-	6,215,625
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-

Tiger Parameters		
Total Ft	Total Gallons	Gallons Per Foot
40	2,000,000	50,000

Water Moved Calculator			
Start Level (ft)	End Level (ft)	Time (Hrs)	Direction
30.0	7.4	1.2	Pump (-)
Water to Move (ft)	Water to Move (gal)	GpM	

Enter what you know, and the calculator will tell you what you don't.

Total Gallons Moved	GpH	GPM	Ft Moved	Ft per Hour	Hours	Start Level (ft)	Start Level (gal)	End Level (ft)	End level (gal)
1,130,000	941,667	15,694	22.6	-	-	-	-	-	-
-	-	-	0.0	0.0	-	-	-	-	-
-	-	-	0.0	0.0	-	-	1,500,000.0	-	-
-	-	-	-	0.0	-	-	-	-	370,000
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-

Hwy 102 Parameters		
Total Ft	Total Gallons	Gallons Per Foot
35	1,000,000	28,571

Water Moved Calculator			
Start Level (ft)	End Level (ft)	Time (Hrs)	Direction
29.0	7.0	1.2	Pump (-)
Water to Move (ft)	Water to Move (gal)	GpM	

Enter what you know, and the calculator will tell you what you don't.

Total Gallons Moved	GpH	GPM	Ft Moved	Ft per Hour	Hours	Start Level (ft)	Start Level (gal)	End Level (ft)	End level (gal)
628,571	523,810	8,730	22.0	-	-	-	-	-	-
-	-	-	0.0	0.0	-	-	-	-	-
-	-	-	0.0	0.0	-	-	828,571.4	-	-
-	-	-	-	0.0	-	-	-	-	200,000
-	-	-	-	-	-	-	-	-	-

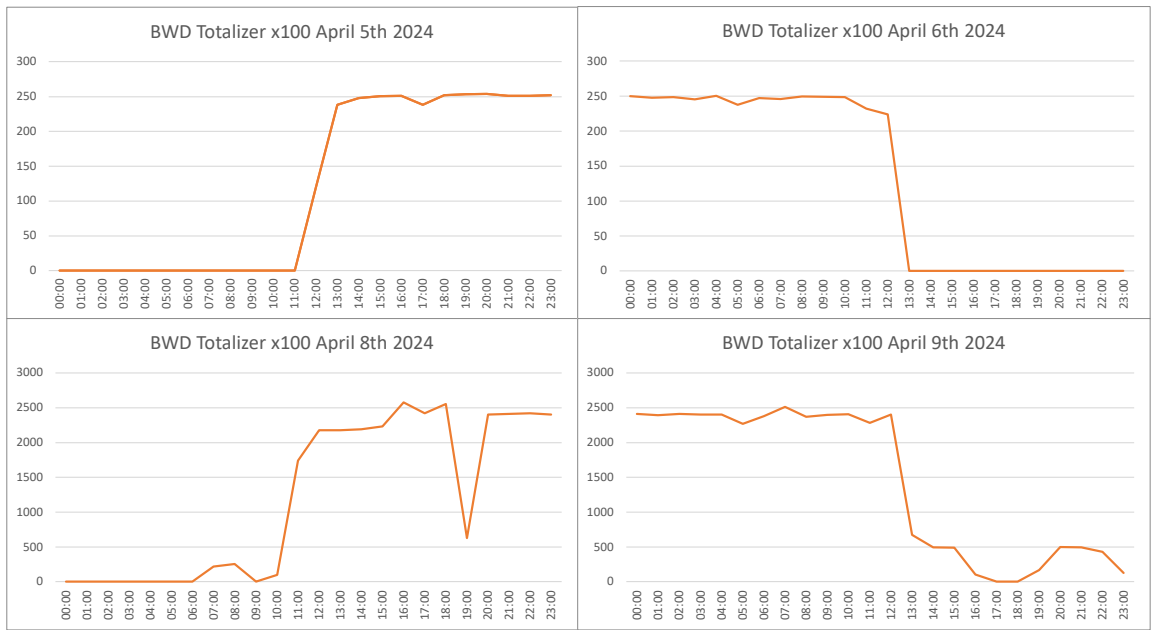
Downtown Parameters		
Total Ft	Total Gallons	Gallons Per Foot
30	500,000	16,667

Water Moved Calculator			
Start Level (ft)	End Level (ft)	Time (Hrs)	Direction
15.3	8.8	0.53	Pump (-)
Water to Move (ft)	Water to Move (gal)	GpM	

Enter what you know, and the calculator will tell you what you don't.

Total Gallons Moved	GpH	GPM	Ft Moved	Ft per Hour	Hours	Start Level (ft)	Start Level (gal)	End Level (ft)	End level (gal)
108,333	204,403	3,407	6.5	-	-	-	-	-	-
-	-	-	0.0	0.0	-	-	-	-	-
-	-	-	0.0	0.0	-	-	255,000.0	-	-
-	-	-	-	0.0	-	-	-	-	146,667
-	-	-	-	-	-	-	-	-	-

4/5/2024		4/6/2024		4/8/2024		4/9/2024		Date BWD Totalizer		BWD Totalizer "TOTAL" is the difference between the final and first totalizer value of the combined timeline.
Time	BWD Totalizer x100	Time	BWD Totalizer x100	Time	BWD Totalizer x100	Time	BWD Totalizer x100	Date	BWD Totalizer	
00:00	0	00:00	250	00:00	0	00:00	2413	4/5/2024	299,650	
01:00	0	01:00	248	01:00	0	01:00	2396	4/6/2024	332,720	
02:00	0	02:00	249	02:00	0	02:00	2413	4/8/2024	3,023,160	
03:00	0	03:00	246	03:00	0	03:00	2405	4/9/2024	3,625,460	
04:00	0	04:00	250	04:00	0	04:00	2405	TOTAL	7,280,990	
05:00	0	05:00	238	05:00	0	05:00	2271			
06:00	0	06:00	247	06:00	0	06:00	2381			
07:00	0	07:00	246	07:00	219	07:00	2512			
08:00	0	08:00	250	08:00	257	08:00	2372			
09:00	0	09:00	249	09:00	0	09:00	2399			
10:00	0	10:00	249	10:00	101	10:00	2407			
11:00	0	11:00	232	11:00	1741	11:00	2283			
12:00	120	12:00	224	12:00	2176	12:00	2401			
13:00	238	13:00	0	13:00	2176	13:00	675			
14:00	248	14:00	0	14:00	2192	14:00	494			
15:00	251	15:00	0	15:00	2234	15:00	492			
16:00	251	16:00	0	16:00	2575	16:00	103			
17:00	238	17:00	0	17:00	2420	17:00	0			
18:00	252	18:00	0	18:00	2555	18:00	0			
19:00	253	19:00	0	19:00	629	19:00	168			
20:00	254	20:00	0	20:00	2403	20:00	500			
21:00	251	21:00	0	21:00	2414	21:00	496			
22:00	251	22:00	0	22:00	2422	22:00	428			
23:00	252	23:00	0	23:00	2401	23:00	128			
Total 299650		Total 332720		Total 3023160		Total 3625460				



RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2024 BUDGET TO RECOGNIZE TOTAL EXPENSES FOR THE REPAIR OF THE CITY'S WATER TRANSMISSION LINE AND TRANSFER MONIES TO FULLY FUND THE REPAIR; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to amend the 2024 Budget in order to recognize the total expenses related to the repair of the City's 48 inch water transmission line and transfer monies to fully fund said repair.

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

Section 1: The 2024 Budget is hereby amended as set forth in the Budget Adjustment portion of the table that follows:

Osage Repair			
Emergency Repair of 48" Main			
West side of Hwy 112 just south of Osage Creek north of Wallis Road			
Total Costs			
Crossland Heavy Construction Contract	\$151,045.13		
City Staff Labor	\$26,078.75		
City Equipment	\$700.00		
Material provided by City	\$102,308.79		
Water (10,546,083 gals. @ 1.54/1,000)	\$16,240.97		
Total	\$296,373.64		
Budget Adjustment			
Item Description	Account Number	Account Description	Amount
Crossland Contract and City Materials	503020-47321	Improvements Other - Line Improvements	\$253,353.92
City Equipment	503020-44440	Machine/Equipment	\$700.00
Purchase of Lost Water	503020-46110	Purchase of Power	\$16,240.97
City Staff Labor	503020-41310	Overtime Wages	\$21,207.41
FICA costs of City Labor	503020-41510	FICA	\$1,622.37
APERS costs of City Labor	503020-41810	APERS	\$3,248.98
			\$296,373.64
Total budget adjustment for total cost of emergency repair			\$296,373.64
Budget Adjustment with original approval of emergency contract to account 503020-47321			\$200,000.00
Final budget adjustment to cover remaining costs			\$96,373.64

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.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Chris Earl
Phone:	479-271-3161	For Department(s):	Water Utilities - WRRF
Email:	cearl@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to enter Agreement with Crossland Heavy Contractors for Construction Manager at Risk
Action Recommendation & Justification:	Authorizing the Mayor & City Clerk to enter into an agreement with Crossland Heavy Contractors, Inc. as Construction Manager at Risk for pre-construction services associated with the Water Resource Recovery Facility Improvements Project in an amount not to exceed \$511,945.00. Approved by Utility Board 5-0. A budget adjustment is needed.
Additional Comments for Consideration (Optional):	This firm was selected following the City's standard RFQ solicitation and selection process for the procurement of professional services in accordance with state law. The City will have to front costs of this contract until loan closing with ANRC for the overall project. This agreement may be amended to move into construction services and a guaranteed maximum price agreement if both parties are amenable.
Amount for Approval:	\$ 511,945.00

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

503030-47210	Plants and Building	\$ 511,945.00	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☒ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

ConsensusDocs 500

STANDARD AGREEMENT AND GENERAL CONDITIONS BETWEEN OWNER AND CONSTRUCTION MANAGER (Where the CM is At-Risk)

TABLE OF ARTICLES

1. AGREEMENT
2. GENERAL PROVISIONS
3. CONSTRUCTION MANAGER'S RESPONSIBILITIES
4. OWNER'S RESPONSIBILITIES
5. SUBCONTRACTS
6. TIME
7. COMPENSATION AND GUARANTEED MAXIMUM PRICE
8. COST OF THE WORK
9. CHANGES
10. PAYMENT
11. INDEMNITY, INSURANCE, AND BONDS
12. SUSPENSION, NOTICE TO CURE, AND TERMINATION
13. DISPUTE MITIGATION AND RESOLUTION
14. MISCELLANEOUS
15. CONTRACT DOCUMENTS

ARTICLE 1 AGREEMENT

Job Number: N/A Account Code: N/A

This Agreement is made this _____ day of _____ in the year 2024, by and between the

OWNER, City of Bentonville

Owner Representatives:

Project Lead: Chris Earl

Legal Notices: Camille Thompson

and the

CONSTRUCTION MANAGER,
Crossland Heavy Contractors Inc.
1800 S 52nd St STW 410
Rogers, AR 72745

for construction and services in connection with the following

PROJECT: City of Bentonville Water Resource Recovery Facility Improvements Project located at 1901 NE A Street, Bentonville, Arkansas 72712

Design Professional is Hawkins-Weir Engineers, Inc.



ARTICLE 2 GENERAL PROVISIONS

2.1 PARTIES' RELATIONSHIP Each Party agrees to act on the basis of mutual trust, good faith, and fair dealing, and perform in an economical and timely manner. The Parties shall each endeavor to promote harmony and cooperation among all Project participants.

2.1.1 Construction Manager represents that it is an independent contractor and that it is familiar with the type of Work it is undertaking.

2.1.2 Neither Construction Manager nor any of its agents or employees shall act on behalf of or in the name of Owner except as provided in this Agreement unless authorized in writing by Owner's Representative.

2.2 ETHICS Each Party shall perform with integrity. Each shall: (a) avoid conflicts of interest, and (b) promptly disclose to the other Party any conflicts that may arise. Each Party warrants that it has not and shall not pay or receive any contingent fees or gratuities to or from the other Party, including its agents, officers, employees, Subcontractors, Subsubcontractors, Suppliers, or Others to secure preferential treatment.

2.3 DESIGN PROFESSIONAL Owner, through its Design Professional, shall provide all architectural and engineering design services necessary for the completion of the Work excluding, however, (a) design services delegated to Construction Manager in accordance with §3.17, and (b) services within the construction means, methods, techniques, sequences, and procedures employed by Construction Manager, its Subcontractors, and Subsubcontractors in connection with their construction operations.

2.4 Owner shall obtain from Design Professional either a license for Construction Manager and Subcontractors to use the design documents prepared by Design Professional or ownership of the copyrights for such design documents, and shall indemnify and hold harmless Construction Manager against any suits or claims of infringement of any copyrights or licenses arising out of the use of the design documents for the Project.

2.5 DEFINITIONS

2.5.1 "Agreement" means this ConsensusDocs 500 Standard Agreement and General Conditions Between Owner and Construction Manager, as modified, and exhibits and attachments made part of this agreement upon its execution.

2.5.1.1 The following attached exhibits are a part of this Agreement:

Exhibit A: CMAR Fee Proposal

Exhibit B: Allowable Use of CMAR Contingency

2.5.2 "Business Day" means all Days, except weekends and official federal or state holidays where the Project is located.

2.5.3 A "Change Order" is a written order signed by the Parties after execution of this Agreement, indicating changes in the scope of the Work, the GMP and Date of Substantial Completion or Date of Final Completion, including substitutions proposed by Construction Manager and accepted by Owner.

2.5.4 The "Contract Documents" consist of (a) this Agreement; (b) documents listed in §15.1 as existing contract documents; (c) drawings, specifications, addenda issued and acknowledged before



execution of this Agreement; (d) information furnished by Owner pursuant to §3.15.4, and (e) Change Orders, Interim Directives, and amendments issued in accordance with this Agreement.

2.5.5 "Contract Time" is the period between the Date of Commencement and the total time authorized to achieve Final Completion.

2.5.6 "Cost of the Work" means the costs and discounts specified in ARTICLE 8.

2.5.7 The "Construction Manager" is the person or entity identified in ARTICLE 1 and includes Construction Manager's Representative.

2.5.8 "Date of Commencement" is as set forth in §6.1.

2.5.9 "Day" means a calendar day.

2.5.10 "Defective Work" is any portion of the Work that that does not conform with the requirements of the Contract Documents.

2.5.11 "Design Professional" means the licensed architect or engineer, and its consultants, retained by Owner to perform design services for the Project.

2.5.12 "Final Completion" occurs on the date when Construction Manager's obligations under this Agreement are complete and accepted by Owner and final payment becomes due and payable. This date shall be confirmed by a Certificate of Final Completion signed by the Parties.

2.5.13 "Hazardous Material" is any substance or material identified now or in the future as hazardous under the Law, or any other substance or material that may be considered hazardous or otherwise subject to statutory or regulatory requirement governing handling, disposal, or cleanup.

2.5.14 "Interim Directive" is a written order containing change to the Work directed by Owner pursuant to §9.2 and that is signed by Owner after execution of this Agreement and before Substantial Completion.

2.5.15 "Law" means federal, state, or local laws, ordinances, codes, rules, and regulations applicable to the Work with which Construction Manager must comply that are enacted as of the Agreement date.

2.5.16 "Others" means Owner's other: (a) contractors/constructors, (b) suppliers, (c) subcontractors, subsubcontractors, or suppliers of (a) and (b); and others employed directly or indirectly by (a), (b), or (c) or any by any of them or for whose acts any of them may be liable.

2.5.17 "Overhead" means (a) payroll costs, burden, and other compensation of Construction Manager's employees in Construction Manager's principal and branch offices; (b) general and administrative expenses of Construction Manager's principal and branch offices including charges against Construction Manager for delinquent payments, and costs related to the correction of defective work; and (c) Construction Manager's capital expenses, including interest on capital used for the Work.

2.5.18 "Owner" is the person or entity identified in ARTICLE 1.



2.5.19 The “Owner’s Program” is an initial description of Owner’s objectives, including budgetary and time criteria, space requirements and relationships, flexibility and expandability requirements, special equipment and systems, site requirements, and any requirements for phased occupancy.

2.5.20 The “Parties” are collectively Owner and Construction Manager.

2.5.21 The “Project,” as identified in ARTICLE 1, is the building, facility, or other improvements for which Construction Manager is to perform Work under this Agreement. It may also include construction by Owner or Others.

2.5.22 The “Schedule of the Work” is the document prepared by Construction Manager that specifies the dates on which Construction Manager plans to begin and complete various parts of the Work, including dates on which information and approvals are required from Owner.

2.5.23 “Subcontractor” is a person or entity retained by Construction Manager as an independent contractor to provide the labor, materials, equipment, or services necessary to complete a specific portion of the Work. The term Subcontractor does not include Design Professional or Others.

2.5.24 “Substantial Completion” of the Work, or of a designated portion, occurs on the date when the Work is sufficiently complete in accordance with the Contract Documents so that Owner may occupy or utilize the Work, or a designated portion, for the use for which it is intended, without unapproved disruption. The issuance of a certificate of occupancy is not a prerequisite for Substantial Completion if the certificate of occupancy cannot be obtained due to factors beyond Construction Manager’s control. This date shall be confirmed by a certificate of Substantial Completion signed by the Parties.

2.5.25 A “Subsubcontractor” is a person or entity who has an agreement with a Subcontractor or another subsubcontractor or Supplier to perform a portion of the Subcontractor’s Work or supply material or equipment.

2.5.26 A “Supplier” is a person or entity retained by Constructor to provide material or equipment for the Work.

2.5.27 “Terrorism” means a violent act, or an act that is dangerous to human life, property, or infrastructure, that is committed by an individual or individuals and that appears to be part of an effort to coerce a civilian population or to influence the policy or affect the conduct of any government by coercion. Terrorism includes, but is not limited to, any act certified by the United States government as an act of terrorism pursuant to the Terrorism Risk Insurance Act, as amended.

2.5.28 “Work” means the construction and administrative and management services necessary or incidental to fulfill Construction Manager’s obligations for the Project in accordance with and reasonably inferable from the Contract Documents. The Work may refer to the whole Project or only a part of the Project if work is also being performed by Owner or Others.

2.5.29 “Worksite” means the area of the Project location as identified in ARTICLE 1 where the Work is to be performed.

ARTICLE 3 CONSTRUCTION MANAGER’S RESPONSIBILITIES

3.1 GENERAL RESPONSIBILITIES

3.1.1 Construction Manager shall provide all labor, materials, equipment, and services necessary to complete the Work, all of which shall be provided in full accord with the Contract Documents and reasonably inferable from the Contract Documents.



3.1.2 Construction Manager represents that it is an independent contractor and that it is familiar with the type of work required by this Agreement.

3.1.3 Unless the Contract Documents instruct otherwise, Construction Manager shall be responsible for the supervision and coordination of the Work, including the construction means, methods, techniques, sequences, and procedures utilized. When following construction means, methods, techniques, sequences, or procedures instructed by the Contract Documents, Construction Manager is not liable to Owner for damages resulting from compliance with such instructions, unless (a) Construction Manager recognized and (b) failed to timely report to Owner any error, inconsistency, omission, or unsafe practice that it discovered in such requirements.

3.1.4 Construction Manager shall perform Work only within locations allowed by the Contract Documents, Law, and applicable permits.

3.2 CONSTRUCTION PERSONNEL AND SUPERVISION

3.2.1 Construction Manager shall provide competent supervision for the performance of the Work. Before commencing the Work, Construction Manager shall notify Owner in writing of the name and qualifications of its proposed superintendent(s) and project manager, so Owner may review the individual's qualifications. If, for reasonable cause, Owner refuses to approve the individual, or withdraws its approval after once giving it, Construction Manager shall name a different superintendent for Owner's review.

3.2.2 Construction Manager shall be responsible to Owner for acts or omissions of Parties or entities performing portions of the Work for or on behalf of Construction Manager or any of its Subcontractors.

3.2.3 Construction Manager shall permit only fit and skilled persons to perform the Work. Construction Manager shall enforce safety procedures, strict discipline and good order among persons performing the Work. If Owner determines that a particular person does not follow safety procedures, or is unfit or unskilled for the assigned work, Construction Manager shall immediately reassign the person on receipt of Owner's written notice to do so.

3.2.4 CONSTRUCTION MANAGER'S REPRESENTATIVE Construction Manager's authorized representative is Ron Edmond. Construction Manager's Representative shall possess full authority to receive instructions from Owner and to act on those instructions. If Construction Manager changes its representative or their authority, Construction Manager shall immediately notify Owner in writing.

3.3 PRECONSTRUCTION SERVICES The Preconstruction Services under this section are included in Construction Manager's work.

3.3.1 PRELIMINARY EVALUATION Construction Manager shall provide a preliminary evaluation of Owner's Program and report such findings to Owner and Design Professional.

3.3.2 CONSULTATION Construction Manager shall schedule and attend regular meetings with Owner and Design Professional. Construction Manager shall consult with Owner and Design Professional regarding site use and improvements and the selection of materials, building systems, and equipment. Construction Manager shall provide recommendations on construction feasibility; actions designed to minimize adverse effects of labor or material shortages; time requirements for procurement, installation, and construction completion; and factors related to construction cost, including estimates of alternative designs or materials.



3.3.3 SCHEDULE OF THE WORK When Project requirements have been sufficiently identified, Construction Manager shall prepare a preliminary Schedule of the Work for Design Professional's review and Owner's approval. Construction Manager shall coordinate and integrate the Schedule of the Work with the services and activities of Owner, Construction Manager, Design Professional, and the requirements of governmental entities. As design proceeds, Construction Manager shall update the Schedule of the Work to indicate proposed activity sequences, durations, or milestone dates for such activities as receipt and approval of pertinent information, issuance of the drawings and specifications, the preparation and processing of shop drawings and samples, delivery of materials or equipment requiring long-lead-time procurement, Owner's occupancy requirements and estimated date of Substantial Completion of the Project. If Schedule of the Work updates indicate that milestone dates contained in prior Schedules of the Work will not be met, Construction Manager shall notify and make recommendations to Owner. If the Project is to be completed in phases, Construction Manager shall make recommendations to Owner and Design Professional regarding the phased issuance of the drawings and specifications.

3.3.4 ESTIMATES

3.3.4.1 When Owner has sufficiently identified Owner's Program and other Project requirements and Design Professional has prepared other basic design criteria, Construction Manager shall prepare, for the review of Design Professional and approval of Owner, an initial estimate for the Project, utilizing area, volume, or similar conceptual estimating techniques.

3.3.4.2 When schematic or preliminary design documents have been completed by Design Professional and approved by Owner, Construction Manager shall prepare for the review of Design Professional and approval of Owner, a more detailed budget with supporting data. During the preparation of the design development documents or documents of comparable detail, Construction Manager shall update and refine this estimate at appropriate intervals agreed upon by The Parties.

3.3.4.3 When design development documents or documents of comparable detail have been completed by Design Professional and approved by Owner, Construction Manager shall prepare a further detailed estimate with supporting data for review by Design Professional and approval by Owner. During the preparation of the drawings and specifications, Construction Manager shall update and refine this estimate at appropriate intervals agreed upon by the Parties.

3.3.4.4 If any estimate submitted to Owner exceeds previously approved estimates, Construction Manager shall notify and make recommendations to Owner.

3.3.5 CONSTRUCTION DOCUMENT REVIEW Construction Manager shall review the drawings and specifications in an effort to identify potential constructability problems that could impact Construction Manager's ability to perform the Work in an expeditious and economical manner. Construction Manager shall issue a report to Design Professional and Owner for their review and action as appropriate. In addition, Construction Manager shall promptly report to Owner and Design Professional any errors or omissions which it discovers in the drawings and specifications.

3.3.6 TEMPORARY FACILITIES Construction Manager shall make recommendations regarding temporary construction facilities, equipment, materials, and services for common use by Construction Manager, its Subcontractors, Subsubcontractors, and Suppliers.

3.3.7 LONG-LEAD-TIME ITEMS Construction Manager shall recommend to Owner and Design Professional a schedule for procurement of long-lead-time items which will constitute part of the Work as required to meet the Schedule of the Work. Construction Manager shall help expedite the delivery of long-lead-time items.



3.3.8 SOLICITATION OF SUBCONTRACTORS AND SUPPLIERS Construction Manager shall seek to develop Subcontractor interest in the Project and shall furnish to Owner and Design Professional a list of possible subcontractors from whom proposals may be requested for each principal portion of the Work. Owner shall promptly reply in writing to Construction Manager if Owner or Design Professional know of any objection to a subcontractor. Owner may designate specific persons or entities from whom Construction Manager shall solicit bids.

3.3.9 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION Construction Manager shall consult with Owner regarding equal employment opportunity and affirmative action programs.

3.3.10 CONSULTANTS Construction Manager shall assist Owner in selecting, retaining, and coordinating the professional services of a surveyor, testing laboratories, and special consultants as needed.

3.3.11 PERMITS Construction Manager shall assist Owner in obtaining building permits and special permits for permanent improvements, except for permits required to be obtained directly by Construction Manager.

3.3.12 OTHER PRECONSTRUCTION SERVICES Construction Manager shall provide such other preconstruction services as are agreed upon by the Parties and identified in an attached exhibit to this Agreement.

3.4 GUARANTEED MAXIMUM PRICE (GMP)

3.4.1 At such time as the Parties agree the drawings and specifications are sufficiently complete, Construction Manager shall prepare and submit to Owner in writing a GMP. The GMP proposal shall include the sum of the estimated cost of the Work, Construction Manager's Fee, the clarifications and assumptions upon which it is based, allowances, and reasonable contingencies, but shall not include compensation for Preconstruction Services. Construction Manager does not guarantee any specific line item provided as part of the GMP, but agrees that it will be responsible for paying all costs of completing the Work which exceed the GMP, as adjusted in accordance with this Agreement.

3.4.2 BASIS OF GUARANTEED MAXIMUM PRICE Construction Manager shall include with the GMP proposal a written statement of its basis, which shall include:

3.4.2.1 a list of the drawings and specifications, including all addenda, which were used in preparation of the GMP Proposal;

3.4.2.2 a list of allowances and a statement of their basis;

3.4.2.3 a list of the assumptions and clarifications made by Construction Manager in the preparation of the GMP Proposal to supplement the information contained in the drawings and specifications;

3.4.2.4 the Date of Substantial Completion or the Date of Final Completion upon which the proposed GMP is based, and the Schedule of Work upon which the Date of Substantial Completion or the Date of Final Completion is based;

3.4.2.5 a schedule of applicable alternate prices;

3.4.2.6 a schedule of applicable unit prices;



3.4.2.7 a statement of any work to be self-performed by Construction Manager.

3.4.3 Construction Manager shall meet with Owner and Design Professional to review the GMP. If Owner or Design Professional discovers any inconsistencies, inaccuracies, or omissions in the information presented, they shall promptly notify Construction Manager, who shall make appropriate adjustments to the GMP. Owner shall then give prompt written approval of the GMP.

3.4.4 Owner shall cause Design Professional to revise the drawings and specifications to the extent necessary to reflect the clarifications, assumptions, and allowances on which the GMP is based. Revised drawings and specifications shall be furnished to Construction Manager in accordance with the current Schedule of the Work, unless otherwise agreed by Owner, Construction Manager, and Design Professional. Construction Manager shall promptly notify Owner and Design Professional if the revised drawings and specifications are inconsistent with the GMP's clarifications, assumptions, and allowances.

3.4.5 If the Contract Documents are not complete at the time the GMP proposal is submitted to Owner, Construction Manager shall provide in the GMP for further development of the Contract Documents. Such further development does not include changes in scope, systems, kinds and quality of materials, finishes, or equipment, all of which, if required, shall be incorporated by Change Document.

3.4.6 If this Agreement is executed before establishment of the Guaranteed Maximum Price and its acceptance by Owner, then the GMP and its basis shall be set forth in Amendment 1.

3.4.7 Allowances shall include the costs of materials, supplies, and equipment delivered to the Worksite less applicable trade discounts and including requisite taxes, unloading and handling at the Worksite, and labor and installation, unless specifically stated otherwise. Construction Manager's overhead and profit for the allowances shall be included in the GMP, but not in the allowances. The GMP shall be adjusted by Change Order to reflect the actual costs when they are greater than or less than the allowances.

3.4.8 FAILURE TO ACCEPT THE GMP PROPOSAL Unless Owner accepts the GMP Proposal in writing on or before the date specified in the GMP Proposal for such acceptance and so notifies Construction Manager, the GMP Proposal shall not be effective. If Owner fails to accept the GMP Proposal, or rejects the GMP Proposal, Owner shall have the right to:

3.4.8.1 suggest modifications to the GMP Proposal. If such modifications are accepted in writing by Construction Manager, the GMP Proposal shall be deemed accepted in accordance with §3.4.6;

3.4.8.2 direct Construction Manager to proceed on the basis of reimbursement as provided in ARTICLE 7 and ARTICLE 8 without a GMP, in which case all references in this Agreement to the GMP shall not be applicable; or

3.4.8.3 terminate the Agreement for convenience in accordance with §12.3. In the absence of a GMP the Parties may establish a Date of Substantial Completion or a Date of Final Completion.

3.4.9 PRE-GMP WORK Before Owner's acceptance of the GMP Proposal, Construction Manager shall not incur any cost to be reimbursed as part of the Cost of the Work, except as provided in this Agreement or as Owner may specifically authorize in writing.

3.5 WORKMANSHIP



3.5.1 The Work shall be executed in accordance with the Contract Documents in a workmanlike manner. All materials used in the Work shall be furnished in sufficient quantities to facilitate the proper and expeditious execution of the Work and shall be new except as otherwise provided in the Contract Documents.

3.6 COOPERATION WITH WORK OF OWNER AND OTHERS

3.6.1 Owner may perform work at the Worksite directly or by Others. Any agreements with Others to perform construction or operations related to the Project shall include provisions pertaining to insurance, indemnification, waiver of subrogation, consequential damages, coordination, interference, cleanup, and safety that are substantively the same as the corresponding provisions of this Agreement.

3.6.2 If Owner elects to perform work at the Worksite directly or by Others, the Parties shall coordinate the activities of all forces at the Worksite and agree upon fair and reasonable schedules and operational procedures for Worksite activities. Owner shall require each separate contractor to cooperate with Construction Manager and assist with the coordination of activities and the review of construction schedules and operations. The GMP or the Date of Substantial Completion or the Date of Final Completion may be equitably adjusted in accordance with this Agreement, for changes resulting from the coordination of construction activities, and the Schedule of the Work shall be revised accordingly.

3.6.3 With regard to the work of Owner and Others, Construction Manager shall (a) proceed with the Work in a manner that does not hinder, delay, or interfere with the work of Owner or Others or cause the work of Owner or Others to become defective; (b) afford Owner or Others reasonable access for introduction and storage of their materials and equipment and performance of their activities; and (c) coordinate Construction Manager's Work with theirs.

3.6.4 Before proceeding with any portion of the Work affected by the construction or operations of Owner or Others, Construction Manager shall give Owner prompt, written notification of any defects Construction Manager discovers in their work which will prevent the proper execution of the Work. Construction Manager's obligations in this subsection do not create a responsibility for the work of Owner or Others, but are for the purpose of facilitating the Work. If Construction Manager does not notify Owner of defects interfering with the performance of the Work, Construction Manager acknowledges that the work of Owner or Others is not defective and is acceptable for the proper execution of the Work. Following receipt of written notice from Construction Manager of defects, Owner shall promptly issue an Interim Directive informing Construction Manager what action, if any, Construction Manager shall take with regard to the defects.

3.7 CONTRACT DOCUMENT REVIEW AND ADMINISTRATION

3.7.1 Before commencing the Work, Construction Manager shall examine and compare the drawings and specifications with information furnished by Owner that are considered Contract Documents, relevant field measurements made by Construction Manager, and any visible conditions at the Worksite affecting the Work.

3.7.2 Should Construction Manager discover any errors, omissions, or inconsistencies in the Contract Documents, Construction Manager shall promptly report them to Owner. It is recognized, however, that Construction Manager is not acting in the capacity of a licensed design professional, and that Construction Manager's examination is to facilitate construction and does not create an affirmative responsibility to detect defects or to ascertain compliance with a Law. Following receipt of written notice from Construction Manager of defects, Owner shall promptly inform Construction Manager what action, if any, Construction Manager shall take with regard to the defect.



3.7.3 Construction Manager shall have no liability for errors, omissions, or inconsistencies discovered under this section, unless Construction Manager knowingly fails to report a recognized problem to Owner.

3.7.4 Construction Manager may be entitled to additional costs or time because of clarifications or instructions growing out of Construction Manager's reports described in this §3.7.

3.7.5 Nothing in §3.7 shall relieve Constructor of responsibility for its own errors, inconsistencies, or omissions.

3.7.6 COST REPORTING Construction Manager shall maintain complete, accurate, and current records that comply with generally accepted accounting principles and calculate the proper financial management under this Agreement. Construction Manager shall maintain a complete set of all books and records prepared or used by Construction Manager with respect to the Project. Owner shall be afforded access to all of Construction Manager's records, books, correspondence, instructions, drawings, receipts, vouchers, memoranda, and similar data relating to this Agreement. Construction Manager shall preserve all such records for a period of three years after the final payment or longer where required by Law.

3.7.6.1 Construction Manager agrees to use reasonable skill and judgment in the preparation of cost estimates and Schedule of the Work, but does not warrant or guarantee their accuracy.

3.8 MATERIALS FURNISHED BY OWNER OR OTHERS

3.8.1 If the Work includes installation of materials or equipment furnished by Owner or Others, it shall be the responsibility of Construction Manager to examine the items so provided and thereupon handle, store, and install the items, unless otherwise provided in the Contract Documents, with such skill and care as to provide a satisfactory and proper installation. Loss or damage due to acts or omissions of Construction Manager shall be the responsibility of Construction Manager and may be deducted from any amounts due or to become due Construction Manager. Any defects discovered in such materials or equipment shall be reported at once to Owner. Following receipt of written notice from Construction Manager of defects, Owner shall promptly inform Construction Manager what action, if any, Construction Manager shall take with regard to the defects.

3.9 TESTS AND INSPECTIONS

3.9.1 Construction Manager shall schedule all required tests, approvals, and inspections of the Work or portions thereof at appropriate times so as not to delay the progress of the Work or other work related to the Project. Construction Manager shall give proper notice to all required Parties of such tests, approvals, and inspections. If feasible, Owner and Others may timely observe the tests at the normal place of testing. Except as provided in §3.9.3, Owner shall bear all expenses associated with tests, inspections, and approvals required by the Contract Documents which, unless otherwise agreed to, shall be conducted by an independent testing laboratory or entity retained by Owner. Unless otherwise required by the Contract Documents, required certificates of testing, approval, or inspection shall be secured by Construction Manager and promptly delivered to Owner.

3.9.2 If Owner or appropriate authorities determine that tests, inspections, or approvals in addition to those required by the Contract Documents will be necessary, Construction Manager shall arrange for the procedures and give timely notice to Owner and Others who may observe the procedures. Costs of the additional tests, inspections, or approvals are at Owner's expense except as provided in the subsection below.



3.9.3 If the procedures described in the two subsections immediately above indicate that portions of the Work fail to comply with the Contract Documents due to the negligence of Construction Manager, Construction Manager shall be responsible for costs of correction and retesting.

3.10 WARRANTY

3.10.1 Construction Manager warrants that all materials and equipment furnished under the Construction Phase of this Agreement will be new unless otherwise specified, of good quality, in conformance with the Contract Documents, and free from defective workmanship and materials. At Owner's request, Construction Manager shall furnish satisfactory evidence of the quality and type of materials and equipment furnished. Construction Manager further warrants that the Work shall be free from material defects not intrinsic in the design or materials required in the Contract Documents. Construction Manager's warranty does not include remedies for defects or damages caused by normal wear and tear during normal usage, use for a purpose for which the Project was not intended, improper or insufficient maintenance, modifications performed by Owner or others, or abuse. Construction Manager's warranty shall commence on the Date of Substantial Completion of the Work, or of a designated portion.

3.10.2 With respect to any portion of Work first performed after Substantial Completion, Construction Manager's warranty obligation shall be extended by the period of time between Substantial Completion and the actual performance of the later Work.

3.10.3 To the extent products, equipment, systems, or materials incorporated in the Work are specified and purchased by Owner, they shall be covered exclusively by the warranty of the manufacturer. There are no warranties which extend beyond the description on the face of any such warranty. For such incorporated items, ALL OTHER WARRANTIES EXPRESSED OR IMPLIED INCLUDING THE WARRANTY OF MERCHANTABILITY AND THE WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY DISCLAIMED

3.10.4 Construction Manager shall obtain from its Subcontractors and Suppliers any special or extended warranties required by the Contract Documents. Construction Manager's liability for such warranties shall be limited to the two-year correction period referred to in the section immediately below. After that period Construction Manager shall provide reasonable assistance to Owner in enforcing the obligations of Subcontractors or Suppliers for such extended warranties.

3.11 CORRECTION OF WORK WITHIN TWO YEARS

3.11.1 If before Substantial Completion or within two years after the date of Substantial Completion of the Work any Defective Work is found, Owner shall promptly notify Construction Manager in writing. Unless Owner provides written acceptance of the condition, Construction Manager shall promptly correct the Defective Work at its own cost and time and bear the expense of additional services required for correction of any Defective Work for which it is responsible. If within the two-year correction period Owner discovers and does not promptly notify Construction Manager or give Construction Manager an opportunity to test or correct Defective Work as reasonably requested by Construction Manager, Owner waives Construction Manager's obligation to correct that Defective Work as well as Owner's right to claim a breach of the warranty with respect to that Defective Work.

3.11.2 With respect to any portion of Work first performed after Substantial Completion, the two-year correction period shall commence when that portion of the Work is substantially complete. Correction periods shall not be extended by corrective work performed by Construction Manager.

3.11.3 If Construction Manager fails to correct Defective Work within a reasonable time after receipt of written notice from Owner before final payment, Owner may correct it in accordance with Owner's



right to carry out the Work. In such case, an appropriate Change Order shall be issued deducting the cost of correcting the Defective Work from payments then or thereafter due Construction Manager. If payments then or thereafter due Construction Manager are not sufficient to cover such amounts, Construction Manager shall pay the difference to Owner.

3.11.4 Construction Manager's obligations and liability, if any, with respect to any Defective Work discovered after the two-year correction period shall be determined by the Law. If, after the two-year correction period but before the applicable limitation period has expired, Owner discovers any Work which Owner considers Defective Work, Owner shall, unless the Defective Work requires emergency correction, promptly notify Construction Manager and allow Construction Manager an opportunity to correct the Work if Construction Manager elects to do so. If Construction Manager elects to correct the Work it shall provide written notice of such intent within fourteen (14) Days of its receipt of notice from Owner and shall complete the correction of Work within a mutually agreed timeframe. If Construction Manager does not elect to correct the Work, Owner may have the Work corrected by itself or Others, and, if Owner intends to seek recovery of those costs from Construction Manager, Owner shall promptly provide Construction Manager with an accounting of the actual correction costs.

3.11.5 If Construction Manager's correction or removal of Defective Work causes damage to or destroys other completed or partially completed work or existing building, Construction Manager shall be responsible for the cost of correcting the destroyed or damaged property.

3.11.6 The two-year period for correction of Defective Work does not constitute a limitation period with respect to the enforcement of Construction Manager's other obligations under the Contract Documents.

3.11.7 Before final payment, at Owner's option and with Construction Manager's agreement, Owner may elect to accept Defective Work rather than require its removal and correction. In such cases the GMP shall be equitably adjusted for any diminution in the value of the Project caused by such Defective Work.

3.12 CORRECTION OF COVERED WORK

3.12.1 Upon issuance of an Interim Directive, Work that has been covered without a requirement that it be inspected before being covered may be uncovered for Owner's inspection. Owner shall pay for the costs of uncovering and replacement if the Work proves to be in conformance with the Contract Documents, or if the defective condition was caused by Owner or Others. If the uncovered Work proves to be defective, Construction Manager shall pay the costs of uncovering and replacement.

3.12.2 If any Work is covered contrary to requirements in the Contract Documents, Owner may issue an Interim Directive to uncover the Work for Owner's observation and recover the Work all at Construction Manager's expense. In this circumstance the Work shall be replaced at Construction Manager's expense and with no adjustment to the Dates of Substantial or Final Completion.

3.13 SAFETY OF PERSONS AND PROPERTY

3.13.1 SAFETY PROGRAMS Construction Manager holds overall responsibility for safety programs. However, such obligation does not relieve Subcontractors of their safety responsibilities and to comply with the Law. Construction Manager shall prevent against injury, loss, or damage to persons or property by taking reasonable steps to protect: (a) its employees and other persons at the Worksite; (b) materials and equipment stored at onsite or offsite locations for use in performing the



Work; and (c) property located at the Worksite and adjacent to work areas, whether or not the property is part of the Worksite.

3.13.2 CONSTRUCTION MANAGER'S SAFETY REPRESENTATIVE Construction Manager shall designate an individual at the Worksite in its employ as its safety representative. Unless otherwise identified by Construction Manager in writing to Owner, Construction Manager's project superintendent shall serve as its safety representative. Construction Manager shall report promptly in writing all recordable accidents and injuries occurring at the Worksite. When Construction Manager is required to file an accident report with a public authority, Construction Manager shall furnish a copy of the report to Owner.

3.13.3 Construction Manager shall provide Owner with copies of all notices required of Construction Manager by the Law. Construction Manager's safety program shall comply with the requirements of governmental and quasi-governmental authorities having jurisdiction.

Damage or loss not insured under property insurance that may arise from the Work, to the extent caused by negligent or intentionally wrongful acts or omissions of Construction Manager, or anyone for whose acts Construction Manager may be liable, shall be promptly remedied by Construction Manager.

3.13.4 If Owner deems any part of the Work or Worksite unsafe, Owner, without assuming responsibility for Construction Manager's safety program, may require by Interim Directive Construction Manager to stop performance of the Work, take corrective measures satisfactory to Owner, or both. If Construction Manager does not adopt corrective measures, Owner may perform them and deduct their cost from the GMP. Construction Manager agrees to make no claim for damages, or an increase in the GMP, or for a change in the Dates of Substantial or Final Completion based on Construction Manager's compliance with Owner's reasonable request.

3.14 EMERGENCIES In an emergency affecting the safety of persons or property, Construction Manager shall act in a reasonable manner to prevent threatened damage, injury, or loss. If appropriate, an equitable adjustment in GMP or Date of Substantial Completion or Date of Final Completion shall be determined as provided for in ARTICLE 9.

3.15 HAZARDOUS MATERIALS

3.15.1 Construction Manager shall not be obligated to commence or continue Work until any Hazardous Material discovered at the Worksite has been removed, rendered or determined to be harmless by Owner as certified by an independent testing laboratory, and approved by the appropriate governmental agency.

3.15.2 If after commencing the Work, Hazardous Material is discovered at the Worksite, Construction Manager shall be entitled to immediately stop Work in the affected area. Construction Manager shall promptly report the condition to Owner, Design Professional, and, if required, the governmental agency with jurisdiction.

3.15.3 Construction Manager shall not resume nor be required to continue any Work affected by any Hazardous Material without written mutual agreement between the Parties after the Hazardous Material has been removed or rendered harmless and only after approval, if necessary, of the governmental agency with jurisdiction.

3.15.4 Owner shall be responsible for retaining an independent testing laboratory to determine the nature of the material encountered and whether the material requires corrective measures or



remedial action. Such measures shall be the sole responsibility of Owner, and shall be performed in a manner minimizing any adverse effect upon the Work.

3.15.5 If Construction Manager incurs additional costs or is delayed due to the presence or remediation of Hazardous Material, Construction Manager may be entitled to an equitable adjustment in the GMP or the Dates of Substantial or Final Completion in accordance with this Agreement.

3.15.6 To the extent permitted by §6.7 and to the extent not caused by the negligent or intentionally wrongful acts or omissions of Construction Manager, its Subcontractors and Subsubcontractors, and the agents, officers, directors, and employees of each of them, Owner shall defend, indemnify, and hold harmless Construction Manager, its Subcontractors and Subsubcontractors, and the agents, officers, directors, and employees of each of them, from and against all claims, damages, losses, costs, and expenses, including but not limited to reasonable attorneys' fees, costs, and expenses incurred in connection with any dispute resolution procedure arising out of or relating to the performance of the Work in any area affected by Hazardous Material. Nothing contained herein shall waive any governmental immunity the City may be entitled to by law.

3.15.7 MATERIALS BROUGHT TO THE WORKSITE

3.15.7.1 Safety Data Sheets (SDS) as required by law and pertaining to materials or substances used or consumed in the performance of the Work, whether obtained by Construction Manager, Subcontractors, Owner or Others, shall be maintained at the Worksite by Construction Manager and made available to Owner, Subcontractors, and Others.

3.15.7.2 Construction Manager shall be responsible for the proper delivery, handling, application, storage, removal, and disposal of all materials and substances brought to the Worksite by Construction Manager in accordance with the Contract Documents and used or consumed in the performance of the Work. Upon the issuance of the Certificate of Substantial Completion, Owner shall be responsible for materials and substances brought to the Worksite by Construction Manager if such materials or substances are required by the Contract Documents.

3.15.7.3 To the extent permitted under §6.7 and to the extent caused by the negligent or intentionally wrongful acts or omissions of Construction Manager, its agents, officers, directors, and employees, Constructor shall defend, indemnify, and hold harmless Owner, its agents, officers, directors, and employees, from and against claims, damages, losses, costs, and expenses, including but not limited to reasonable attorneys' fees, costs and expenses incurred in connection with any dispute resolution procedure, arising out of or relating to delivery, handling, application, storage, removal, and disposal of all materials and substances brought to the Worksite by Construction Manager

3.15.7.4 §3.15 shall survive the completion of the Work or Agreement termination.

3.16 SUBMITTALS

3.16.1 Construction Manager shall submit to Owner and Design Professional all shop drawings, samples, product data, and similar submittals required by the Contract Documents for review and approval. Submittals shall be submitted in electronic form if required in accordance with §4.6.1. Construction Manager shall be responsible for the accuracy and conformity of its submittals to the Contract Documents. At no additional cost, Construction Manager shall prepare and deliver its submittals in such time and sequence so as not to delay the performance of the Work or the work of Owner and Others. Construction Manager's submittals shall identify in writing for each submittal all



changes, deviations, or substitutions from the requirements of the Contract Documents. The approval of any Construction Manager submittal shall not be deemed to authorize changes, deviations, or substitutions from the requirements of the Contract Documents unless a Change Order or Interim Directive specifically authorizes such deviation, substitution, or change. To the extent a change, deviation, or substitution causes an impact to the Contract Price or Contract Time, such approval shall be memorialized in a Change Order no later than seven (7) Days following approval by Owner. Neither Design Professional nor Owner shall make any change, deviation, or substitution through the submittal process without specifically identifying and authorizing such deviation to Construction Manager. If the Contract Documents do not contain submittal requirements pertaining to the Work, Construction Manager agrees upon request to submit in a timely fashion to Design Professional and Owner for review any shop drawings, samples, product data, manufacturers' literature, or similar submittals as may reasonably be required by Owner.

3.16.2 Owner shall be responsible for review and approval of submittals with reasonable promptness to avoid causing delay.

3.16.3 Construction Manager shall perform all Work strictly in accordance with approved submittals. Approval of shop drawings is not an authorization to perform changed work, unless the procedures of ARTICLE 9 are followed. Approval does not relieve Construction Manager from responsibility for Defective Work resulting from errors or omissions on the approved shop drawings.

3.16.4 Record copies of the following, incorporating field changes and selections made during construction, shall be maintained at the Worksite and available to Owner upon request: drawings, specifications, addenda and other modifications, and required submittals including product data, samples, and shop drawings.

3.16.5 Construction Manager shall prepare and submit to Owner

- X Final marked-up as-built drawings;
- X Updated electronic data, in accordance with §4.6.1;
- X Other documentation required by the Contract Documents that specifies how various elements of the Work were constructed or installed with the supply of operation and maintenance manuals.

3.17 DESIGN DELEGATION If the Contract Documents require Construction Manager to specify that Construction Manager is responsible for the design of a particular system or component to be incorporated into the Project, then Owner shall specify all required performance and design criteria. Construction Manager shall not be responsible for the adequacy of such performance and design criteria. As required by the Law, Construction Manager shall procure design services and certifications necessary to satisfactorily complete the Work from a licensed design professional. The signature and seal of Construction Manager's design professional shall appear on all drawings, calculations, specifications, certifications, shop drawings, and other submittals related to the Work designed or certified by Construction Manager's design professional.

3.18 WORKSITE CONDITIONS

3.18.1 WORKSITE VISIT Construction Manager acknowledges that it has visited, or has had the opportunity to visit, the Worksite to visually inspect the general and local conditions which could affect the Work.

3.18.2 CONCEALED OR UNKNOWN SITE CONDITIONS If a condition encountered at the Worksite is (a) a subsurface or other physical condition materially different from those indicated in the Contract Documents, or (b) an unusual and unknown physical condition materially different from



conditions ordinarily encountered and generally recognized as inherent in Work provided for in the Contract Documents, Construction Manager shall stop affected Work after the condition is first observed and give prompt written notice of the condition to Owner and Design Professional. Owner shall investigate and then issue an Interim Directive specifying the extent to which Owner agrees that a concealed or unknown condition exists and directing how Construction Manager is to proceed. Construction Manager shall not be required to perform any Work relating to the condition without the written mutual agreement of the Parties. Any change in the GMP, estimated Cost of the Work, Construction Manager's Fee, Date of Substantial Completion or Date of Final Completion, and, if appropriate, the Compensation for Preconstruction Services as a result of the condition, including any dispute about its existence or nature shall be determined as provided in ARTICLE 9.

3.19 PERMITS AND TAXES

3.19.1 Construction Manager shall give public authorities all notices required by law and, except for permits and fees that are the responsibility of Owner pursuant to §4.4, shall obtain and pay for all necessary permits, licenses, and renewals pertaining to the Work. Construction Manager shall provide to Owner copies of all notices, permits, licenses, and renewals required under this Agreement.

3.19.2 Construction Manager shall pay applicable taxes for the Work provided by Construction Manager. Construction Manager shall assist in the Owner's application for tax exemption on certain wastewater treatment machinery and equipment as provided for in the Arkansas Gross Receipts Tax Rule GR66(E).

3.19.3 If, in accordance with Owner's direction, Construction Manager claims an exemption for taxes, Owner shall indemnify and hold Construction Manager harmless from any liability, penalty, interest, fine, tax assessment, attorneys' fees, or other expense or cost incurred by Construction Manager as a result of any such claim.

3.20 CUTTING, FITTING, AND PATCHING

3.20.1 Construction Manager shall perform cutting, fitting, and patching necessary to coordinate the various parts of the Work and to prepare its Work for the work of Owner or Others.

3.20.2 Cutting, patching, or altering the work of Owner or Others shall be done with the prior written approval of Owner. Such approval shall not be unreasonably withheld.

3.21 CLEAN UP

3.21.1 Construction Manager shall regularly remove debris and waste materials at the Worksite resulting from the Work. Before discontinuing Work in an area, Construction Manager shall clean the area and remove all rubbish and its construction equipment, tools, machinery, waste, and surplus materials. Construction Manager shall minimize and confine dust and debris resulting from construction activities. At the completion of the Work, Construction Manager shall remove from the Worksite all construction equipment, tools, surplus materials, waste materials, and debris.

3.21.2 If Construction Manager fails to commence compliance with cleanup duties within two (2) Business Days after written notification from Owner of non-compliance, Owner may implement appropriate cleanup measures without further notice and the cost shall be deducted from any amounts due or to become due to Construction Manager in the next payment period.

3.22 ACCESS TO WORK Construction Manager shall facilitate the access of Owner, its Design Professional, and Others to Work in progress.



3.23 COMPLIANCE WITH LAWS Construction Manager shall comply with all the Law at its own cost. Construction Manager shall be liable to Owner for all loss, cost, or expense attributable to any acts or omissions by Construction Manager, its employees, subcontractors, suppliers, and agents for failure to comply with Laws, including fines, penalties, or corrective measures. However, liability under this subsection shall not apply if prior approval by appropriate authorities and Owner is received.

3.23.1 CHANGES IN THE LAW The GMP, estimated Cost of the Work, Construction Manager's Fee, Date of Substantial Completion or Date of Final Completion, and, if appropriate, the Compensation for Preconstruction Services shall be equitably adjusted in accordance with ARTICLE 9 for additional costs or time needed resulting from Laws enacted after the date of this Agreement, including taxes.

3.24 CONFIDENTIALITY Construction Manager shall treat as confidential and not disclose to third persons, nor use for its own benefit ("Treat as Confidential"), any of Owner's confidential information, know-how, discoveries, production methods, and the like disclosed to Construction Manager or which Construction Manager may acquire in performing the Work. To the extent necessary to perform the Work, Construction Manager's confidentiality obligations do not apply to disclosures to Subcontractors, Subsubcontractors, and Suppliers. Owner shall Treat as Confidential information all of Construction Manager's estimating systems and historical and parameter cost data disclosed to Owner in performing the Work. Each Party shall specify and mark confidential items as "Confidential." Confidentiality obligations do not supersede compulsion by Law, a governmental agency or authority, an order of a court of competent jurisdiction, or a validly issued subpoena.

ARTICLE 4 OWNER'S RESPONSIBILITIES

4.1 INFORMATION AND SERVICES Owner's responsibilities under this Article shall be fulfilled with reasonable detail and in a timely manner.

4.2 FINANCIAL INFORMATION Before commencement of the Work and thereafter at the written request of Construction Manager, Owner shall provide Construction Manager with evidence of Project financing. Evidence of such financing shall be a condition precedent to Construction Manager's commencing or continuing the Work. Construction Manager shall be notified before any material change in Project financing.

4.3 WORKSITE INFORMATION To the extent Owner has obtained, or is required to obtain the following Worksite information, then Owner shall provide Constructor the following:

4.3.1 information describing the physical characteristics of the Worksite, including surveys, Worksite evaluations, legal descriptions, data, or drawings depicting existing conditions, subsurface conditions, and environmental studies, reports, and investigations;

4.3.2 tests, inspections, and other reports dealing with environmental matters, Hazardous Material, and other existing conditions, including structural, mechanical, and chemical tests, required by the Contract Documents or Law;

4.3.3 the limits of Pollution Liability Insurance covering the Worksite held by Owner; and

4.3.4 any other information or services requested in writing by Construction Manager which are required for Construction Manager's performance of the Work and under Owner's control.

4.4 BUILDING PERMIT, FEES, AND APPROVALS Except for those permits and fees related to the Work which are the responsibility of Construction Manager pursuant to §3.19.1, Owner shall secure and pay for all other permits, approvals, easements, assessments, and fees required for the development,



construction, use, or occupancy of permanent structures or for permanent changes in existing facilities, including the building permit.

4.5 MECHANICS AND CONSTRUCTION LIEN INFORMATION Within seven (7) Days after receiving Construction Manager's written request, Owner shall provide Construction Manager with the information necessary to give notice of or enforce mechanics lien rights and, where applicable, stop notices. This information shall include Owner's real property interests in the Worksite and the record legal title.

4.6 CONTRACT DOCUMENTS Unless otherwise specified, Owner shall provide a reasonable number of hard copies of the Contract Documents to Construction Manager without cost.

4.6.1 ELECTRONIC DOCUMENTS If Owner requires that Owner, Design Professional, and Construction Manager exchange documents and data in electronic or digital form, before any such exchange, Owner, Design Professional, and Construction Manager shall agree on and follow a written protocol governing all exchanges in ConsensusDocs 200.2 or a separate addendum, which, at a minimum, shall specify: (a) the definition of documents and data to be accepted in electronic or digital form or to be transmitted electronically or digitally; (b) management and coordination responsibilities; (c) necessary equipment, software, and services; (d) acceptable formats, transmission methods, and verification procedures; (e) methods for maintaining version control; (f) privacy and security requirements; and (g) storage and retrieval requirements. Except as otherwise agreed upon by the Parties in writing, each Party shall each bear its own costs as identified in the protocol. In the absence of a written protocol, use of documents and data in electronic or digital form shall be at the sole risk of the recipient.

4.7 OWNER'S REPRESENTATIVE Owner's Representative is Chris Earl. Owner's Representative shall be fully acquainted with the Project, and shall have authority to bind Owner in all matters requiring Owner's approval, authorization, or written notice. If Owner changes its Representative or the Representative's authority, Owner shall immediately notify Construction Manager in writing. It shall be noted that Contracts and any associated change orders or other written agreements meeting certain State and City requirements may require City Council approval and/or the Mayor's signature. Owner's Representative will coordinate such requirements and Construction Manager shall be entitled to rely on the Owner's Representative's representations regarding the same.

4.8 OWNER'S CUTTING AND PATCHING Cutting, patching, or altering the Work by Owner or Others shall be done with the prior written approval of Construction Manager, which approval shall not be unreasonably withheld.

4.9 OWNER'S RIGHT TO CLEAN UP In case of a dispute between Construction Manager and Others with regard to respective responsibilities for cleanup at the Worksite, Owner may implement appropriate cleanup measures after two (2) Business Days' notice and allocate the cost among those responsible during the following pay period.

4.10 COST OF CORRECTING DAMAGED OR DESTROYED WORK With regard to damage or loss attributable to the acts or omissions of Owner or Others and not to Construction Manager, Owner may either (a) promptly remedy the damage or loss and assume affected warranty responsibilities, (b) accept the damage or loss, or (c) issue an Interim Directive or Change Order to remedy the damage or loss. If Construction Manager incurs costs or is delayed due to such loss or damage, Construction Manager may seek an equitable adjustment in the GMP, estimated Cost of the Work, Construction Manager's Fee, Date of Substantial Completion or Date of Final Completion, and, if appropriate, the Compensation for Preconstruction Services under this Agreement.

ARTICLE 5 SUBCONTRACTS



5.1 SUBCONTRACTORS Subcontracts shall be issued on a lump sum basis unless Owner has given prior written approval of a different method of payment to the Subcontractor.

5.2 AWARD OF SUBCONTRACTS AND OTHER CONTRACTS FOR PORTIONS OF THE WORK

5.2.1 Promptly after the execution of this Agreement, Construction Manager shall provide Owner, and, if directed, Design Professional with a written list of the proposed subcontractors and significant Suppliers. If Owner has a reasonable objection to any proposed subcontractor or material supplier, Owner shall notify Construction Manager in writing. Failure to promptly object shall constitute acceptance.

5.2.2 If Owner has reasonably and promptly objected, Construction Manager shall not contract with the proposed Subcontractor or Supplier, and Construction Manager shall propose another acceptable Subcontractor or Supplier to Owner. An appropriate Change Order shall reflect any increase or decrease in the GMP or Dates of Substantial or Final Completion because of the substitution.

5.3 BINDING OF SUBCONTRACTORS AND SUPPLIERS Construction Manager agrees to bind every Subcontractor and Supplier (and require every Subcontractor to so bind its subcontractors and significant suppliers) to the Contract Documents as they apply to the Subcontractor's or Supplier's applicable provisions to that portion of the Work.

5.4 CONTINGENT ASSIGNMENT OF SUBCONTRACTS

5.4.1 If this Agreement is terminated, each subcontract and supply agreement shall be assigned by Construction Manager to Owner, subject to the prior rights of any surety, provided that:

5.4.1.1 this Agreement is terminated by Owner pursuant to §12.4 or §12.5; and

5.4.1.2 Owner accepts such assignment after termination by notifying the Construction Manager and Subcontractor or Construction Manager and Supplier in writing, and assumes all rights and obligations of Construction Manager pursuant to each subcontract or supply agreement.

5.4.2 If Owner accepts such an assignment, and the Work has been suspended for more than thirty (30) consecutive Days, following termination, the Subcontractor's or Supplier's compensation shall be equitably adjusted as a result of the suspension.

ARTICLE 6 TIME

6.1 DATE OF COMMENCEMENT The Date of Commencement is the Agreement date in ARTICLE 1..

6.1.1 SUBSTANTIAL/FINAL COMPLETION Unless the Parties agree otherwise, the Date of Substantial Completion or the Date of Final Completion shall be established in Amendment 1 to this Agreement subject to adjustments as provided for in the Contract Documents. Owner and Construction Manager may agree not to establish such dates, or in the alternative, to establish one but not the other of the two dates. If such dates are not established upon the execution of this Agreement, at such time as GMP is accepted a Date of Substantial Completion or Date of Final Completion of the Work shall be established in Amendment 1. If a GMP is not established and the Parties desire to establish a Date of Substantial Completion or Date of Final Completion, it shall be set forth in Amendment 1. The dates for Substantial and Final Completion are subject to adjustments as provided for in the Contract Documents.

6.1.2 Time is of the essence with regard to the obligations of the Contract Documents.



6.1.3 Unless instructed by Owner in writing, Construction Manager shall not knowingly commence the Work before the effective date of Construction Manager's required insurance.

6.2 SCHEDULE OF THE WORK

6.2.1 Before submitting its first application for payment, Construction Manager shall submit to Owner and, if directed, Design Professional a Schedule of the Work showing the dates on which Construction Manager plans to begin and complete various parts of the Work, including dates on which information and approvals are required from Owner. Except as otherwise directed by Owner, Construction Manager shall comply with the approved Schedule of the Work or Construction Manager. Unless otherwise agreed, the Schedule of the Work shall be formatted in a detailed precedence-style critical path method that (a) provides a graphic representation of all activities and events, including float values that will affect the critical path of the Work, and (b) identifies dates that are critical to ensure timely and orderly completion of the Work. Construction Manager shall update the Schedule of the Work on a monthly basis or as mutually agreed by the Parties.

6.2.2 Owner may determine the sequence in which the Work shall be performed, provided it does not unreasonably interfere with the approved project schedule. Owner may require Construction Manager to make reasonable changes in the sequence at any time during the performance of the Work in order to facilitate the performance of work by Owner or Others. If Construction Manager consequently incurs costs or is delayed, the GMP or the Dates of Substantial or Final Completion, or both, Construction Manager may seek equitable adjustment under ARTICLE 9.

6.3 DELAYS AND EXTENSIONS OF TIME

6.3.1 If Construction Manager is delayed at any time in the commencement or progress of the Work by any cause beyond the control of Construction Manager, Construction Manager shall be entitled to an equitable extension of the Date of Substantial Completion or Date of Final Completion. Examples of causes beyond the control of Construction Manager include, but are not limited to, the following: (a) acts or omissions of Owner, Design Professional, or Others; (b) changes in the Work or the sequencing of the Work ordered by Owner, or arising from decisions of Owner that impact the time of performance of the Work; (c) encountering Hazardous Materials, or concealed or unknown conditions; (d) delay authorized by Owner pending dispute resolution or suspension by Owner under §12.1; (e) transportation delays not reasonably foreseeable; (f) labor disputes not involving Construction Manager; (g) general labor disputes impacting the Project but not specifically related to the Worksite; (h) fire; (i) Terrorism; (j) epidemics; (k) adverse governmental actions; (l) unavoidable accidents or circumstances; (m) adverse weather conditions not reasonably anticipated. Construction Manager shall submit any requests for equitable extensions of Contract Time in accordance with the provisions of ARTICLE 9.

6.3.2 In addition, if Construction Manager incurs additional costs as a result of a delay that is caused by items (a) through (d) immediately above, Construction Manager shall be entitled to an equitable adjustment in the GMP subject to §6.7.

6.3.3 NOTICE OF DELAYS If delays to the Work are encountered for any reason, Construction Manager shall provide prompt written notice to Owner of the cause of such delays after Construction Manager first recognizes the delay. The Parties each agree to take reasonable steps to mitigate the effect of such delays.

6.4 NOTICE OF DELAY CLAIMS If Construction Manager requests an equitable extension of the Contract Time or an equitable adjustment in the Contract Price as a result of a delay described in §6.3, Construction Manager shall give Owner written notice of the claim in accordance with §9.4. If



Construction Manager causes delay in the completion of the Work, Owner shall be entitled to recover its additional costs subject to §6.7. Owner shall process any such claim against Construction Manager in accordance with ARTICLE 9.

6.4.1 Weather Related Events: Calendar day contract time includes delays for normal weather-related events, such as rain, snow, and freezing temperatures that may affect the progress of the construction in the following amounts on a per-month basis as hereinafter set out. Only weather-related delays in excess of these amounts will be considered for time extensions, if requested by the Contractor. Days Included in Contract Times for Normal Weather-Related Events are (on a monthly basis):

<u>Month</u>	<u>Normal Weather-Related Events</u>
<u>January</u>	<u>6</u>
<u>February</u>	<u>5</u>
<u>March</u>	<u>4</u>
<u>April</u>	<u>4</u>
<u>May</u>	<u>4</u>
<u>June</u>	<u>3</u>
<u>July</u>	<u>3</u>
<u>August</u>	<u>3</u>
<u>September</u>	<u>3</u>
<u>October</u>	<u>4</u>
<u>November</u>	<u>3</u>
<u>December</u>	<u>6</u>

"A working day is considered 60% of the contractors work force working at least 50% of the workday."

6.5 MONITORING PROGRESS AND COSTS Following acceptance by Owner of the GMP, Construction Manager shall establish a process for monitoring actual costs against the GMP and actual progress against the Schedule of Work. Construction Manager will provide written reports to Owner at intervals as agreed to by the Parties on the status of the Work, showing variances between actual costs and the GMP and actual progress as compared to the Schedule of Work, including estimates of future costs and recovery programs if actual progress indicates that the Dates of Substantial Completion or Final Completion may not be met.

6.6 LIQUIDATED DAMAGES

6.6.1 SUBSTANTIAL COMPLETION Liquidated damages based on the Substantial Completion date shall apply.

6.6.1.1 Owner will suffer damages which are difficult to determine and accurately specify if the Substantial Completion date, which may be amended by Change Order, is not attained. Construction Manager shall pay Owner two thousand, five hundred dollars (\$2,500) as liquidated damages or the sum of excess contract administration whichever is less and not as a penalty for each Day that Substantial Completion extends beyond the Substantial Completion date. These liquidated damages are in lieu of all liability for all extra costs, losses, expenses, claims, penalties, and any other damages of any nature incurred by Owner resulting from not attaining the Substantial Completion date.

6.6.2 FINAL COMPLETION Liquidated damages based on the Final Completion date shall apply.



6.6.2.1 Owner will suffer damages which are difficult to determine and accurately specify if the Final Completion date, as may be amended by subsequent Change Order, is not attained. Construction Manager shall pay Owner two thousand, five hundred dollars (\$2,500) as liquidated damages or the sum of excess contract administration whichever is less and not as a penalty for each Day that Final Completion extends beyond the Final Completion date. These liquidated damages are in lieu of all liability for any extra costs, losses, expenses, claims, penalties, and any other damages of any nature incurred by Owner resulting from not attaining Final Completion date.

6.6.3 The liquidated damages provision of 6.6.1.1 and 6.6.2.1 shall not be applied simultaneously.

6.7 LIMITED MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES Except for damages mutually agreed upon by the Parties as liquidated damages in §6.6 and excluding losses covered by insurance required by the Contract Documents, the Parties agree to waive all claims against each other for any consequential damages that may arise out of or relate to this Agreement, except for those specific items of damages excluded from this waiver as mutually agreed upon by the Parties and identified below. Owner agrees to waive damages including but not limited to Owner's loss of use of the Project, any rental expenses incurred, loss of income, profit, or financing related to the Project, as well as the loss of business, loss of financing, loss of profits not related to this Project, loss of reputation, or insolvency. Construction Manager agrees to waive damages including but not limited to loss of business, loss of financing, loss of profits not related to this Project, loss of bonding capacity, loss of reputation, or insolvency. The provisions of this section shall also apply to the termination of this Agreement and shall survive such termination.

6.7.1 The Parties shall each require similar waivers in contracts with Subcontractors and Others retained for the Project.

ARTICLE 7 COMPENSATION AND GUARANTEED MAXIMUM PRICE

7.1 Owner shall compensate Construction Manager for Work performed on the following basis:

7.1.1 the Cost of the Work as allowed in ARTICLE 8; and

7.1.2 Construction Manager's Fee paid in proportion to the Work performed subject to adjustment as provided in §7.4.

7.2 The compensation to be paid shall be limited to the GMP established in Amendment 1, as the GMP may be adjusted under ARTICLE 9.

7.2.1 Payment for Work performed shall be as set forth in ARTICLE 10.

7.3 CONSTRUCTION MANAGER'S FEE Construction Manager's Fee shall be as follows, subject to adjustment as provided in §7.4: 5.75% of Cost of Work.

7.4 FEE ADJUSTMENTS:

7.4.1 Changes in the Work as provided in ARTICLE 9, shall adjust Construction Manager's Fee as follows: Per 9.3.1.4 in the case of a substantial reduction in the scope of work the adjustment to the Construction Managers Fee shall result in a zero net change to the projected amount of the Construction Managers Fee presented and executed at the submission of the GMP.



7.4.2 except as provided for in §6.36.3, delays in the Work not caused by Construction Manager shall adjust Construction Manager's Fee to compensate for increased expenses as provided for in ARTICLE 9; and

7.4.3 managing the replacement of an insured or uninsured loss shall increase Construction Manager's fee in the same proportion that Construction Manager's Fee bears to the estimated Cost of the Work for the replacement.

7.5 PRECONSTRUCTION SERVICES COMPENSATION Construction Manager shall be compensated for Preconstruction Services as follows: pursuant to Exhibit A not to exceed \$511,945.00.

ARTICLE 8 COST OF THE WORK

8.1 Owner agrees to pay Construction Manager for the Cost of the Work as defined in this article. This payment shall be in addition to Construction Manager's Fee stipulated in §7.3.

8.2 COST ITEMS

8.2.1 Labor wages directly employed by Construction Manager in performing of the Work.

8.2.2 Salaries of Construction Manager's employees when stationed at the field office, in whatever capacity employed, employees engaged on the road expediting the production or transportation of material and equipment, and employees from the principal or branch office as mutually agreed by the Parties in writing.

8.2.3 Cost of all employee benefits and taxes, including but not limited to, workers' compensation, unemployment compensation, social security, health, welfare, retirement, and other fringe benefits as required by law, labor agreements, or paid under Construction Manager's standard personnel policy, insofar as such costs are paid to employees of Construction Manager who are included in the Cost of the Work pursuant to §8.2.1 and §8.2.2.

8.2.4 Reasonable transportation, travel, hotel, and moving expenses of Construction Manager's personnel incurred in connection with the Work.

8.2.5 Cost of all materials, supplies, and equipment incorporated in the Work, including costs of inspection and testing if not provided by Owner, transportation, storage, and handling.

8.2.6 Payments made by Construction Manager to Subcontractors for work performed under this Agreement.

8.2.7 Cost, including transportation and maintenance of all materials, supplies, equipment, temporary facilities, and hand tools not owned by the workers that are used or consumed in the performance of the Work, less salvage value or residual value; and cost less salvage value on such items used, but not consumed that remain the property of Construction Manager.

8.2.8 Rental charges of all necessary machinery and equipment, exclusive of hand tools owned by workers, used at the Worksite, whether rented from Construction Manager or others, including installation, repair, and replacement, dismantling, removal, maintenance, transportation, and delivery costs. Rental from unrelated third parties shall be reimbursed at actual cost. Rentals from Construction Manager or its affiliates, subsidiaries, or related parties shall be reimbursed at the prevailing rates in the locality of the Worksite up to eighty-five percent (85%) of the value of the piece of equipment.



8.2.9 Cost of the premiums for all insurance and surety bonds which Construction Manager is required to procure or deems necessary, and approved by Owner including any additional premium incurred as a result of any increase in the GMP.

8.2.10 Sales, use, gross receipts, or other taxes, tariffs, or duties related to the Work for which Construction Manager is liable.

8.2.11 Permits, fees, licenses, tests, royalties.

8.2.12 Losses, expenses, or damages to the extent not compensated by insurance or otherwise, and the cost of corrective work during the Construction Phase and for a one-year period following the Date of Substantial Completion, provided that such losses, expenses, damages, or corrective work did not arise from Construction Manager's negligence.

8.2.13 Costs associated with establishing, equipping, operating, maintaining, and demobilizing the field office.

8.2.14 Water, power, and fuel costs necessary for the Work.

8.2.15 Cost of removal of all nonhazardous substances, debris, and waste materials.

8.2.16 Costs incurred due to an emergency affecting the safety of persons or property not due to their own negligence.

8.3 DISCOUNTS All discounts for prompt payment shall accrue to Owner to the extent such payments are made directly by Owner. To the extent payments are made with funds of Construction Manager, all cash discounts shall accrue to Construction Manager. All trade discounts, rebates, and refunds, and all returns from sale of surplus materials and equipment, shall be credited to the Cost of the Work.

ARTICLE 9 CHANGES

Changes in the Work that are within the general scope of this Agreement shall be accomplished, without invalidating this Agreement, by Change Order and Interim Directive.

9.1 CHANGE ORDER

9.1.1 Construction Manager may request or Owner may order changes in the Work or the timing or sequencing of the Work that impacts the GMP or the estimated Cost of the Work, Construction Manager's Fee, Date of Substantial Completion or Date of Final Completion and, if appropriate, the Compensation for Preconstruction Services. All such changes in the Work shall be formalized in a Change Order. Any such requests for changes in the Work shall be processed in accordance with this article.

9.1.2 For changes in the Work, the Parties shall negotiate an equitable adjustment to the GMP or the Date of Substantial Completion or Date of Final Completion in good faith and conclude negotiations as expeditiously as possible. Acceptance of the Change Order and any equitable adjustment in the GMP or Date of Substantial Completion or Date of Final Completion shall not be unreasonably withheld.

9.1.3 NO OBLIGATION TO PERFORM Construction Manager shall not be obligated to perform changes in the Work that impact the GMP or the estimated Cost of the Work, Construction Manager's Fee, Date of Substantial Completion or Date of Final Completion without a Change Order or Interim Directive.



9.2 INTERIM DIRECTIVES

9.2.1 Owner may issue an Interim Directive directing a change in the Work before reaching agreement with Construction Manager on the adjustment, if any, in the GMP, Construction Manager's Fee, Date of Substantial Completion or Date of Final Completion, or directing Construction Manager to perform Work that Owner believes is not a change. If the Parties disagree that the Interim Directed work is within the scope of the Work, Construction Manager shall perform the disputed Work and furnish Owner with an estimate of the costs to perform the disputed work in accordance with Owner's interpretations.

9.2.2 The Parties shall negotiate expeditiously and in good faith for appropriate adjustments, as applicable, to the GMP or the Date of Substantial Completion or Date of Final Completion arising out of an Interim Directive. As the directed Work is performed, Construction Manager shall submit its costs for such Work with its application for payment beginning with the next application for payment within thirty (30) Days of the issuance of the Interim Directive. If there is a dispute as to the cost to Owner, Owner shall pay Construction Manager fifty percent (50%) of its actual (incurred or committed) cost to perform the Work. In such event, the Parties reserve their rights as to the disputed amount, subject to the requirements of ARTICLE 13. Owner's payment does not prejudice its right to be reimbursed should it be determined that the disputed work was within the scope of the Work. Construction Manager's receipt of payment for the disputed work does not prejudice its right to receive full payment for the disputed work should it be determined that the disputed work is not within the scope of the Work. Undisputed amounts may be included in applications for payment and shall be paid by Owner in accordance with this Agreement.

9.2.3 When the Parties agree upon the adjustments in the GMP or the Date of Substantial Completion or Date of Final Completion, for a change in the Work directed by an Interim Directive, such agreement shall be the subject of an appropriate Change Order. The Change Order shall include all outstanding Interim Directives on which the Parties have reached agreement on GMP or the Date of Substantial Completion or Date of Final Completion issued since the last Change Order.

9.3 DETERMINATION OF COST

9.3.1 An increase or decrease in the GMP or the Date of Substantial Completion or Date of Final Completion resulting from a change in the Work shall be determined by one or more of the following methods:

9.3.1.1 unit prices set forth in this Agreement or as subsequently agreed;

9.3.1.2 a mutually accepted, itemized lump sum;

9.3.1.3 Cost of the Work as defined by ARTICLE 8 and determined as a net savings from the change in the work; plus 4% for Overhead and 15% for profit. Construction Manager's Overhead and profit shall be added to any net increase in GMP. No Overhead and profit shall be applied to any net decrease in the GMP that is less than five percent (5%). Overhead and profit shall be applied to any net decrease of the GMP that is ten percent (10%) or more.

9.3.1.4 If there is a net increase in the GMP, Construction Manager's Fee shall be adjusted accordingly. In case of a net decrease in the GMP, Construction Manager's Fee shall not be adjusted unless ten percent (10%) or more of the Project is deleted. Construction Manager shall maintain a documented, itemized accounting evidencing the expenses and savings.



9.3.2 If unit prices are set forth in the Contract Documents or are subsequently agreed to by the Parties, but the character or quantity of such unit items as originally contemplated is so different in a proposed Change Order that the original unit prices will cause substantial inequity to either Party, such unit prices shall be equitably adjusted.

9.3.3 If the Parties disagree as to whether work required by Owner is within the scope of the Work, Construction Manager shall furnish Owner with an estimate of the costs to perform the disputed work in accordance with Owner's interpretations.

9.4 CHANGES NOTICE Except as provided in §6.3.2 and §6.4 for any claim for an increase in the GMP or the Date of Substantial Completion or Date of Final Completion, Construction Manager shall give Owner written notice of the claim within fourteen (14) Days after the occurrence giving rise to the claim or within fourteen (14) Days after Construction Manager first recognizes the condition giving rise to the claim, whichever is later. Owner's failure to so respond shall be deemed a denial of Construction Manager's claim. Except in an emergency, notice shall be given before proceeding with the Work. Thereafter, Construction Manager shall submit written documentation of its claim, including appropriate supporting documentation, within twenty-one (21) Days after giving notice, unless the Parties mutually agree upon a longer period of time. No later than fourteen (14) Days after receipt, Owner shall respond in writing denying or approving the claim. Owner's failure to so respond shall be deemed a denial of the claim. Any change in the GMP or the Date of Substantial Completion or Date of Final Completion resulting from such claim shall be authorized by Change Order.

9.5 INCIDENTAL CHANGES Owner may direct Construction Manager to perform incidental changes in the Work, upon concurrence with Construction Manager that such changes do not involve adjustments in the Contract Price or the Contract Time. Incidental changes shall be consistent with the scope and intent of the Contract Documents. Owner shall initiate an incidental change in the Work by issuing a written order to Construction Manager. Such written notice shall be carried out promptly and is binding on the Parties.

ARTICLE 10 PAYMENT

10.1 SCHEDULE OF VALUES Within twenty-one (21) Days from the date of execution of this Agreement, Construction Manager shall prepare and submit to Owner and Design Professional a schedule of values apportioned to the various divisions or phases of the Work. Each line item contained in the schedule of values shall be assigned a value such that the total of all items shall equal the GMP.

10.2 PROGRESS PAYMENTS

10.2.1 APPLICATIONS Construction Manager shall submit to Owner and, if directed, Design Professional a monthly application for payment no later than the first (1st) Day of the calendar month for the preceding calendar month. Construction Manager's applications for payment shall be itemized and supported by Construction Manager's schedule of values based on a percentage of completion and shall include any other substantiating data as required by this Agreement. Applications for payment shall include payment requests on account of properly authorized Change Orders or Interim Directives. Owner shall pay the amount otherwise due on any payment application, as certified by Design Professional, no later than fifteen (15) Days after accepting such application. Owner may deduct from any progress payment amounts that may be retained pursuant to §10.2.4.

10.2.2 STORED MATERIALS AND EQUIPMENT Unless otherwise provided in the contract documents, applications for payment may include materials and equipment not yet incorporated into the Work but delivered to and suitably stored onsite or offsite including applicable insurance, storage, and costs incurred transporting the materials to an offsite storage facility. Approval of payment applications for stored materials and equipment stored offsite shall be conditioned on a



submission by Construction Manager of bills of sale and proof of required insurance, or such other documentation satisfactory to Owner to establish the proper valuation of the stored materials and equipment, Owner's title to such materials and equipment, and to otherwise protect Owner's interests therein, including transportation to the Worksite.

10.2.3 LIEN WAIVERS AND LIENS

10.2.3.1 PARTIAL LIEN WAIVERS AND AFFIDAVITS If required by Owner, as a prerequisite for payment, Construction Manager shall provide a partial lien and claim waiver in the amount of the application for payment and affidavits from its Subcontractors and Suppliers for the completed Work. Such waivers shall be conditional upon payment. In no event shall Construction Manager be required to sign an unconditional waiver of lien or claim, before receiving payment or in an amount in excess of what it has been paid.

10.2.3.2 RESPONSIBILITY FOR LIENS If Owner has made payments in the time required by this article, Construction Manager shall, within thirty (30) Days after filing, remove any liens filed against the premises or public improvement fund by any party or parties performing labor or services or supplying materials in connection with the Work. If Construction Manager fails to take such action on a lien, Owner may cause the lien to be removed at Construction Manager's expense, including bond costs and reasonable attorneys' fees. This subsection shall not apply if there is a dispute pursuant to ARTICLE 13 relating to the subject matter of the lien.

10.2.4 RETAINAGE From each progress payment made before Substantial Completion, Owner may retain five percent (5%), of the amount otherwise due after deduction of any amounts as provided in §10.3, provided such percentage doesn't exceed the Law. If Owner chooses to use this retainage provision:

10.2.4.1 after the Work is fifty percent (50%) complete, Owner shall withhold no additional retainage and shall pay Construction Manager the full amount due on account of subsequent progress payments;

10.2.4.2 Owner may, in its sole discretion, reduce the amount to be retained at any time;

10.2.4.3 Owner may release retainage on that portion of the Work a Subcontractor has completed in whole or in part, and which Owner has accepted. In lieu of retainage, Construction Manager may furnish a retention bond or other security interest acceptable to Owner, to be held by Owner.

10.3 ADJUSTMENT OF CONSTRUCTION MANAGER'S PAYMENT APPLICATION Owner may adjust or reject a payment application or nullify a previously approved payment application, in whole or in part, as may reasonably be necessary to protect Owner from loss or damage based upon the following, to the extent that Construction Manager is responsible under this Agreement:

10.3.1 Construction Manager's repeated failure to perform the Work as required by the Contract Documents;

10.3.2 except as accepted by the insurer providing builder's risk or other property insurance covering the Project, loss or damage arising out of or relating to this Agreement and caused by Construction Manager to Owner or others to whom Owner may be liable;



10.3.3 Construction Manager's failure to properly pay Subcontractors and Suppliers following receipt of such payment from Owner for that portion of the Work or for supplies, provided that Owner is making payments to Construction Manager in accordance with this Agreement;

10.3.4 rejected or Defective Work not corrected in a timely fashion;

10.3.5 reasonable evidence of delay in performance of the Work such that the Work will not be completed by the Dates of Substantial or Final Completion;

10.3.6 reasonable evidence demonstrating that the unpaid balance of the GMP is insufficient to fund the cost to complete the Work; and

10.3.7 uninsured third-party claims involving Construction Manager or reasonable evidence demonstrating that third-party claims are likely to be filed unless and until Construction Manager furnishes Owner with adequate security in the form of a surety bond, letter of credit, or other collateral or commitment sufficient to discharge such claims if established.

No later than seven (7) Days after receipt of an application for payment, Owner shall give written notice to Construction Manager, at the time of disapproving or nullifying all or part of an application for payment, stating its specific reasons for such disapproval or nullification, and the remedial actions to be taken by Construction Manager in order to receive payment. When the above reasons for disapproving or nullifying an application for payment are removed, payment will be promptly made for the amount previously withheld.

10.4 ACCEPTANCE OF WORK Neither Owner's payment of progress payments nor its partial or full use or occupancy of the Project constitutes acceptance of Work not complying with the Contract Documents.

10.5 PAYMENT DELAY If for any reason not the fault of Construction Manager Construction Manager does not receive a progress payment from Owner within seven (7) Days after the time such payment is due, then Construction Manager, upon giving seven (7) Days' written notice to Owner, and without prejudice to and in addition to any other legal remedies, may stop Work until payment of the full amount owing to Construction Manager has been received, including interest for late payment. If Construction Manager incurs costs or is delayed resulting from shutdown, delay, and start-up, Construction Manager may seek an equitable adjustment in the GMP and Dates of Substantial or Final Completion may be equitably adjusted by a Change Order in accordance with ARTICLE 9.

10.6 SUBSTANTIAL COMPLETION

10.6.1 Construction Manager shall notify Owner and, if directed, Design Professional when it considers Substantial Completion of the Work or a designated portion to have been achieved. Owner, with the assistance of its Design Professional, shall promptly conduct an inspection to determine whether the Work or designated portion can be occupied or used for its intended use by Owner without excessive interference in completing any remaining unfinished Work. If Owner determines that the Work or designated portion has not reached Substantial Completion, Owner, with the assistance of its Design Professional, shall promptly compile a list of items to be completed or corrected so Owner may occupy or use the Work or designated portion for its intended use. Construction Manager shall promptly complete all items on the list.

10.6.2 When Substantial Completion of the Work or a designated portion is achieved, Construction Manager shall prepare a Certificate of Substantial Completion establishing the date of Substantial Completion and the respective responsibilities of each Party for interim items such as security, maintenance, utilities, insurance, and damage to the Work, and fixing the time for completion of all items on the list accompanying the Certificate. The Certificate of Substantial Completion shall be



submitted by Construction Manager to Owner and, if directed, to Design Professional for written acceptance of responsibilities assigned in the Certificate of Substantial Completion.

10.6.3 Unless otherwise provided in the Certificate of Substantial Completion, warranties required by the Contract Documents shall commence on the date of Substantial Completion of the Work or a designated portion.

10.6.4 Upon Owner's written acceptance of the Certificate of Substantial Completion, Owner shall pay to Construction Manager the remaining retainage held by Owner for the Work described in the Certificate of Substantial Completion less a sum equal to one hundred and fifty percent (150%) of the estimated cost of completing or correcting remaining items on that part of the Work, as agreed to by the Parties as necessary to achieve Final Completion. Uncompleted items shall be completed by Construction Manager in a mutually agreed upon timeframe. Owner shall pay Construction Manager monthly the amount retained for unfinished items as each item is completed.

10.7 PARTIAL OCCUPANCY OR USE

10.7.1 Owner may occupy or use completed or partially completed portions of the Work when (a) the portion of the Work is designated in a Certificate of Substantial Completion, (b) appropriate insurer(s) consent to the occupancy or use, and (c) public authorities authorize the occupancy or use. Construction Manager shall not unreasonably withhold consent to partial occupancy or use. Owner shall not unreasonably refuse to accept partial occupancy.

10.8 FINAL COMPLETION AND FINAL PAYMENT

10.8.1 Upon notification from Construction Manager that the Work is complete and ready for final inspection and acceptance, Owner, with the assistance of its Design Professional shall promptly conduct an inspection to determine if the Work has been completed and is acceptable under the Contract Documents.

10.8.2 When the Work is complete, Construction Manager shall prepare for Owner's written acceptance a final application for payment stating that to the best of Construction Manager's knowledge, and based on Owner's inspections, the Work has reached Final Completion in accordance with the Contract Documents.

10.8.3 Final payment of the balance of the GMP shall be made to Construction Manager within twenty (20) Days after Construction Manager has submitted an application for final payment, including submissions required under §10.8.4, and a Certificate of Final Completion has been executed by the Parties.

10.8.4 Final payment shall be due on Construction Manager's submission of the following to Owner:

10.8.4.1 an affidavit declaring any indebtedness connected with the Work, to have been paid, satisfied, or to be paid with the proceeds of final payment, so as not to encumber Owner's property;

10.8.4.2 as-built drawings, manuals, copies of warranties, and all other close-out documents required by the Contract Documents;

10.8.4.3 release of any liens, conditioned on final payment being received;

10.8.4.4 consent of any surety; and



10.8.4.5 any outstanding known and unreported accidents or injuries experienced by Construction Manager or its Subcontractors at the Worksite.

10.8.5 If, after Substantial Completion of the Work, the Final Completion of a portion of the Work is materially delayed through no fault of Construction Manager, Owner shall pay the balance due for any portion of the Work fully completed and accepted. If the remaining contract balance for Work not fully completed and accepted is less than the retained amount before payment, Construction Manager shall submit to Owner and, if directed, Design Professional the written consent of any surety to payment of the balance due for portions of the Work that are fully completed and accepted. Such payment shall not constitute a waiver of claims, but otherwise shall be governed by this §10.8.

10.8.6 OWNER RESERVATION OF CLAIMS Owner's claims not reserved in writing with final payment are waived, except for claims relating to liens or similar encumbrances, warranties, Defective Work, and latent defects.

10.8.7 ACCEPTANCE OF FINAL PAYMENT Unless Construction Manager provides written identification of unsettled claims with an application for final payment, its acceptance of final payment constitutes a waiver of such claims.

10.9 LATE PAYMENT Payments due but unpaid shall bear interest from the date payment is due at the statutory rate at the place of the Project.

ARTICLE 11 INDEMNITY, INSURANCE, AND BONDS

11.1 INDEMNITY

11.1.1 To the fullest extent permitted by law, Construction Manager shall indemnify and hold harmless Owner, Owner's officers, directors, members, consultants, agents, and employees, Design Professional, and Others (the "Indemnitees") from all claims for bodily injury and property damage, other than to the Work itself and other property insured, including reasonable attorneys' fees, costs, and expenses, that may arise from the performance of the Work, but only to the extent caused by the negligent or intentionally wrongful acts or omissions of Construction Manager, Subcontractors, Suppliers, Subsubcontractors, or anyone employed directly or indirectly by any of them or by anyone for whose acts any of them may be liable. Construction Manager shall be entitled to reimbursement of any defense costs paid above Construction Manager's percentage of liability for the underlying claim to the extent provided for by 11.1.2. (11.1.2 has been removed.)

11.1.2 NO LIMITATION ON LIABILITY In any and all claims against the Indemnitees by any employee of Construction Manager, anyone directly or indirectly employed by Construction Manager, or anyone for whose acts Construction Manager may be liable, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for Construction Manager under workers' compensation acts, disability benefit acts, or other employment benefit acts.

11.2 INSURANCE

11.2.1 Before starting the Work and as a condition precedent to payment, Construction Manager shall procure and maintain in force Workers' Compensation Insurance, Employers' Liability Insurance, Business Automobile Liability Insurance, and Commercial General Liability Insurance ("CGL"). The CGL policy shall include coverage for liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, contractual liability, and broad form property damage. Construction Manager shall maintain completed operations liability insurance for one year after Substantial Completion, or as required by



the Contract Documents, whichever is longer. Construction Manager's Employers' Liability, Business Automobile Liability and CGL policies shall be written with at least the following limits of liability:

11.2.1.1 Employers' Liability Insurance

- (a) \$1,000,000 bodily injury by accident per accident.
- (b) \$1,000,000 bodily injury by disease policy limit.
- (c) \$1,000,000 bodily injury by disease per employee

11.2.1.2 Business Automobile Liability Insurance \$1,000,000 per accident.

11.2.1.3 Commercial General Liability Insurance

- (a) \$2,000,000 per occurrence.
- (b) \$4,000,000 general aggregate.
- (c) \$4,000,000 products/completed operations aggregate.
- (d) \$2,000,000 personal and advertising injury limit.

11.2.2 Employers' Liability, Business Automobile Liability, and CGL coverages required under §11.2.1 may be provided by a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess or umbrella liability policies.

11.2.3 Construction Manager shall maintain in effect all insurance coverage required under §11.2.1 with insurance companies lawfully authorized to do business in the jurisdiction in which the Project is located. If Construction Manager fails to obtain or maintain any insurance coverage required under this Agreement, Owner may purchase such coverage and charge the expense to Construction Manager, or terminate this Agreement.

11.2.4 To the extent commercially available to Construction Manager from its current insurance company, insurance policies required under §11.2.1 shall contain a provision that the insurance company or its designee must give Owner written notice transmitted in paper or electronic format: (a) 30 Days before coverage is nonrenewed by the insurance company and (b) within 10 Business Days after cancelation of coverage by the insurance company. Before commencing the Work and upon renewal or replacement of the insurance policies, Construction Manager shall furnish Owner with certificates of insurance until one year after Substantial Completion or longer if required by the Contract Documents. In addition, if any insurance policy required under §11.2.1 is not to be immediately replaced without lapse in coverage when it expires, exhausts its limits, or is to be cancelled, Construction Manager shall give Owner prompt written notice upon actual or constructive knowledge of such condition.

11.3 PROPERTY INSURANCE

11.3.1 Unless otherwise directed in writing by Owner, before starting the Work, Constructor shall obtain and maintain a Builder's Risk Policy upon the entire Project for the full cost of replacement at the time of loss, including existing structures. This insurance shall also (a) name Construction Manager, Subcontractors, Subsubcontractors, and Design Professional as named insureds; (b) be written in such form to cover all risks of physical loss except those specifically excluded by the policy; and (c) insure at least against and not exclude:

- 11.3.1.1 the perils of fire, lightning, explosion, windstorm, hail, smoke, aircraft (except aircraft, including helicopter, operated by or on behalf of Construction Manager) and vehicles, riot and civil commotion, theft, vandalism, malicious mischief, debris removal, flood, earthquake, earth movement, water damage, wind damage, testing if applicable, collapse, however caused;



11.3.1.2 damage resulting from defective design, workmanship, or material;

11.3.1.3 coverage extension for damage to existing buildings, plant, or other structures at the Worksite, when the Project is contained within or attached to such existing buildings, plant or structures. Coverage shall be to the extent loss or damage arises out of Constructor's activities or operations at the Project;

11.3.1.4 equipment breakdown, including mechanical breakdown, electrical injury to electrical devices, explosion of steam equipment, and damage to steam equipment caused by a condition within the equipment;

11.3.1.5 testing coverage for running newly installed machinery and equipment at or beyond the specified limits of their capacity to determine whether they are fit for their intended use; and

11.3.1.6 physical loss resulting from Terrorism.

11.3.2 The Party that is the primary cause of a Builder's Risk Policy claim shall be responsible for any deductible amounts or coinsurance payments. If no Party is the primary cause of a claim, then the Party obtaining and maintaining the Builder's Risk Policy pursuant to §11.3.1 shall be responsible for the deductible amounts or coinsurance payments. This policy shall provide for a waiver of subrogation. This insurance shall remain in effect until final payment has been made or until no person or entity other than Owner has an insurable interest in the property to be covered by this insurance, whichever is sooner. Partial occupancy or use of the Work shall not commence until Owner has secured the consent of the insurance company or companies providing the coverage required in this subsection. Before commencing the Work, Owner shall provide a copy of the property policy or policies obtained in compliance with this §11.3.

11.3.3 If Owner elects to purchase the property insurance required by this Agreement, including all of the coverages and deductibles for the same durations specified in this §11.3, Owner shall give written notice to Construction Manager before the Work is commenced and provide a copy of the property policy or policies obtained in compliance with this §11.3. Owner may then provide insurance to protect its interests and the interests of the Constructor, Subcontractors, Suppliers, and Subsubcontractors. The cost of this insurance shall be paid by Owner in a Change Order. If Owner gives written notice of its intent to purchase property insurance required by this Agreement and fails to purchase or maintain such insurance, Owner shall be responsible for costs reasonably attributed to such failure.

11.3.4 The Parties each waive all rights against each other and their respective employees, agents, contractors, subcontractors, suppliers, subsubcontractors, and design professionals for damages caused by risks covered by the property insurance provided under §11.3.1, except such rights as they may have to the proceeds of the insurance. To the extent of the limits of Construction Manager's Commercial General Liability Insurance specified in §11.2.1, Construction Manager shall indemnify and hold harmless Owner against any and all liability, claims, demands, damages, losses, and expenses, including attorneys' fees, in connection with or arising out of any damage or alleged damage to any of Owner's existing adjacent property that may arise from the performance of the Work, to the extent caused by the negligent or intentionally wrongful acts or omissions of Construction Manager, Subcontractor, Supplier, Subsubcontractor, or anyone employed directly or indirectly by any of them or by anyone for whose acts any of them may be liable.

11.3.5 RISK OF LOSS Except to the extent a loss is covered by applicable insurance, risk of loss from damage to the Work shall be upon the Party obtaining and maintaining the Builder's Risk Policy pursuant to §11.3.1 until the Date of Final Completion.



11.3.6 POLLUTION LIABILITY INSURANCE Constructor ☒ is/ ☐ is not required to maintain pollution liability insurance. Unless indicated affirmatively, the obligation to procure such insurance is not triggered.

11.3.6.1 If applicable: in the following amounts: 1,000,000 per occurrence and shall apply for one year(s) after Final Completion. The policy shall cover Constructor's liability during construction, removal, storage, encapsulation, transport and disposal of hazardous waste and contaminated soil, and asbestos abatement. The policy shall include coverage for on-site and off-site bodily injury and loss of damage to, or loss of use of property, directly or indirectly arising out of the discharge, dispersal, release, or escape of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids or gas, waste materials, or other irritants, contaminants or pollutants into or upon the land, the atmosphere or any water body, whether it be gradual or sudden and accidental. The policy shall not have exclusions for mold or asbestos.

11.4 ADDITIONAL GENERAL LIABILITY COVERAGE Owner ☒ shall/ ☐ shall not require Construction Manager to purchase and maintain additional liability coverage. If required, Construction Manager shall provide:

11.4.1 ☒ Additional Insured. Owner shall be named as an additional insured on Construction Manager's CGL specified, for on-going operations and completed operations, excess/umbrella liability, commercial automobile liability, and any required pollution liability, but only with respect to liability for bodily injury, property damage, or personal and advertising injury to the extent caused by the negligent acts or omissions of Construction Manager, or those acting on Construction Manager's behalf, in the performance of Construction Manager's work for Owner at the Worksite. The insurance of the Construction Manager and its Subcontractors (both primary and excess) shall be primary to any insurance available to the Additional Insureds. Any insurance available to the Additional Insureds shall be excess and non-contributory.

11.4.2 ☐ OCP. Construction Manager shall provide an Owners' and Contractors' Protective Liability Insurance ("OCP") policy with limits equal to the limits on CGL specified, or limits as otherwise required by Owner.

Any documented additional cost in the form of a surcharge associated with procuring the additional liability coverage in accordance with this subsection shall be paid by Owner directly or the costs may be reimbursed by Owner to Construction Manager by increasing the Contract Price to correspond to the actual cost required to purchase and maintain the coverage. Before commencing the Work, Construction Manager shall provide either a copy of the OCP policy, or a certificate and endorsement evidencing that Owner has been named as an additional insured, as applicable.

11.4.3 ROYALTIES, PATENTS, AND COPYRIGHTS Construction Manager shall pay all royalties and license fees which may be due on the inclusion of any patented or copyrighted materials, methods, or systems selected by Construction Manager and incorporated in the Work. Construction Manager shall defend, indemnify, and hold Owner harmless from all suits or claims for infringement of any patent rights or copyrights arising out of such selection. Owner agrees to defend, indemnify, and hold Construction Manager harmless from any suits or claims of infringement of any patent rights or copyrights arising out of any patented or copyrighted materials, methods, or systems specified by Owner or Design Professional.

11.5 BONDS Performance and Payment Bonds are required of Construction Manager. Such bonds shall be issued by a surety admitted in the state in which the Project is located and must be acceptable to



Owner. Owner's acceptance shall not be withheld without a reasonable cause. The penal sum of the bonds shall each be one hundred percent (100%) of the GMP. Construction Manager shall endeavor to keep its surety advised of changes potentially impacting the GMP and Contract Time, though Construction Manager shall require that its surety waives any requirement to be notified of any alteration or extension of time.

11.6 PROFESSIONAL LIABILITY INSURANCE To the extent Construction Manager is required to procure design services in accordance with §3.17, Construction Manager shall require its design professionals to obtain professional liability insurance for claims arising from the negligent performance of professional services under this Agreement, with a company reasonably satisfactory to Owner, including coverage for all professional liability caused by any consultants to Construction Manager's design professional, written for not less than one million dollars (\$1,000,000) per claim and in the aggregate with the deductible not to exceed two million dollars (\$2,000,000). Construction Manager's design professional shall pay the deductible. The Professional Liability Insurance shall contain a retroactive date providing prior acts coverage sufficient to cover all Services performed by the Constructor's design professional for this Project. Coverage shall be continued in effect for one year following Substantial Completion. Constructor's design professional shall pay the self-insured retention and deductible. The combined total deductible and self-insured retention maximum shall be one hundred thousand dollars (\$100,000).

ARTICLE 12 SUSPENSION, NOTICE TO CURE, AND TERMINATION

12.1 SUSPENSION BY OWNER FOR CONVENIENCE

12.1.1 OWNER SUSPENSION Should Owner order Construction Manager in writing to suspend, delay, or interrupt the performance of the Work for the convenience of Owner and not due to any act or omission of Construction Manager or any person or entity for whose acts or omissions Construction Manager may be liable, then Construction Manager shall immediately suspend, delay, or interrupt that portion of the Work for the time period ordered by Owner.

12.1.2 Any action taken by Owner that is permitted by any other provision of the Contract Documents and that results in a suspension of part or all of the Work does not constitute a suspension of Work under this section.

12.2 NOTICE TO CURE A DEFAULT If Construction Manager persistently fails to supply enough properly qualified workers, proper materials, or equipment to maintain the approved Schedule of the Work or fails to make prompt payment to its workers, Subcontractors, or Suppliers, disregards a Law or orders of any public authority having jurisdiction, or is otherwise guilty of a material breach of a provision of this Agreement, Construction Manager may be deemed in default.

12.2.1 After receiving Owner's written notice, if Construction Manager fails within seven (7) Days after receipt of written notice to commence and continue satisfactory correction of such default with diligence and promptness, then Owner shall give Construction Manager a second notice to correct the default within three (3) Business Days after receipt. The second notice to Construction Manager, and if applicable, the surety, may include, that Owner intends to terminate this Agreement for default absent appropriate corrective action.

12.2.2 If Construction Manager fails to promptly commence and continue satisfactory correction of the default following receipt of such second notice, Owner without prejudice to any other rights or remedies may: (a) take possession of the Worksite; (b) complete the Work utilizing reasonable means; (c) withhold payment due to Construction Manager; and (d) as Owner deems necessary, supply workers and materials, equipment, and other facilities for the satisfactory correction of the default, and charge Construction Manager, the costs and expenses, including reasonable Overhead, profit, and attorneys' fees.



12.2.3 In the event of an emergency affecting the safety of persons or property, Owner may immediately commence and continue satisfactory correction of such default without first giving written notice to Construction Manager, but shall give Construction Manager prompt written notice.

12.3 OWNER'S RIGHT TO TERMINATE FOR DEFAULT

12.3.1 Upon expiration of the second notice to cure pursuant to §12.2, and absent appropriate corrective action, Owner may terminate this Agreement by written notice. Termination for default is in addition to any other remedies available to Owner under §12.2. Termination for default is in addition to any other remedies available to Owner under §12.2. If Owner's costs arising out of Construction Manager's failure to cure, including the costs of completing the Work and reasonable attorneys' fees, exceed the unpaid GMP, Construction Manager shall be liable to Owner for such excess costs. If Owner's costs are less than the unpaid GMP, Owner shall pay the difference to Construction Manager. If Owner exercises its rights under this section, upon the request of Construction Manager, Owner shall furnish to Construction Manager a detailed accounting of the costs incurred by Owner.

12.3.2 If Owner or Others perform work under this section, Owner shall have the right to take and use any materials and supplies for which Owner has paid and located at the Worksite for the purpose of completing any remaining Work.

12.3.3 If Construction Manager files a petition under the Bankruptcy Code, this Agreement shall terminate if: (a) Construction Manager or Construction Manager's trustee rejects the Agreement; (b) a default occurred and Construction Manager is unable to give adequate assurance of required performance; (c) Construction Manager is otherwise unable to comply with the requirements for assuming this Agreement under the applicable provisions of the Bankruptcy Code.

12.3.4 Owner shall make reasonable efforts to mitigate damages arising from Construction Manager's default, and shall promptly invoice Construction Manager for all amounts due pursuant to §12.2 and §12.3.

12.4 TERMINATION BY OWNER FOR CONVENIENCE

12.4.1 Upon Constructor's receipt of written notice from Owner, Owner may, without cause, terminate this Agreement. Construction Manager shall immediately stop the Work, follow Owner's instructions regarding shutdown and termination procedures, and strive to minimize any further costs.

12.4.2 If Owner terminates this Agreement for convenience, Construction Manager shall be paid (a) for the Work performed to date including Overhead and profit; (b) for all demobilization costs and costs incurred resulting from termination, but not including Overhead or profit on Work not performed.

12.4.3 If Owner terminates this Agreement, Construction Manager shall:

12.4.3.1 execute and deliver to Owner all papers and take all action required to assign, transfer, and vest in Owner the rights of Construction Manager to all materials, supplies, and equipment for which payment has been or will be made in accordance with the Contract Documents and all subcontracts, orders, and commitments which have been made in accordance with the Contract Documents;

12.4.3.2 exert reasonable effort to reduce to a minimum Owner's liability for subcontracts, orders, and commitments that have not been fulfilled at the time of the termination;



12.4.3.3 cancel any subcontracts, orders, and commitments as Owner directs; and

12.4.3.4 sell at prices approved by Owner any materials, supplies, and equipment as Owner directs, with all proceeds paid or credited to Owner.

12.5 CONSTRUCTION MANAGER'S RIGHT TO TERMINATE

12.5.1 Seven (7) Days after Owner's receipt of written notice from Owner, Construction Manager may terminate this Agreement if the Work has been stopped for a thirty (30) Day period through no fault of Construction Manager for any of the following reasons:

12.5.1.1 under court order or order of other governmental authorities having jurisdiction;

12.5.1.2 as a result of the declaration of a national emergency or other governmental act during which, through no act or fault of Construction Manager, materials are not available; or

12.5.1.3 suspension by Owner for convenience pursuant to §12.1.

12.5.2 In addition, upon seven (7) Days' written notice to Owner and an opportunity to cure within three (3) Days, Construction Manager may terminate this Agreement if Owner:

12.5.2.1 fails to furnish reasonable evidence pursuant to §4.2 that sufficient funds are available and committed for Project financing, or

12.5.2.2 assigns this Agreement over Construction Manager's reasonable objection, or

12.5.2.3 fails to pay Construction Manager in accordance with this Agreement and Construction Manager has stopped Work in compliance with §10.5, or

12.5.2.4 otherwise materially breaches this Agreement.

Upon termination by Construction Manager in accordance with this section, Construction Manager shall be entitled to recover from Owner payment for all Work executed including de-mobilization from the site.

12.6 OBLIGATIONS ARISING BEFORE TERMINATION Even after termination, the provisions of this Agreement still apply to any Work performed, payments made, events occurring, costs charged or incurred, or obligations arising before the termination date.

ARTICLE 13 DISPUTE MITIGATION AND RESOLUTION

13.1 WORK CONTINUANCE AND PAYMENT Unless otherwise agreed in writing, Construction Manager shall continue the Work and maintain the Schedule of the Work during any dispute mitigation or resolution proceedings. If Construction Manager continues to perform, Owner shall continue to make payments in accordance with this Agreement.

13.2 DIRECT DISCUSSIONS If the Parties cannot reach resolution on a matter relating to or arising out of this Agreement, the Parties shall endeavor to reach resolution through good faith direct discussions between the Parties' representatives, who shall possess the necessary authority to resolve such matter and who shall record the date of first discussions. If the Parties' representatives are not able to resolve such matter within five (5) Business Days from the date of first discussion, the Parties' representatives



shall immediately inform senior executives of the Parties in writing that a resolution could not be reached. Upon receipt of such notice, the senior executives of the Parties shall meet within five (5) Business Days to endeavor to reach resolution. If the dispute remains unresolved after fifteen (15) Days from the date of first discussion, the Parties shall submit such matter to the dispute mitigation and dispute resolution procedures selected below.

13.3 MEDIATION If direct discussions pursuant to §13.2 do not result in resolution of the matter and no dispute mitigation procedure is selected under (13.3 Removed), the Parties shall endeavor to resolve the matter by mediation through the current Construction Industry Mediation Rules of the American Arbitration Association, or the Parties may mutually agree to select another set of mediation rules. The administration of the mediation shall be as mutually agreed by the Parties. The mediation shall be convened within thirty (30) Days of the matter first being discussed and shall conclude within forty-five (45) Business Days of the matter first being discussed. Either Party may terminate the mediation at any time after the first session by written notice to the non-terminating Party and mediator. The costs of the mediation shall be shared equally by the Parties.

13.4 BINDING DISPUTE RESOLUTION If the matter is unresolved after submission of the matter to a mitigation procedure or to mediation, the Parties shall submit the matter to the binding dispute resolution procedure selected below:

Litigation in either the state or federal court having jurisdiction of the matter in the location of the Project.

13.5 COSTS The costs of any binding dispute resolution procedures and reasonable attorneys' fees shall be borne by the non-prevailing Party, as determined by the adjudicator of the dispute.

13.6 VENUE To the extent permitted by Law, the venue of any binding dispute resolution procedure shall be the location of the Project.

13.7 MULTIPARTY PROCEEDING All parties necessary to resolve a matter agree to be parties to the same dispute resolution proceeding, if possible. Appropriate provisions shall be included in all other contracts relating to the Work to provide for the joinder or consolidation of such dispute resolution procedures.

13.8 LIEN RIGHTS Nothing in this article shall limit any rights or remedies not expressly waived by Construction Manager which Construction Manager may have under lien laws.

ARTICLE 14 MISCELLANEOUS

14.1 EXTENT OF AGREEMENT Except as expressly provided, this Agreement is for the exclusive benefit of the Parties, and not the benefit of any third party. This Agreement represents the entire and integrated agreement between the Parties, and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement and each and every provision is for the exclusive benefit of the Parties and not for the benefit of any third party.

14.2 ASSIGNMENT Except as to the assignment of proceeds, neither Party shall assign their interest in this Agreement without the written consent of the other Party. The terms and conditions of this Agreement shall be binding upon both Parties, their partners, successors, assigns, and legal representatives. Neither Party shall assign the Agreement as a whole without written consent of the other except that Owner may assign the Agreement to a wholly owned subsidiary of Owner when Owner has fully indemnified Construction Manager or to an institutional lender providing construction financing for the Project as long



as the assignment is no less favorable to Construction Manager than this Agreement. If such assignment occurs, Construction Manager shall execute any consent reasonably required. In such event, the wholly owned subsidiary or lender shall assume Owner's rights and obligations under the Contract Documents. If either Party attempts to make such an assignment, that Party shall nevertheless remain legally responsible for all obligations under this Agreement, unless otherwise agreed by the other Party.

14.3 GOVERNING LAW The law in effect at the location of the Project shall govern this Agreement.

14.4 SEVERABILITY The partial or complete invalidity of any one or more provisions of this Agreement shall not affect the validity or continuing force and effect of any other provision.

14.5 NOTICE Unless changed in writing, a Party's address indicated in Article 1 shall be used when delivering notice to a physical address. Except for Agreement termination and as otherwise specified in the Contract Documents, notice is effective upon transmission by any effective means, including U.S. postal service and overnight delivery service.

14.6 NO WAIVER OF PERFORMANCE Either Party's failure to insist upon any of its rights, in any one or more instances, on the performance of any of the terms, covenants, or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, condition, or right with respect to further performance or any other term, covenant, condition, or right.

14.7 TITLES The titles given to the articles are for ease of reference only and shall not be relied upon or cited for any other purpose.

14.8 JOINT DRAFTING The Parties expressly agree that this Agreement was jointly drafted, and that both had opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing its terms before execution. Therefore, this Agreement shall be construed neither against nor in favor of either Party, but shall be construed in a neutral manner.

ARTICLE 15 CONTRACT DOCUMENTS

15.1 EXISTING CONTRACT DOCUMENTS The Contract Documents in existence at the time of execution of this Agreement are as follows:

- a. Drawings: N/A
- b. Specifications: N/A
- c. Addenda: N/A
- d. Owner Provided information: N/A
- e. Other: N/A

15.2 INTERPRETATION OF CONTRACT DOCUMENTS

15.2.1 The drawings and specifications are complementary. If Work is shown only on one but not on the other, Construction Manager shall perform the Work as though fully described on both.

15.2.2 In case of conflicts between the drawings and specifications, the specifications shall govern. In any case of omissions or errors in figures, drawings, or specifications, Construction Manager shall immediately submit the matter to Owner for clarification. Subject to an equitable adjustment in the GMP, Dates of Substantial or Final Completion pursuant to ARTICLE 9 or a dispute mitigation and resolution, Owner's clarifications are final and binding.

15.2.3 Where figures are given, they shall be preferred to scaled dimensions.



15.2.4 Unless otherwise specifically defined in this Agreement, any terms that have well-known technical or trade meanings shall be interpreted in accordance with their well-known meanings.

15.2.5 ORDER OF PRECEDENCE In case of any inconsistency, conflict, or ambiguity among the Contract Documents, the documents shall govern in the following order: (a) Change Orders and written amendments to this Agreement; (b) the Agreement; (c) subject to §15.2.2 the drawings, specifications, and addenda issued before the execution of this Agreement; (d) approved submittals; (e) information furnished by Owner pursuant to §3.15.4 or designated as a Contract Document in §15.1; (f) other Contract Documents listed in this Agreement.

OWNER: City of Bentonville

BY: _____ NAME: Stephanie Orman

TITLE: Mayor

WITNESS: _____ NAME: Malorie Marrs

TITLE: City Clerk



heavy Contractors Inc.

NAME: Mark Sell TITLE: Executive Chairman of the Board

WITNESS: _____ NAME: Holly Rhodes TITLE: Secretary

END OF DOCUMENT.



CROSSLAND

HEAVY CONTRACTORS

501 S. East Ave, P.O. Box 350
Columbus, KS 66725
Tel: 620.429.1410
Fax: 620.429.2977

May 1st, 2024

City of Bentonville
Bentonville WRRF
Attn: Mr. Mike Bender

Ref.: City of Bentonville WRRF Improvements Project

Mr. Bender,

Crossland Heavy Contractors (CHC) is pleased to present to you our fee proposal for the City of Bentonville, WRRF Improvements Project Construction Management (CM) Services. CHC is presenting the requested construction management fee as a percentage of cost of work and pre-construction fee as a not to exceed lump sum with respective billing milestones.

Target Pricing/GMP – Design Development (60-90%)

- Cost Model Development
- Work/Structure Area Roll Ups
- Costing by individual activity item (description)
- Activity item to include a unique item ID, Cost Type Origin, CSI Division, Bid Package Designation, Quantity, Unit of Measure, Unit & Extended Price, & Contingency

CPM Schedule:

CHC will provide a Level 4 CPM schedule for the project in Primavera 6 with critical sequencing and milestones. The Critical Path Method (CPM) schedule will be developed at 60% design, updated at the 90% design milestones, and once again prior to submitting the GMP.

Constructability Review & Value Analysis:

CHC has included in the cost for staffing in review of sequencing and constructability. When applicable CHC will provide value analysis in coordination with the Designer of Record.

RFP/Bidding Documents Development

CHC will develop bidding documents specific to the project design and scope which includes the RFP front end, bid forms, methods of measurement and supporting documentation.

Bidding Phase Management

CHC will manage the bidding phase of the project adhering to Arkansas Procurement Laws. This will incorporate a bidder's interest campaign, bidding platform setup, hosting pre-bid meetings, addenda management, descoping, bid tab creation and owner review.

Construction Manager Pre-Construction Services Phase 1 Scope (Further Defined)

Design Review & Target Pricing Development (60-90% Design)

- Cost Model Creation
- Design & Constructability Review
- Construction Cost Estimating – Pipe Type Comparison
- Construction Cost Estimating – Target Price
- Internal Costing Review
- Owner Costing Review
- Development of CMP Schedule

Design Review & Target Pricing Development (90% Design Cost Model Update for GMP#1)

- Cost Model Modifications
- Design & Constructability Review

- Construction Cost Estimating
- Internal Costing Review
- Owner Costing Review
- CMP Schedule Update

RFP/Bidding Documents Development

- RFP Front End
- Bid Form Creation
- Methods of Measurement

Bidding Phase Management

- Bidder Interest Campaign
- Bidding Platform Setup
- Pre-Bid Meeting
- Subcontractor Bidding Assistance
- Addenda Management
- Bid Tab Development and Review
- Descoping

GMP Development (2ea GMP's)

- CPM Schedule Update
- Development of Assumption and Clarifications
- Finalize General Conditions (Staffing and Project Requirements)
- Finalize Scoping Documents
- Final Costing Update and Review

Fee Table & Billing Schedule @ Phase Completion

CMAR SERVICES			
Pre-Construction Services (Billing Milestones)	Total Hours (including subconsultants)	Indirect Expenses	Total Costs
1. Design Rev. & Target Pricing Dev. (60%)	1757	\$ 3,500.00	\$ 181,225.00
2. Design Rev. & Target Pricing Dev. (90%)	1474	\$ 3,500.00	\$ 148,760.00
3. RFP Development	288	\$ -	\$ 31,320.00
4. Bidding Phase Management	988	\$ 300.00	\$ 106,540.00
5. GMP Development	402	\$ -	\$ 44,100.00
6. CHC Vac Truck Services (Hourly Rate)	0	\$ 225.00	\$ -
Total Pre-Construction Services	4909		\$ 511,945.00
Construction Managers (CM) Fee	5.75% (of cost of work)		
Notes/Clarifications:			
- CHC Vac Truck services are available by the hour as needed during the project duration.			
- The indirect expense for bid software and advertisements includes the cost for utilizing CIVCAST USA for bid management.			
- The indirect expense of \$3,500 at the 60% & 90% design intervals are intended for Agtek (Earthwork) services.			

Please feel free to call or email with questions or concerns regarding this proposal.

Ryan Adler
 Director of Pre-Construction Services
radler@heavycontractors.com
 479.721.5082

PROJECT: City of Bentonville Wastewater Treatment Facility			ROLE		DESIGN REVIEW & TARGET PRICING DEVELOPMENT (60% Design)										DESIGN REVIEW & TARGET PRICING DEVELOPMENT (90% Design)										RFP DEVELOPMENT					BIDDING PHASE MANAGEMENT										GMP DEVELOPMENT																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															

Exhibit B

Exhibit B - Allowable use of CMAR Contingency

It shall be presumed that in no event will a change order be approved or will the Contingency included in the Guaranteed Maximum Price be used for those circumstances or conditions marked "NEITHER" in the chart below except as indicated therein, it being understood that deviation from the foregoing presumption may benefit the Project as the circumstances warrant but only if agreed to by the Owner and Construction Manager.

CIRCUMSTANCE OR CONDITION		CHANGE ORDER	CONTINGENCY	NEITHER
1	Correction of non-conforming work by a subcontractor except where approved by Owner unless installing contractor is terminated- then contingency can be used.			X
2	Repair of damages to the work caused by a subcontractor except where approved by Owner same as above.			X
3	Removal and relocation of incorrectly placed work by a subcontractor same as above.			X
4	Correction of non-conforming work, repair of damages, or removal and replacement of defective or incorrectly placed work self- performed by Construction Manager's own forces.			X
5	Removal, relocation, and/or rerouting of work required as a result of a conflict in the location.		X	
6	An omission on the plans. (i.e. the mechanical plans show a piece of equipment requiring power but the electrical drawings don't show a circuit to the equipment)	X		
7	Construction Manager's failure to include an item of work or task in the GMP as defined by the Contract Documents associated with the GMP.			X
8	Cost of overtime to keep on schedule except where approved by Owner.			X
9	Cost for expediting the delivery of materials, equipment, or replacement parts except where approved by Owner or permitted by other provisions herein.			X
10	Cost of Construction Manager's supervision of subcontractors working extended hours or multiple shifts except where approved by Owner or permitted by other provisions herein.			X
11	Reasonable cost of power or other utility services to portions of the work installed by Owner or during Owner's setup of furniture and furnishings prior to substantial completion of the work.		X	

CIRCUMSTANCE OR CONDITION		CHANGE ORDER	CONTINGENCY	NEITHER
12	Reasonable costs associated with scope and or phasing coordination issues between trades.		X	
13	Uncovering of unknown buried conditions.	X		
14	A change of material or upgrade of material quality requested by the Owner shall be considered a change order to Owner.	X		
15	Cost to correct or modify work required by the building inspector where work is not installed according to the Contract Documents.			X
16	Costs associated with improper design coordination across disciplines.	X		

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH CROSSLAND HEAVY CONTRACTORS, INC., IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED ELEVEN THOUSAND NINE HUNDRED FORTY-FIVE DOLLARS (\$511,945.00); AMENDING THE 2024 BUDGET TO APPROPRIATE THE SAME INTO ACCOUNT #503030-47210, PLANTS & BUILDING; AND FOR OTHER PURPOSES.

WHEREAS, request to enter into a professional services agreement with Crossland Heavy Contractors, Inc. as Construction Manager at Risk for pre-construction services associated with the Water Resource Recovery Facility Improvements Project;

WHEREAS, the City of Bentonville selected this firm following the City's standard RFQ solicitation and selection process for the procurement of professional services in accordance with state law; and

WHEREAS, a budget adjustment is needed for this agreement.

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

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with Crossland Heavy Contractors, Inc., in an amount not to exceed five hundred eleven thousand nine hundred forty-five dollars (\$511,945.00), for professional services associated with the Water Resource Recovery Facility Improvements Project;

Section 2: The 2024 Budget is adjusted to appropriate five hundred eleven thousand nine hundred forty-five dollars (\$511,945.00) from Utility fund, into Account #503030-47210, Plants & Building, to fund said agreement;

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 Provisions: 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.

PASSED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	5/14/2024	Submitted By:	Patrick Johndrow
Phone:	479-271-6781	For Department(s):	Finance
Email:	pjohndrow@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	Public Hearing to Authorize the Issuance of 2024 Bonds
Action Recommendation & Justification:	Public hearing authorizing the issuance of a revenue bond in the amount of \$97,759,381 for the purpose of financing capital improvements to the downtown wastewater facility and the sale of the bond to the Arkansas Development Finance Authority as part of the State Clean Water Revolving Loan Fund Program. An ordinance will be forthcoming at a future meeting.
Additional Comments for Consideration (Optional):	Interest only will be paid during the construction period. Thereafter, principal and interest will be paid in amortized installments over an approximately 20 year period. The effective interest rate is 1.75%. The bond is secured by a pledge of water, sewer, and electric revenues.
Amount for Approval:	\$ 97,759,381

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

	Property Line Adjustment - Lot 1 of Isom Addition
	509 Northwest D Street
	PC Date: 5/7/2024

Staff Report Details	
Project Number	PLA24-0006
Applicant / Current Owner	
Site Area	+/- [0.72] Acres
Current Zoning	
Requested Zoning	
Current Future Land Use Map Designation	
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	

Property Description
Lot 1 of Isom Addition, Edward and Sharon Isom, 509 Northwest D Street, R-1, Low-Density Single-Family Residential, PLA24-0006 A property line adjustment creating Lot 1 of Isom Addition. Per the requirements of the current Master Street Plan, the plat dedicates additional right-of-way along Northwest D Street. The plat also dedicates a 15' wide utility easement the length of the property parallel to Northwest D Street.

Project Details

Relationship to the General Plan / Projected Traffic Impact

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers**Conclusion****Additional Details**



Pending PC Items

PHILLIPS
VALLEY
ADDITION

2

Isom
Addition
Lot 1

1

2

SILVER LEAF
ADDITION

4

5

HOOK ST

NW D ST

NW 6TH ST

DEMINGS 2ND
ADDITION

24

25

8

11

26

NW 5TH ST

5TH N DICKSON

SUBDIVISION PILGRIM NAZARENE
CHURCH

DEMINGS ADDITION

15

16

5



PLA24-0006
Creating Lot 1 Isom Addition
509 NW D Street



CERTIFICATE OF OWNERSHIP

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, easements, etc. as shown on said plat.

Date of Execution: _____

Signed: _____
Edward Isom

Print Name: _____

Signed: _____
Sharon Isom

Print Name: _____

Source of Title: Quit Claim Deed - Book 719 - Page 216

NOTARY

STATE OF: _____

COUNTY OF: _____

SUBSCRIBED AND SWORN BEFORE ME THIS _____

DAY OF _____, 2024

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

CERTIFICATE OF APPROVAL

Pursuant to the Bentonville Land Development Code and all other conditions and approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of the said rules and regulations.

Date of Execution: _____

Signed: _____
Bentonville Planning Commission Chairman

Signed: _____
Mayor City of Bentonville

Signed: _____
City Clerk, City of Bentonville

CERTIFICATE OF SURVEYING ACCURACY

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: _____

Signed: _____
Registered Land Surveyor
No. _____
State of Arkansas

**TOTAL ACREAGE: 0.72 ACRE
(31,382.86 SQ.FT.)**

SURVEYOR'S NOTE: This property does not lie within the 100-Year Flood Zone, according to the Flood Map for Benton County, Arkansas Community Panel No. 05007C0090J Dated: September 28, 2007.

SURVEYOR'S NOTE: This survey was conducted under the supervision of Clovis W. Satterfield, No. 0147, Ricky Hill, No. 1443, or Jacob Long, No. 1915, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718, Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy. 71 North, P.O. Box 640, Alma, AR 72921.

Satterfield Land Surveyors P.A., Copyright 2024

This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement. After filing with State Surveyor's office, survey becomes public record.

PROPERTY DESCRIPTION

PARCEL #01-00477-000

Parent Tract 1

Part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 30, Township 20 North, Range 30 West, Benton County, Arkansas being more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of the Southwest Quarter. Thence along the East line of the Southwest Quarter, North 01 degrees 50 minutes 24 seconds East, 2,471.64 feet. Thence leaving the East line of the Northeast Quarter of the Southwest Quarter, North 87 degrees 12 minutes 08 seconds West, 15.82 feet to a set rebar with cap. Thence North 01 degrees 45 minutes 18 seconds East, 118.69 feet to the Point of Beginning. Thence North 85 degrees 57 minutes 48 seconds West, 161.34 feet to an existing rebar. Thence North 01 degrees 27 minutes 28 seconds East, 74.24 feet to a set rebar with cap. Thence South 86 degrees 14 minutes 18 seconds East, 161.70 feet to an existing rebar. Thence South 01 degrees 45 minutes 18 seconds West, 75.00 feet to the Point of Beginning, containing 0.28 of an acre and subject to Road Rights of Way and any Easements of Record.

PARCEL #01-00478-000

Parent Tract 2

Part of the Northeast Quarter of the Southwest Quarter of Section 30, Township 20 North, Range 30 West, Benton County, Arkansas being more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of the Southwest Quarter. Thence along the East line of the Southwest Quarter, North 01 degrees 50 minutes 24 seconds East, 2,471.64 feet. Thence leaving the East line of the Northeast Quarter of the Southwest Quarter, North 87 degrees 12 minutes 08 seconds West, 15.82 feet to a set rebar with cap and the Point of Beginning. Thence continuing, North 87 degrees 12 minutes 08 seconds West, 160.00 feet to a set rebar with cap on the East right of way line of Hook Street. Thence along said right of way line, North 01 degrees 10 minutes 25 seconds East, 122.21 feet to an existing rebar. Thence leaving said right of way line, South 85 degrees 57 minutes 48 seconds East, 161.34 feet. Thence South 01 degrees 45 minutes 18 seconds West, 118.69 feet to the Point of Beginning, containing 0.44 of an acre and subject to Road Rights of Way and any Easements of Record.

Lot 1

Part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 30, Township 20 North, Range 30 West, Benton County, Arkansas being more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of the Southwest Quarter. Thence along the East line of the Southwest Quarter, North 01 degrees 50 minutes 24 seconds East, 2,471.64 feet. Thence leaving the East line of the Northeast Quarter of the Southwest Quarter, North 87 degrees 12 minutes 08 seconds West, 21.82 feet to a set rebar with cap and the Point of Beginning. Thence continuing, North 87 degrees 12 minutes 08 seconds West, 154.00 feet to a set rebar with cap on the East right of way line of Hook Street. Thence along said right of way line, North 01 degrees 10 minutes 25 seconds East, 122.21 feet to an existing rebar. Thence leaving said right of way line, North 01 degrees 27 minutes 28 seconds East, 74.24 feet to a set rebar with cap. Thence South 86 degrees 14 minutes 18 seconds East, 155.70 feet to a set rebar with cap. Thence South 01 degrees 45 minutes 18 seconds West, 193.79 feet to the Point of Beginning, containing 0.69 of an acre and subject to Road Rights of Way and any Easements of Record.

RIGHT OF WAY DEDICATION

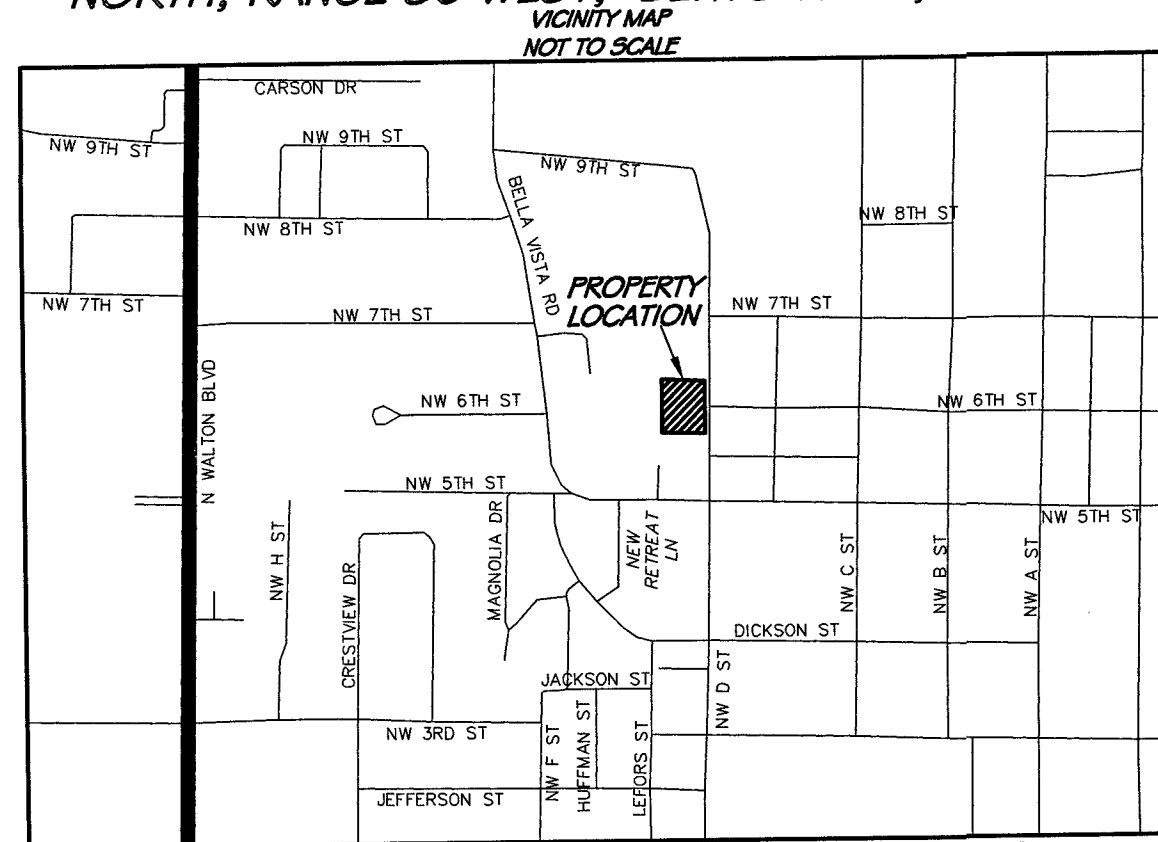
A 6.00 foot Right of Way Dedication in part of the Northeast Quarter of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 30, Township 20 North, Range 30 West, Benton County, Arkansas being more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of the Southwest Quarter. Thence along the East line of the Southwest Quarter, North 01 degrees 50 minutes 24 seconds East, 2,471.64 feet. Thence leaving the East line of the Northeast Quarter of the Southwest Quarter, North 87 degrees 12 minutes 08 seconds West, 15.82 feet to a set rebar with cap and the Point of Beginning. Thence continuing, North 87 degrees 12 minutes 08 seconds West, 6.00 feet to a set rebar with cap on the West right of way line of NW "D" Street. Thence along said right of way line the following bearings and distances: North 01 degrees 45 minutes 18 seconds East, 193.79 feet to a set rebar with cap. South 86 degrees 14 minutes 18 seconds East, 6.00 feet to an existing rebar. Thence South 01 degrees 45 minutes 18 seconds West, 193.69 feet to the Point of Beginning, containing 0.03 of an acre and subject to any Easements of Record.

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. No title search was done and record ownership, Rights of Way of road and Easements to and across this property must be confirmed by others. The Buyer or Owner of this property should satisfy themselves as to the correct owner through a title search or review by an attorney.

ISOM ADDITION - LOT 1

BEING A LOT SPLIT OF PREVIOUSLY UNPLATTED LAND CREATING NEW LOT 1 OF ISOM ADDITION, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER & PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 30, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTONVILLE, BENTON COUNTY, ARKANSAS



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF PREVIOUSLY
UNPLATTED LAND CREATING NEW LOT 1 OF ISOM ADDITION TO THE CITY OF
BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: PLA24-0006)**

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of PREVIOUSLY UNPLATTED LAND creating new LOT 1 OF ISOM ADDITION to the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on May 7, 2024;

WHEREAS, said property line adjustment is attached hereto as Exhibit “A”;

WHEREAS, the Bentonville Planning Commission considered said property line adjustment on the date stated and at other times, and voted to recommend the approval of said property line adjustment to the City Council; and

WHEREAS, the property line adjustment of real property as described herein has been submitted to the City Council for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion that said property line adjustment should be approved.

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

Section 1: That the property line adjustment of PREVIOUSLY UNPLATTED LAND creating new LOT 1 OF ISOM ADDITION to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment;

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 AND APPROVED this _____ day of _____, 2024.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Malorie Marrs, City Clerk



Haney Enterprises, LLC

841, 843, 855, & 857 Northwest 14th Street

PC Date: 5/7/2024

Staff Report Details

Project Number	RZ24-0017
Applicant / Current Owner	Johnny Haney/Haney Enterprises, LLC
Site Area	+/- 0.97 Acres
Current Zoning	C-2, General Commercial
Requested Zoning	R-2, Medium Density Two Family and Townhome Residential
Current Future Land Use Map Designation	Low Density Residential (LDR)
Requested Future Land Use Map Designation	Medium Density Residential (MDR)
Development Type / Use	Medium Density Multifamily Housing (Townhomes)
Related projects	N/A

Property Description

The subject property is located at 841, 843, 855, and 857 Northwest 14th Street, abutting Walton. The property is presently zoned C-2, General Commercial, with a land use designation of Low Density Residential (LDR). The property has direct access to both Northwest 14th Street and North Walton Boulevard. Surrounding zoning districts include C-2, General Commercial to the North with a Wal-Mart Neighborhood Market, West with existing commercial development, and South with Habitat for Humanity, and R-1, Low Density Single Family Residential to the East and Northeast, and R-2, Medium Density Two Family and Townhomes to the Southeast constructed by the same owner.

Project Details

The applicant has requested a rezoning of the property from C-2, General Commercial to R-2, Medium Density Two Family and Townhome Residential, with an accompanying land use amendment request from Low Density Residential (LDR) to Medium Density Residential (MDR). The applicant states in their narrative that they plan to create townhomes on the property.

Relationship to the General Plan / Projected Traffic Impact

The property is presently designated as Low Density Residential (LDR). Additionally, the blocks on the east, southeast, and northeast are classified as Low Density Residential (LDR). The blocks to the north, west, and south are designated as General Commercial.

Medium-density residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

Low-density residential areas include detached single-family residential properties with a typical density of 3-8 units per acre. While lot size and overall density may vary from one part of the city to another, these areas represent the predominant form of residential development in Bentonville. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

This zoning request is not consistent with the Future Land Use Map, recommending Low Density Residential for land use and R-1, Low Density Single Family Residential or PRD, Planned Residential Development for zoning. However, this location is within Priority Area 2 of the Community Plan which calls for infill growth supporting the development of vacant properties already served by infrastructure within the context of existing development.

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

The subject property is located within a mix of Low Density Residential (LDR) and Medium Density Residential (MDR) designations. Moreover, the land use and zoning requests support the goals of the Bentonville Community Plan, Priority Area 2 Infill in accommodating a growing population and increased demand for housing.

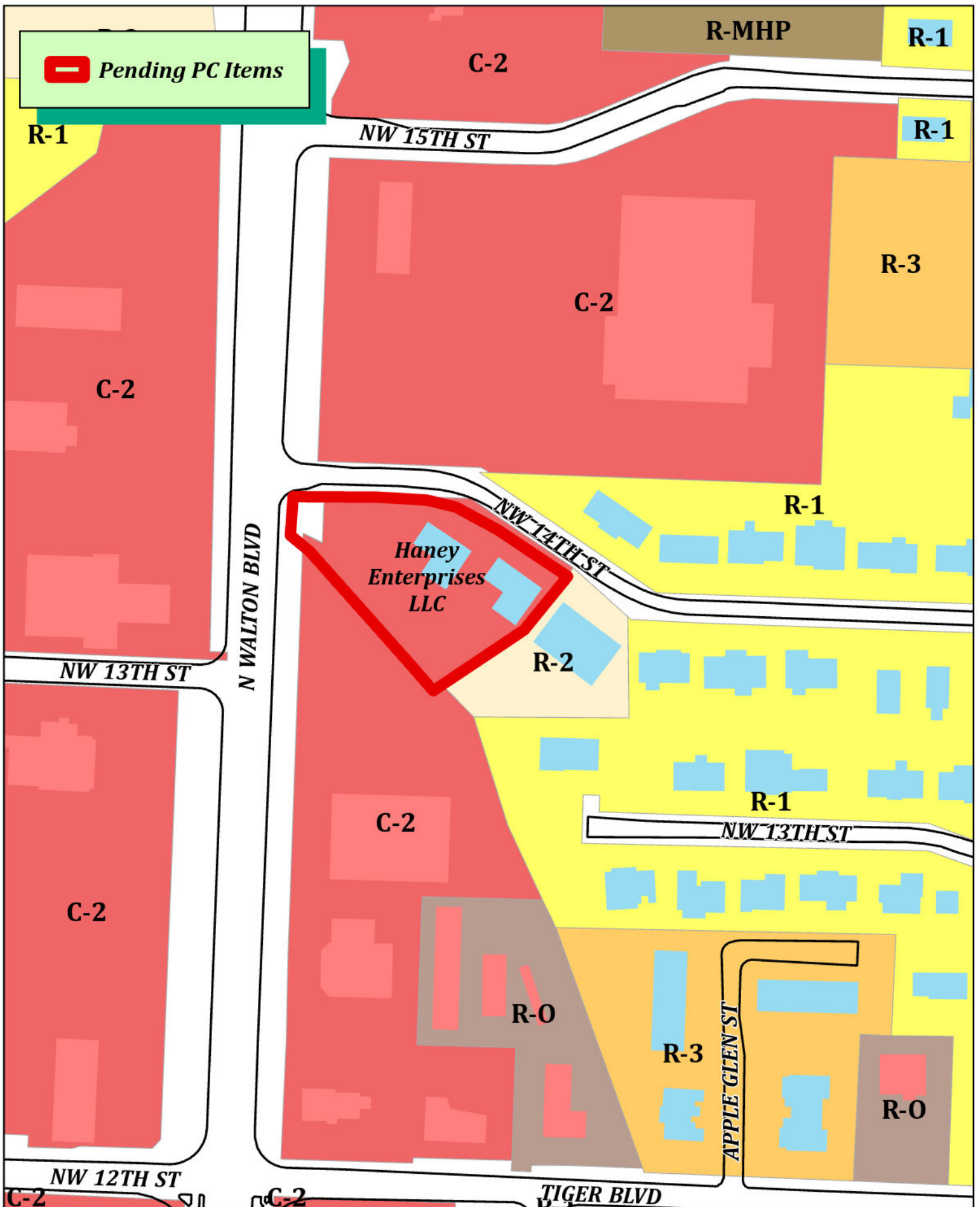
Similarly, this property lies within a mix of zoning districts. C-2, General Commercial is to the north, west, and south, whereas R-1, Low Density Single Family Residential is to the east and northeast and R-2, Medium Density Two Family and Townhome Residential is to the southeast.

From a built environment lens, this street constitutes a mix of residential and commercial unit types: single-family homes, townhomes, and commercial development. All public utilities exist and currently service this site.

Conclusion

Given this property's location within a mix of land uses, zoning districts, and building types, as well as the Community Plan's call for this area to support a growing population and increased housing demand, staff recommends approval of this request.

Additional Details



Rezone Narrative

Lots 1 and 2 of Northwoods Addition, Bentonville, Arkansas

Parcel # 01-03496-000 - 855/857 NW 14th Street

Parcel # 01-03497-000 – 841/843 NW 14th Street

Current Zoning: C-2, General Commercial

Proposed Zoning: R-2, Medium Density Two Family and Townhome

Current Land Use Classification: Commercial

Proposed Land Use Classification: Medium-Density Residential

Owner: Haney Enterprises, LLC

Reason for rezone and land use amendment: To create medium density multi-family units.

How will property relate to surrounding properties:

North C-2:

Property borders NW 14th Street with a Wal-Mart Neighborhood Market on the north side of 14th Street and one single-family residence between the Market and 14th Street

West C-2:

Property West of Walton Blvd is existing Commercial development

South C-2:

Property south is Habitat for Humanity and NWA Restore it

East R-2:

Property was rezoned from R-1 to R-2 in 2022 for the same owner to create the 4-plex townhomes that are under construction

Proposed Use: Medium Density Multifamily Housing (Townhomes)

Traffic: The current city infrastructure is adequate to accommodate the use. No significant impact is expected to traffic.

Signage: No signs are proposed, any future signage to comply with city ordinances and regulations.

Appearance: Townhome style units with architectural design per City of Bentonville Development codes.

Water and Sewer Availability: 6" Water line along NW 14th Street and a 6" Sewer line to the North in NW 14th St. and an 8" Sewer along the south side of the property in the natural ravine.

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM LOW-DENSITY RESIDENTIAL TO MEDIUM-
DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ24-0017)**

WHEREAS, HANEY ENTERPRISES, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of LOW-DENSITY RESIDENTIAL and to MEDIUM-DENSITY RESIDENTIAL, which property is described as follows:

LOTS 1 AND 2 OF NORTHWOODS ADDITION TO THE CITY OF BENTONVILLE AS
SHOWN IN PLAT RECORD W-165;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held May 7, 2024 at the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the property be changed.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF
BENTONVILLE, ARKANSAS:**

Section 1: That the above described real property is hereby changed from its present land use classification of LOW-DENSITY RESIDENTIAL to MEDIUM-DENSITY RESIDENTIAL on the City of Bentonville Future Land Use Map;

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 Provisions: 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.

PASSED AND APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF C-2, GENERAL
COMMERCIAL TO R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME
RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ24-0017)**

WHEREAS, HANEY ENTERPRISES, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of C-2, GENERAL COMMERCIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOTS 1 AND 2 OF NORTHWOODS ADDITION TO THE CITY OF BENTONVILLE AS SHOWN IN
PLAT RECORD W-165;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held May 7, 2024 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of C-2, GENERAL COMMERCIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of C-2, GENERAL COMMERCIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - 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 3 - 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 AND APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk



Lanterns on 4th

Southeast 4th Street

PC Date: 5/7/2024

Staff Report Details

Project Number	PUD23-0001
Applicant / Current Owner	Modus Studio/Market District II LLC
Site Area	+/- 1.38 Acres
Current Zoning	Planned Unit Development (PUD)
Requested Zoning	Planned Unit Development (PUD)
Current Future Land Use Map Designation	High Density Residential (HDR)
Requested Future Land Use Map Designation	
Development Type / Use	Mixed-use
Related projects	LSD24-0013, PLA23-0023

Property Description

This project, "Lanterns on 4th", is located on Southeast 4th Street, just west of Southeast J Street. The property is currently zoned R-1, Low-Density Single-Family Residential and has a Land Use designation of Low Density Residential (LDR). Adjacent zoning designations include DN-3, Downtown High Density Residential to the West and North, and R-1, Low-Density Single-Family Residential to the North, East, and South. The property has direct access to Southeast 4th Street.

Applicant's Proposed Changes since the 12/5/23 PC Meeting

The revised project removes the top floor of the building, lowering the height from 6 stories, or 75 feet, to 5 stories, or 62 feet. The unit mix was changed to preserve the number of units approved in the previous plan. Studios were bumped up from 35% to 58% of the total units, while 1-bed was dropped from 40% to 25%, and 2-bed dropped from 25% to 17%.

The total open space provided decreased as well from 0.4 acres, or 28% of the area of the site down to 0.34 acres, or 25% of the area of the site. This still exceeds the minimum required for a PUD of 20%. The open space located on the east side of the structure was originally located on the third floor and has been shifted down to the second floor, accounting for some of the change in the street side design. Further minor adjustments to the facade can be noted in the elevations and renderings.

Project Details

The amended Planned Unit Development consists of 156 multi-family units, of which 58% are studio, 25% are 1-bed, and 17% are 2-bed. Additional commercial space will be incorporated on the ground floor. The narrative states this space would be limited to office, retail, food & beverage, and general commercial uses, including sale of beer, light wine, and spirits. Elevated courtyards are proposed to serve the minimum 20% open space requirement. The total open space provided is .34 acres or 25%. The applicant states these will be ADA accessible and will be open to customers and tenants 24/7.

The applicant is proposing 144 parking spaces, some compact, as shown in the exhibit, at a ratio of 0.92 parking spaces per unit. In addition, 1 secured bicycle parking space will be provided per unit. Parking will be provided both on-street and below the structure. The applicant asserts, based on previous development in Bentonville including the G at Market development just west of this proposal, that this parking ratio will be sufficient for a multi-use project in Downtown Bentonville. The applicant is providing a higher ratio of parking than at G at Market.

One structure is proposed on this site, and the applicant states that they will follow all LSD design requirements. Setbacks are proposed at a 0' front, 10' side, and 10' rear. The building is proposed to be 62 feet high, a total of 5 stories. The principal materials include brick, wood rainscreen, architectural metal panel, fiber cement panel, and concrete. Screening is proposed on the North and East sides of the site.

Relationship to the General Plan / Projected Traffic Impact

The Future Land Use Plan depicts this area as Low Density Residential (LDR). The applicant has requested a land use of High Density Residential (HDR). While this land use amendment is not consistent with the alignment policy, it is compatible with the existing land uses of the neighborhood and the proposed development is similar in scale and use to G at Market which holds the HDR land use as well. The proposed development meets several intents of Priority Area 1: Downtown Intensification including providing multi-family and mixed-use housing that allows developers to offset high property costs through market-driven means, providing a variety of housing options to allow people to live close to jobs and commerce, and capitalizing on existing physical infrastructure.

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

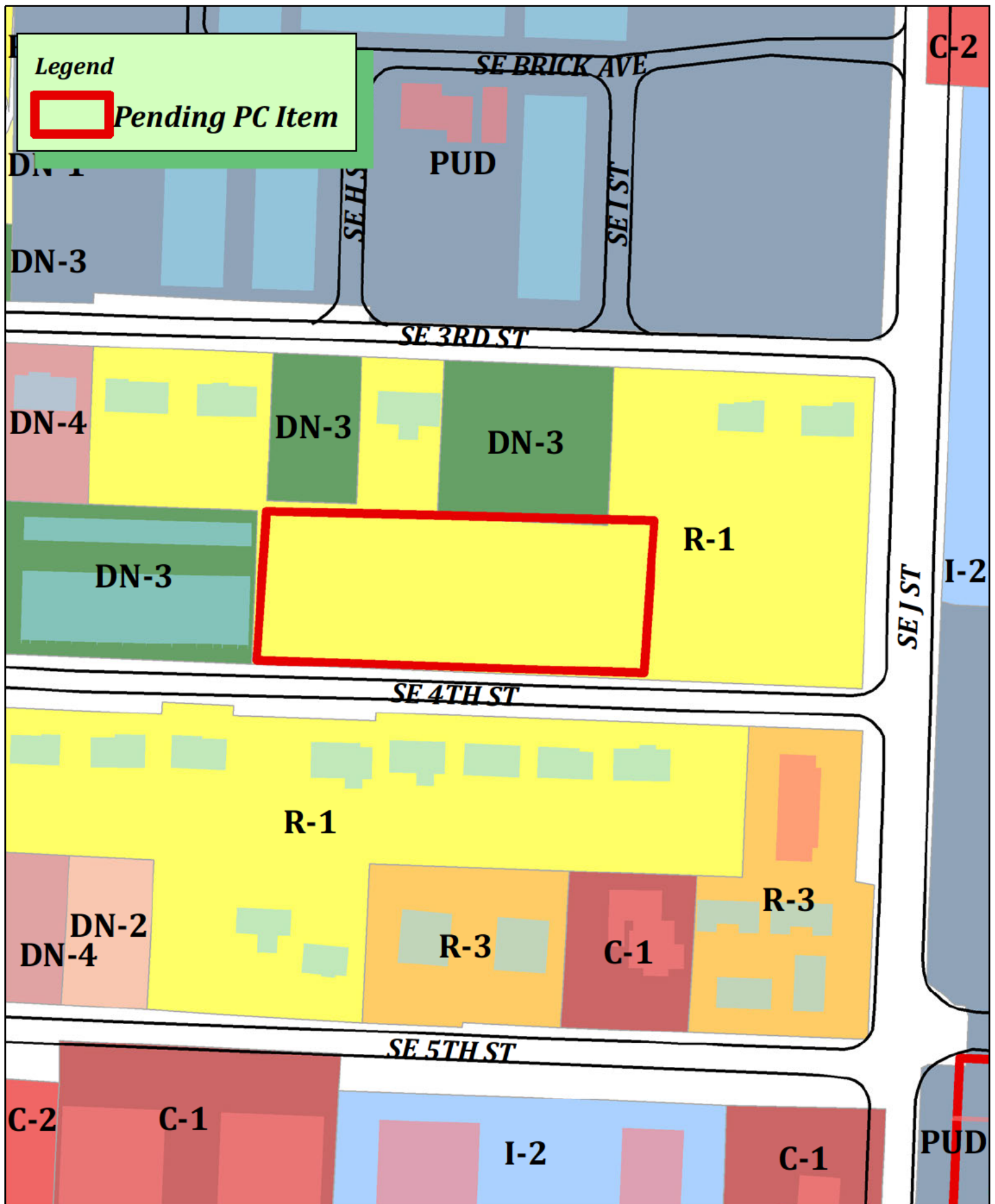
Analysis / Waivers

There is a conflict with the landscaping screen and the utilities along the north side of the property. The developer is seeking a waiver of the landscape screen.

Conclusion

Given the ways in which this proposal has been modified to remove the top story and the way it meets the intents of the Comprehensive Plan, coupled with the proximity of this development to jobs, commerce, and recreation, staff recommends approval of this amended PUD.

Additional Details



PUD SUBMISSION #4

November 27, 2023

PUD23-0001

Developer:
Randall Hinton Development
Bill Butler bill@randallhintondev.com

Architect:
modus studio
Chris Baribeau, AIA chris@modusstudio.com
Kiara Gilmore, AIA kiara@modusstudio.com

Civil Engineer + Landscape Architect:
Ecological Design Group
Brahm Driver, PE bdriver@ecologicaldg.com
Tanner Weeks tweeks@ecologicaldg.com



NARRATIVE

1
Planned Unit Development Intent.

This project seeks to address the ongoing housing crisis in Northwest Arkansas by occupying a formerly suburban, but increasingly urban infill site in a swiftly transitioning neighborhood near the new Walmart Headquarters. The Planned Unit Development approach allows stakeholders to understand the intent, qualities, and merits of the proposed project.

The PUD encompasses a 1.38 acre site that is bound by SE 4th Street along the southern edge. There has been ample transition along this corridor into appropriate housing typologies for increased density in a very walkable and bikable area of Bentonville. This will be the third development along 4th Street by Randall Hinton Development with G at Market completed last year and Downtown Haven currently under construction to the west.

The amenities are burgeoning and people need quality housing to call home. This project will provide new options within the context of Bentonville and the greater Northwest Arkansas community.

2
Description of Land Uses.

This PUD includes the following mixed-use allocations:

Neighborhood Commercial.
Approximately 5,000 square feet located along SE 4th Street will be allocated for office, retail, food + beverage or other general commercial uses including the packaged sale of beer, light wine and/or spirits. We envision a restaurant with a bar or a neighborhood bodega in this space.

Housing.
Approximately **156** units of new multifamily housing, with the following mix:

studio units: **35%**
1 bedroom units: **40%**
2 bedroom units: **25%**

Parking.
The project will be properly parked with a combination of street parking and structured parking within a podium at ground level. Angled street parking will be provided for shared commercial and residential uses. Ample covered parking and secured storage for bicycles will also be provided for both customers and tenants within this highly walkable and bikable area. One covered and secured bike storage space will be provided per unit.

Elevated Courtyards.
Elevated courtyards will be provided to meet exceeded minimum open space requirements. Secure 24 hour keycard access will be provided for customers and tenants. Elevated courtyards will be ADA accessible and will meet all applicable code requirements.

3
Structural Design.

This project will consist of 5 stories of wood framed structure for the housing units built on top of a concrete podium that will contain the screened parking, entry lobby, and the Neighborhood Commercial retail space.

4
Development Criteria.

The proposed project seeks to adhere to all materiality and articulation requirements of the city design and approval process and will be confirmed through the LSD process.

The entire project will be constructed in one phase.

The project will include a sewer capacity study to be submitted as part of the LSD process.

A preliminary Traffic Impact Report will be conducted prior to completion of the PUD phase of the project.

PUD Summary.

SITE.	
Site Area:	1.38 acres
Open Space Required:	.28 acres 20%
Open Space Provided:	.40 acres 28%
Setbacks:	
Front:	0'
Side:	10'
Rear:	10'
Building height:	75'*

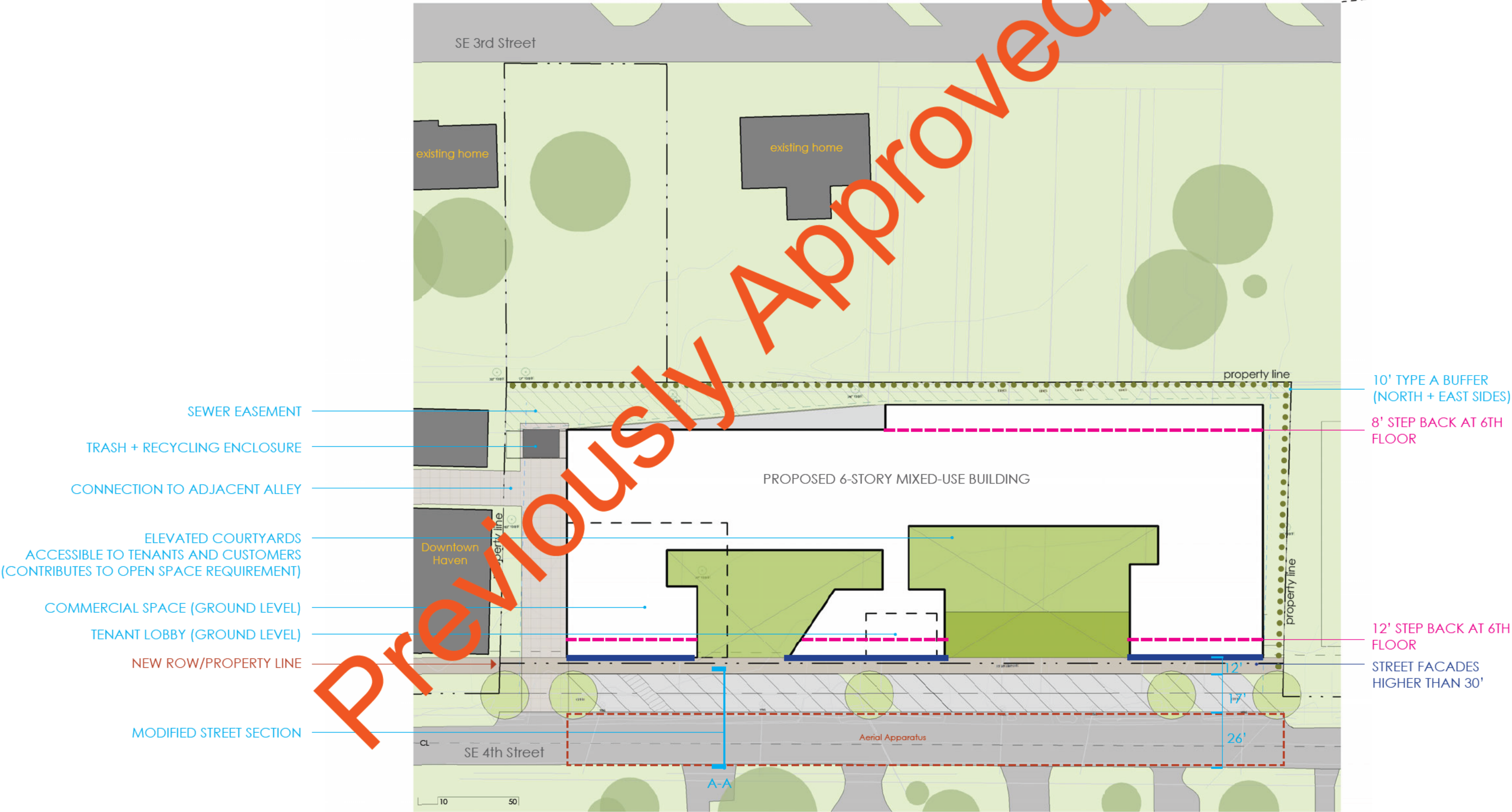
- 12' step back on south elevation at 6th floor
- 8' step back on north elevation at 6th floor

*elevator bulkhead, mechanical screens and other code required items may add to building height as the design progresses.

BUILDING.	
Neighborhood Commercial:	5,250 SF +/-
Amenities + Housing:	155,300 SF +/-
Units:	156
Density:	113
Parking:	
Total Spaces:	144
Parking Ratio:	.92
Secured bike storage:	1 per unit

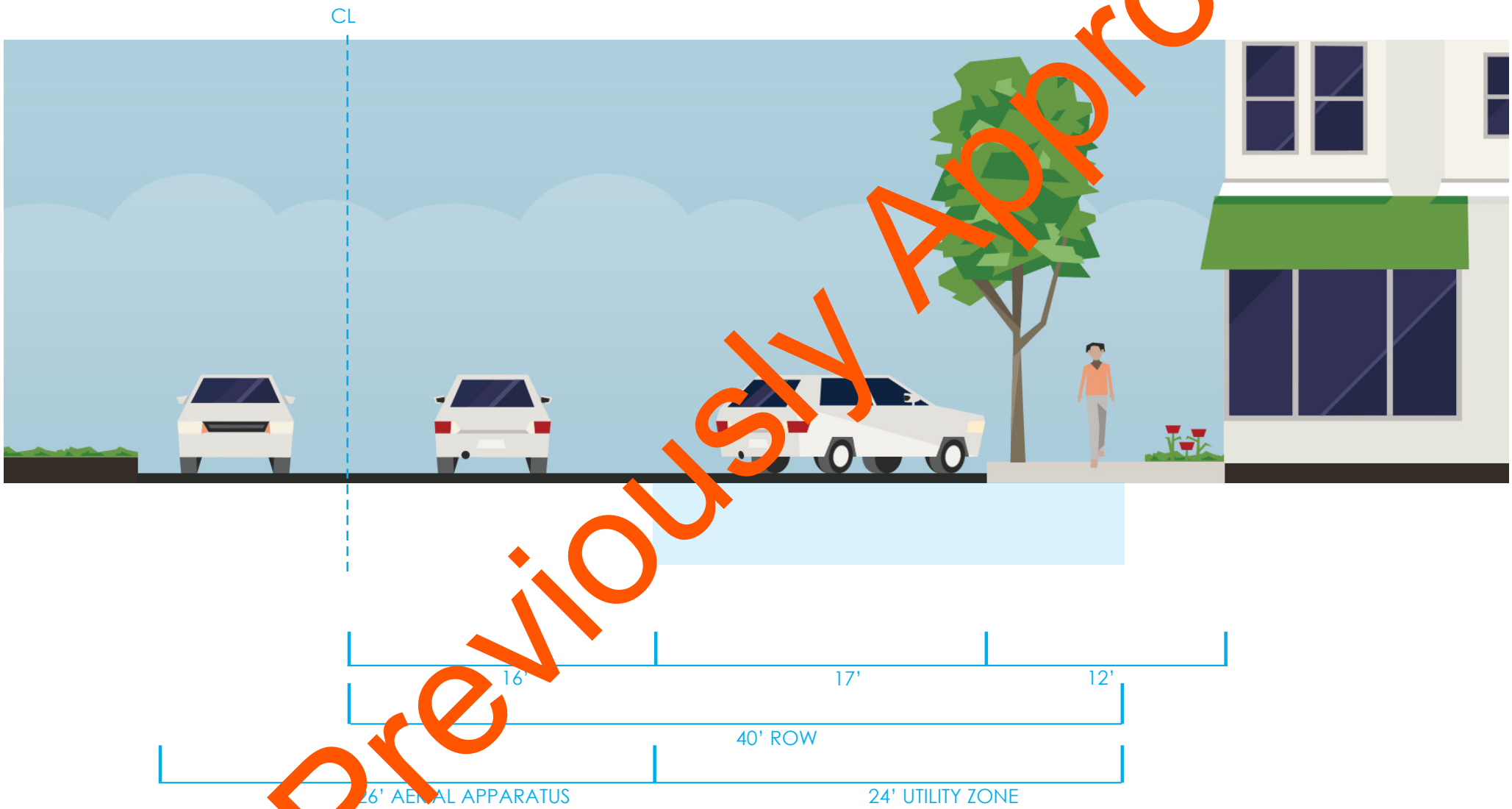
PLAN SET

concept plan



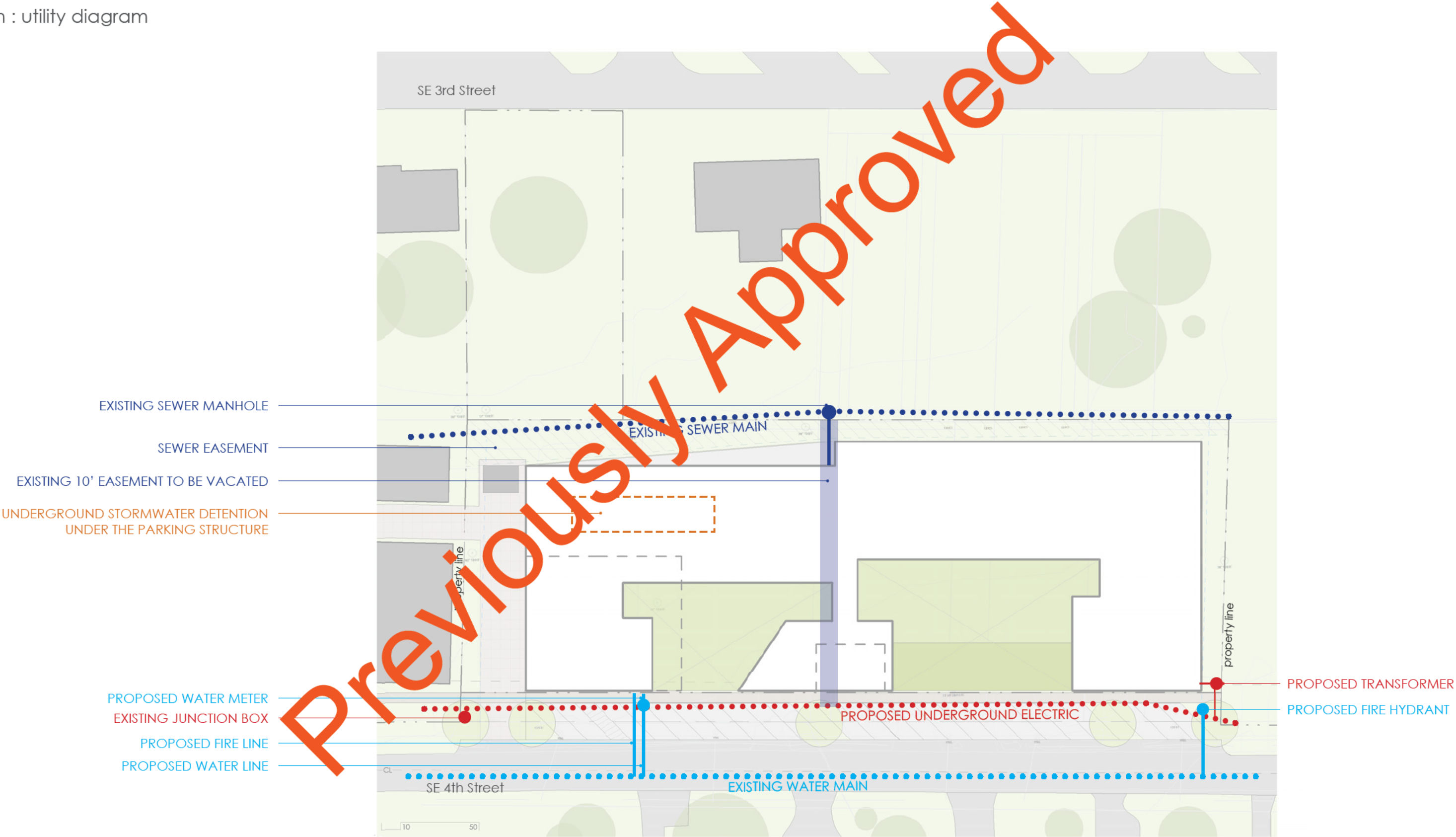
PLAN SET

modified street section A-A



PLAN SET

concept plan : utility diagram



PLAN SET

concept plan : fire access

Construction Type.

Podium:

Residential Floors:

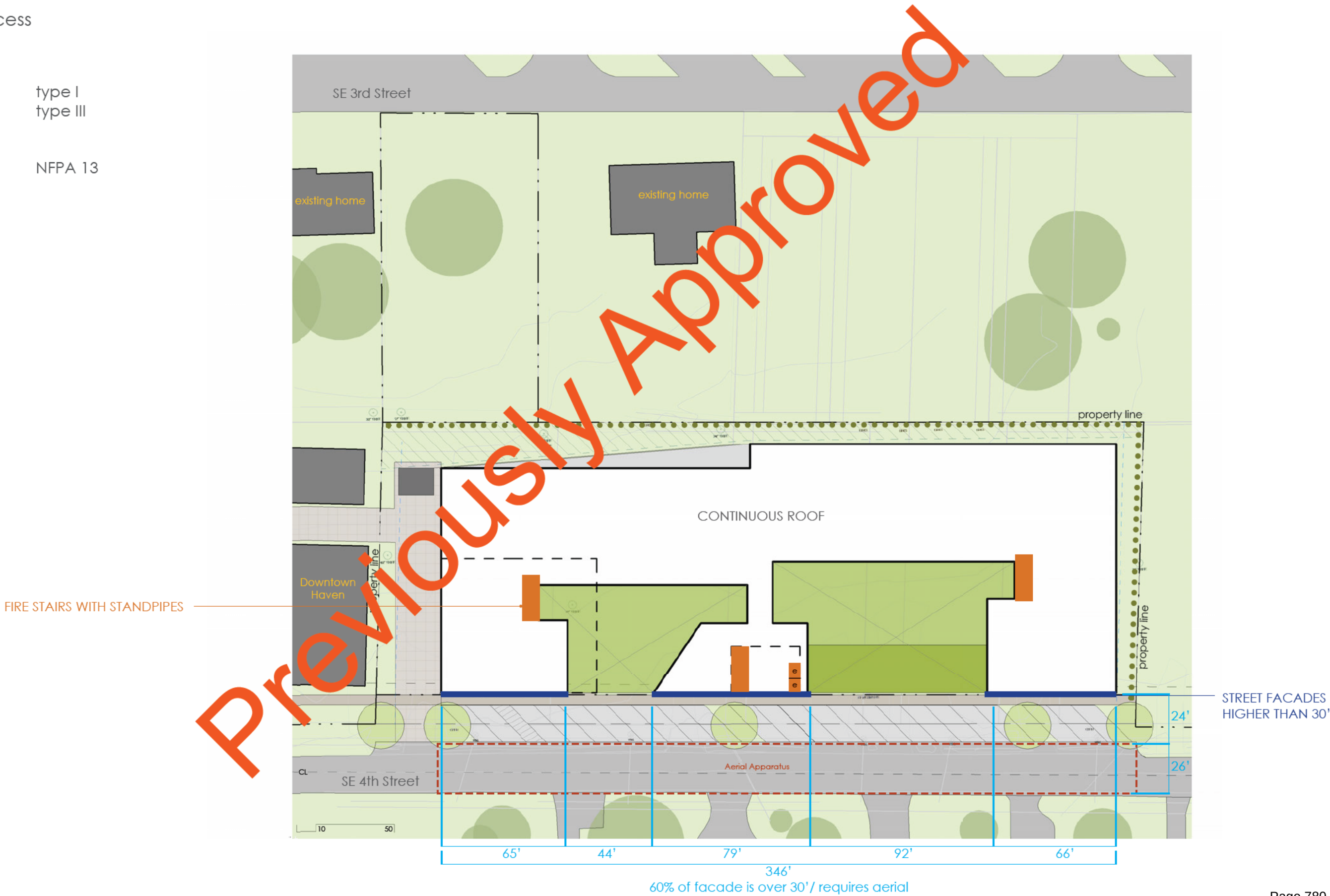
Fire Protection.

Sprinklers:

type I

type III

NFPA 13



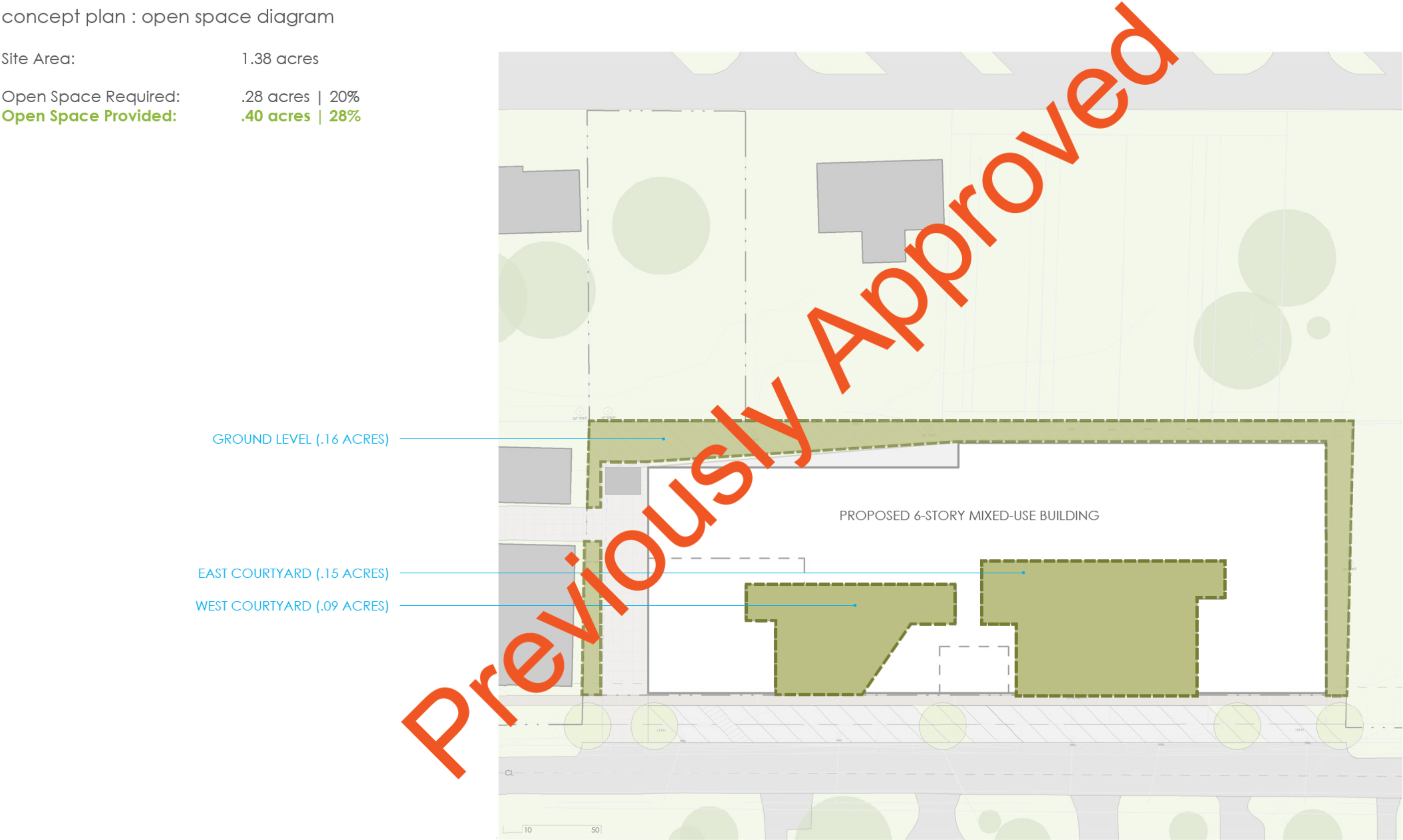
PLAN SET

concept plan : open space diagram

Site Area:1.38 acres

Open Space Required:.28 acres | 20%

Open Space Provided:**.40 acres | 28%**



PLAN SET

context diagram

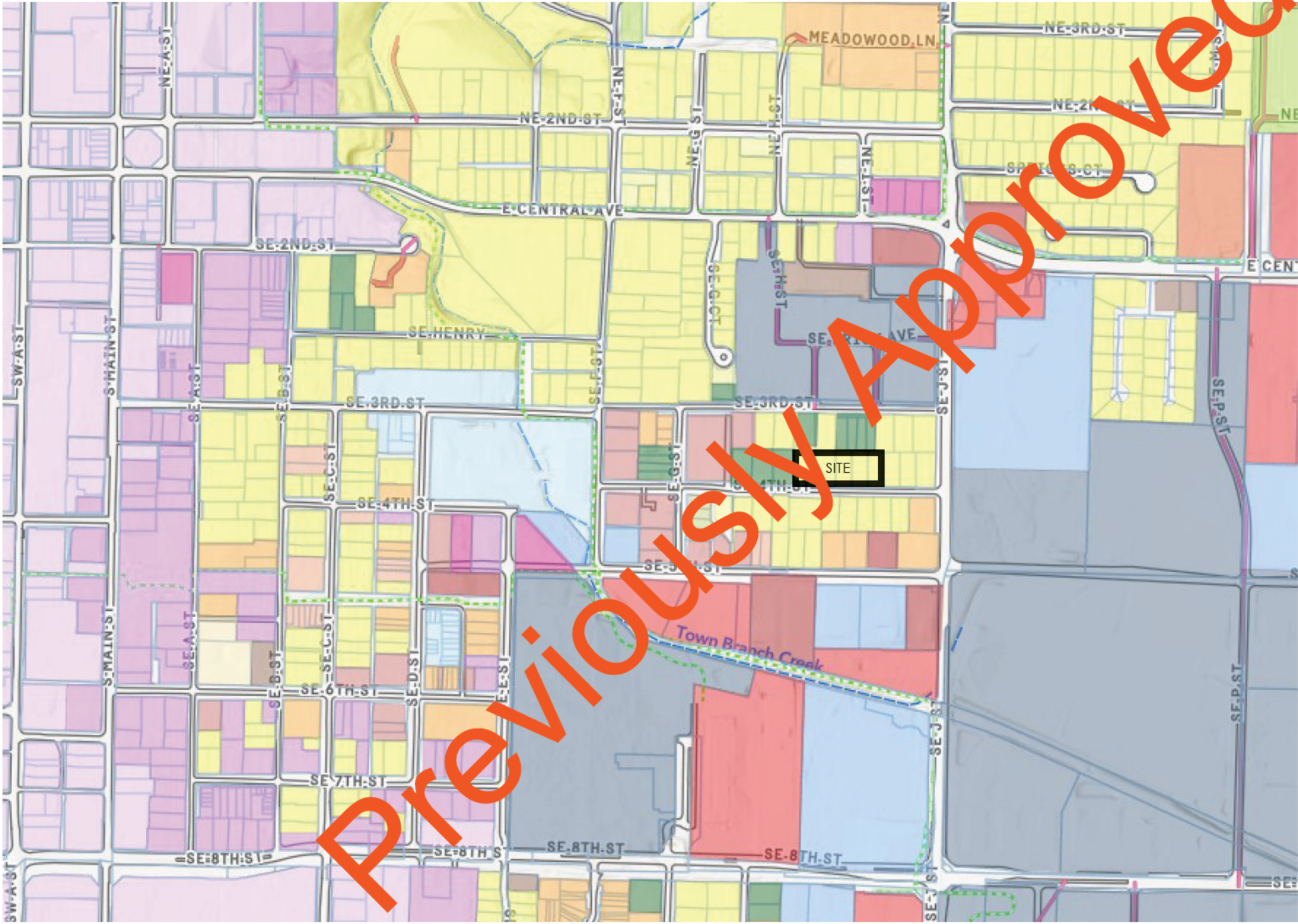


Context.

The proposed mixed-use project is located on SE 4th street in a swiftly transitioning neighborhood near the new Walmart Headquarters. The site is located within walking distance of The Momentary, 8th St. Market and the Downtown Square.

PLAN SET

current zoning



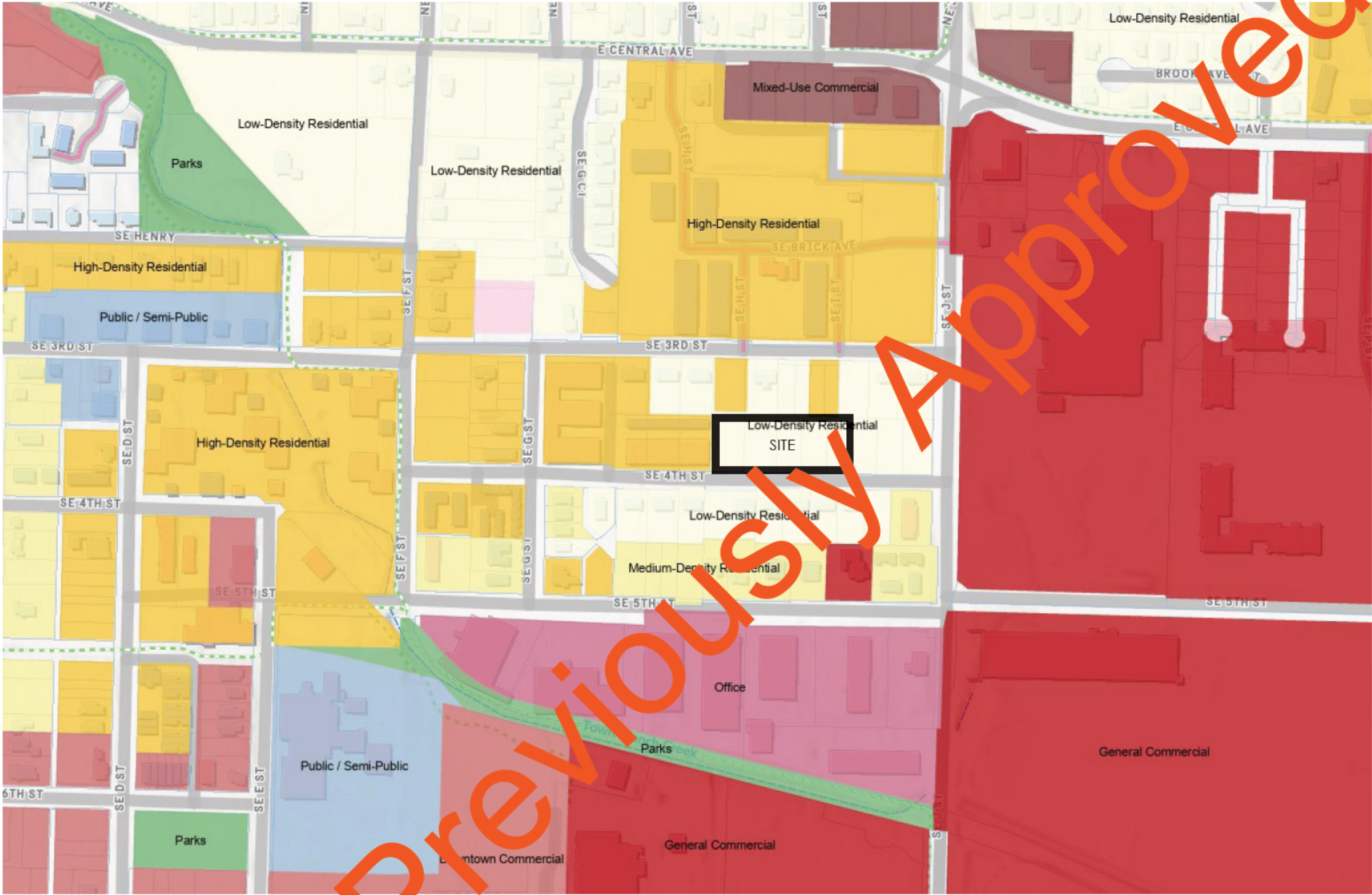
Zoning Intent.

The PUD encompasses a 1.38 acre site that is bound by SE 4th Street along the southern edge. There has been ample transition along this corridor into appropriate housing typologies for increased density in a very walkable and bikable area of Bentonville. This will be the third development along 4th Street by Randall Hinton Development with G at Market completed last year and Downtown Haven currently under construction to the west.

- | | |
|------------------------------|---|
| A-1 Agricultural District | PRD |
| C-1 Neighborhood Commercial | PUD |
| C-2 General Commercial | R-1 Single Family Residential |
| C-3 Central Commercial | R-2 Duplex & Patio Home |
| D-C Downtown Core | R-3 Medium Density Residential |
| D-E Downtown Edge | R-4 High Density Residential |
| DN-1 Downtown Neighborhood 1 | R-E Residential Estate |
| DN-2 Downtown Neighborhood 2 | R-MHP Manufactured Home Residential |
| DN-3 | R-O Residential Office |
| DN-4 Downtown Neighborhood 4 | R-ZL Zero Lot Line Residential |
| I-1 Light Industrial | RC-2 Central Residential - Moderate |
| I-2 Heavy Industrial | RC-3 Central Residential - High Density |

PLAN SET

future land use



Land Use Intent.

The proposed mixed-use project will address the need for high-density housing in a rapidly growing area of Bentonville.

PLAN SET

street elevations



South Elevation



East Elevation



North Elevation



West Elevation

Primary Materials

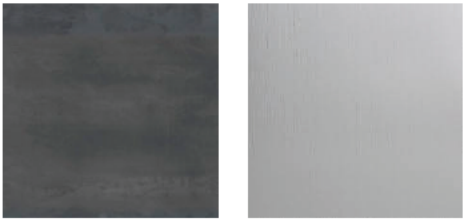


masonry (brick / brick screen)
glass
other code permitted materials

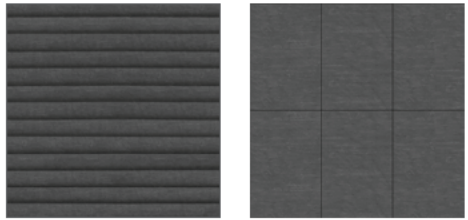
Special Use Materials



wood rainscreen (vertical / horizontal)



architectural metal panel



fiber cement board (lap / panel)



architectural concrete

PLAN SET

conceptual vignette* - view from south



*final materials to be selected as a part of the large scale development process.

PLAN SET

conceptual vignette* - view from SE corner



*final materials to be selected as a part of the large scale development process.

PLAN SET

conceptual vignette* - view from SW corner



*final materials to be selected as a part of the large scale development process.

PUD REVISION #1

March 29, 2024
PUD23-0001

Developer:
Randall Hinton Development
Bill Butler bill@randallhintondev.com

Architect:
modus studio
Chris Baribeau, AIA chris@modusstudio.com
Kiara Gilmore, AIA kiara@modusstudio.com
Tara Bray, AIA tara@modusstudio.com

Civil Engineer + Landscape Architect:
Ecological Design Group
Brahm Driver, PE bdriver@ecologicaldg.com
Leslie Tabor ltabor@ecologicaldg.com



SUMMARY OF CHANGES.

- Unit mix changed from PUD approved ratios to increase the number of studio units. No change in PUD approved unit count.
- Building height changed from PUD approved 6 story building (75') to a 5 story building (62')
- Changed from PUD approved type III construction to type V construction for residential floors
- Open space percentage changed from PUD approved 28% to 25%.
- Waiver requested for type A buffer along the north property line due to sewer easement.

A waiver is being requested for the type A buffer along the north property line due to sewer easement.

1

Planned Unit Development Intent.

The amenities are burgeoning and people need quality housing to call home. This project will provide new options within the context of Bentonville and the greater Northwest Arkansas community.

Elevated Courtyards. Elevated courtyards will be provided to meet or exceed minimum open space requirements. Secure 24 hour keycard access will be provided for customers and tenants. Elevated courtyards will be ADA accessible and will meet all applicable code requirements.

*elevator bulkhead, mechanical screens and other code required items may add to building height as the design progresses.

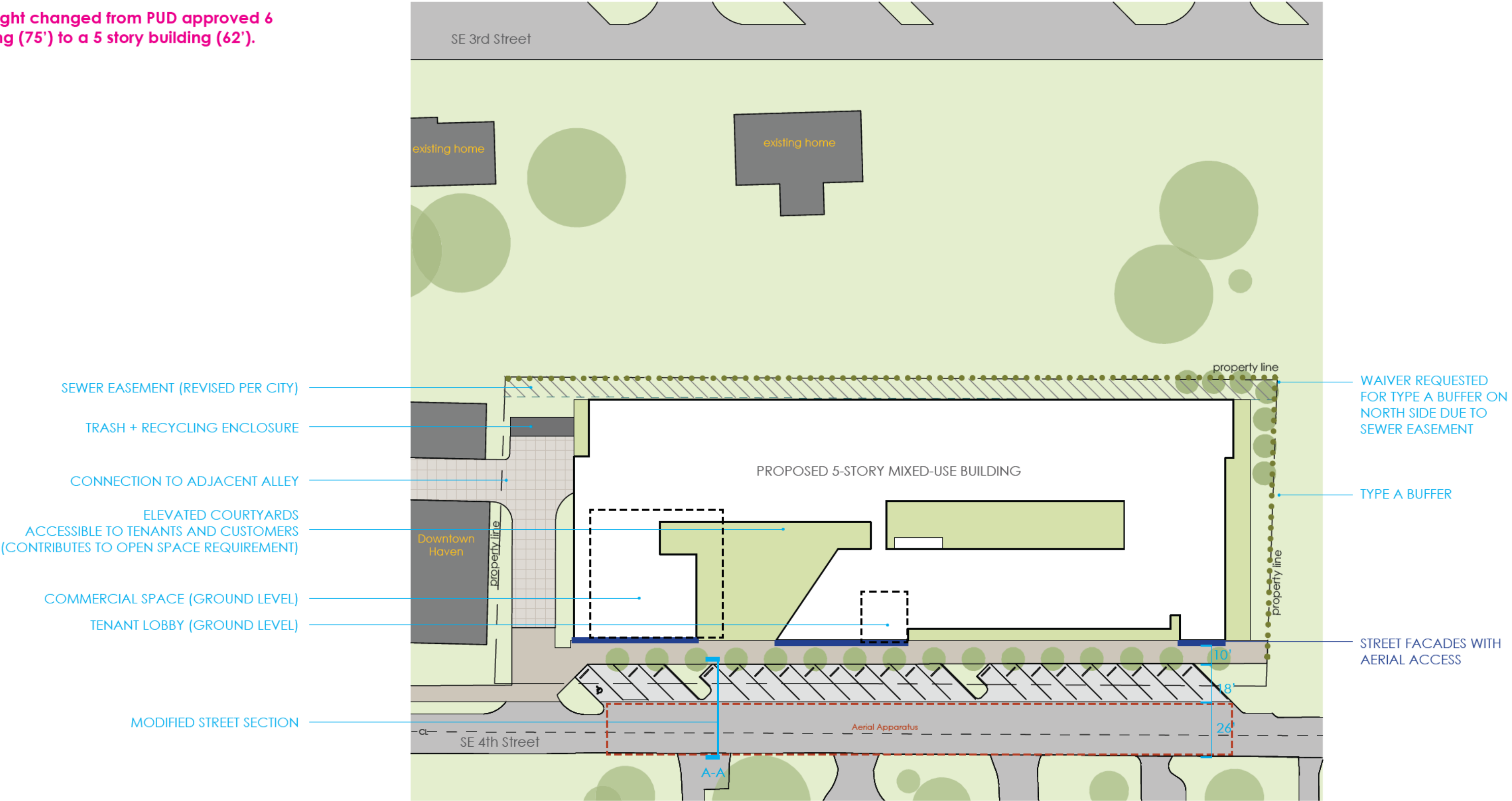
A preliminary Traffic Impact Report will be conducted prior to completion of the PUD phase of the project.

**No change in PUD approved parking ratio.
Compact spaces now included.**

PLAN SET

concept plan

Building height changed from PUD approved 6 story building (75') to a 5 story building (62').

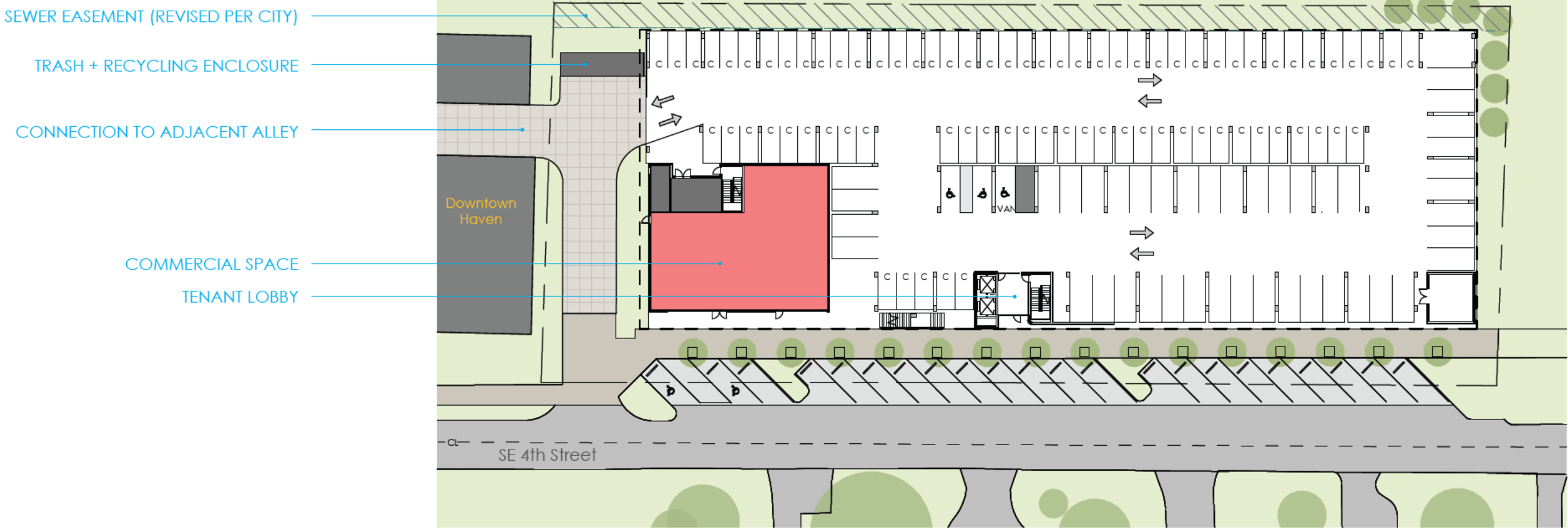


PLAN SET

parking plan

covered podium parking:	122 spaces
standard:	42 spaces
compact:	77 spaces
ADA	3 spaces
street parking:	22 spaces
angled	20 spaces
ADA	2 spaces
total parking:	144 spaces
parking ratio:	.92

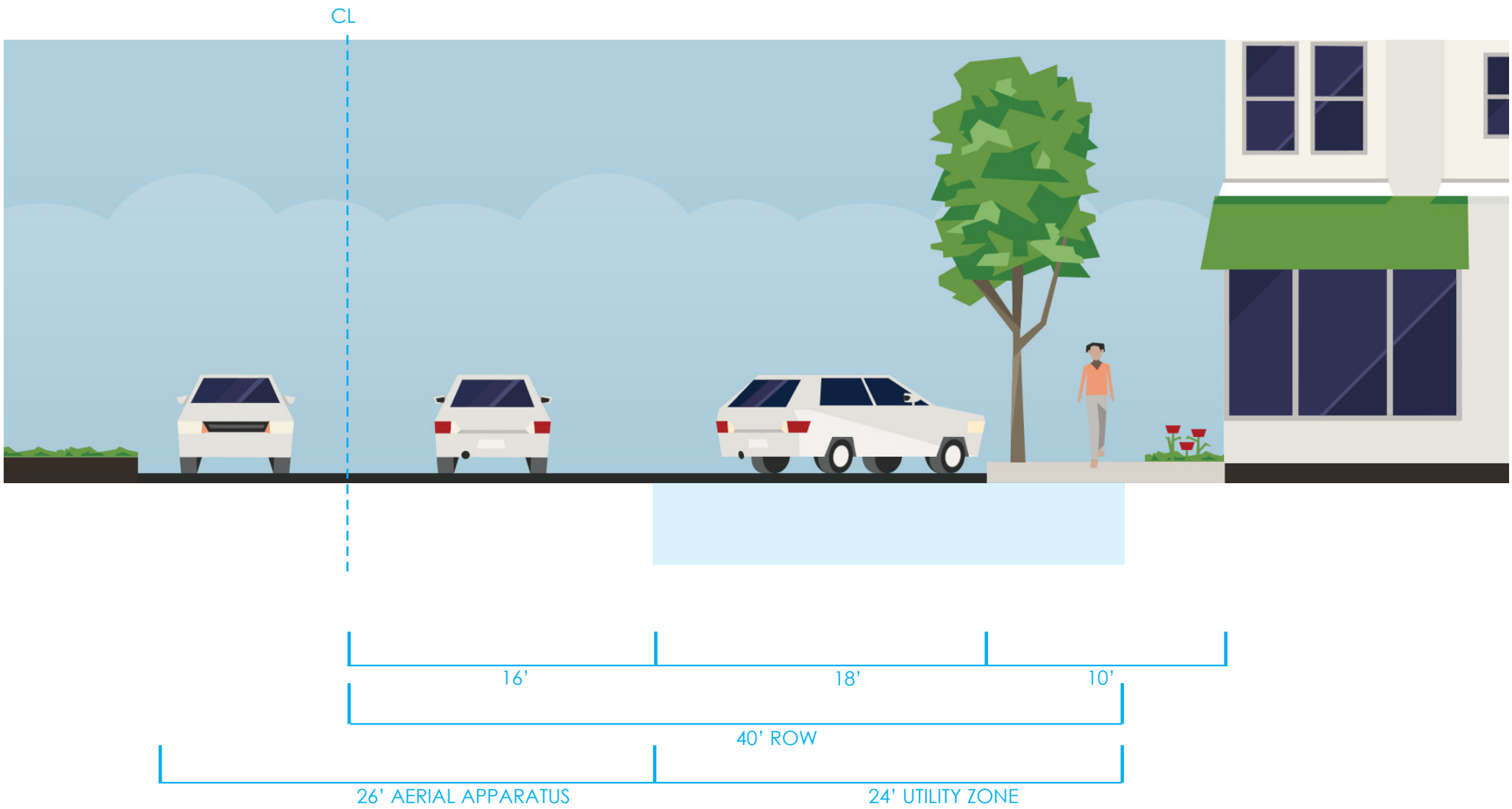
No change in PUD approved parking ratio.



PLAN SET

modified street section A-A

No change in PUD approved street section.



PLAN SET

concept plan : fire access

- Construction Type.

Podium:

Residential Floors:
- type I

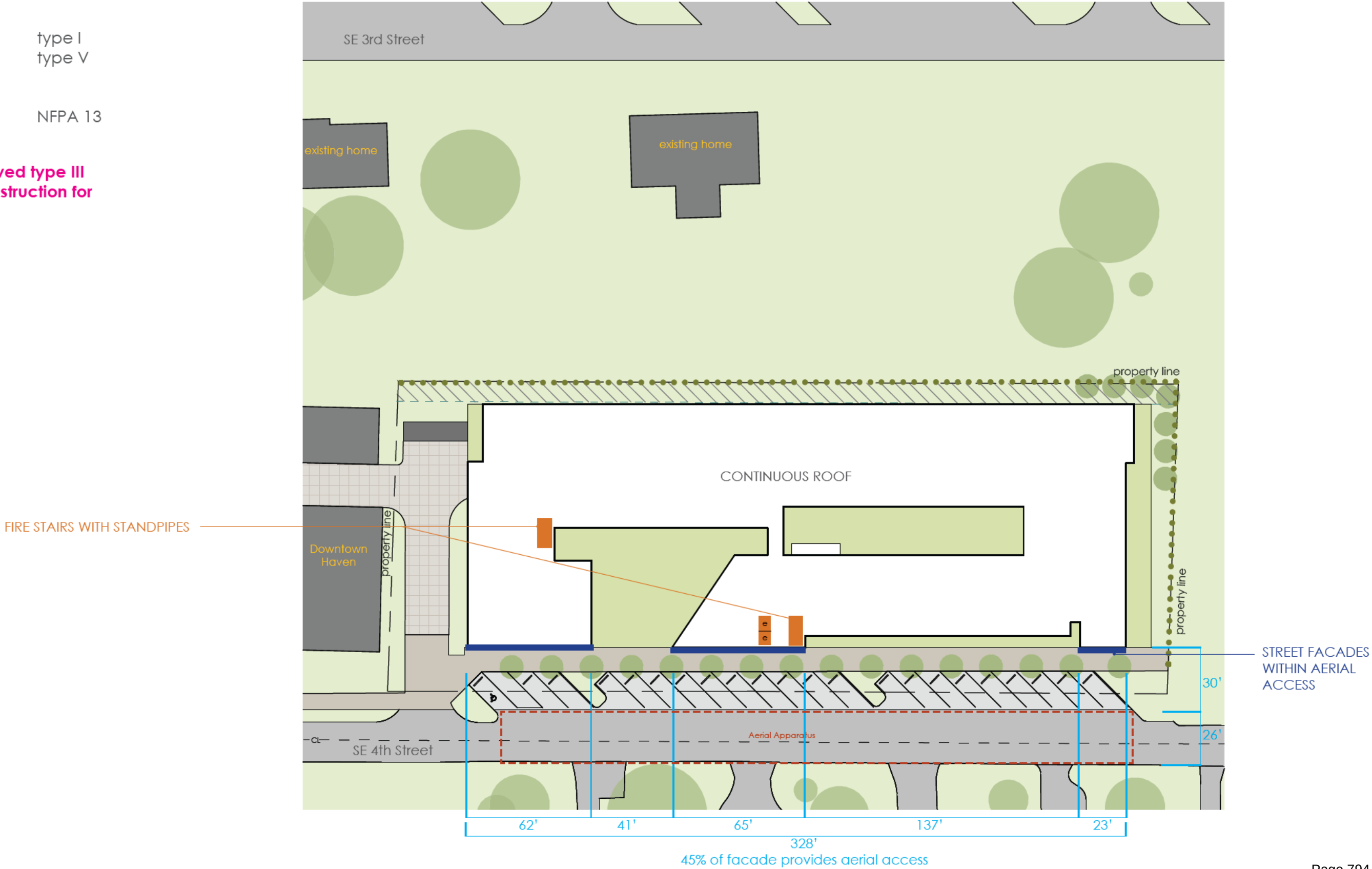
type V

Fire Protection.

Sprinklers:

NFPA 13

Changed from PUD approved type III construction to type V construction for residential floors.



PLAN SET

concept plan : open space diagram

Site Area:1.38 acres

Open Space Required:.28 acres | 20%

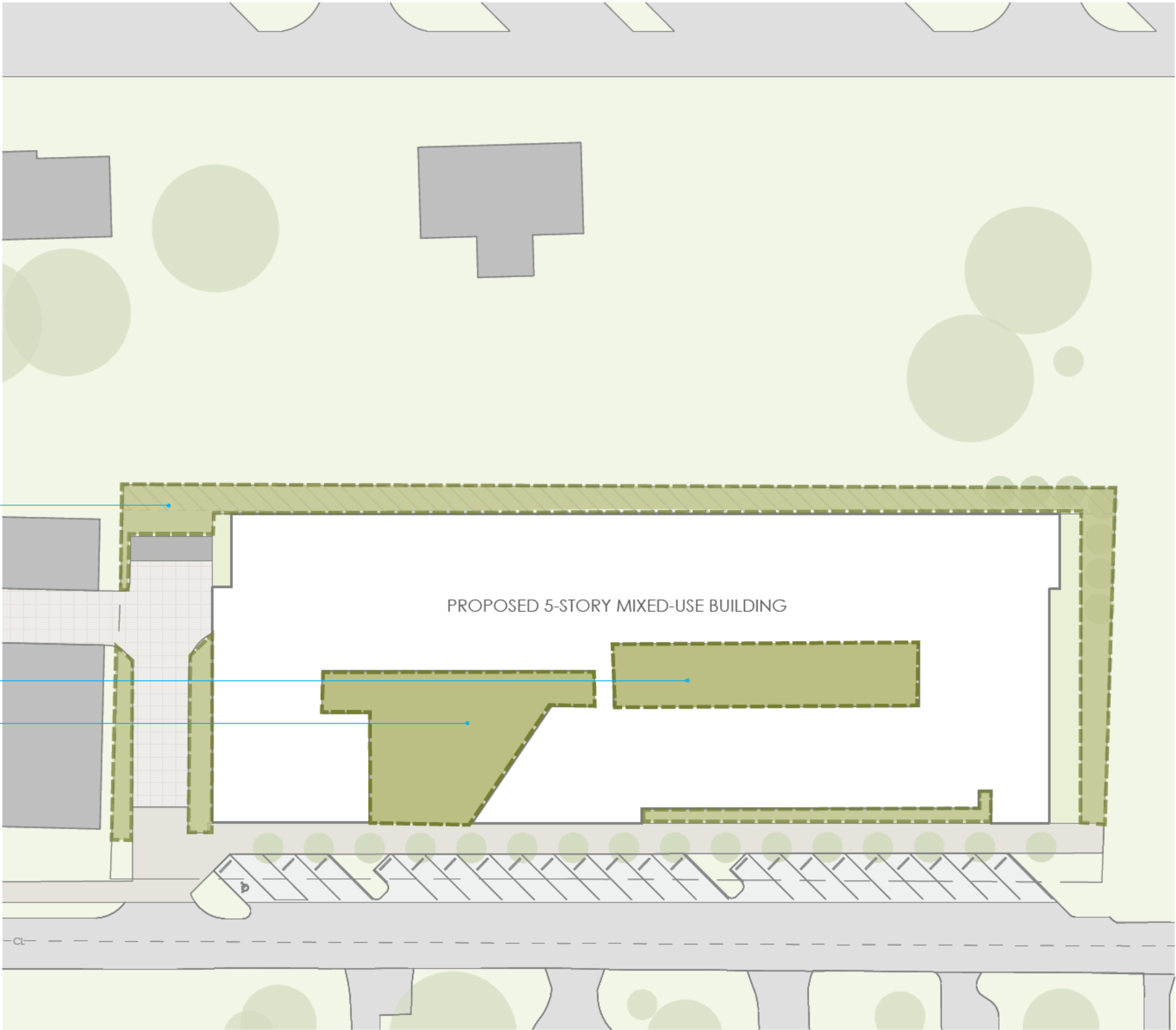
Open Space Provided:.34 acres | 25%

Open space percentage changed from PUD approved 28% to 25%.

GROUND LEVEL (.16 ACRES)

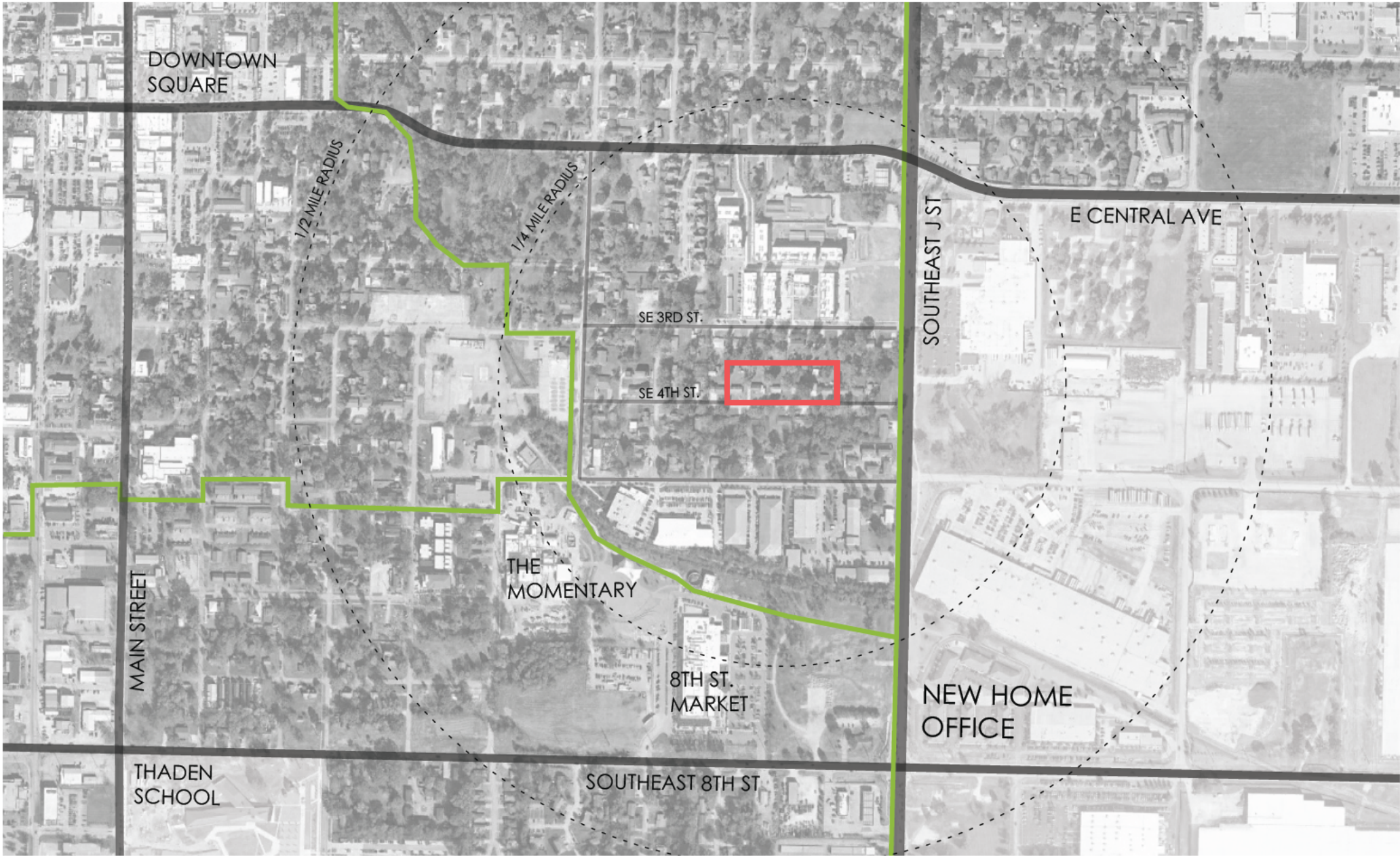
EAST COURTYARD (.1 ACRES)

WEST COURTYARD (.09 ACRES)



PLAN SET

context diagram

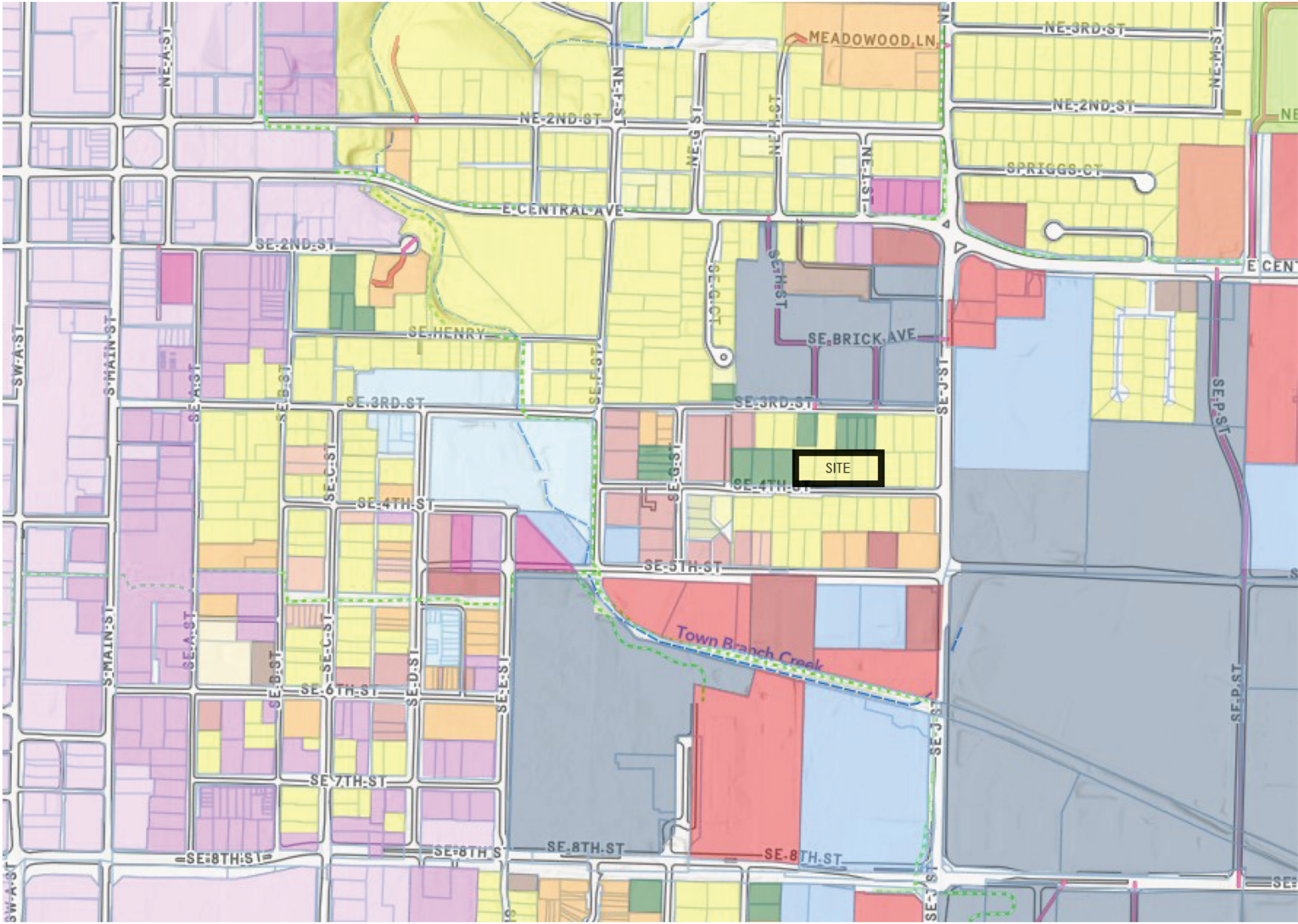


Context.

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PLAN SET

current zoning



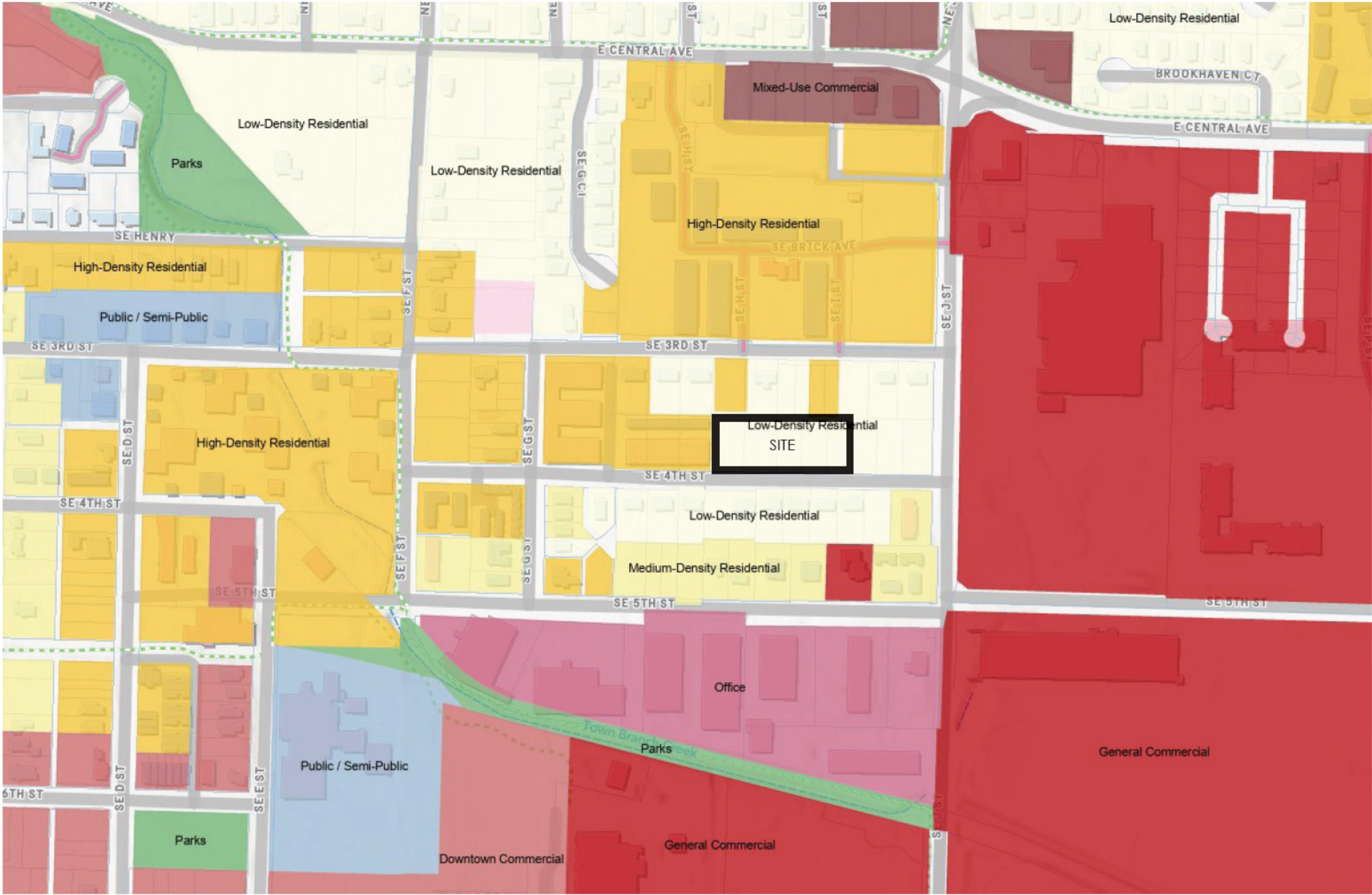
Zoning Intent.

The PUD encompasses a 1.38 acre site that is bound by SE 4th Street along the southern edge. There has been ample transition along this corridor into appropriate housing typologies for increased density in a very walkable and bikable area of Bentonville. This will be the third development along 4th Street by Randall Hinton Development with G at Market completed last year and Downtown Haven currently under construction to the west.

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| DN-3 | R-O Residential Office |
| DN-4 Downtown Neighborhood 4 | R-ZL Zero Lot Line Residential |
| I-1 Light Industrial | RC-2 Central Residential - Moderate |
| I-2 Heavy Industrial | RC-3 Central Residential - High Density |

PLAN SET

future land use



Land Use Intent.

The proposed mixed-use project will address the need for high-density housing in a rapidly growing area of Bentonville.

PLAN SET

street elevations



South Elevation



East Elevation



North Elevation



West Elevation

Primary Materials

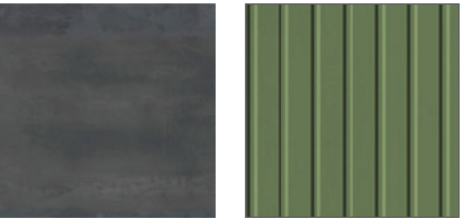


masonry (brick / brick screen)
glass
other code permitted materials

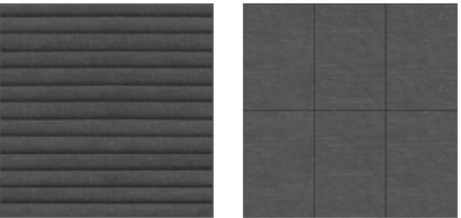
Special Use Materials



wood rainscreen (vertical / horizontal)



architectural metal panel



fiber cement board (lap / panel)



architectural concrete

PLAN SET

conceptual vignette* - view from south



*final materials to be selected as a part of the large scale development process.

PLAN SET

conceptual vignette* - view from SE corner



*final materials to be selected as a part of the large scale development process.

PLAN SET

conceptual vignette* - view from SW corner



*final materials to be selected as a part of the large scale development process.



Ecological Design Group, Inc
216 W Birch Street
Rogers, AR 72756

Waiver Request

To: City of Bentonville

From: Ecological Design Group, Inc – on behalf of Market District II, LLC

Date: March 29, 2024

Re: Multifamily Development @ SE 4th St. Bentonville Ar. Parcel 01-02481-000, 01-02480-000, 01-02479-000, 01-02478-000, 01-02477-000

On behalf of Market District II LLC, Ecological Design Group, Inc. (EDG) is submitting this Waiver Request in addition to the LSD Submittal.

Project Description: Proposed multifamily development includes approximately 156 residential units with 0.25 acres of open space, utility connections, and associated landscape improvements. A conceptual site plans is included with this waiver for reference. The property is zoned as a Planned Unit Development.

This Waiver Request item is listed below:

Waiver Request A:

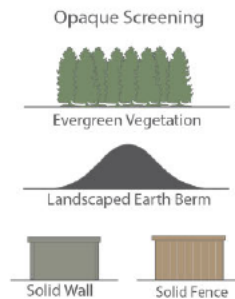
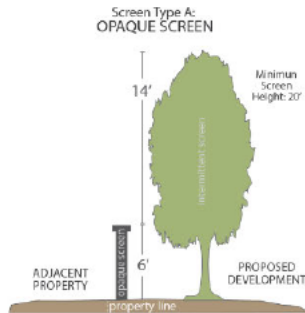
City of Bentonville Municipal Code: Appendix B – Land Development Code – Sec 1400.09 Landscape Screening Requirement.

- *Purpose.* Screening requirements are established to mitigate potential nuisances by visually separating incompatible land uses, shielding adjacent properties from any adverse external effects of the development, and shielding the development from the negative impacts of existing adjacent uses, such as major streets or railroads.
- *Screening requirement determination.* The table of screening requirements below establishes the instances in which screening shall be provided in the landscape strip and the screening type to be used. Where the row and column intersect, the letter shown indicates the screening type to be provided. Screen types A, B, C and D are described below. When fences are used to meet these requirements, the fence regulations in Article 1100, Design Standards shall apply.

SCREENING REQUIREMENTS					
	Single-family	Duplex/townhouse	Multi-family	Commercial	Industrial
Single-family	N/A	B	A	A	A
Duplex/townhouse	B	D	C	A	A
Multi-family	A	C	D	B	A
Commercial	A	A	B	D	C
Industrial	A	A	A	B	D

(c) *Screen type A: Opaque screen.* Intended to exclude all visual contact between uses and to create a strong impression of spatial separation.

- (1) *Minimum height.* Minimum height of twenty (20) feet. Opaque from the ground to a height of six (6) feet, intermittent visual obstruction permitted from above the opaque portion.
- (2) *Materials.* May be composed of a wall, fence, landscaped earth berm, planted evergreen vegetation, or existing evergreen vegetation.



Hardship

- There is currently only one existing house to the north of the property. It's location along the western half of the landscape strip would require a type A screen. However, there is a sewer line and easement running through the western half of the landscape strip along the north side of the property, leaving no room for the required trees or screen fence.

Proposed Solutions

- The applicant is currently in the process of acquiring the neighboring property for a similar multifamily development which would not require a screen. The applicant requests that this waiver be approved pending the eventual acquisition of said property.

If you have any further questions or concerns, please contact me at abrown@ecologicaldg.com or 254.495.6045.

Sincerely,



Alex Brown, ASLA
Ecological Design Group, Inc.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING
CLASSIFICATION OF PUD, PLANNED UNIT DEVELOPMENT TO PUD,
PLANNED UNIT DEVELOPMENT REVISION 1; AND FOR OTHER
PURPOSES.
(PROJECT NUMBER: PUD23-0001)**

WHEREAS, Modus Studio duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of PUD, PLANNED UNIT DEVELOPMENT to PUD, PLANNED UNIT DEVELOPMENT REVISION 1 to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOTS 9 AND 10 AND A PART OF LOT 8 OF EAST SIDE FIRST ADDITION, AND ALSO LOTS 11 AND 12 OF SECOND EAST SIDE ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12 OF SECOND EAST SIDE ADDITION AND RUNNING THENCE ALONG THE NORTH LINE OF SAID SECOND EAST SIDE ADDITION S88°05'29"E 180.12' TO AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 10 OF EAST SIDE FIRST ADDITION, THENCE ALONG THE NORTH LINE OF SAID EAST SIDE FIRST ADDITION S88°06'20"E 209.97', THENCE LEAVING SAID NORTH LINE S03°45'20"W 154.46' TO THE NORTH RIGHT-OF-WAY OF SOUTHEAST 4TH STREET, THENCE ALONG SAID RIGHT-OF-WAY N87°56'44"W 210.02', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N88°18'56"W 179.86', THENCE LEAVING SAID RIGHT-OF-WAY N03°40'50"E 154.57' TO THE POINT OF BEGINNING, CONTAINING 1.38 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held May 7, 2024 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of PUD, PLANNED UNIT DEVELOPMENT to PUD, PLANNED UNIT DEVELOPMENT REVISION 1.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of PUD, PLANNED UNIT DEVELOPMENT to PUD, PLANNED UNIT DEVELOPMENT REVISION 1 to be used in accordance with the city zoning laws and state laws;

Section 2 - 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 3 - 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 AND APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk



Tree Protection and Preservation Manual

PC Date: 4/16/2024

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

Type	Amendment
Code Impacted	Land Development Code
Section(s)	Art. 1300 and Art. 1400

Issue Statement

The Tree & Landscape Committee as well as members of the public have requested improving city codes to help preserve and protect trees in Bentonville. Staff created a Tree Preservation and Protection Package presented to Planning Commission Dec. 5, 2023, recommending several actions to address that request:

- **Tree Preservation and Protection Manual, which is this agenda item.**
- Art. 1300 Tree Preservation and Protection Amendments
- Art. 1400 Landscaping, Screening and Buffering Amendments

Proposed Tree Preservation and Protection Manual

The Tree Preservation and Protection Manual was created with the following goals:

- Establish a set of standards for the planting, protection and maintenance of trees in Bentonville.
- Serve as a collection of all regulations related to trees.
- Share best practices for tree planting.
- Establish standards for street tree planting.
- Provide standard details for tree protection, planting and maintenance.

Recommendation

Staff recommends approval of the proposed manual.

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING THE BENTONVILLE TREE
PRESERVATION AND PROTECTION MANUAL; AND
FOR OTHER PURPOSES.**

WHEREAS, Appendix B Land Development Code, Art. 1300 Tree Preservation and Protection references a Landscape Manual;

WHEREAS, the city has not adopted a Landscape Manual;

WHEREAS, the 2021 Bentonville Urban Tree Assessment indicated that the city's tree canopy decreased from 25.0% in 2013 to 24.8% in 2019; and

WHEREAS, city staff and the Tree and Landscape Advisory Committee aim to provide better direction tree planting, protection, and maintenance.

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

Section 1: That the Bentonville Tree Preservation and Protection Manual shall be and is hereby adopted with *Attachment A: Tree Preservation and Protection Manual*, an electronic copy and hard copy of which is on file with the City Clerk and is hereby adopted by references as though it were copied herein fully;

Section 2 - 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 3 - 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 and APPROVED this _____ day of _____, 2024.

APPROVED:

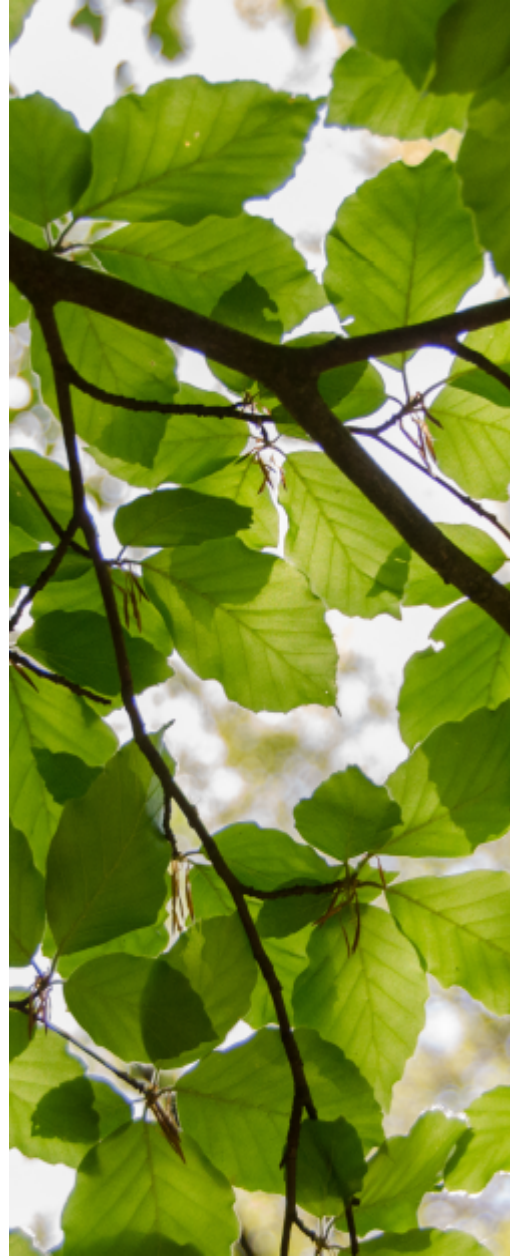
ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk



CITY OF BENTONVILLE



Tree Preservation and Protection Manual

Table of Contents



- 1. Introduction**
- 2. Tree Preservation and Protection**
- 3. Landscape Plans**
- 4. Tree Preservation Plans**
- 5. Street Tree Planting**
- 6. Tree Planting Best Practices**
- 7. Tree Maintenance Best Practices**
- 8. Tree Planting and Care Resources**
- 9. Approved and Prohibited Trees**
- Appendix: Standard Details**
 - A. Tree Preservation Fencing**
 - B. Root Pruning**
 - C. Soil Compaction Prevention**
 - D. Soil Tree Planking**
 - E. Tree Planting**
 - F. Shrub Planting**
 - G. Tree Well & Grate**
 - H. Tree Planting on Slope**



1. Introduction

The urban forest consists of all the trees and associated vegetation in the community. This includes street trees, open green spaces, forested areas, trees in parks and playgrounds, and vegetation in residential, commercial, and industrial areas as well. The urban forest is essential to our health and livelihood by providing clean air, reducing energy consumption in our homes, reducing erosion, air temperature, and noise pollution, screening incompatible uses, increasing real estate values, improving wildlife habitat, and providing a desirable place to live.

(a) Benefit of Trees

Trees have numerous benefits that contribute to a cleaner and healthier environment.

- **Trees help clean our air.**

Global forests removed about 1/3 of fossil fuel emissions annually from 1990-2007. Trees remove pollution from the atmosphere, improving air quality and human health. Roadside trees reduce nearby indoor air pollution by more than 50%.

- **Trees help us save energy.**

Trees properly placed around buildings can reduce air conditioning needs by 30% and can save 20 - 50% in energy used for heating. Carefully positioned trees can reduce a household's energy consumption for heating and cooling by up to 25%.

- **Trees help reduce runoff.**

Trees and other vegetation protect the soil from erosion by slowing rainfall impact and water runoff. A tree's complex root system holds the soil together. Trees also contribute leaf debris, which forms a protective mulch for the top layer of soil.

- **Trees benefit wildlife.**

Trees provide vital wildlife habitat. Trees and forests provide an important species range. Many animals have a range of hundreds of square miles.

- **Trees provide cooling.**

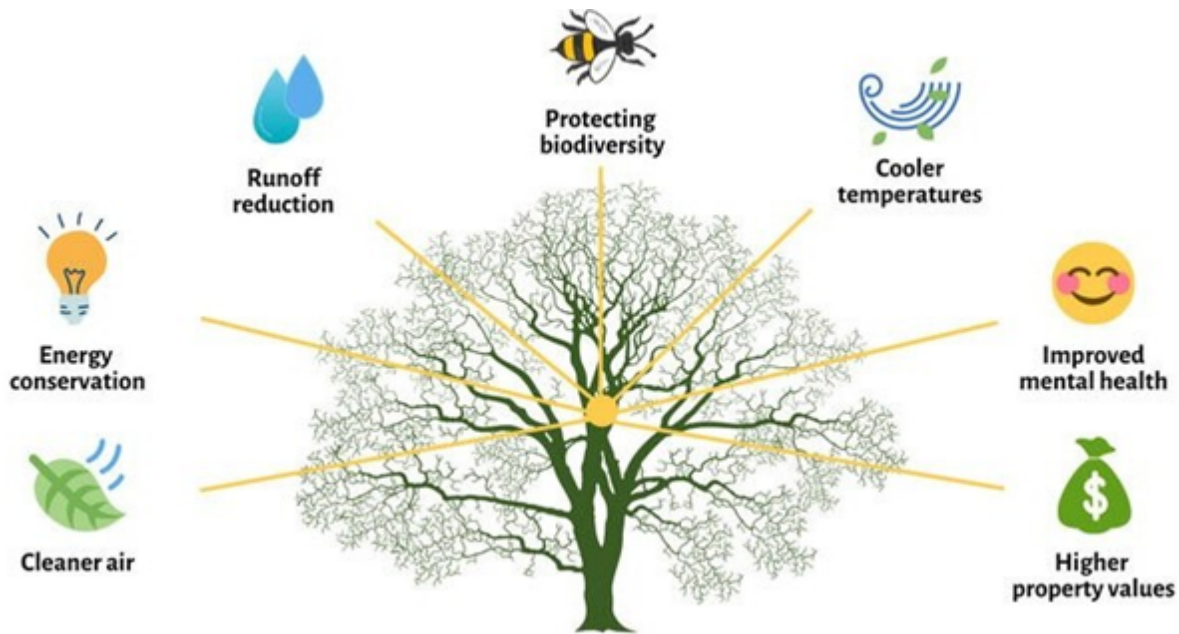
Trees lower surface and air temperatures by providing shade. Shaded surfaces may be 20 - 45°F cooler than the peak temperatures of unshaded materials.

- **Trees contribute to our health.**

A study of 10 cities found community forests save an average of one life each year. In New York City, trees save an average of eight lives every year. Office workers with a view of trees report significantly less stress and more satisfaction.

- **Trees increase our property values.**

In Portland, Oregon, homes with street trees sold for \$7,130 more, on average, and 1.7 days more quickly. In Fulton County (Atlanta), Georgia, mature trees positively influenced home sale prices. Homes sold for nearly \$105,000 more in neighborhoods with mature trees.



For more information on the benefits of trees, visit the links below.

<https://www.arborday.org/trees/treefacts/>

<https://www.nashvilletreefoundation.org/benefits-of-trees>

(b) Purpose of this Manual

The purpose of this manual is to provide the general public, developers, engineers, landscape architects and contractors with the City's requirements for tree preservation and protection and landscape installation. This manual corresponds with and expands on the requirements detailed in the City of Bentonville Land Development Codes, Art. 1300 Tree Preservation and Protection and Art. 1500 Landscaping, Screening and Buffering.

(c) City's Vision and Goals

The Bentonville Community Plan adopted in 2018 has several sections that discuss tree planting and preservation. In Chapter 8 Open Space and Environment, specific goals are listed as follows:

- Adopt great regulatory incentives for tree preservation.
- Continue to revise and update the development regulations to ensure species appropriateness and diversity.
- Partner with local and regional organizations and advocates.
- Plant trees as part of commercial streetscapes improvements.
- Support residential tree planting in existing neighborhoods.

This manual is designed in support of those goals and provides a means to support their implementation.

(d) Administration and Enforcement of this Manual

The tree preservation and landscaping information in this manual are guidelines to be used in the preservation and beautification of Bentonville. Questions pertaining to this manual should be directed to Bentonville Planning at 479-271-3122 or planning@bentonvillear.com.

(e) Tree and Landscape Advisory Committee

The Planning and Community Development Department will provide staff support and meet regularly with the Tree & Landscape Advisory Committee (T&L). This committee serves as an advisory committee to Planning Commission, City Council, and city staff working to maintain, improve, renew and protect the urban forest in public rights-of-way, as well as to share information with the public, enhance appreciation of trees, promote proper tree care, and encourage participation in the development of Bentonville's urban forest.

(f) Tree City USA

The City of Bentonville has been recognized as a Tree City USA Community since 1998 and has received three Growth Awards.

The National Arbor Day Foundation honors communities with this award if they meet four core standards of sound urban forestry management:

- (1) *The presence of a tree board or department.* Bentonville's Tree and Landscape Advisory Committee was established in 1998. It has a minimum of five members and meets monthly.
- (2) *A community tree ordinance.* Bentonville adopted its Tree Preservation and Protection Ordinance in 1998. It has been codified into Appendix B Land Development Code, Art. 1300 Tree Preservation and Protection.
- (3) *A community forestry program.* The Tree and Landscape Advisory Committee works to encourage tree planting and conducts a tree giveaway twice a year.
- (4) *Observance of Arbor Day.* The Bentonville Garden Club hosts the annual Arbor Day celebration in Bentonville.



2. Tree Preservation and Protection

(a) Priority Areas for Preservation.

The conditions described below are classified by priority levels to assist in determining those areas where preservation is desired.

Table 1: Priority Areas		
High Priority	Mid-level Priority	Low Priority
Canopied Slopes	Contiguous Woodlands	Orchards
Floodways and riparian buffers	Use Buffers	Less Desirable Species
Native Woodlands		Invasive Species
Significant Trees (see subsection (b))		Non-native Woodlands

(b) Significant Trees for Preservation

Significant trees are healthy existing trees that are considered priority for preservation. The following characteristics are considered significant for preservation:

- combination of growth speed and size (see tables 2a- 2d below),
- advanced age for its species,
- represents an uncommon or endangered species,
- considered a native species, or
- other significant characteristic.

Table 2a Significant Tree Sizes	
Type	Minimum Size
Fast Growth Trees	24" DBH +
Slow to Moderate Growth Trees	18" DBH +
Small Species	8" DBH +

Table 2b Common Fast Growth Trees (24" DBH)	
Common name	Scientific Name
Baldcypress	Taxodium distichum
Beech American	Fagus grandiflora
Black Cherry	Prunus serotina
Bois D'Arc	Maclura pomifera
Catalpa	Catalpa speciosa
Cottonwood	Populus deltoides

Eastern Red Cedar	<i>Juniperus virginiana</i>
Elm American	<i>Ulmus Americana</i>
Hackberry	<i>Celtis occidentalis</i>
Loblolly Pine	<i>Pinus taeda</i>
Shortleaf Pine	<i>Pinus echinata</i>
Red Maple	<i>Acer Rubrum</i>
River Birch	<i>Betula nigra</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore	<i>Platanua occidentalis</i>
Tulip Poplar	<i>Liriodendrum tulipifera</i>

Table 2c

Common Slow to Moderate Growth Trees (18" DBH)

Common name	Scientific Name
AmericanHolly	<i>Ilex Opaca</i>
Bitternut Hickory	<i>Carya cordiform</i>
Black Gum	<i>Nyssa sylvatica</i>
Black Hickory	<i>Carya texana</i>
Black Oak	<i>Quercus velutina</i>
Black Walnut	<i>Juglans nigra</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Crabapple	<i>Malus</i>
Cucumber Magnolia	<i>Magnolia acuminata</i>
Ginkgo	<i>Ginkgo biloba</i>
Golden Raintree	<i>Koelreuteria paniculate</i>
Kentucky Coffee Tree	<i>Gymnocladus dioica</i>
Mockernut Hickory	<i>Carya tomentosa</i>
Red Oak Group (Norther Red Oak, Southern Red Oak, Nuttall, Shumard, Pin, Water, Willow)	<i>Quercus</i>
Shagbark Hickory	<i>Carya ovata</i>
Ohio Buckeye	<i>Aesculus glabra</i>
Ozark Chinkapin	<i>Castanea ozarkensis</i>
Pecan	<i>Carya illinoensis</i>
White Oak Group(Post, Bur, Overcup, Chinquapin, Swamp Chestnut)	<i>Quercus</i>
Umbrella Magnolia	<i>Magnolia tripetala</i>
White Ash	<i>Fraxinus Americana</i>
Western Soapberry	<i>Sapindus Drummondi</i>
Yellowwood	<i>Cladrastis kentukea</i>
Zelkova	<i>Zelkova serrata</i>
Persimmon	<i>Diopyros virginiana</i>
Sassafras	<i>Sassafras albidum</i>
Sourwood	<i>Oxydendrum arboretum</i>
Sugar Maple	<i>Acer saccharum</i>

Table 2d Common Small Species 8" DBH	
Common name	Scientific Name
Blackhaw	Viburnum prunifolium
Buckthorn	Rhamnus caroliniana
Dogwood	Cornus florida
Eastern Redbud	Cercis canadensis
Fringetree	Chionanthus virginicus
Hornbeam	Carpinus caroliniana
Hophorn beam	Ostrya virginiana
Paw Paw	Asimina triloba
Possumhaw	Ilex decidua
Red Buckeye	Aesculus pavia
Star Magnolia	Magnolia stellate
Serviceberry	Amelanchier arborea
Silverbell	Halesia Carolina
Saucer Magnolia	Magnolia soulangiana
Smoketree	Cotinus coggygria
Witch Hazel	Hamamelis virginiana

3. Landscaping Plans

Most development plans, either large scale development or plats, require a landscaping plan. The purpose of this section is to specifically identify what information related to tree planting, preservation and protection should be shown on the landscape plan.

(a) Requirements. The following items must be shown on the landscape plan.

- (1) Preserved trees.
- (2) Proposed grading.
- (3) Proposed building footprint and any other structures.
- (4) Proposed parking lots with spaces indicated and curb or wheel stops shown.
- (5) Existing and proposed utilities.
- (6) Existing and proposed topography.
- (7) Existing drive aisles, streets, alleys, and other improvements to the site.
- (8) Proposed landscaping. As applicable, use these letters for each proposed tree:
 - ‘S’ for street trees
 - ‘P’ for perimeter trees
 - ‘F’ for front trees
 - ‘I’ for internal trees
 - ‘E’ for existing trees
 - ‘M’ for mitigation
- (9) Required landscape buffers.

(b) Standard Details. Details may go on a separate sheet. Reference the specifications in the appendices of this manual.

- (1) Tree Planting (see Appendices, Exhibit 5)
- (2) Shrub Planting (see Appendices, Exhibit 6)
- (3) Urban Tree Well (see Appendices, Exhibit 7)
- (4) Slope Tree Planting (see Appendices, Exhibit 8)

(c) Standard Notes. Notes may go on a separate sheet.

- (1) The contractor shall confirm the location of all utilities prior to starting any work. The contractor is responsible for contacting AR One-Call regarding utilities.
- (2) All plants must be healthy, vigorous, and free of pests and diseases.
- (3) Standards set forth in “American Nursery Stock” represent guideline specifications only and shall constitute minimum quality requirements for plant material.
- (4) All trees must be container grown or balled and burlapped (as indicated on the plant list).

- (5) All required trees shall be a minimum of 2" caliper with a single dominant central trunk. Multi-trunk trees are not acceptable without prior approval from Planning/Urban Forester.
- (6) All trees must be straight trunked and full-headed, unless specified otherwise, and must meet all requirements specified on plans.
- (7) All trees and shrubs shall be installed per City of Bentonville planting details.
- (8) All plants are subject to the approval of the landscape architect before/during/after construction.
- (9) All planting areas must be completely mulched with a 4" layer of organic mulch. Mulch shall not be placed immediately adjacent to tree trunks, but shall be kept at least 3" from the root collar at the soil line.
- (10) All proposed planting areas covered by grass shall have the sod completely removed before planting begins.
- (11) All planting beds shall be contained by edging material other than vegetation.
- (12) Prior to construction, the contractor shall be responsible for locating all underground utilities and should avoid damage to all utilities during the course of work. The contractor is responsible for repairing any damage to utilities resulting from the landscape construction at no cost to the owner.
- (13) The contractor is responsible for verifying all quantities shown on the landscape plan before pricing out work.
- (14) The contractor is responsible for fully maintaining all planting material in all planting and lawn areas until the work is accepted in total by the owner.
- (15) The contractor shall completely guarantee all plant material for a period of one year beginning on the date of total acceptance. The contractor shall properly make all replacements before or at the end of the guarantee.
- (16) Any plant material which dies, turns brown, or defoliates prior to total acceptance for the work shall be promptly removed from the site and replaced with material of the same species, quantity, and size, and meeting all plant list specifications.

4. Tree Preservation Plans

If an applicant is seeking credits for preserving trees on-site, a Tree Preservation Plan is required in addition to the Landscape Plan. This is applicable to large scale developments and preliminary plats. See Article 900 Plat and Plan Requirements. The purpose of the Tree Preservation Plan is to demonstrate how the applicant intends to preserve and protect the tree canopy on site. It must comply with requirements in the City of Bentonville's Land Development Code Article 1300: Tree Preservation and Protection.

(a) Requirements

- (1) If a tree preservation plan is required, the following items must be included: for trees over 6" in diameter. Show existing trees and tree canopies with legend and attach numbers to cross-reference the trees.
- (2) Show canopy coverage as currently exists on site.
- (3) Include a table with the tree species, size, health, and priority level. See *Sec. 3 Tree Preservation*.
- (4) *If the property has a large number of trees, identify the trees to preserve and the species of these trees. Label and number trees with average species, size, health, and ranking (see Exhibit 11).
- (5) Label and number grouped trees with average species, size, health, and priority. See *Sec. 3 Tree Preservation*.
- (6) Show all existing and proposed utilities.
- (7) Show all property boundaries.
- (8) Show natural features (trees, floodways, creeks, wetlands...) beyond the property line up to 100'.
- (9) Provide all soil types within the project boundary.
- (10) Show floodplains and/or floodway.
- (11) Show existing and proposed streets, sidewalks, or public and bike paths rights-of-way in accordance to the Master Street Plan.
- (12) Show all proposed on-site and off-site improvements associated with the proposed project.
- (13) Delineate trees/canopy groups to be preserved and removed.
- (14) Show Tree Preservation Calculations.
- (15) Show mitigation requirements as indicated if necessary through the results of Tree Preservation Calculations.
(If mitigation is required because the project does not meet the minimum preservation requirements, the applicant will need to include the mitigation efforts in the Tree Preservation Plan.)
- (16) Show location of tree protection fencing. Fencing should be strong and sturdy enough to withstand and deter heavy machinery during construction.

- (17) Show limits of root pruning.
- (18) Show construction traffic flow and boundaries on work site.
- (19) Locate material storage during construction.
- (20) Locate concrete wash-out during construction.
- (21) Locate construction entrance/exit.
- (22) Locate all existing and new utility/drainage easements.

(b) Standard Details. The following details should be included in the plan.

- (1) Tree Preservation Fencing Installation (see Appendices, Exhibit 1)
- (2) Root Pruning (see Appendices, Exhibit 2)
- (3) Soil Compaction Prevention (see Appendices, Exhibit 3)
- (4) Tree Planking (see Appendices, Exhibit 4)

(c) Standard Notes. The following notes should be included on the plan.

- (1) All trees and natural areas shown on this plan to be preserved shall be protected during construction with temporary fencing, in accordance with the Tree Preservation Fencing Details.
- (2) Protective fences shall be erected according to City of Bentonville standards for tree protection. Fencing should be strong and sturdy enough to withstand and deter heavy machinery during construction.
- (3) Protective fences shall be installed prior to the start of any site preparation work and shall be maintained throughout all phases of the construction project.
- (4) Erosion and sedimentation control barriers shall be installed or maintained in a manner that does not result in soil build-up within tree drip lines.
- (5) Protective fences shall surround the trees/tree group and will be located at the drip line. For natural areas protective fences shall follow the limit on construction in order to prevent the following:
 - a. Soil compaction in the root zone of an area resulting from vehicular traffic or equipment storage.
 - b. Root zone disturbances due to grade changes (greater than 6"). Root trenching is not viewed by City Arborists.
 - c. Wounds to exposed tree roots, trunk, or limbs by mechanical equipment.
 - d. Other activities detrimental to trees such as chemical storage, concrete truck cleaning, and fires.
- (6) Exceptions to installing fences at tree driplines may be allowed in the following cases:
 - a. Where there is to be an approved grade change, impermeable paving surface, tree fell, or

other such site development.

- b. Where permeable paving is to be installed within a tree's dripline, erect the fence at the outer limits of the permeable paving area prior to site grading so this area is graded separately prior to paving installation, minimizing root damage.
 - c. Where trees are close to proposed buildings, erect the fence to allow 6-10 feet of workspace.
 - d. Where there are severe space constraints due to tract size or other special circumstances.
- (7) Where any of the above exceptions result in a fence closer than 4 feet to a tree trunk, protect the trunk with strapped-on planking to a height of 8 feet (or limits of lower branching) in addition to the reduced fencing. See Tree Planking Detail.
 - (8) Trees approved for removal shall be removed in a manner which does not impact trees to be preserved.
 - (9) Any roots exposed during construction activity shall be pruned flush with the soil backfill root areas with good quality topsoil as soon as possible. If exposed root areas are not backfilled within 3 days, cover with organic material in a manner which reduces soil temperature and minimizes water loss due to evaporation.
 - (10) Any trenching required for the installation of landscape irrigation shall be placed as far from existing trees as possible.
 - (11) No landscaping topsoil digging greater than 4 inches shall be permitted within the dripline of trees. No soil is permitted on the root flare of any tree.
 - (12) Pruning to provide clearance for structures, vehicular traffic, and equipment shall take place before construction begins.
 - (13) All finished pruning must be done according to recognized, approved, standards of the industry language, the American National Standard on arbor pruning 2006 or later. A city-certified tree pruner must be retained to make all pruning cuts, a list of certified tree pruners is available from the urban forester.
 - (14) Deviation from the above notes may be considered ordinance violations if there is substantial non-compliance or if a tree sustains damage as a result.

5. Street Tree Planting

(a) Purpose

The purpose of these specification is to establish a set of standards for the planting of street trees in the public rights-of-way to ensure quality tree materials are used and that new plantings are acceptably established in their new environment. All trees planted in the public rights-of-way must be pre-approved by the City of Bentonville.

(b) Species Selection

Tree species selection is a cooperative decision between property owners and the City of Bentonville, except for major streets. A minimum of two tree species per block is suggested but more than two is strongly encouraged to avoid losing all street trees if one species becomes diseased. Nursery trees must meet the acceptance specification (Appendix B). The species must be adaptable to the conditions at the planting site (climate, soil, sunlight, root space, utilities, proximity to structures and hardscape, space for mature height and spread, space for the trunk and root crown of a mature tree, availability of irrigation).

(c) Major Streets

Plantings on major streets should match the existing designated tree species unless it is being phased out in favor of more desirable species. If the existing species is not on the official list it is being phased out. The use of large trees is encouraged.

(d) Location

- (1) **Approval.** The planting location of trees in street areas must be approved by City of Bentonville staff and shown on an approved landscape plan. Trees can either be planted in the planting strip between the curb and sidewalk, in an area cut out of the sidewalk, or on the building side of the sidewalk, as long as it is within the public right-of-way.
- (2) **Intersections.** Street trees must not be planted where they will obstruct the views of stop signs or traffic signals. Trees are not to be planted within 20' distance from side street curb face to first street tree. Street trees must be placed to allow for visibility of all information signs on the street. Informational signs and street trees shall not occupy the same opening.
- (3) **Clearance with Other Structures & Utilities.** The following spacing requirements are used to determine appropriate planting locations of street trees:

Table 3 Clearance and Spacing Requirements	
Structure	Preferred Distance from Tree
Utility and light poles	5 ft. (no light) -20 ft. (with light); adjust depending on canopy diameter of mature tree.
Commercial driveways	10 ft.
Residential driveways, fire hydrants, water or gas meters, valve boxes, sewer line	5 ft
Underground electrical, sewer mains, water mains, basements	5 ft. laterally (minimum).

(e) **Spacing between trees**

The intent of these standards is to allow every interested property owner at least one street tree as planting site conditions permit. Spacing for street trees must be approved by City of Bentonville staff. Because lots vary in width and other interfering factors, minimum spacing guidelines are provided in Table 4.

Table 4 Spacing Between Trees		
Tree Size	Canopy Diameter	Required Spacing
small tree	20' – 30'	15' – 20'
medium trees	30' – 40'	20' – 25'
large trees	40' – 50'	25' – 35'

Imposed factors such as the frequency of driveway cuts, underground utilities, signs, light and telephone poles, and other streetscape elements will, of course, alter the desired center spacing (see, Clearance with Other Structures & Utilities, below). No tree that grows taller than 25' shall be planted under high voltage lines.

(f) **Tree wells/boxes.** One option for planting trees in the street right-of-way is in a tree well, chamber or box.

(1) **Well size.** Tables 5 and 6 provide the recommended dimensions of tree grates for tree size at maximum growth.

Table 5 Recommended Well Size	
Tree Size	Well /Chamber / Box Minimum Dimensions
Small	2'x 4'
Medium	3'x 6'
Large	4'x 8'
X-large	5'x 10'

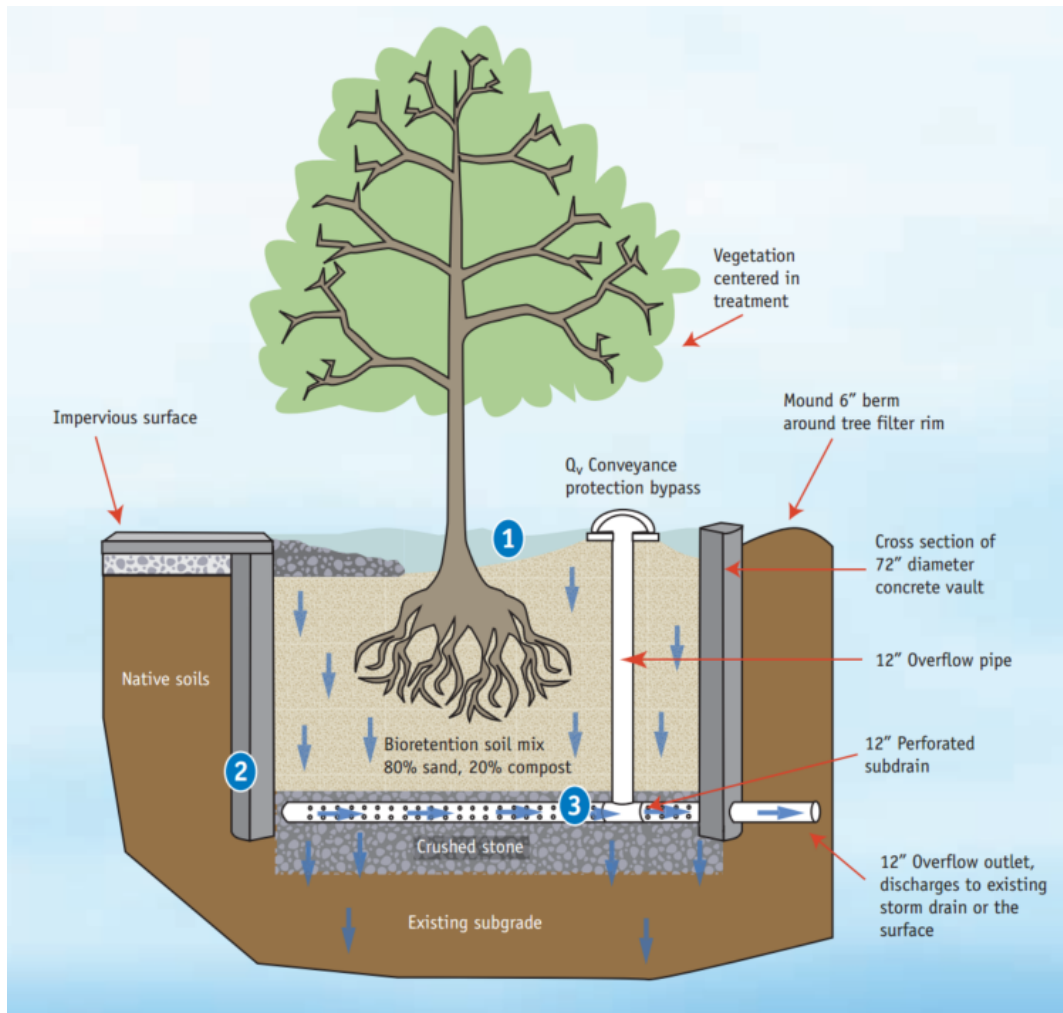
Table 6 Continuous Planting Strip or Median Size	
Tree Size	Minimum Width
Small	2'
Medium	3'
Large	4'
X-Large	5'

The city is responsible for keeping planting wells free of weeds, turf, litter, etc. and for preventing them from becoming tripping hazards.

(2) Chamber Materials.

Tree boxes or chambers are designed to collect the first flush of stormwater and treat it before being discharged into the storm sewer system or to the subsoil. They consist of three primary components: a chamber, soil media, and the plant. For more information on tree boxes, visit the "Green Infrastructure Practices" article from rutgers.org.

Illustration 1 Tree Chamber Design



(Image Credit: University of New Hampshire, Stormwater Center. 2009 Biannual Report. Pg. 22)

- (3) **Grates.** Grates are considered an extension of the sidewalk. Grates with concentric rings are preferred since they allow adjustments to be made as the tree trunk expands. As the tree begins to outgrow its surrounding grate, the center ring can be removed to allow the tree to continue growing. The city is responsible for maintaining and repairing tree grates and for preventing grates from damaging trees. For more information, visit ejco.com.

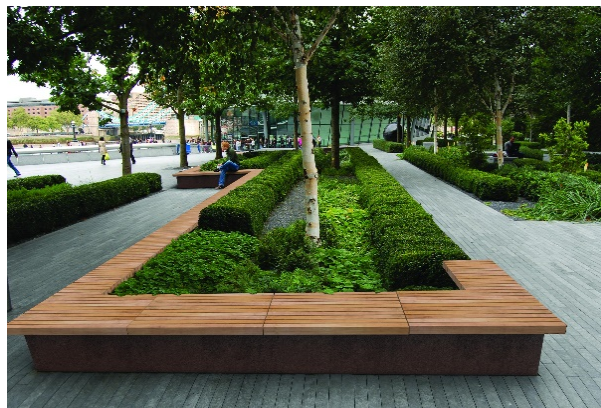
Illustration 2
Concentric Tree Grates



(g) Elevated Planters

Elevated tree planters provide a planting alternative in areas with various conflicts stemming from an urban environment. These planters also provide benefits such as creating seating in open spaces.

Illustration 3
Elevated Planter Example



(h) Tree Root Barriers

Approved root barriers shall be installed to provide protection for infrastructure from tree roots. Linear root barriers are to be installed when planting a street tree 8 feet or less from hardscape in any parkway/boulevard or median strip. The root barrier will be designed such that the major root structure will be restrained from extending into other utility corridors, but still allow for the normal growth of the tree.

(i) Staking

Stake only as necessary and as directed by the project manager. The Reddy Stake U-Stake it system is preferred. Only one 9' metal tree stake is needed per tree. As an alternative, two, eight foot tall, three-inch diameter, lodge pole stakes driven 18" into solid undisturbed soil outside the root ball may be used. The tree is then secured with rubber tree ties or other tree tie material no less than 1" wide.

(j) Water Basin

A water basin (3" berm of soil) capable of holding 10 gallons of water shall be formed around the root ball where irrigation systems are not required.

(k) Tree Watering

The city is responsible for watering the newly planted trees. An appropriate amount of water (10 gallons) must be applied each week, for three years during the non-rainy season, to establish the trees in the landscape. Where feasible the trees shall be watered by an irrigation system and timer. The trees must remain as a permanent part of the landscape.



6. Best Practices: Tree Planting

Source: University of Arkansas, Cooperative Extensions Service

(a) Understand the tree being planted.

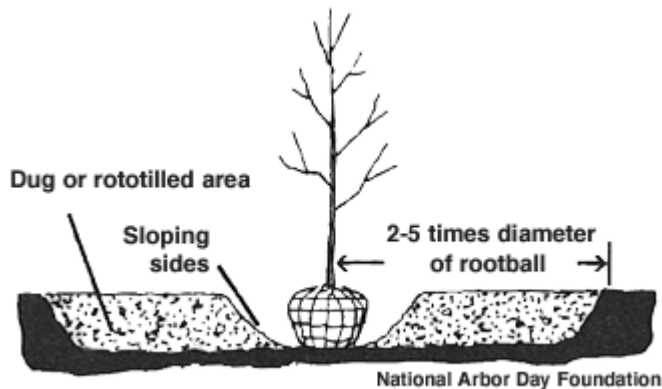
- (1) **Width.** Determine the maximum width at the time of maturity to assist in ensuring the tree does not impact other items in the areas, such as utilities, sidewalks, or building walls.
- (2) **Height.** Determine the maximum height at the time of maturity to ensure it will not grow into anything overhead, such as power lines or rooflines.
- (3) **Sun requirements.** Determine what type of sun exposure is required. Here's a guide based on the plant's sun needs:
 - Full sun = Minimum of 6 hours of direct sun each day
 - Part sun = 3 to 6 hours of direct sun each day
 - Part shade = 3 to 6 hours of direct sun each day, but avoid the intense mid-day sun
 - Full shade = Less than 3 hours of direct sun each day
- (4) **Trees come in three ways: balled in burlap, bare root or containerized.** They also come in many sizes. Choose one that you can easily manage. Container grown plants can be planted any time you want to. Balled in burlap trees should be planted before the heat of summer sets in or again in the fall. Bare root trees need to be planted when they are totally dormant since there is nothing inside the plastic sleeve to sustain plant growth.

(b) Understand the planting site.

- (1) **Sun exposure.** Determine how much sun exposure will be available for your proposed planting site and if it meets the needs of your tree type. See (a)(3) above.
- (2) **Soil.** Have your soil tested before planting by submitting soil samples to the [Benton County Cooperative Extension](#) office. This will give you the soil pH, whether it is acid or alkaline, and they will have recommendations of changes needed based on the tree being planted.
- (3) **Drainage.** A percolation test can help you identify drainage issues. Dig a hole 1 foot deep, fill with water, and see how long it takes to empty. If the water level drops more slowly than 1 inch per hour, drainage is poor. Poorly drained sites can be corrected by proper plant selection, installing a drainage system, elevating plants, or planting beds above the affected area.
- (4) **Location of utilities.** To check for utility obstructions by calling 811 or visit the [AR 811 website](#). Never place any tree growing taller than 15 feet beneath power lines or within 15 feet of them.
- (5) **Other obstructions.** Do not plant too close to surrounding objects including houses, barns and other trees. Remember that tree roots spread well beyond the branch area of the tree and roots can interfere with foundations, sidewalks, and paved areas.

(c) Plant the tree.

- (1) Clear.** Remove surrounding vegetation and mulch from the area where you will be digging the hole.
- (2) Dig.** Dig a hole at least two times the width of the root ball so the roots can spread out. Only dig as deep as the root ball.
- (3) Place the tree.** Remove the container or burlap from the tree. Place the tree in the hole, making sure it is straight. Backfill and lightly tamp the soil.



- (4) Water.** Water immediately after planting and once a week during the first season of planting.
- (5) Mulch.** Mulch will help keep grass and weeds away from the tree, can protect it from string trimmer damage and helps conserve soil moisture. Place a ring of mulch 3-4 feet around the trunk, 3-4 inches deep. Do not let the mulch touch the trunk and leave a mulch-free area of 1–2 inches wide at the base of the tree to reduce moist bark and prevent decay.

A wide variety of products are available for use as landscape mulch. Mulch can be broadly categorized as either organic or inorganic. Common inorganic mulch materials include crushed stone, recycled tire chips and gravel. Organic materials include pine needles, softwood or hardwood tree bark, colored wood chips, composted yard waste, and cottonseed hulls.



Avoid volcano mulching.



The depth of an organic mulch should not exceed 3 inches after settling.

- (6) **Stake.** Only stake a tree if the location is subject to high winds or pedestrian traffic. Use a soft material for the portion that goes around the trunk. The guying should be loose. E sure to remove all stakes after one year.
- (7) **Do not fertilize.** Using a fast-release fertilizer immediately after planting can burn the roots. Either wait a year to use fertilizer or use a slow-release fertilizer.





7. Best Practices: Tree Maintenance

(a) Watering

It is important that the total root system of the tree receive moisture. As the tree grows, the watering system will need to be adjusted to compensate for the extended root system.

Sprinkler systems must be programmed to provide adequate water for various plant needs. Sprinkler systems for turf areas generally apply enough water for the shallow roots of the lawn. To supply sufficient water for the tree root zone, the watering schedule will need to include a longer watering each week.

All trees and shrubs require water year-round. To supplement the plant's water requirements during the winter months, soak the soil around the plant before the ground freezes.

(b) Fertilizing

Newly planted trees should not be fertilized. During the second year, a tree may be fertilized in late fall or early spring with a slow-release fertilizer. Be sure to follow the instructions because over-fertilizing can kill a tree. Do not use lawn fertilizers containing weed killer!

For trees with less than 6" DBH use 1-2 pounds of fertilizer per inch of trunk diameter measured at four and a half feet above ground level. For trees six inches and more in trunk diameter, apply 2-4 pounds of fertilizer per inch of trunk diameter measured four and a half feet above the ground.

The most beneficial method of fertilizing trees is to incorporate a granulated fertilizer into the root zone. This is accomplished by punching holes fifteen inches deep in a circular pattern around the tree, beginning halfway between the trunk and the dripline. Stagger the holes so the fertilizer is distributed evenly around the tree. Another method for fertilizing trees is by a broadcast surface application. A granulated fertilizer is spread evenly over the ground surface above the root zone. It is best if the fertilizer is watered in or applied directly before a light rain.

(c) Pruning

Major pruning of trees should be performed by someone with professional training. Minor pruning of trees may be done by individuals. Topping of trees is strongly discouraged since it weakens the tree and reduces the amount of shade it can provide. See Tree Care Tips & Techniques. Follow these general recommendations:

- As young trees grow, low-growing branches that interfere with pedestrian and street traffic should be removed.
- Branches that have been broken should be removed as soon as possible.
- Sucker growth at the base of trees should be removed unless it is the proper growth habit of the tree.
- Always prune along the branch collar; never leave a stub.
- Be sure the pruning tools are sharp and clean before using them. Late winter is the best time to prune deciduous trees.
- Evergreens should be pruned in early spring.

(d) Insects and Disease

The best defense against insects and disease is to keep the tree in a healthy condition. Regular inspections of plants can help prevent serious problems from occurring. When a problem is detected and cannot be diagnosed, consider the following:

- (1) Do other trees nearby have the same problem?
- (2) Has the area been treated recently with chemicals such as fertilizer or herbicides?
- (3) Has the soil been disturbed by the removal or addition of topsoil?
- (4) What have the past weather conditions been in the area?
- (5) Is there any evidence of damage to the trunk system?
- (6) Are the leaves wilted or an odd color?

Once a plant problem has been diagnosed, the type of control or repair needs to be determined. Consult the City's designated agent, County Extension Office, a local nursery, or a certified tree specialist for further information.



8. Tree Planting and Care Resources

University of Arkansas Cooperative Extension Service (UACES)

www.uaex.edu

UACES Trees Database

www.aragriculture.org/horticulture/ornamentals/plantdatabase/default.htm

Arkansas Forestry Commission

www.forestry.arkansas.gov

Arkansas Urban Forestry Council

www.arkansastrees.org

National Arbor Day Foundation

www.arborday.org

Trees Are Good

www.treesaregood.com

Urban Forestry

www.treelink.org

Tree and Shrub Insects

www.treehelp.com/trees/trees-insects.asp

Tree Diseases

www.treehelp.com/trees/trees-diseases.asp

International Society of Arboriculture

www.isa-arbor.com

USDA Forest Service Urban and Community Forestry

www.urbanforestrysouth.org

9.

Approved and Prohibited Trees

(a) Approved Trees.

The City of Bentonville has identified a list of trees that are approved for landscape plans required for Large Scale Development projects. This list is adopted by ordinance and codified into Sec. 1400.13 of the Land Development Code. This list may be updated from time to time and the most recent ordinance shall prevail. Native plant materials are preferred.

Common Name and Cultivars	Scientific Name	Native	Height (ft.)	Spread (ft.)	Growth Rate	Shade, Ornamental, Screen	Street Tree	Under Overhead Utilities
American Smoketree	<i>Cotinus obovatus</i>	Yes	25	20	Slow	Ornamental	Y	Y
Arborvitae, American	<i>Thuja occidentalis</i>	Yes	60	15	Med	Screen	N	N
Arborvitae, Emerald	<i>Thuja occidentalis</i> 'Emerald Green'	No	15	4	Slow	Screen	N	Y
Arborvitae, Green Giant	<i>Thuja</i> x 'Green Giant'	No	60	20	Fast	Screen	N	N
Arborvitae, Nigra American	<i>Thuja occidentalis</i> 'Nigra'	Yes	30	10	Slow	Screen	N	Y
Beech, American	<i>Fagus grandifolia</i>	Yes	70	40	Med	Shade	N	N
Birch, European Hornbeam	<i>Carpinus betulus</i>	No	50	35	Med	Shade	Y	N
Birch, River "Dura-Heat®", "Heritage®"	<i>Betula nigra</i>	Yes	45	30	Med/Fast	Shade	N	N
Catalpa, Dwarf Southern "Nana"	<i>Catalpa bignonioides</i>	Yes	18	22	Med	Ornamental	Y	Y
Cherry, Yoshino	<i>Prunus x yedoensis</i>	No	25	30	Med/Fast	Ornamental	Y	Y
Cypress, Arizona	<i>Cupressus arizonica</i>	Yes	35	15	Fast	Screen	N	N
Cypress, Atlantic White Cedar	<i>Chamaecyparis thyoides</i>	Yes	25	12	Fast	Screen	N	N
Cypress, Bald "Shawnee Brave®"	<i>Taxodium distichum</i>	Yes	70	35	Fast	Shade	Y	N
Cypress, Japanese Cedar	<i>Cryptomeria japonica</i>	No	60	30	Med	Screen	N	N
Cypress, Chinese Pistache	<i>Pistacia chinensis</i>	No	30	30	Med	Ornamental	Y	N
Dogwood, Eastern Flowering, White	<i>Cornus florida</i>	Yes	20	25	Slow	Ornamental	Y	Y
Dogwood, Kousa	<i>Cornus kousa</i>	No	25	25	Slow/Med	Ornamental	Y	Y

Table 7
Approved Trees

Common Name and Cultivars	Scientific Name	Native	Height (ft.)	Spread (ft.)	Growth Rate	Shade, Ornamental, Screen	Street Tree	Under Overhead Utilities
Elm, American "New Harmony", "Princeton", "Valley Forge"	<i>Ulmus americana</i>	Yes	75	55	Med/Fast	Shade	Y	N
Elm, Chinese/Lacebark "Allee", "Athena Classic," "Bosque," "Everclear"	<i>Ulmus parvifolia</i>	No	50	45	Med/Fast	Shade & Ornamental	Y	N
Elm, Fruitless Crabapple	<i>Malus</i> sp.	Yes	25	25	Med	Ornamental	Y	Y
Ginkgo, "Autumn Gold", "Fastigiata", "Presidential Gold™", "Princeton Sentry"	<i>Ginkgo biloba</i>	No	75	60	Slow	Shade	Y	N
Ginkgo, Goldenraintree	<i>Koelreuteria paniculata</i>	No	40	35	Med	Ornamental	N	N
Gum, Black/Tupelo "Red Rage™", "Wildfire"	<i>Nyssa sylvatica</i>	No	50	30	Med	Shade	Y	N
Gum, Fruitless Sweetgum	<i>Liquidambar styraciflua</i> "Rotundiloba"	Yes	70	55	Fast	Shade	Y	N
Hickory, Shagbark	<i>Carya ovata</i>	Yes	80	40	Slow	Shade	Y	N
Holly, American Greenleaf	<i>Ilex opaca</i>	Yes	50	40	Slow	Screen	N	N
Holly, Common Winterberry/Possumhaw "Afterglow", "Sparkleberry", "Warren's Red", "Winter Red"	<i>Ilex verticillata</i>	Yes	24	12	Med	Ornamental	N	Y
Holly, Foster	<i>Ilex xattenuata</i> 'Fosteri'	Yes	25	10	Med	Screen	N	N
Holly, Kentucky Coffeetree, "Espress", "Prairie Titan™"	<i>Gymnocladus dioicus</i>	Yes	75	50	Med	Shade	Y	N
Honeylocust, Thornless "Moraine", "Shademaster", "Skyline"	<i>Gleditsia triacanthos</i> v. <i>inermis</i>	Yes	50	50	Fast	Shade	Y	N
Hornbeam, American /Ironwood	<i>Carpinus caroliniana</i>	Yes	25	25	Slow	Shade	Y	Y
Linden, Little-leaved	<i>Tilia cordata</i>	Yes	60	40	Med	Shade	Y	N
Maple, Norway "Cleveland", "Columnare", "Erectum"	<i>Acer platanoides</i>	No	50	45	Med	Shade	Y	N
Maple, Freeman "Armstrong", "Autumn Blaze™", "Autumn Fantasy™", "Indian Summer", "Scarlet Sentinel™"	<i>Acer x freemanii</i>	Yes	60	50	Fast	Shade	Y	N

Table 7 Approved Trees								
Common Name and Cultivars	Scientific Name	Native	Height (ft.)	Spread (ft.)	Growth Rate	Shade, Ornamental, Screen	Street Tree	Under Overhead Utilities
Maple, Norwegian Sunset	Acer truncatum x platanoides "Keithsform"	No	35	35	Med	Shade	Y	N
Maple, Red "Bowhall", "Autumn Flame", "Red Sunset™", "October Glory™"	Acer rubrum	Yes	65	55	Med/Fast	Shade	Y	N
Maple, Shantung	Acer truncatum	No	25	25	Slow/Med	Shade	Y	Y
Maple, Sugar "Commemoration", "Fall Fiesta™", "Green Mountain", "John Pair", "Legacy"	Acer saccharum	Yes	65	55	Slow/Med	Shade	Y	N
Maple, Trident	Acer buergerianum	No	30	25	Med	Shade	Y	N
Oak, Chinquapin	Quercus muehlenbergii	Yes	50	60	Slow/Med	Shade	Y	N
Oak, Columnar English "Crimson Spire™", "Regal Prince®"	Quercus robur x	Yes	45	18	Med/Fast	Shade	Y	N
Oak, Bur	Quercus macrocarpa	Yes	70	80	Slow/Med	Shade	Y	N
Oak, Northern Red	Quercus rubra	Yes	60	60	Med/Fast	Shade	Y	N
Oak, Pin - upright habit, no pendulous branches "Pacific Brilliance™"	Quercus palustris	Yes	50	25	Med/Fast	Shade	Y	N
Oak, Sawtooth	Quercus acutissima	Yes	55	55	Med/Fast	Shade	Y	N
Oak, Shumard	Quercus shumardii	Yes	55	55	Med	Shade	Y	N
Oak, Water	Quercus nigra	Yes	60	50	Med	Shade	Y	N
Oak, White	Quercus alba	Yes	75	60	Med	Shade	Y	N
Oak, Willow "Hightower®"	Quercus phellos	Yes	60	45	Med/Fast	Shade	Y	N
Pine, Eastern White	Pinus strobus	Yes	80	40	Fast	Screen	N	N
Pine, Loblolly	Pinus taeda	Yes	90	35	Fast	Screen	Y	N
Planetree, London	Platanus x acerifolia	No	100	80	Med	Shade	Y	N
Poplar, Tulip	Liriodendron tulipifera	Yes	80	45	Fast	Shade	Y	N
Redbud, Eastern "Alba", "Appalachian Red", "Forest Pansy"	Cercis canadensis	Yes	30	25	Med	Ornamental	Y	Y
Redbud, Texas "Oklahoma"	Cercis canadensis	Yes	18	24	Med	Ornamental	Y	Y
Redwood, Dawn	Metasequoia	No	65	25	Med/Fast	Shade	Y	N

Table 7 Approved Trees								
Common Name and Cultivars	Scientific Name	Native	Height (ft.)	Spread (ft.)	Growth Rate	Shade, Ornamental, Screen	Street Tree	Under Overhead Utilities
	glyptostroboides							
Serviceberry, Autumn Brilliance	Amelanchier x grandiflora	Yes	25	25	Fast	Ornamental	N	Y
Serviceberry, Downy	Amelanchier arborea	Yes	25	25	Med	Ornamental	Y	Y
Sycamore	Platanus occidentalis	Yes	100	100	Fast	Shade	N	N
Walnut, Black	Juglans nigra	Yes	75	75	Med	Shade	N	N
Zelkova, Green Vase, Musashino, Village Green	Zelkova serrate	No	80	50	Med	Shade	Y	N

See Bentonville Municipal Code, Appendix B Land Development Code, Sec 1400.13 Approved Trees List.

(b) Prohibited Trees.

The following trees and plants are prohibited:

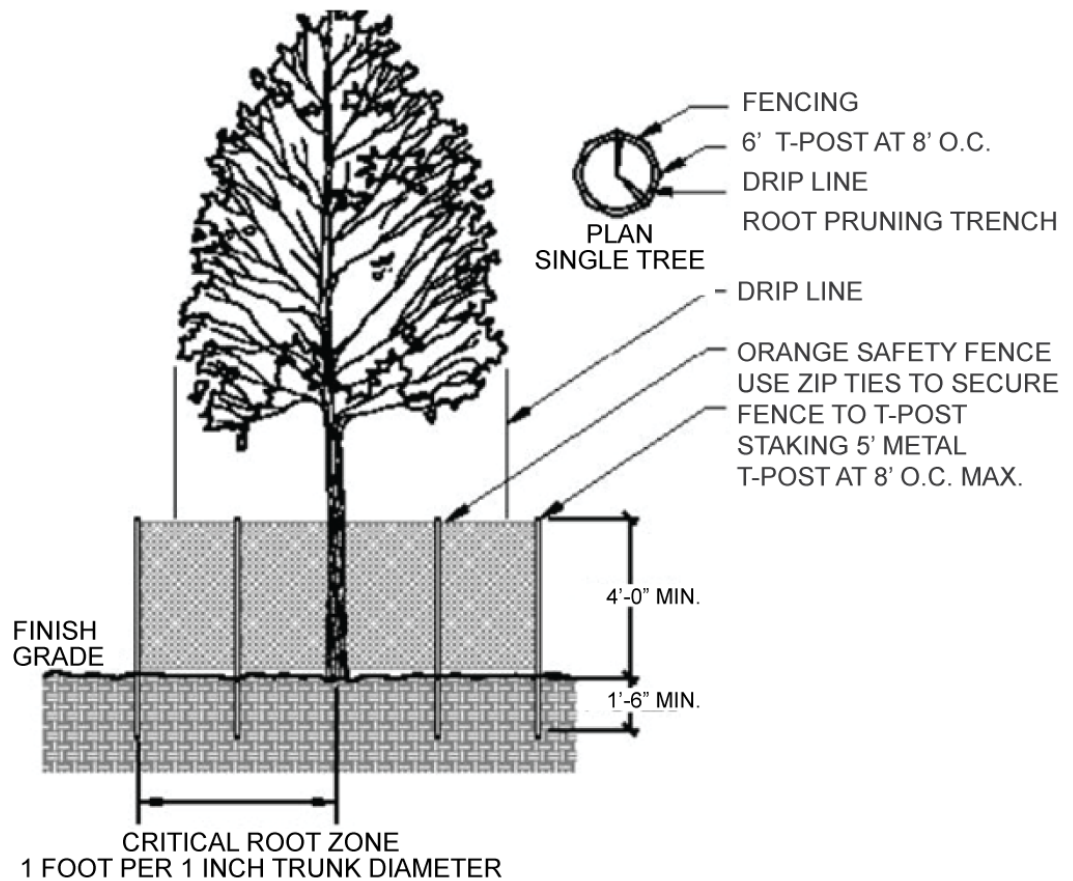
Table 8 Prohibited Trees		
Ash (all varieties)	Lespedeza, Sericea	Periwinkle, Bigleaf/Littleleaf
Bamboo, Golden	Lespedeza, Shrubby	Photinia
Bamboo, Heavenly	Loosestrife, Purple	Poplar, Silver
Elm, Siberian	Maple, Amur	Privet, Common
Empress Tree	Maple, Silver	Privet, Chinese
Euonymus, Burning Bush	Mimosa	Rose, Multiflora
Euonymus, Creeping	Mulberry	Tree of Heaven
Honeysuckle, Bush/ Japanese/Shrub	Mustard, Garlic	Winter Creeper
Japanese Kudzu Vine	Olive, Autumn	Wisteria, Asian
Ivy, English	Olive, Russian	
Lespedeza	Pear, Bradford	

See Bentonville Municipal Code, Appendix B Land Development Code, Sec 1400.14 Prohibited Trees And Plants.



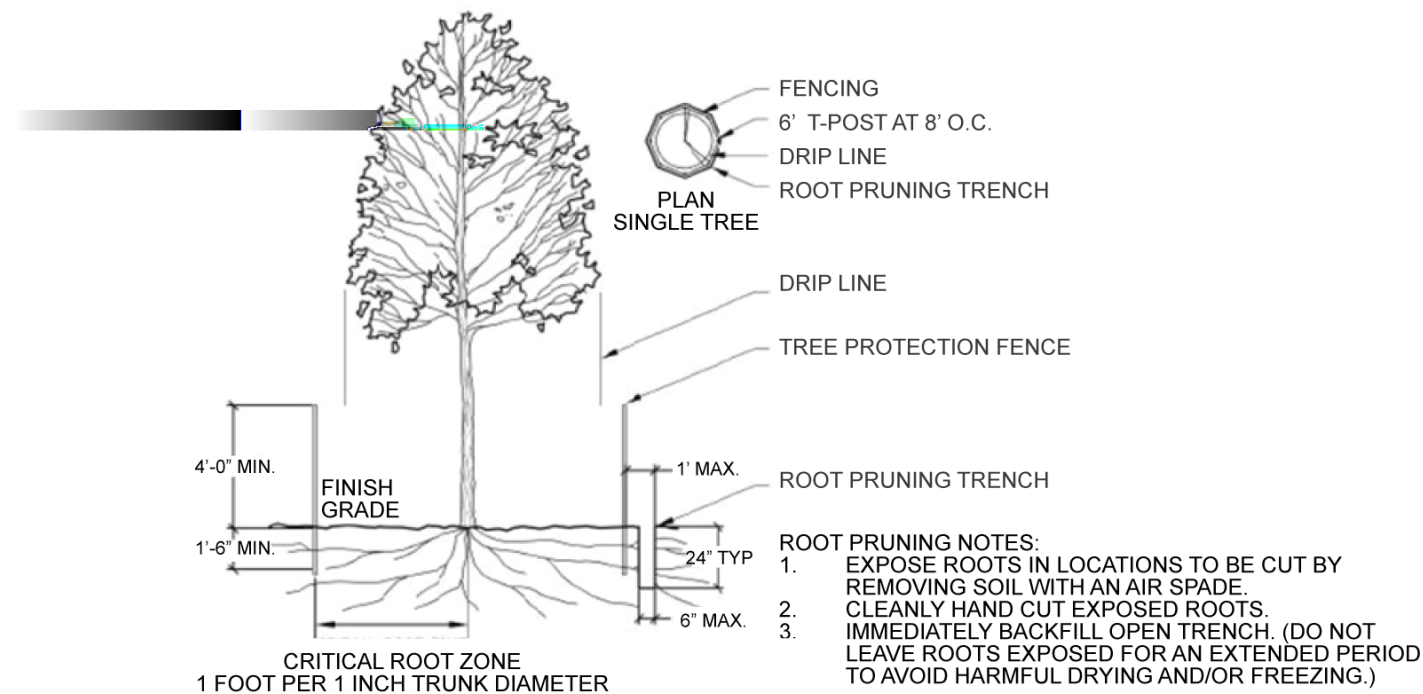
Appendix: Standard Details

Appendix A: Tree Preservation Fencing



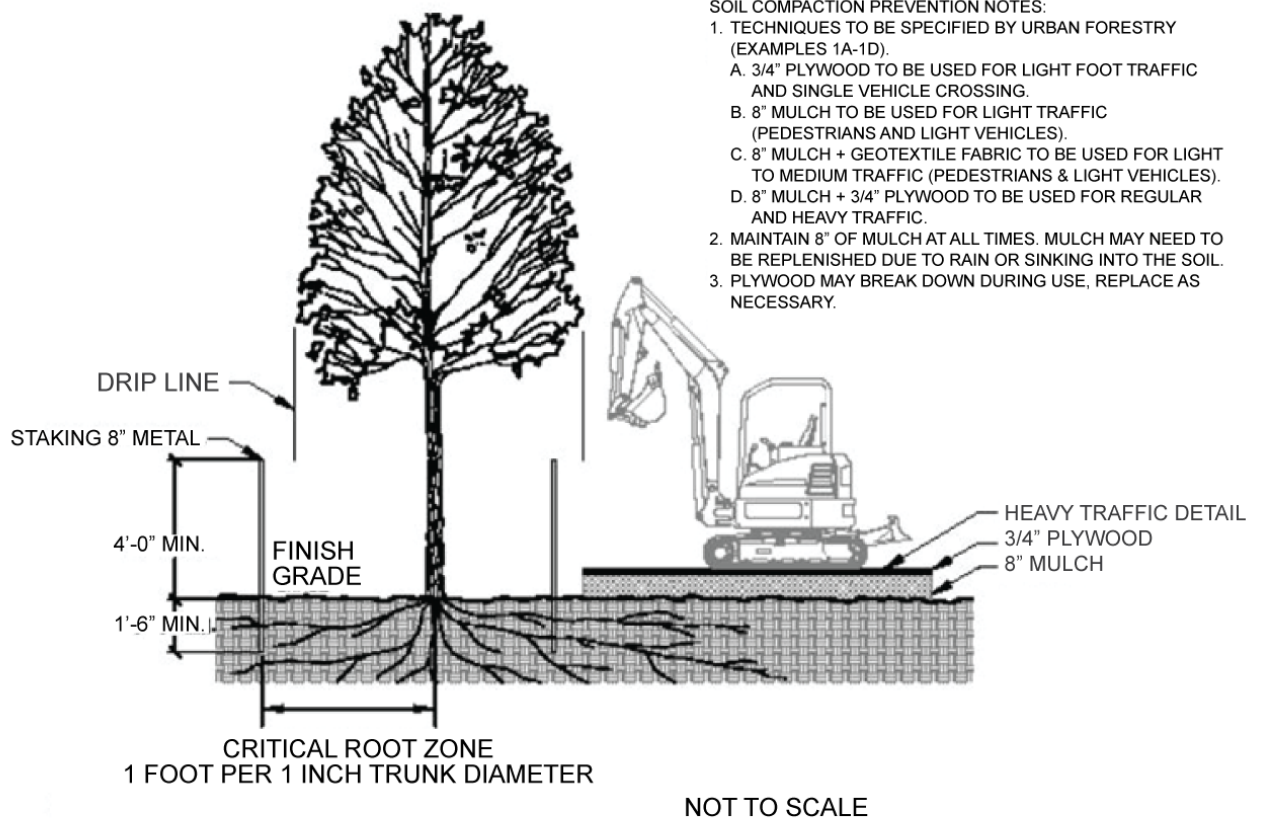
Appendix B

Root Pruning



Appendix C

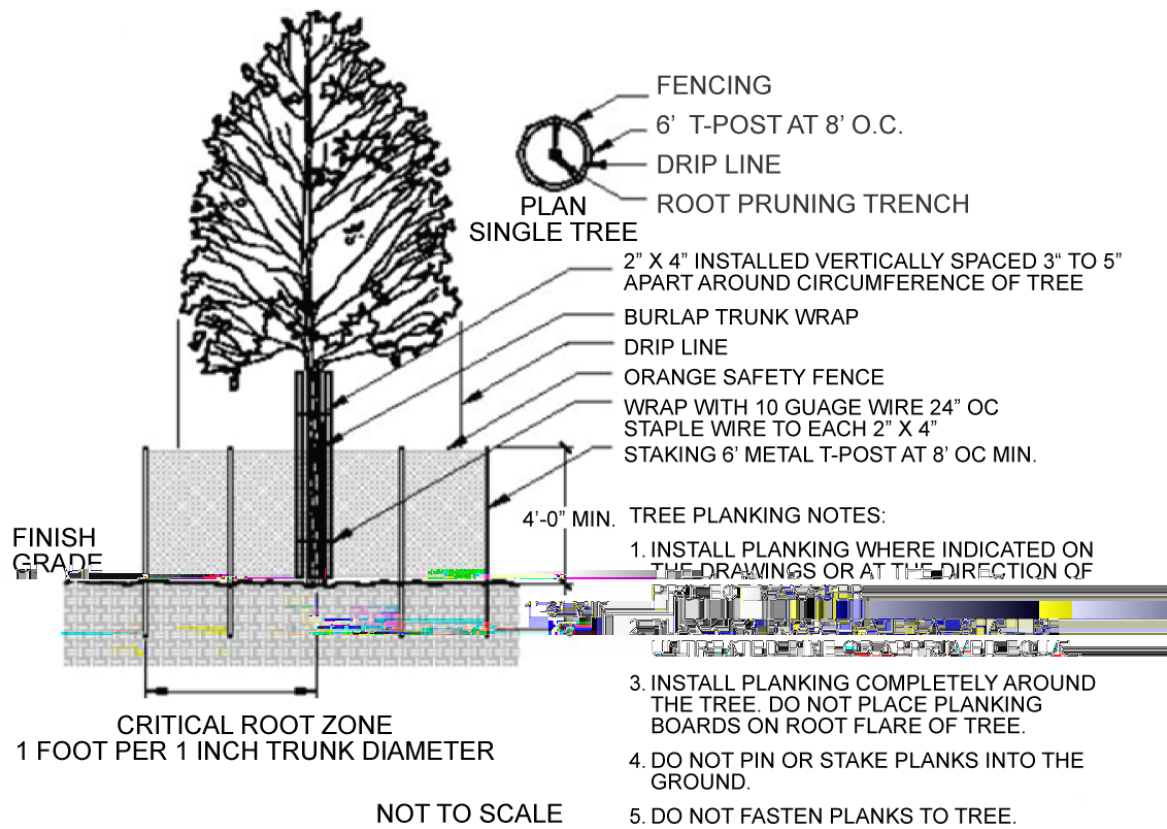
Soil Compaction Prevention



SOIL COMPACTION PREVENTION NOTES:

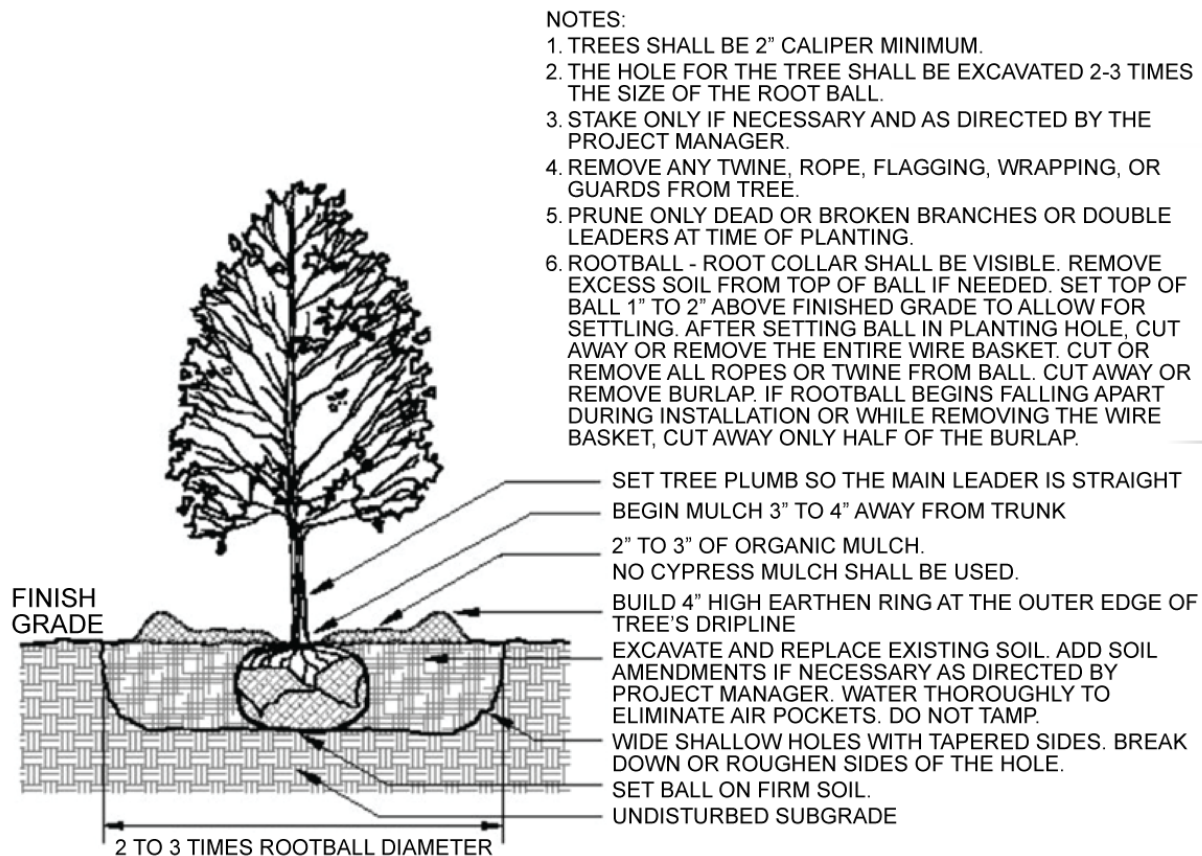
1. TECHNIQUES TO BE SPECIFIED BY URBAN FORESTRY (EXAMPLES 1A-1D).
 - A. 3/4" PLYWOOD TO BE USED FOR LIGHT FOOT TRAFFIC AND SINGLE VEHICLE CROSSING.
 - B. 8" MULCH TO BE USED FOR LIGHT TRAFFIC (PEDESTRIANS AND LIGHT VEHICLES).
 - C. 8" MULCH + GEOTEXTILE FABRIC TO BE USED FOR LIGHT TO MEDIUM TRAFFIC (PEDESTRIANS & LIGHT VEHICLES).
 - D. 8" MULCH + 3/4" PLYWOOD TO BE USED FOR REGULAR AND HEAVY TRAFFIC.
2. MAINTAIN 8" OF MULCH AT ALL TIMES. MULCH MAY NEED TO BE REPLENISHED DUE TO RAIN OR SINKING INTO THE SOIL.
3. PLYWOOD MAY BREAK DOWN DURING USE, REPLACE AS NECESSARY.

Appendix D Soil Tree Planking

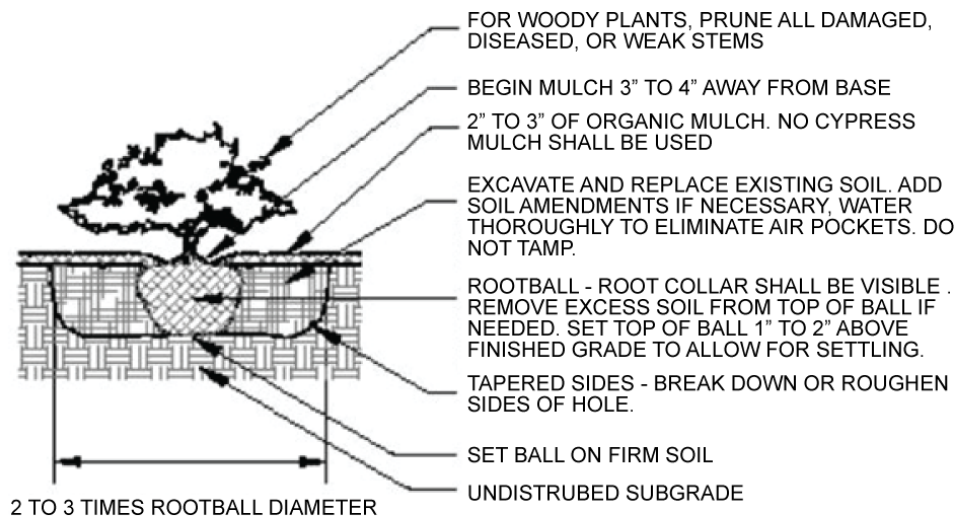


Appendix E

Tree Planting

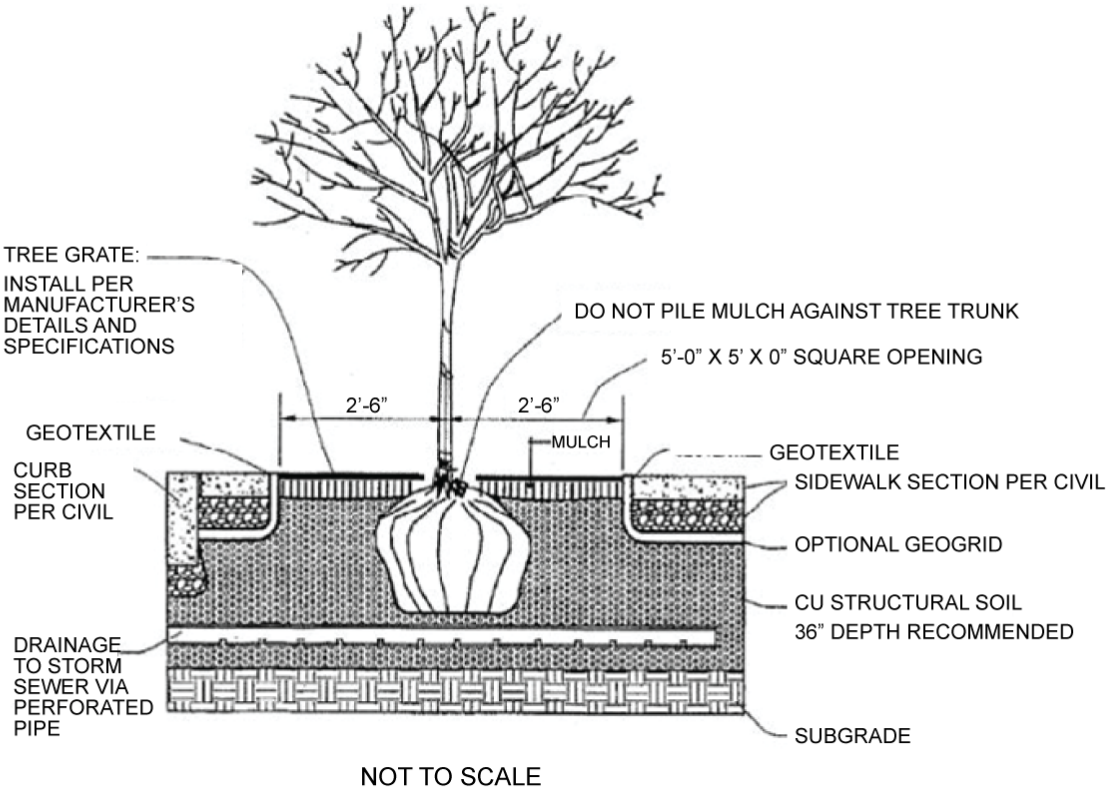


Appendix F
Shrub Planting



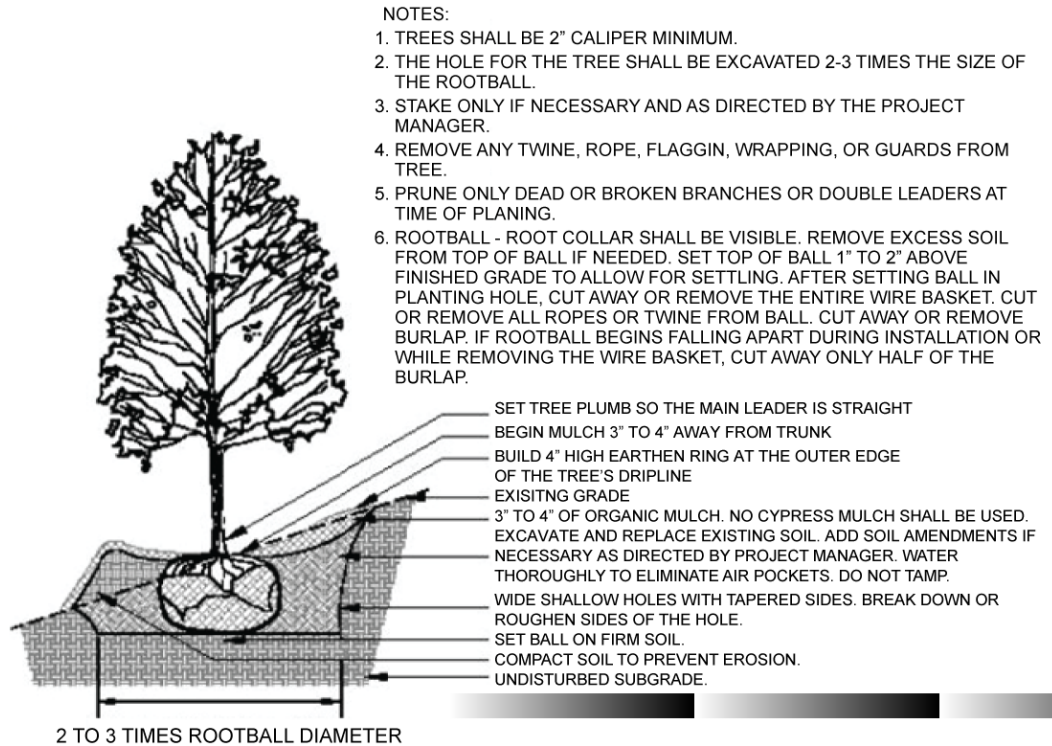
NOT TO SCALE

Appendix G
Tree Well & Grate



Appendix H

Tree Planting on Slope



NOT TO SCALE



Art. 1300 Tree Preservation and Protection Amendments

PC Date: 4/16/2024

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

Type	Amendment
Code Impacted	Land Development Code
Section(s)	Art. 1300 Tree Preservation and Protection

Issue Statement

The Tree & Landscape Committee as well as members of the public have requested improving city codes to help preserve and protect trees in Bentonville. Staff created a Tree Preservation and Protection Package presented to Planning Commission Dec. 5, 2023, recommending several actions to address that request:

- Tree Preservation and Protection Manual
- **Art. 1300 Tree Preservation and Protection Amendments, which is this agenda item.**
- Art. 1400 Landscaping, Screening and Buffering Amendments

Proposed Amendments to Art. 1300 Tree Preservation and Protection

1. *Sec. 1300.02:* Add the objective "to maintain and increase Bentonville's tree canopy."
2. *Sec. 1300.03:* Add this section specifying what Article 1300 applies to.
3. *Sec. 1300.06:* Add this section to require the adoption of the Tree Preservation and Protection Manual.
4. *Sec. 1300.07(a):* Add exemptions for emergency repairs, routine maintenance and capital improvements for water, sewer, roads and electric.
5. *Sec. 1300.07(c):* Add that the Planning Director must approve removal of trees in public right of way (exempting those for city repairs, maintenance and improvements), establish criteria for making the determination for approval and replacement provisions.

Recommendation

Staff recommends approval of the proposed amendments.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE
APPENDIX B LAND DEVELOPMENT CODE ARTICLE 1300 TREE
PRESERVATION AND PROTECTION; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Bentonville adopted Ord. No. 98-90 Tree Preservation and Protection in 1998 with the a purpose of preserving and protecting the natural beauty of Bentonville and protecting the health and safety of its citizens with regulation of tree maintenance, planting and removal of trees within the street rights-of-way and other public grounds;

WHEREAS, the 2021 Bentonville Urban Tree Assessment indicated that the city's tree canopy decreased from 25.0% in 2013 to 24.8% in 2019;

WHEREAS, city staff and the Tree and Landscape Advisory Committee aim to provide better direction on the removal of trees in street rights-of-way and other public grounds to help slow the loss of tree canopy in Bentonville.

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

Section 1: That Bentonville Municipal Code, Appendix B Land Development Code, Art. 1300 Tree Preservation and Protection shall be and is hereby amended with *Attachment A: Tree Preservation and Protection Amendments*, an electronic copy and hard copy of which is on file with the City Clerk and is hereby adopted by references as though it were copied herein fully.

Section 2- 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 3 - 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 and APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk

Attachment A
Tree Preservation & Protection Amendments

Underline text to be added; strikethrough text to be deleted; sections not shown to remain unchanged.

Article 1300 Tree Preservation and Protection

Sec 1300.02 Objectives

Objectives of this ordinance include, but are not limited to, the following:

- (a) To save trees on public property from indiscriminate destruction or unnecessary removal.
- (b) To moderate the effects of sun, wind, and temperature changes.
- (c) To filter pollutants from the air and release oxygen.
- (d) To stabilize soil and prevent erosion.
- (e) To preserve desirable trees.
- (f) To establish an education program providing information and guidelines for tree preservation and maintenance.
- (g) To maintain and increase Bentonville's tree canopy.

Sec. 1300.03 Applicability.

This article shall apply to the planting, maintenance and removal of trees within street rights-of-way or on other city-owned public property within the City of Bentonville. The regulations set forth in this Article shall not apply to private property.

Sec. 1300.06 Adoption of a Tree Preservation and Protection Manual.

- (a) Adoption. The City of Bentonville shall adopt a Tree Preservation and Protection Manual that includes the following:
 - a. Recommended tree species
 - b. Prohibited tree species
 - c. Significant tree species
 - d. Planting best practices
 - e. Maintenance best practices
 - f. Pruning best practices
- (b) Review and updates. The Tree and Landscape Advisory Committee will periodically review the Tree Preservation and Protection Manual and update as necessary.

Sec 1300.07 Tree Planting, Maintenance And Removal

- (a) *City action.* The City shall have the right to plant, prune, maintain, and remove trees within all street rights-of-way, alleys, squares, and other public grounds, as may be necessary for the following purposes:
- (1) To increase visibility of any traffic control device or sign.
 - (2) To preserve or enhance the symmetry and beauty of such public grounds.
 - (3) To ensure street lighting properly spreads along the street.
 - (4) To accomplish emergency repairs, routine maintenance and capital improvements for water, sewer, roads or electric systems.
- (b) *Standards.* All tree planting, maintenance and removal on public grounds shall follow the standards, specifications and guidelines provided in the City of Bentonville Landscape Tree Preservation and Protection Manual, ~~which will be established and periodically reviewed by the Tree and Landscape Advisory Committee.~~
- (1) It shall be a violation of this ordinance to damage, destroy or mutilate any tree in a public right-of-way or on other public grounds, or attach or place any rope or wire (other than one to support a young or broken tree), sign, poster, handbill or any other thing to any such tree.
 - (2) It shall be unlawful for any person to top or cut back to stubs the crown of any tree in street rights-of-way or on other public grounds.
 - (3) Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on any street.
 - (4) Trees severely damaged by storms or other causes where required pruning practices are impractical may be exempted from this ordinance.
- (c) *Notification and Approval.* Trees may not be planted in or removed from street rights-of-way or on other public grounds without notification to and approval by the ~~Community Development Planning~~ Director; and providing the selection and location of said trees are in accordance with the guidelines of this ordinance. City action in accordance with 1300.07(a) shall not be required to notify the Planning Director. In making a determination, the Planning Director shall consider the following:
- (1) If the tree interferes with ingress/egress to the subject property and there is no other reasonable access to and from the structure or to the property from the public right-of-way.
 - (2) Whether the tree is in danger of falling; interferes with utility service determined by a trained and experienced vegetation management or line clearance employee and/or person; creates unsafe vision clearance within a sight triangle or other legal right-of way; or materially impairs the structural integrity of an existing structure.
 - (3) Whether the tree is deemed a high-risk tree, fatally diseased or dead. The department may require supporting documentation confirming that the tree is a

high-risk tree, fatally diseased or dead and cannot be abated by other means (i.e. pruning, trimming, fruit removal, removal of hazardous limbs).

(4) Whether the tree is a prohibited tree species. Prohibited tree species may be removed without the need for a replacement tree.

(5) Any other relevant criteria the director deems appropriate to make a determination.

(d) Replacement. Any trees removed according to the provisions above shall be replaced at the following ratios.

(1) Trees removed after notification and approval by the Planning Director shall be replaced with approved species at a ratio of 1 tree planted for every 1 tree removed.

(2) Trees removed without notification or approval by the Planning Director shall be replaced with approved species at a ratio of 3 trees planted for every 1 tree removed.

(3) When the Planning Director determines that compliance with the replacement planting requirements is not feasible, the applicant may make a financial contribution to the City's tree planting fund at a rate of \$1,000 per required replacement tree.

(e) *Training.* City employees performing tree work on public grounds shall attend an educational workshop on basic tree science and the proper techniques of tree pruning. City employees that mow and trim public properties should be trained in the proper use of mowers and weed trimmers to avoid damage to trees during routine lawn maintenance. A certificate will be issued when an individual has successfully completed the workshop.

Sec 1300.09 Stop Work Order

The ~~Community Development~~Planning Director may issue a stop work order directing the parties involved to cease and desist all work which does not comply with the Tree Preservation Ordinance. A hearing will be held within 48 hours of the issuance of the stop work order as provided in Section 1300.3 of this article.