

ORDINANCE NO. 3 001-04

AN ORDINANCE TO AMEND ORDINANCE NO. 99-275 TO AMEND VARIOUS PROVISIONS OF THE POLICY AND PROCEDURES MANUAL OF THE CLINTON POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Clinton, Arkansas, adopted Ordinance No. 99-275, on September 9, 1999; and

WHEREAS, said ordinance adopted a Policy and Procedures Manual for the Clinton Police Department, as if set out word for word; and

WHEREAS, the Policy and Procedure Manual that was adopted has needed some revisions to clarify vacation time and to make other technical revisions to the language of the manual; and

WHEREAS, the necessary revisions have now been completed and are attached as "Exhibit A".

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

**Section 1:**

Ordinance No. 99-275 is hereby amended to include the revisions to the Policy and Procedure Manual for Clinton Police Department which are attached as "Exhibit A" hereto.


**Section 15. Emergency:**

The efficient operation of the Clinton Police Department is essential to the public health, safety and welfare. It is important that the provisions of this ordinance go into effect quickly as to alleviate the confusion and difficulty in scheduling vacation and use. An emergency is

therefore declared to exist and this ordinance shall be in full force and effect from and after the date of its adoption.

PASSED August 9, 2001.


APPROVED:

  
James Beavers, Mayor  
Signed 10-4-01

ATTEST:

  
Mel Eoff, City Clerk

APPROVED AS TO LEGAL FORM:

  
Brad A. Cazort, City Attorney

*CITY OF CLINTON*

**POLICY AND PROCEDURE MANUAL**

*FOR*

**CLINTON POLICE DEPARTMENT**

**REVISED**

CLINTON POLICE DEPARTMENT

POLICY & PROCEDURE MANUAL

TABLE OF CONTENTS

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
1.	ADOPTION OF MANUAL	1.1
6.	ADDRESS AND TELEPHONE NUMBERS	6.1
8.	APPLICANTS/EMPLOYEES WITH DISABILITIES	8.1-4
9.	ARREST PROCEDURES	9.1-2
10.	SCHOOL EMERGENCY RESPONSE	10.1-4
11.	BAIL BONDS	11.1
12.	BOMB THREATS/DISASTERS	12.1-5
14.	CARDS: OFFICIAL-PERSONAL	14.1
15.	CHAIN OF COMMAND	15.1
16.	CHEMICAL IRRITANT PROJECTOR	16.1-2
18.	COMMUNICABLE DISEASES POLICY	18.1-7
19.	COMMUNITY RELATIONS	19.1-2
20.	CONDUCT: ABUSE OF POSITION	20.1
21.	CALL PRIORITIZATION, DISPATCH, TELEPHONE REPORTS	21.1-5
22.	CONDUCT: UNBECOMING AN EMPLOYEE	22.1
23.	COURT PROCEDURES	23.1-2
24.	DEBTS	24.1
26.	DOMESTIC ABUSE INCIDENTS	26.1
27.	ELECTRONIC RESTRAINT DEVICE	27.1-2
28.	EMERGENCY CALL-OUT PROCEDURES	28.1
32.	ENFORCEMENT: MUTUAL ASSISTANCE	32.1

33.	ENFORCEMENT: TRAFFIC	33.1-9
34.	ETHICS	34.1
35.	EVIDENCE	35.1-3
36.	FIREARMS: AUTHORIZATION	36.1
38.	FOLDER, FELONY CASE	38.1-3
41.	GRATUITIES, REWARDS, AND WITNESS FEES	41.1
42.	GRIEVANCES & DISCIPLINARY PROCEDURES	42.1-4
44.	HARASSMENT-WORKPLACE	44.1-3
45.	HOLIDAYS	45.1
46.	IMPARTIALITY	46.1
47.	INFORMATION: DIVULGING	47.1
49.	INJURED/SICK PERSONS	49.1
50.	INVENTORY	50.1
51.	INSUBORDINATION	51.1
52.	INTOXICANTS AND NON-PRESCRIPTION DRUGS	52.1
53.	INVESTIGATIONS: CRIMINAL	53.1-12
54.	INVESTIGATIONS: INTERNAL AFFAIRS	54.1-2
55.	INVESTIGATIONS: MISSING PERSONS MORGAN NICK ALERT SYSTEM	55.1-7
56.	INVESTIGATION: MOTOR VEHICLE ACCIDENTS	56.1-4
59.	JAIL AND BOOKING PROCEDURES	59.1-2
60.	JUVENILE CURFEW VIOLATIONS	60.1-3
61.	JUVENILE PROCEDURES	61.1-3
62.	LEAVE	62.1-2
63.	MEDIA RELATIONS	63.1-2
64.	MEMBERSHIPS IN ORGANIZATIONS	64.1-3

65.	MOBILE VIDEO/AUDIO RECORDING EQUIPMENT	65.1-2
66.	OFF-DUTY EMPLOYMENT	66.1-2
67.	OFF-DUTY POLICE ACTIVITY, NEIGHBORHOOD DISPUTES	67.1
68.	OUT-OF-TOWN HOME CHECKS	68.1-2
69.	PATROL FUNCTIONS	69.1-5
70.	PERFORMANCE EVALUATIONS	70.1-4
71.	PERSONAL PROPERTY AND EQUIPMENT	71.1
72.	POLICE OFFENSES: DISCIPLINARY	72.1-2
74.	VEHICLE POLICY	74.1
75.	POLICE VEHICLE:MAINTENANCE	75.1
76.	POLICE VEHICLE OCCUPANTS	76.1
77.	POLICE VEHICLE:EMERGENCY OPERATIONS	77.1-4
78.	POLICE VEHICLE:PURSUIT DRIVING	78.1-4
79.	POLICE VICTIM ASSISTANCE	79.1-2
80.	POLITICAL ACTIVITY	80.1
81.	PROBATION PERIOD	81.1
83.	PROPERTY:DEPARTMENTAL	83.1
84.	PROPERTY:DISPOSITION	84.1
85.	PSYCHOLOGICAL AND PHYSICAL EXAMINATION	85.1
88.	RADIO PROCEDURES	88.1-4
89.	RECOMMENDATION OF SERVICES	89.1
92.	REPORT:OFFENSE/INCIDENT	92.1-3
93.	REPORT WRITING PROCEDURE	93.1-5

95.	RESPONSE OUTSIDE OF JURISDICTION	95.1
96.	ROBBERY: BANK/SAVINGS AND LOAD, HOLDUP, ALARM PROCEDURES	96.1-3
97.	SEARCH: MOTOR VEHICLES	97.1-2
98.	SEARCH: EXECUTION OF WARRANT	98.1-2
99.	SEARCH: PERSON	99.1-3
101.	SOBRIETY CHECKPOINT (ROADBLOCK)	101.1
102.	SMOKING AND USE OF TOBACCO	102.1
103.	SWORN EMPLOYEE-DRUG TESTING	103.1-4
104.	TRAINING	104.1
105.	TRAINING REQUIREMENTS	105.1
106.	TRANSPORTING ARRESTED PERSONS	106.1-2
107.	UNIFORMS/GROOMING	107.1-2
108.	USE OF FORCE	108.1-4
109.	HOSTAGE/BARRICADED SUBJECT SITUATIONS	109.1-3
116.	LINE OF DUTY DEATHS	116.1-3

CLINTON POLICE DEPARTMENT  
HANDBOOK AND MANUAL CHANGES

SECTION 10 (AUXILIARY OFFICER)	DELETED
SECTION 10 SCHOOL EMERGENCY RESPONSE	10.1-4
SECTION 13. 1-10 (CANINE)	DELETED
SECTION 19 (COMMUNITY RELATIONS)	OK
SECTION 20 (CONDUCT)	OK
SECTION 21 (CALL PRIORITIES)	OK
SECTION 26 (DOMESTIC ABUSE)	USE STATE LAW
SECTION 34 (ETHICS)	OK
SECTION 36 (FIREARMS)	DELETED B-CHANGE C (DISPLAY BADGE)
SECTION 37 (RANGE)	DELETE
SECTION 42 (DISCIPLINARY)	(CHANGE WILL TO <u>MAY</u> (FIRST PARAGRAPH)
SECTION 45 (HOLIDAYS)	OK
SECTION 46 (IMPARTIALITY)	OK
SECTION 49 (INJURED/SICK PERSONS)	CHANGE LINE 4 & DELETE (B.2)
SECTION 55 (MISSING PERSONS)	OK (ADDED MORGAN NICK ALERT)
SECTION 62 (LEAVE-VAC & SICK)	CHANGED
SECTION 70 (FORMS FOR EVALUATION)	OK
SECTION 50 (INVENTORY)	OK
SECTION 97 (VEHICLE SEARCH)	OK
SECTION 101 (ROADBLOCKS)	OK
SECTION 103 (DRUG TESTING)	OK



SECTION 10.  
CLINTON SCHOOL EMERGENCY RESPONSE

**PURPOSE :**

To establish departmental policy and procedures for response to emergency incidents in Clinton Schools.

**POLICY :**

The protection and safety of personnel is the highest priority for the community and the Clinton Police Department. Citizens expect schools to be a safe and secure environment where children can be sent without concern for their safety and well being.

**PROCEDURES :**

1. THE SCHOOL PERSONNEL IN CHARGE OF THE INCIDENT SHOULD:
  - (a) Notify law enforcement;
  - (b) Dispatch a school liaison person to pre-determine meeting point to make contact with the responding police officer and remain at the pre-determined site until officially relieved;
  - (c) Determine what is the safest course of action until the first responding officer arrives.

2. FIRST RESPONDING OFFICER AT THE SCHOOL EMERGENCY INCIDENT: THE OFFICER SHALL HAVE, PRIOR TO THE INCIDENT, REVIEWED THE SCHOOL EMERGENCY RESPONSE CHARTS, WHICH DETAILS THE RESPONSE THAT VARIOUS SCHOOLS WILL IMPLEMENT IN VARIOUS EMERGENCY INCIDENTS. ON ARRIVAL THE OFFICER SHALL:

- THE CHIEF OF POLICE WILL BE NOTIFIED WITH EVENTS OF THE INCIDENT, IMMEDIATELY.

- (a) Go directly to the pre-determined meeting point and make contact with the school liaison official. The school liaison should meet the responding officer at or near the main entrance to the school, if such can be done safely. The
- 10.1

- (b) school liaison should have in his/her possession a folder containing information about the school that may be necessary in responding to the incident;
- (c) Assume temporary command of the situation and remain in command until relieved by a higher authority.
- (d) Designate a temporary command post at the scene in a safe location and begin assessing the situation by gathering information from school personnel. Some of the questions to be answered include:
  - 1. What is the situation?
  - 2. Is the incident still in progress?
  - 3. What kinds of weapon(s) is/are used?
  - 4. Are there any hostages?
  - 5. What is the exact location of the incident?
  - 6. To what degree is the danger to others still present?
  - 7. Who are the suspect(s)? Description of suspect(s)
  - 8. What is their direction of travel?
  - 9. Are there injured or fatalities?
- (e) Relay the information to the Arkansas State Police; and
- (f) Formulate an emergency action plan and execute the plan if students or others are in imminent danger. Imminent danger means that the instability of the incident will almost certainly result in death or serious injury if immediate action is not taken. In formulating the plan, the officer must choose the alternative that provides the least risk to the most people.

- **IF THE OFFICER MUST LEAVE THE COMMAND POST FOR IMMEDIATE ACTION, THE SCHOOL LIAISON OFFICIAL WILL REMAIN AT THE MEETING POINT TO BRIEF OTHER ARRIVING LAW ENFORCEMENT OFFICERS.**

**3. INCIDENT COMMANDER:**

Assume the responsibilities of the first responding officer.

- a. Determine need for additional resources and summons same;
- b. Assume responsibility for assignment of all officers responding to the scene;
- c. Develop and implement an immediate tactical plan to stabilize the situation to prevent further injury. If imminent danger is not present, develop a tactical plan that can be instantly implemented should the situation escalate;
- d. Assign areas of responsibility to supervisors that arrive on the scene;
- e. Summons and coordinate resources from other agencies as provided, if needed.
- f. Direct all activities;
- g. Establish an inner perimeter as soon as manpower is available at the scene. Establish an outer perimeter as soon as possible;

**4. SCHOOL OFFICIAL:**

- a. Assist at the direction of the Police Department, in identifying any victims on site or transported to an area hospital;
- b. Move all non-injured witnesses to an area where they can be interviewed as soon as possible.
- c. If students are moved off campus, identify them on a list that goes to the Police Chief.

- d. Secure the off campus holding area with other officers that arrive.
- e. Accompany potential witnesses to a secured area; refer to 4(b) of this section.
- f. Log all persons entering or leaving the secured area.

5. INJURY AREA:

**THE CLINTON POLICE DEPARTMENT WILL MAINTAIN A STATUS OF ALL PERSONS IN THE INJURY AREA.**

- a. The Clinton Police Department, School Administration, or an officer from as assisting agency will maintain a list of injured persons and their injuries within the injury area;
- b. Will direct medical personnel to the area(s) where needed, and maintain a log of who enters and the medical agency he/she is with;

SECTION 26.

DOMESTIC ABUSE INCIDENTS

Policy It is the policy of this agency to reduce the incidence and severity of domestic abuse; protect victims of domestic abuse and provide them with support through a combination of law enforcement and community services; and, promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic abuse calls for service.

This department will follow the Arkansas Law Subchapter 3-Domestic Battery and Assault (A.C.A. 5-26-301-A.C.A.5-26-309).

SECTION 36.

FIREARMS: AUTHORIZATION

POLICY: All officers of the department when on duty will use one of the following as a handgun; a Colt or Smith & Wesson Revolver, 38 caliber, or 357 Magnum, with a barrel length not exceeding four (4) inches, or a semi-automatic approved by the Chief of Police in a 9mm, 40 or 45' caliber.

- a. Routine maintenance and care of the handgun is the responsibility of each officer. All weapons must at all times be functional, and free from any mechanical defect.
- b. Officers when dressed in civilian clothes, whether on or off duty, **must have badge displayed when wearing a handgun.**
- c. No officer will be armed while under suspension, unless possession of a firearm is in compliance with existing state statutes regarding the use and possession of firearms by the general public.
- d. Service revolvers shall not be worn on the gun belt in a holster or other device, which places the handle of the weapon more than three (3) inches from the body. When the handle of the weapon is tilted forward and away from the officer's body, the weapon can hang on doors, windows, belts, etc., and makes it possible for another person to take the firearm away from the officer.
- e. Officers of this department shall not use firearms unless it is necessary to protect themselves or other persons from death or serious bodily injury.  
  
For further information, refer to the Department Policy on the use of force, which is contained in Sections on Deadly and Non-Deadly Force of this manual.

SECTION 42

GRIEVANCE & DISCIPLINARY PROCEDURES

POLICY: It is the policy of this agency to avoid terminating an otherwise productive member when conduct, behavior or performance problems occur, if possible. This agency may use progressive disciplinary action to bring about change once it is shown that a member knew, or should have known, that such conduct, behavior or performance failed to comply with established directives, provided that:

- a. the conduct, behavior or performance was not caused by a lack of skills or ability that the typical member would not be expected to possess; and
- b. prior to taking such disciplinary action, lesser forms of actions, such as supervisory consulting or formal counseling, were appropriate to use and were followed.

x

PROCEDURES:

- a. When discipline is deemed appropriate, this agency will use a progressive system, when practicable. Furthermore, discipline shall be for cause and shall follow the basic concepts of due process.
  - b. This agency does not intend to illegally discriminate against current members, potential members or member groups on the basis of sex, ethnic background, race, religion, color, age, or physical disability in any disciplinary or termination proceedings.
  - c. Supervisors must ensure that fair enforcement decisions are made in the use of disciplinary or termination action. Fair enforcement incorporates the concepts of equality and equity, supervisors will not illegally discriminate against members and will treat them equally when making decisions about the appropriate type of intervention to use in correcting a performance deficiency. Solutions include training, discipline, remedial training, reassignment, demotion or termination. Whatever the administrative action, its amount and degree must be based on equity.
- (1) Equity defined. Equity means that supervisors review each member's performance deficiency and considers the following circumstances to help determine the amount and degree of administrative action:
- (a) the seriousness of the offense;
  - (b) management's expectation that the type and level of administrative action will facilitate or deter the conduct, work proficiencies or behavior of others;
  - (c) the member's overall conduct, work productivity, time between other violation (if other offenses occurred) and behavior record;
  - (d) management's expectation based on the member's overt behavior, that the type and level of administrative action will improve the member's future performance. In other words, does the member respond positively to discipline; and
  - (e) the member's seniority
- d. It is the policy of this agency to terminate members when situations beyond the control of the agency, or when the member's actions or inaction's or when the results of the member's actions or

SECTION 49.

INJURED/SICK PERSONS

**POLICY:** Emergency comfort care provided by a law enforcement officer to any injured or sick person shall be done where the person is found. Medical professionals warn against unnecessarily handling or moving the injured due to risk of aggravating after-effects or extended hospitalization of the injured person. Officers will attempt to provide whatever comfort they can until professional medical care can be obtained. There may be emergency situations requiring the immediate removal of seriously injured or critically ill persons from a position of imminent danger. The decision must, in all instances, be based on the safety and protection of the victim.

**PROCEDURES:**

- a. **Injured Persons:** Persons who are taken into custody with visible injuries or convincing complaints of an injury shall be provided with professional medical care prior to incarceration.
  - (1) If hospitalization is required, a misdemeanor suspect will be released to the examining physician. The arresting officer shall issue a Uniform Violations Notice to the suspect setting a location, time and date for court appearance.
  - (2) If hospitalization is required for an arrested felony suspect the Chief of Police shall be notified, and should clear danger of escape be present, a law enforcement guard may be assigned to the suspect until released and processed according to the law.
  - (3) Should an officer respond to a call involving a person who has fallen or is otherwise seriously injured and no violation of the law is considered, the victim will be provided with appropriate aid and comfort. The officer shall call for emergency transportation service.
  - (4) Written report shall be prepared giving all information available and action taken by the officer.
- b. **Sick Persons:** An officer responding to a call to assist a person who is ill, shall provide immediate assistance and comfort and shall make necessary arrangements for the transportation of the ill person to a health care professional of their choice.
  - (1) Any person who is unconscious or unable to give any information or make a decision concerning their physician of choice shall be transported to the closest health care facility for treatment.



SECTION 62.

POLICY: It is the policy of this agency to encourage employees to take advantage of accrued vacation and compensatory time with manpower requirements.

a. SICK LEAVE AND VACATION - LAW ENFORCEMENT OFFICERS:

(1) Sick Leave: Law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days (A.C.A. 14-52-107).

Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No such sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days, which the officer is not, scheduled to work. If, at the end of his term of service, upon death, whichever occurs first, any police officer has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave will not be made when the officer's employment terminates for any reason other than death or retirement. Payment for unused sick leave in the case of a police officer shall not exceed sixty (60) days' salary (A.C.A. 14-52-107).

(2) Vacation: the Chief of police shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay (A.C.A. 14-52-106).

All employees of the police department shall accumulate vacation time at the rate of one and one-quarter (1¼) working days for each month of working service.

**Unused vacation time shall not exceed 30 days.**



## **MORGAN NICK ALERT SYSTEM**

### **PURPOSE:**

The Morgan Nick Alert System is a cooperative effort among Arkansas state and local law enforcement agencies working in conjunction with more than 250 Arkansas radio and television stations.

The system provides law enforcement agencies intermediary access to the on-air signals of broadcasting stations across the state during the critical minutes following an initial report to local authorities of suspicious circumstances involving a child's disappearance.

Using remote access equipment linked to the national Emergency Alert System (EAS) and an electronic mail network, maintained at Arkansas State Police Headquarters in Little Rock, all participating radio and television stations will receive an alert to interrupt programming via the EAS and broadcast information about a child's disappearance.

Working closely with the Morgan Nick Foundation and other civic groups, the State Police and local law enforcement officers are helping parents secure digital photographs of their children that could be used in case of a child's disappearance. The State Police Criminal Investigation Division Special Agents have also been trained to assist local law enforcement jurisdictions get electronically scanned photographs into the newsrooms of newspapers and television stations.

It is the intent of the Morgan Nick Alert System to as quickly as possible, following the disappearance of a child, disseminate accurate information about the disappearance, description of the child, and a photograph of the child to as many residents of the state as possible.

The Arkansas State Police will make every reasonable effort to ensure the criteria for EAS activation exists prior to its use. The Arkansas State Police acknowledges the potential harm and detriment that over utilization of the EAS or false information could cause to the Morgan Nick Alert System and will take all necessary precautions to authenticate information and limit to a minimum interruptions of local radio and television broadcasts.

#### **MORGAN NICK ALERT SYSTEM POLICY:**

Historically, both enforcement divisions of the Arkansas State Police have made State Troopers and Special Agents (SA) available to local law enforcement personnel in search and investigative operations involving missing children. This practice will not change.

A strict criteria will, however, be applied should a local law enforcement agency request activation of the Morgan Nick Alert System.

#### **MORGAN NICK ALERT SYSTEM ACTIVATION CRITERIA**

- (a) Missing child must be 12 years of age or younger and/or criminal activity suspected in the disappearance.
- (b) ASP/SA will be dispatched to consult and assist local law enforcement jurisdiction in completing the Morgan Nick Alert System Initial Reporting Form.
- (c) A police chief, sheriff or local law enforcement agency command officer must complete the Morgan Nick Alert System Initial Reporting Form, sign the document and electronically mail or fax the form to Arkansas State Police, Troop A Communications Center located at Little Rock headquarters.
- (d) A photograph of the child will be e-mailed along with the initial reporting form or will be turned over to the CID/SA responding to the disappearance call.
- (e) Before activation of the Emergency Alert System, an ASP/CID Region commander must consider the information contained within

the initial report form and approve activation of the EAS. In the event a region commander is unavailable, the alert activation process will default to the ASP chain of command beginning with the ASP/CID Major.

(f) Elements of the disappearance case to be considered by the CID Region Commander or other designated ASP commander:

- ✓ Threat of imminent harm or death to the missing child
- ✓ Age of the child
- ✓ Time of initial report vs. time of disappearance
- ✓ Witness information
- ✓ Possible domestic or parental dispute involving child
- ✓ Other facts that indicate the child was abducted or is in danger of serious injury or death, i.e., witnessed kidnapping or witnessed abuse or violence toward the child

(g) ASP Troop A Telecom Operators will activate the EAS encoder only with the approval of the ASP/CID Region Commander or appropriate commander designated under Section (e) of the alert system activation criteria. The telecom operator will prepare and read from an Arkansas State Police Morgan Nick Alert System Script.

(h) Following the authorization process, a Morgan Nick Alert will be broadcast twice during the first hour and once every hour afterwards for not more than two hours or until such time that the missing child is verified as located. (Local and statewide broadcast stations will exercise their own independent discretion to repeat the broadcasts more frequently or limit the use of the information following the initial EAS activation.)

#### DISAPPEARANCES NOT MEETING EAS ACTIVATION CRITERIA

If the circumstances of a child's disappearance do not meet the criteria to activate the statewide EAS, an alternate form of mass notification can be offered by the Arkansas Safe Police.

(a) A photograph and the Morgan Nick Alert System Initial Reporting Form may be e-mailed through a statewide network of law

enforcement agencies, news media offices and other forms of public communication.

(b) The e-mail will contain information taken from the Morgan Nick Alert System Initial Reporting Form submitted by the local police or sheriff's department, i.e., name of missing child, physical and clothing descriptions, location last seen, time of disappearance, law enforcement agency requesting general e-mail notification, contact name and telephone number.

(c) The e-mail alerting news media and law enforcement of a child's disappearance which does not meet the criteria of a Morgan Nick Alert System EAS activation will include the following paragraph at the beginning of the e-mail:

**The (name of law enforcement agency) has requested the following information be provided to the Arkansas news media and law enforcement agencies.**

**At the present time information being provided to the Arkansas State Police by the (name of law enforcement agency) has not triggered a Morgan Nick Alert System EAS activation.**

**It should be left to the discretion of each law enforcement agency and news department receiving this e-mail whether to release the attached information regarding the disappearance of this child and/or child's photograph.**

(d) Should an initial investigation into the disappearance produce evidence that may change the initial circumstances as reported to local law enforcement, an ASP/SA may submit a revised initial reporting form to a CID Regional Commander for reconsideration to activate the EAS.

**CLINTON POLICE DEPARTMENT  
PERFORMANCE EVALUATION**

EMPLOYEE NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE OF EMPLOYMENT: \_\_\_\_\_

OVERALL RATING \_\_\_\_\_ (PLACE CHECK (X) WHERE APPROPRIATE)

ABOVE AVERAGE \_\_\_\_\_ AVERAGE \_\_\_\_\_ BELOW AVERAGE \_\_\_\_\_ UNSATISFACTORY \_\_\_\_\_

**PERFORMANCE QUALITIES**

1. JOB KNOWLEDGE	ABOVE AVERAGE	AVERAGE	BELOW AVERAGE
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UNDERSTANDING AND KNOWLEDGE OF POLICIES, PROCEDURES AND FACTS RELEVANT TO JOB. HAS TECHNICAL KNOWLEDGE REQUIRED TO PERFORM THE JOB, SKILL IN USING ESTABLISHED TECHNIQUES, PROCEDURES, MATERIALS AND ABILITY TO PERFORM THE TASK

2. QUALITY OF WORK	_____	_____	_____
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DEGREE OF ACCURACY, NEATNESS, THOROUGHNESS AND/OR COST EFFECTIVENESS IN WORK PRODUCED.

3. QUANTITY OF WORK	_____	_____	_____
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DEGREE TO WHICH ONE PRODUCES THE REQUIRED AMOUNT OF WORK WITHIN THE REQUIRED TIME.

4. COMMUNICATION	_____	_____	_____
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DEGREE TO WHICH ONE COMMUNICATES ALL MATTERS OF IMPORTANCE, SKILL IN TRANSMITTING AND RECEIVING INFORMATION ORALLY AND IN WRITING.

5. ATTENDANCE/PUNCTUALITY	_____	_____	_____
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PUNCTUALITY WITH REGARD TO ABSENCE OR TARDINESS