



The Criminal Justice Institute's  
**Management Quarterly**

Winter 2005

# NIMS:

## How Prepared is Arkansas Law Enforcement?

In the last issue of the *CJI Management Quarterly*, we discussed the recent mandate from the Office of Homeland Security that requires police departments across the Nation to implement the National Incident Management System (NIMS), the Nation's first-ever standardized approach to incident management and response.

Now, to personalize the concept of NIMS for the Arkansas law enforcement community, we will take a closer look at how this system will impact the State. We will also examine the role that the Arkansas Department of Emergency Management (ADEM) plays in ensuring that Arkansas law enforcement agencies are NIMS-compliant.

### Making the Change

The way this Nation prepares for and responds to domestic incidents is about to change. It won't be an abrupt change. After all, best practices that have been developed over the years *do* play a major role in the National Incident Management System. But it will change—and for the better.

The best practices developed by emergency services personnel over the last two or three decades have been reviewed, revamped, and adapted to meet the needs of



emergency services personnel in this era. Developed by the Department of Homeland Security and issued in March 2004, NIMS is designed to enable responders at all jurisdictional levels and across all disciplines to work together more effectively and efficiently.

One of the most important "best practices" that has been incorporated into NIMS is the Incident Command System (ICS), a standard, on-scene, all-hazards incident management system already in wide use by firefighters, hazardous materials teams, rescuers, and emergency medical teams. ICS has been established by NIMS as the standardized organizational structure for the manage-

ment of all incidents. Classes on ICS are available through the Arkansas Department of Emergency Management (ADEM) at all levels of expertise.

While the Incident Command System (ICS) is a major component of NIMS, there are other aspects to the system as well:

- **Standards for planning, training, and exercising**
- **Personnel qualification standards**
- **Better resource acquisition and management**
- **Interoperable communication processes and standards**
- **Commonly accepted standards in information management**

## NIMS: Compliance Timetable

States and local governments are required by Presidential directive to implement the **National Incident Management System (NIMS)** as soon as possible. The prescribed timetable is as follows:

### Fiscal Year 2005

*(Oct. 1, 2004-Sep. 30,2005)*

Law enforcement should officially adopt NIMS within their agencies and complete the required NIMS training.

### Fiscal Year 2006

*(Oct. 1, 2005-Sep. 30,2006)*

Implementation should continue as other NIMS standards are passed down from the federal government. Federal preparedness assistance will be leveraged by the level of implementation that year.

### Fiscal Year 2007

*(Oct. 1, 2006-Sep. 30,2007)*

Preparedness assistance from the federal government is conditional on full compliance with NIMS.



In short, NIMS will give all responders, whether they are law enforcement, fire services or emergency management, a common foundation to better respond to incidents, no matter the size or complexity.

As an incentive for Arkansas law enforcement to adopt NIMS, beginning in fiscal year (FY) 2006, federal funding for state, local, and tribal preparedness grants will be contingent upon compliance with NIMS. Agencies that have not adopted the provisions of NIMS will not be eligible to apply for these preparedness grants.

## Arkansas Department of Emergency Management (ADEM)

To ensure your agency is NIMS-compliant, you must coordinate your implementation efforts with the Arkansas Department of Emergency Management (ADEM). ADEM provides effective state-level leadership and coordination in a comprehensive all-hazards approach to natural and man-caused emergencies and disasters impacting Arkansas.

The agency originated in the Civil Defense era and celebrated fifty years of emergency management last year. Its mission is primarily driven by Act 511 of 1973, which established the Office of Emergency Services (OES) and took the agency into the all-hazards era. ADEM became a department of the state government in 1999 with the passage of Act 646. ADEM works closely with FEMA and the Department of Homeland Security as the state contact for those agencies. By state law, ADEM supports the emergency management efforts of 77 jurisdictions, which consists of Arkansas' 75 counties and the cities of Little Rock and North Little Rock.

With the advent of NIMS by the Department of Homeland Security, ADEM took on another valuable role—it was designated by Governor Mike Huckabee as the State Administrative Agency (SAA). This designation makes ADEM the only entity eligible to receive grant funding offered by the Department of Homeland Security specifically tied to the education and information necessary to comply with NIMS.

## What Does NIMS Mean To Arkansas Law Enforcement?

The Department of Homeland Security recognizes that the overwhelming majority of emergency incidents are

handled on a daily basis by a single jurisdiction at the local level. However, the challenges we face as a Nation are far greater than the capabilities of any one community or state, but no greater than the sum of all of us working together.

There will be instances in which successful domestic incident management operations depend on the involvement of emergency responders from multiple jurisdictions, as well as personnel and equipment from other states and the federal government. These instances require effective and efficient coordination across a broad spectrum of organizations and activities.

The success of operations will depend on the ability to mobilize and effectively utilize multiple outside resources. These resources must come together in an organizational framework that is understood by everyone and must utilize a common plan, as specified through a process of incident action planning. This will only be possible if the Arkansas law enforcement community unites, plans, exercises, and responds using a common National Incident Management System.

The Arkansas law enforcement community needs to establish relationships with other public safety agencies *before* an event develops. The ability to identify valuable sources of assistance, in coordinating disasters of common concern, and to be able to communicate with these other entities under the most extreme circumstances does not happen effectively in a matter of a few hours. NIMS provides the framework with which to develop this ability.

For more information about implementing the National Incident Management System, or to schedule NIMS and ICS training, contact the Training and Exercise Division of the Arkansas Department of Emergency Management at 501-730-9750. Additional information, including training schedules, can be retrieved from the ADEM website at [www.adem.state.ar.us](http://www.adem.state.ar.us). NIMS and ICS training is provided at no cost and is accredited through the Emergency Management Institute.

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*Information used in this article was taken from a paper entitled NIMS and the Incident Command System posted on [www.fema.gov/nims/](http://www.fema.gov/nims/) and a pamphlet entitled NIMS Information for Local and State Government posted on [www.adem.state.ar.us](http://www.adem.state.ar.us).*

# DON'T FORGET!

**Phillip Resnick, M.D.**, a renowned forensic psychiatrist who has provided evaluations and consultation in hundreds of murder cases—from Susan Smith to the Unabomber—will be visiting the State to share his expertise with Arkansas law enforcement, prosecutors, mental health personnel, and criminal justice officials in a one day-seminar.

## Assessing the Risk for Violence in the Emotionally Disturbed

**April 28th, 2005**

**Holiday Inn Presidential  
Conference Center**

**9:00 a.m. to 4:00 p.m.**

The seminar will provide information on:

- **Risk Assessment for Violence**
- **Risk Assessment for Suicide**
- **The Andrea Yates Case:  
Insanity on Trial**

**The seminar is free of charge, but**

**PRE-REGISTRATION IS REQUIRED.**

**Seating is limited to 150 participants.**

**To register, contact**

**Kimberly Hendricks at 501-570-8041.**

**Model Policy and Procedures**  
Source: Criminal Justice Institute—University of Arkansas System  
and The Arkansas Municipal League  
Effective Date: February 2005

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**Biased Law Enforcement Practices**  
Section 101.0

**Disclaimer:** *This model policy is provided by the Criminal Justice Institute, University of Arkansas System, with the assistance of the Legal Department of the Arkansas Municipal League and is to be used only as a guide to assist Arkansas law enforcement agencies in drafting policies regarding biased law enforcement practices. Sections VII through VIII of this model policy and procedures referencing Review and Reporting Requirements and Documentation and Record Keeping is not mandated by Act 1207; however, it is recommended in some form by the Arkansas Municipal League that law enforcement agencies maintain some level of record keeping, keeping in mind that agency's or department's budget and available manpower. Every effort has been made to ensure that the information contained herein reflects the most current data and research on this issue; however, no model policy can meet all of the needs of any given agency as each agency operates in a unique environment. As such, this model policy should not be adopted by any agency without it being reviewed by local counsel for compliance with federal, state and local law as well as for consistency with other departmental regulations and policies.*

**I. Purpose**

(A) Members of this law enforcement agency shall not violate the constitutional rights of persons, regardless of race, ethnicity, national origin or religion (note that other statements may be included in your policy as deemed appropriate by the particular law enforcement agency; these include but are not limited to: color, creed, gender, age, sexual orientation, disability or any other belief system).

(B) This policy serves to (1) reaffirm this law enforcement agency'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 this agency is providing service and enforcing laws in an equitable and lawful fashion.<sup>1</sup>

**II. Prohibition and Prevention of Racial/Bias Profiling:**

**Departmental Policy:**

(A) Law enforcement officers of this agency shall not violate citizens' equal protection rights. Toward this end, members are prohibited from engaging in racial/bias profiling in any aspect of law-enforcement activity as defined by this policy.

**(Footnotes)**

<sup>1</sup> Fiedt, L. Lantieri, R. Diamond, D. A. Kuhn, B. (2001). *Racially Biased Policing: A Principled Response*.

Conducted through the Police Executive Research Forum and funded by the Office of Community Oriented Policing Services under Grant No. 1999-CX-WX-0076.

101.1

# Revisions Have Been Made to CJ's Model Policy on Racial Profiling

Minor revisions have been made to CJ's model policy—**Biased Law Enforcement Practices**. If you have used this model policy as the foundation for your agency's racial profiling policy, please make sure you obtain a revised copy to ensure you are in compliance with all provisions of Act 1207 of 2003.

Updated copies of the CJ policy are available on-line at [www.cji.net](http://www.cji.net), or can be mailed to you upon request by contacting the Criminal Justice Institute at (501) 570-8061.

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